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**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1995 REGULAR SESSION  
FIFTY-FOURTH LEGISLATURE**

**FIRST DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, January 9, 1995

Pursuant to law, the Senate of the 1995 Regular Session of the Fifty-fourth Legislature of the state of Washington was called to order at 12:00 noon by Lieutenant Governor Joel Pritchard, President of the Senate.

The Washington State Patrol Honor Guard, consisting of Troopers Robert Veliz, Dena Martin, Kandi Patrick, Reggie Chapman and Brian Ursino, presented the Colors. Father Daniel Weber of Bellermine Preparatory School of Tacoma, and a guest of Senator Marcus Gaspard, offered the prayer.

The President lead the Senate in the Pledge of Allegiance.

**PRESIDENT WELCOMES SENATORS TO FIFTY-FOURTH LEGISLATURE**

President Pritchard: "The President is delighted to welcome all of you Senators--those that are new and those that have been here before. A hundred years ago, we had a similar group sitting down, starting off; it was a tough time. There was a depression in the state. There were many, many battles in the Senate. For one, they had failed to elect a United States Senator. Even though, we had a United States slot, they couldn't come to an agreement on who it would be. The court had told them that they had to vote each day. They went twenty-nine days before they could agree on the Senator. Actually, it was twenty-nine days of fights within the Republican Caucus, because they had fifty-seven votes, a large majority, and they only needed forty-one to make it.

"In those days, politics were rough, tough and brutal. They fought over that; they had a lot of other difficult problems. The only bill that is remembered is the 'Barefoot Schoolboy Law,' which was offered by a freshman, a Populist, John Rogers, and that bill gave universal education to every child in the state of Washington. We have a lot of issues before this Senate and I know you people will do well. You will make your districts and your state proud of you, and I look forward to working with you in the coming days. I would only say this one rule, 'We win votes in our district; we lose votes while we are in Olympia,' so I would urge you not to stay too long."

**INTRODUCTION OF LAKEFAIR QUEEN**

The President welcomed and introduced Stephanie Henderson, the 1994-1995 Lakefair Queen, who was seated on the rostrum. With permission of the Senate, business was suspended for Queen Stephanie to welcome the Senators to Olympia.

**LETTER OF RESIGNATION**

**WASHINGTON STATE SENATE  
Senator Ray Moore  
36th Legislative District**

August 1, 1994

The Honorable Mike Lowry  
Governor, State of Washington  
Legislative Building  
Olympia, WA 98504

Dear Governor Lowry:

Now that the filling period for the primary election is past and any appointments to vacancies can be made in an orderly manner without regard to political advantage, I hereby submit my resignation from the office of State Senator for the 36th District effective July 31, 1994.

It would be my sincere hope that the appointment to fill my vacancy and any other possible vacancies would occur following the primary election in September so as not to unduly affect that important election.

It has been an honor to serve the people of the 36th District for almost sixteen years.

Sincerely,  
RAY MOORE, State Senator

LETTER OF APPOINTMENT

OFFICE OF THE GOVERNOR  
P. O. Box 40002, Olympia, Washington 98504-0002

October 14, 1994

Marty Brown  
Secretary of the Senate  
Washington State Senate  
P. O. Box 40482  
Olympia, Washington 98504

Dear Marty:

I am hereby notifying you that I have appointed Jeanne Kohl of Seattle, Washington, as a member of the Washington State Senate, District 36, effective October 14, 1994. This position was vacated by Senator Ray Moore. I have made this appointment in accordance with Article 2, Section 15 of the Constitution of the State of Washington.

Sincerely,  
MIKE LOWRY, Governor

OATH OF OFFICE FOR UNEXPIRED TERM

OATH OF SENATOR FOR THE STATE OF WASHINGTON  
36th LEGISLATIVE DISTRICT

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

SENATOR JEANNE KOHL

Subscribed and sworn to before me this 19th day of October, 1994  
SHARON S. ARMSTRONG,  
Superior Court Judge, KING COUNTY

LETTER OF RESIGNATION

WASHINGTON STATE SENATE  
Senator Gary A. Nelson  
21st Legislative District

November 22, 1994

The Honorable Mike Lowry  
Governor of the State of Washington  
Legislative Building  
Olympia, Washington 98504

Dear Governor Lowry:

I hereby submit my resignation as the State Senator of the 21st Legislative District effective on November 23, 1994, upon my receiving the oath of office as a Snohomish County Councilman.

It has been an honor to serve the citizens in the 21st Legislative District for the past 22 years and a pleasure to work with you and the many capable people in the Legislature and throughout state government.

I look forward to our future working relationship as I undertake a position as a county elected official.

Thank you for your friendship and for your efforts on behalf of the citizens of our state.

Sincerely,  
GARY A. NELSON, State Senator

LETTER OF APPOINTMENT

SNOHOMISH COUNTY COUNCIL OFFICE  
3000 Rockefeller Avenue  
Everett, Washington 98201-4046

November 23, 1994

Honorable Marty Brown  
Secretary of the Senate  
306 Legislative Building  
Olympia, Washington 98504-0482

Honorable Alan Thompson, Chief Clerk  
House of Representatives  
Third Floor Legislative Building  
Olympia, WA 98504-0710

Gentlemen:

I am pleased to inform you that the County Council took formal action this afternoon to appoint Jeannette Wood to fill the unexpired term of Senator Gary Nelson for the 21st Legislative District. This action was based on Senator Nelson's resignation letter to Governor Lowry and the Republican Central Committee's action to refer three names to the Council.

I also am pleased to inform you the Council took formal action this afternoon to appoint Jerry Blanton to fill the unexpired term of Representative Jeannette Wood for the 21st Legislative District. This action was based on her letter of resignation and the Republican Central Committee's action to refer three names to the Council.

Sincerely,  
Karen Miller, Chair

OATH OF OFFICE FOR UNEXPIRED TERM

OATH OF SENATOR FOR THE STATE OF WASHINGTON  
21st LEGISLATIVE DISTRICT

STATE OF WASHINGTON) SS  
COUNTY OF SNOHOMISH)

I do solemnly swear that I will support the Constitution and Laws of the United States and the Constitution and Laws of the state of Washington, and that I will faithfully and impartially perform and discharge the duties of the office of SENATOR, 21st LEGISLATIVE DISTRICT, according to law to the best of my ability.

SENATOR JEANNETTE WOOD

Subscribed and sworn to before me this 23rd day of November, 1994  
PAUL D. HANSEN,  
Superior Court Judge, SNOHOMISH COUNTY

EDITOR'S NOTE: Pursuant to RCW 29.01.180, Senator Patricia S. Hale took the Oath of Office for the remainder of the short term, after the certification of election returns in 1994. See the administration of the Oath of Office for these same Senators for their full term of office which took place on this first day of the 1995 Session.

OATH OF OFFICE FOR UNEXPIRED TERM

OATH OF SENATOR FOR THE STATE OF WASHINGTON  
8th LEGISLATIVE DISTRICT

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR BENTON AND FRANKLIN COUNTIES  
P. O. Box 3051, Tri-Cities, WA 99302-3051

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

SENATOR PATRICIA S. HALE

Subscribed and sworn to before me this 23rd day of November, 1994  
CRAIG J. MATHESON,  
Superior Court Judge, BENTON FRANKLIN COUNTIES

LETTER OF RESIGNATION

WASHINGTON STATE SENATE  
Senator Al Williams  
Vice-President Pro Tempore

32th Legislative District

December 5, 1994

Governor Mike Lowry  
State of Washington  
Legislative Building  
Olympia, WA 98504

Dear Governor Lowry:

Please accept my resignation from my position as 32nd District State Senator effective December 31, 1994. I have very much enjoyed working with you and serving the 32nd Legislative District.

Sincerely,  
AL WILLIAMS  
State Senator, 32nd Legislative District

LETTER OF RESIGNATION

WASHINGTON STATE SENATE  
Senator Neil Amondson  
20th Legislative District

December 19, 1994

Honorable Mike Lowry  
Legislative Building  
Olympia, Washington 98504

Dear Governor Lowry:

In accordance with the provisions of RCW 42.12.020, I hereby inform you of my resignation of the office of State Senator from the 20th Legislative District, effective January 3, 1995.

Respectfully,  
NEIL AMONDSON, State Senator

LETTER OF RESIGNATION

December 24, 1994

The Honorable Mike Lowry  
Governor of the State of Washington  
Legislative Building  
Olympia, Washington 98504

Dear Governor Lowry:

I hereby submit my resignation as the State Senator for the 18th Legislative District, effective January 2, 1995. It has been an honor to serve the citizens of the 18th Legislative District. I look forward to continuing to do so in my new position as United States Representative.

Respectfully,  
LINDA A. SMITH, State Senator

RESOLUTIONS OF APPOINTMENT

APPOINTING A MEMBER TO REPRESENT THE 20th LEGISLATIVE DISTRICT IN THE WASHINGTON STATE SENATE

RESOLUTION NO. 95-9

WHEREAS, a vacancy has been created in the 20th Legislative District of the Washington State Senate; and  
WHEREAS, the 20th Legislative District is a joint Legislative District located partly in Pierce, Thurston and Lewis Counties, and the Washington State Constitution, Article II, Section 15, provides in such cases that the vacancy be filled by joint action of the Boards; and  
WHEREAS, the Washington State Republican Central Committee has submitted three nominees for the Senate vacancy; and  
WHEREAS, the combined Boards have met in a joint session this date and have interviewed the nominees; NOW, THEREFORE,  
IT HAVING BEEN RESOLVED by the Joint Board of County Commissioners and the Board of Lewis County Commissioners  
concurring:

SECTION 1. Dan Swecker is one of the three nominees submitted by the Washington State Republican Central Committee, and is qualified to fill the Senate vacancy.

SECTION 2. Dan Swecker is hereby appointed to the Washington State Senate, 20th Legislative District.

Done in open Special Session at Thurston County, this 5th day of January, 1995.

BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON

ATTEST: Carl L. Hemenway, Chairman  
Gary E. Zandell Richard A. Graham, Member  
County Auditor and ex-officio Clerk of the Board Glenn C. Aldrich, Member

RESOLUTION NO. 10816

A RESOLUTION APPOINTING A MEMBER TO REPRESENT THE 20th LEGISLATIVE  
DISTRICT IN THE WASHINGTON STATE SENATE

WHEREAS, a vacancy has been created in the 20th Legislative District in the Washington State Senate; and  
WHEREAS, the 20th Legislative District is a joint Legislative District located partly in Pierce, Thurston and Lewis Counties, and the Washington State Constitution, Article II, Section 15, provides in such cases that the vacancy be filled by joint action of the legislative bodies of the three counties; and

WHEREAS, the Washington State Republican Central Committee has submitted three nominees for the Senate vacancy; and  
WHEREAS, the combined legislative bodies have met in a joint session and have interviewed the nominees;  
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY as follows:

SECTION 1. Dan Swecker is one of the three nominees submitted by the Washington State Republican Central Committee, and is highly qualified to fill the Senate vacancy.

SECTION 2. Dan Swecker is hereby appointed to the Washington State Senate, 20th Legislative District.

ADOPTED: January 5, 1995

BOARD OF COUNTY COMMISSIONERS  
THURSTON COUNTY, WASHINGTON

ATTEST: Judy Wilson, Chairman  
LaBonita I. Bowmar Diane Oberquell, Member  
Clerk of the Board Richard Q. Nichols, Member

APPROVED AS TO FORM:  
Bernardean Broadous,  
Prosecuting Attorney

BY: Jeffrey L. Watson,  
Chief Deputy Prosecuting Attorney

RESOLUTION NO. R94-169

A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING A MEMBER TO REPRESENT  
LEGISLATIVE DISTRICT NO. 20 IN THE WASHINGTON STATE SENATE

WHEREAS, a vacancy has been created in the 20th Legislative District of the Washington State Senate; and  
WHEREAS, Legislative District No. 20 is a joint Legislative District located partly in Lewis, Pierce, and Thurston Counties, and the Washington State Constitution, Article II, Section 15, provides in such cases that the vacancy be filled by joint action of the Boards; and  
WHEREAS, the Washington State Republican Central Committee has submitted the names of three nominees for the Senate vacancy;  
and

WHEREAS, the combined Boards have met in a joint session and have interviewed the nominees; NOW, THEREFORE,  
BE IT RESOLVED by the Council of Pierce County:  
SECTION 1. Dan Swecker is one of the three nominees submitted by the Washington State Republican Central Committee, and is qualified to fill the Senate vacancy.

SECTION 2. Dan Swecker is hereby appointed to the Washington State Senate, Legislative District No. 20.

Passed this 5th day of January, 1995.

PIERCE COUNTY COUNCIL  
PIERCE COUNTY, WASHINGTON

ATTEST: Dennis Flannigan, Council Chair  
Gerri Rainwater  
Clerk of the Council

APPROVED AS TO FORM ONLY:  
Ed McGuire,  
Pierce County Council Attorney

OATH OF OFFICE FOR UNEXPIRED TERM

OATH OF SENATOR FOR THE STATE OF WASHINGTON  
20th LEGISLATIVE DISTRICT

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

SENATOR DANIEL P. SWECKER

Subscribed and sworn to before me this 5th day of January, 1995  
PAULA CASEY,  
Superior Court Judge, THURSTON COUNTY

LETTER OF APPOINTMENT

January 6, 1995

The Honorable Mike Lowry  
Governor of the State of Washington  
Legislative Building  
Olympia, WA 98504

Dear Governor Lowry:

The Boards of County Commissioners of Clark, Lewis, and Cowlitz Counties did meet jointly at 10:30 a.m., January 6, 1995, at the Cowlitz County Administration Building, Commissioners' Hearing Room, 207 Fourth Avenue North, Kelso, Washington, to select a successor for the Senate seat vacated by the resignation of Senator Linda Smith (R), in the 18th Legislative District.

Pursuant to Article II, Section 15 of the Washington State Constitution as amended by Amendment 52, the Boards of Commissioners of Clark, Lewis, and Cowlitz Counties do hereby appoint Hal Palmer to fill the 18th Legislative District Senate vacancy created by the resignation of Linda Smith.

Sincerely,

BOARD OF COMMISSIONERS BOARD OF COMMISSIONERS  
COWLITZ COUNTY, WASHINGTON CLARK COUNTY, WASHINGTON

Jon A. Taylor John Magnano  
Van A. Youngquist Dave Sturdevant  
Joan L. LeMieux

BOARD OF COMMISSIONERS  
LEWIS COUNTY, WASHINGTON

Carl Hemenway  
Richard Graham  
Glenn Aldrich

OATH OF OFFICE FOR UNEXPIRED TERM

OATH OF SENATOR FOR THE STATE OF WASHINGTON  
18th LEGISLATIVE DISTRICT

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

SENATOR HAROLD L. (HAL) PALMER, JR.

Subscribed and sworn to before me this 6th day of January, 1995  
RANDOLPH FURMAN,  
Superior Court Judge, COWLITZ COUNTY

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. President:

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

SENATORS ELECTED NOVEMBER 8, 1994

DISTRICT NAME COUNTIES REPRESENTED

No. 6 West (R) Spokane (part)  
No. 7 Morton (R) Ferry, Lincoln, Okanogan (part), Pend Oreille, Spokane (part), Stevens  
No. 8 Hale (R) Benton (part)  
No. 13 Hochstatter (R) Benton (part), Grant (part), Kittitas, Yakima (part)  
No. 15 Newhouse (R) Benton (part), Klickitat, Skamania (part), Yakima (part)  
No. 21 Wood (R) Snohomish (part)  
No. 26 Oke (R) Kitsap (part), Pierce (part)  
No. 29 Franklin (D) Pierce (part)  
No. 30 Schow (R) King (part), Pierce (part)  
No. 31 Roach (R) King (part), Pierce (part)  
No. 32 Fairley (D) King (part)  
No. 33 Smith (D) King (part)  
No. 34 Heavey (D) King (part)  
No. 35 Owen (D) Grays Harbor (part), Kitsap (part), Mason, Thurston (part)  
No. 36 Kohl (D) King (part)  
No. 37 Pelz (D) King (part)  
No. 38 Strannigan (R) Snohomish (part)  
No. 42 Anderson (R) Whatcom (part)  
No. 43 Anderson (D) King (part)  
No. 44 Long (R) Snohomish (part)  
No. 45 Finkbeiner (R) King (part)  
No. 46 Rinehart (D) King (part)  
No. 47 Johnson (R) King (part)  
No. 48 McDonald (R) King (part)

STATE SENATE "HOLDOVERS"

DISTRICT NAME COUNTIES REPRESENTED

No. 1 McAuliffe (D) King (part), Snohomish (part)  
No. 2 Rasmussen (D) Pierce (part)  
No. 3 Moyer (R) Spokane (part)  
No. 4 McCaslin (R) Spokane (part)  
No. 5 Drew (D) King (part)  
No. 9 Prince (R) Adams, Asotin (part), Spokane (part), Whitman  
No. 10 Haugen (D) Island, Skagit (part), Snohomish (part)  
No. 11 Prentice (D) King (part)  
No. 12 Sellar (R) Chelan, Douglas, Grant (part), Okanogan (part)  
No. 14 Deccio (R) Yakima (part)  
No. 16 Loveland (D) Asotin (part), Columbia, Franklin, Garfield, Walla Walla  
No. 17 Sutherland (D) Clark (part), Skamania (part)  
No. 18 Palmer (R) Clark (part), Cowlitz (part), Lewis (part)  
No. 19 Snyder (D) Cowlitz (part), Grays Harbor (part), Pacific, Wahkiakum  
No. 20 Swecker (R) Lewis (part), Pierce (part), Thurston (part)  
No. 22 Fraser (D) Thurston (part)  
No. 23 Sheldon (D) Kitsap (part)  
No. 24 Hargrove (D) Clallam, Grays Harbor (part), Jefferson  
No. 25 Gaspard (D) King (part), Pierce (part)  
No. 27 Wojahn (D) Pierce (part)  
No. 28 Winsley (R) Pierce (part)  
No. 39 Quigley (D) King (part), Snohomish (part)  
No. 40 Spanel (D) San Juan, Skagit (part), Whatcom (part)  
No. 41 Cantu (R) King (part)  
No. 49 Bauer (D) Clark (part)

IN TESTIMONY WHEREOF, I have hereunto set my hand,

and affixed the Seal of the state of Washington at Olympia,  
this ninth day of January, 1995.

(Seal)

RALPH MUNRO  
Secretary of State

FURTHER MESSAGE FROM THE SECRETARY OF STATE

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

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

INITIATIVE TO THE PEOPLE 607

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

YES 955,960  
NO 703,619

REFERENDUM BILL 43

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

YES 947,847  
NO 712,575

U.S. SENATE

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

U.S. REPRESENTATIVE, 1st District

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

U.S. REPRESENTATIVE, 2nd District

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

U.S. REPRESENTATIVE, 3rd District

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

U.S. REPRESENTATIVE, 4th District

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

U.S. REPRESENTATIVE, 5th District

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

U.S. REPRESENTATIVE, 6th District

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



U.S. REPRESENTATIVE, 7th District

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

U.S. REPRESENTATIVE, 8th District

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

U.S. REPRESENTATIVE, 9th District

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

STATE SUPREME COURT JUSTICE, Position 1

Richard Guy (NP) 1,104,579

STATE SUPREME COURT JUSTICE, Position 2

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

STATE SUPREME COURT JUSTICE, Position 3

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

COURT OF APPEALS, DIVISION I, DISTRICT 3, Position 1  
(Island, San Juan, Skagit, and Whatcom)

Mary Kay Becker (NP) 71,978

COURT OF APPEALS, DIVISION II, DISTRICT 3, Position 1  
(Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum)

J. Dean Morgan (NP) 95,489

COURT OF APPEALS, DIVISION III, DISTRICT 1, Position 1  
(Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens)

John A. Schultheis (NP) 134,673

SUPERIOR COURT JUDGE, POSITION 1  
(Benton and Franklin)

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

STATE REPRESENTATIVE, District 1, Position 1  
(King and Snohomish)

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

STATE REPRESENTATIVE, District 1, Position 2  
(King and Snohomish)

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

STATE SENATOR, District 7  
(Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens)

Bob Morton (R) 34,963

STATE REPRESENTATIVE, District 7, Position 1  
(Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens)

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

STATE REPRESENTATIVE, District 7, Position 2  
(Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens)

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

STATE REPRESENTATIVE, District 9, Position 1  
(Adams, Asotin, Sompkane and Whitman)

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

STATE REPRESENTATIVE, District 9, Position 2  
(Adams, Asotin, Spokane and Whitman)

Mark Schoesler (R) 26,651

STATE REPRESENTATIVE, District 10, Position 1  
(Island, Skagit and Snohomish)

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

STATE REPRESENTATIVE, District 10, Position 2  
(Island, Skagit and Snohomish)

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

STATE REPRESENTATIVE, District 12, Position 1  
(Chelan, Douglas, Grant and Okanogan)

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

STATE REPRESENTATIVE, District 12, Position 2  
(Chelan, Douglas, Grant and Okanogan)

Dale Foreman (R) 27,617

STATE SENATOR, District 13  
(Benton, Grant, Kittitas and Yakima)

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

STATE REPRESENTATIVE, District 13, Position 1  
(Benton, Grant, Kittitas and Yakima)

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

STATE REPRESENTATIVE, District 13, Position 2  
(Benton, Grant, Kittitas and Yakima)

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

STATE SENATOR, District 15  
(Benton, Klickitat, Skamania and Yakima)

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

STATE REPRESENTATIVE, District 15, Position 1  
(Benton, Klickitat, Skamania and Yakima)

Elmer J. Ward (D) 7,078  
Jim Honeyford (R) 15,606

STATE REPRESENTATIVE, District 15, Position 2  
(Benton, Klickitat, Skamania and Yakima)

Barb Lisk (R) 19,032

STATE REPRESENTATIVE, District 16, Position 1  
(Asotin, Columbia, Franklin, Garfield and Walla Walla)

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

STATE REPRESENTATIVE, District 16, Position 2

(Asotin, Columbia, Franklin, Garfield and Walla Walla)

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

STATE REPRESENTATIVE, District 17, Position 1  
(Clark and Skamania)

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

STATE REPRESENTATIVE, District 17, Position 2  
(Clark and Skamania)

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

STATE REPRESENTATIVE, District 18, Position 1  
(Clark, Cowlitz and Lewis)

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

STATE REPRESENTATIVE, District 18, Position 2  
(Clark, Cowlitz and Lewis)

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

STATE REPRESENTATIVE, District 19, Position 1  
(Cowlitz, Grays Harbor, Pacific and Wahkiakum)

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

STATE REPRESENTATIVE, District 19, Position 2  
(Cowlitz, Grays Harbor, Pacific and Wahkiakum)

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

STATE REPRESENTATIVE, District 20, Position 1  
(Lewis, Pierce and Thurston)

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

STATE REPRESENTATIVE, District 20, Position 2  
(Lewis, Pierce and Thurston)

Bill Brumsickle (R) 27,463

STATE REPRESENTATIVE, District 24, Position 1  
(Clallam, Grays Harbor and Jefferson)

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

STATE REPRESENTATIVE, District 24, Position 2  
(Clallam, Grays Harbor and Jefferson)

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

STATE REPRESENTATIVE, District 25, Position 1  
(King and Pierce)

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

STATE REPRESENTATIVE, District 25, Position 2  
(King and Pierce)

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

STATE SENATOR, District 26  
(Kitsap and Pierce)

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

STATE REPRESENTATIVE, District 26, Position 1

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

STATE REPRESENTATIVE, District 26, Position 2  
(Kitsap and Pierce)

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

STATE SENATOR, District 30  
(King and Pierce)

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

STATE REPRESENTATIVE, District 30, Position 1  
(King and Pierce)

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

STATE REPRESENTATIVE, District 30, Position 2  
(King and Pierce)

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

STATE SENATOR, District 31  
(King and Pierce)

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

STATE REPRESENTATIVE, District 31, Position 1  
(King and Pierce)

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

STATE REPRESENTATIVE, District 31, Position 2  
(King and Pierce)

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

STATE SENATOR, District 35  
(Grays Harbor, Kitsap, Mason and Thurston)

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

STATE REPRESENTATIVE, District 35, Position 1  
(Grays Harbor, Kitsap, Mason and Thurston)

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

STATE REPRESENTATIVE, District 35, Position 2  
(Grays Harbor, Kitsap, Mason and Thurston)

Tim Sheldon (D) 28,489

STATE REPRESENTATIVE, District 39, Position 1  
(King and Snohomish)

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

STATE REPRESENTATIVE, District 39, Position 2  
(King and Snohomish)

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

STATE REPRESENTATIVE, District 40, Position 1  
(Skagit, San Juan and Whatcom)

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

STATE REPRESENTATIVE, District 40, Position 2  
(Skagit, San Juan and Whatcom)

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

IN WITNESS WHEREOF, I have set my hand  
and affixed the Seal of the state of Washington,  
this eighth day of December, 1994.

(Seal) RALPH MUNRO

Secretary of State

EDITOR'S NOTE: Senator West, District 6; Senator Hale, District 8; Senator Wood, District 21; Senator Franklin, District 29; Senator Fairley, District 32; Senator Smith, District 33; Senator Heavey, District 34; Senator Kohl, District 36; Senator Pelz, District 37; Senator Strannigan, District 38; Senator Ann Anderson, District 42; Senator Cal Anderson, District 43; Senator Long, District 44; Senator Finkbeiner, District 45; Senator Rinehart, District 46; Senator Johnson, District 47; and Senator McDonald, District 48; all representing single counties, were certified by their county election officials.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Spanel and Winsley to escort the Honorable Mary Kay Becker, Judge of the Washington State Court of Appeals, District 3, to the Senate Chamber and a seat upon the rostrum.

The President welcomed and introduced the Honorable Mary Kay Becker who will administer the oath of office to the newly elected, newly re-elected and newly appointed Senators.

ROLL CALL

The Acting Secretary called the roll of the following holdover members of the Senate and all were present: Senators Albert Bauer, Emilio Cantu, Alex A. Deccio, Kathleen Drew, Karen Fraser, Marcus S. Gaspard, Jim Hargrove, Mary Margaret Haugen, Valoria H. Loveland, Rosemary McAuliffe, Bob McCaslin, John Moyer, Margarita Prentice, Eugene A. Prince, Kevin Quigley, Marilyn Rasmussen, George L. Sellar, Betti L. Sheldon, Sid Snyder, Harriet A. Spanel, Dean Sutherland, Shirley J. Winsley and R. Lorraine Wojahn.

ROLL CALL

The Acting Secretary called the roll of the following newly re-elected Senators and all were present: Senators Ann Anderson, Rosa Franklin, Harold Hochstatter, Dan McDonald, Bob Morton, Irv Newhouse, Bob Oke, Brad Owen, Dwight Pelz, Nita Rinehart, Pam Roach, Ray Schow, Adam Smith and Jim West.

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

Judge Mary Kay Becker of the Washington State Court of Appeals thereupon administered the oath of office to each of the newly re-elected members.

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

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

ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly elected members of the Senate and all were present: Cal Anderson, Darlene Fairley, Bill Finkbeiner, Patricia S. Hale, Michael Heavey, Stephen L. Johnson, Jeanne Kohl, Jeannine Long, Gary Strannigan and Jeannette Wood.

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

Judge Mary Kay Becker of the Washington State Court of Appeals thereupon administered the oath of office to each of the newly elected members.

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

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

ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly appointed members of the Senate and all were present: Harold L. (Hal) Palmer, Jr. and Daniel P. Swecker.

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

Judge Mary Kay Becker of the Washington State Court of Appeals thereupon administered the oath of office to each of the newly appointed members.

The President presented to each of the newly appointed Senators a certificate of appointment.

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

#### ELECTION OF PRESIDENT PRO TEMPORE

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

#### REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President and members of the Senate. I would like to place in nomination the name of a Senator from the Twenty-seventh Legislative District, Senator Lorraine Wojahn as President Pro Tempore. Senator Wojahn has served as our President Pro Tempore for the last two years and has distinguished herself by a great amount of patience in dealing with all of us. She is a long-time friend, but more importantly, a long-time member of not only the Senate, but of the Legislature, because she started her career in the House of Representatives. She has distinguished herself throughout her career as being on the forefront of many of the issues that were not popular at the time that she brought them before us, such as consumer protection and the womens' rights movement.

"She has been a very distinguished member of this body and we have recognized that, because we have elected her as our President Pro Tempore of the Senate. She has done an outstanding service, not only to the Senate, but also to the state of Washington and to her district. It gives me great pride and great honor to recommend the nomination of Senator Lorraine Wojahn to once again serve as our President Pro Tempore of the Senate."

#### MOTION

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

#### ROLL CALL

The Acting Secretary called the roll and Senator R. Lorraine Wojahn was elected President Pro Tempore by the following vote: Wojahn, 49.

Voting Wojahn: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Bauer and Deccio as a committee of honor to escort Senator Wojahn to the rostrum.

Judge Mary Kay Becker of the Washington State Court of Appeals administered the oath of office to Senator Wojahn.

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

#### ELECTION OF VICE PRESIDENT PRO TEMPORE

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

#### REMARKS BY SENATOR LOVELAND

Senator Loveland: "Thank you, Mr. President and members of the Senate. It is my pleasure to place in nomination the name of Senator Rosa Franklin for the office of Vice President Pro Tempore. Senator Franklin is from the Twenty-ninth District and what I have found her to be is a fair, gentle, but strong woman, who has assisted us in our caucus. She will be able to stand in very well for either the President or President Pro Tempore. I would very much encourage you to support Senator Franklin. Senator Franklin, I love you and I want you to hold this most important office. Thank you."

#### MOTION

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

#### ROLL CALL

The Acting Secretary called the roll and Senator Rosa Franklin was elected Vice President Pro Tempore by the following vote: Franklin 49.

Voting Franklin: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Owen and Moyer as a committee of honor to escort Senator Franklin to the rostrum. Judge Mary Kay Becker of the Washington State Court of Appeals administered the oath of office to Senator Franklin. The committee of honor escorted Vice President Pro Tempore Franklin to her seat in the Senate Chamber and the committee was discharged.

#### ELECTION OF SECRETARY OF THE SENATE

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

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "Mr. President, I would like to place in nomination for Secretary of the Senate, the name of Marty Brown. I asked my wife, Betti, this morning what I could say about Marty as I had to nominate him. She said, 'Well, you always said that nobody could take your place as Secretary of the Senate, but Marty is trying.' Then, I thought maybe I would list all of the attributes that it takes to be Secretary of the Senate and after I listed a few, I thought, 'Well, probably there isn't anybody, past, present or future that could meet all of the qualifications that are necessary to be Secretary of the Senate.'

"At times, it is kind of a tough job serving all forty-nine members of the Senate, but Marty does an outstanding job. He has made lots of improvements the last two years; there have been lots of improvements made since I left that office. I am sure that any of us that have had any contact with Marty knows that he does an extremely great job in that position. When he is dealing with forty-nine egos, it isn't always easy, but again he is well qualified to continue in the job as Secretary of the Senate and I am pleased and delighted to stand here and nominate him for that position."

#### MOTION

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

Marty Brown was elected Secretary of the Senate by a voice vote.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Drew and Prince as a committee of honor to escort Marty Brown to the rostrum. Judge Mary Kay Becker of the Washington State Court of Appeals administered the oath of office to Marty Brown. The committee of honor escorted Secretary of the Senate Marty Brown to his seat in the Senate Chamber and the committee was discharged.

#### ELECTION OF SERGEANT AT ARMS

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

#### REMARKS BY SENATOR PRENTICE

Senator Prentice: "Mr. President, I wish to place the name of Richard Fisher for the position of Sergeant at Arms. Richard Fisher has been a friend of mine for over twenty-five years, as I am sure you are all tired of hearing. He and I first met when I was a night nurse at Valley Medical Hospital and he was a State Trooper. We used to always let him know that he was taking care of us in South King County. He did that job exactly.

"It was my pleasure to place his name in nomination two years ago and in those two years he has conducted this office in a professional manner, bringing the skills that I knew he had, as I knew he would to this office. This is one of those offices where, when things are running smoothly, you don't hear much about it. He has quietly lead the staff as they have performed their duties, taking care of most problems before we knew they had even gone on. I urge your support for Richard Fisher for Sergeant at Arms."

#### MOTION

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

Richard Fisher was elected Sergeant At Arms of the Senate by a voice vote.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Haugen and McCaslin as a committee of honor to escort Richard Fisher to the rostrum. Judge Mary Kay Becker of the Washington State Court of Appeals administered the oath of office to Richard Fisher. The committee of honor escorted Sergeant at Arms Fisher to his seat in the Senate Chamber and the committee was discharged.

The committee of honor, consisting of Senators Smith and Roach, escorted the Honorable Mary Kay Becker from the Senate Chamber.

#### PERSONAL PRIVILEGE

Senator Gaspard: "Mr. President, a point of personal privilege if I may. We have gone through the opening ceremonies of this Fifty-fourth Legislature and I would like to extend a strong welcome to those newly elected members, but also the members who have served in this chamber before, as well as our newly appointed members. We have a great task before us, today, in representing the citizens of the state of Washington. They have entrusted with us the responsibility of developing both sound and reasonable policy and legislation. We have great challenges before us, but we also have great opportunities. I would suggest that now is the time for us to put behind us the campaigns of the old, to not be the candidates of old, but to be the State Senators of New. Our citizens expect nothing less of us--to be state's men, to be state's women. They expect us to work together for the good of our state. They expect us not to just identify problems, but to seek solutions. We have a great state. We cherish our quality of life here and the opportunities we all have. Let us, always, continue to work to make this state a great place to live.

"Our task as lawmakers is to meet the critical needs of this state, to create opportunities for our citizens and to assure public safety. Let us all join together to accomplish these tasks and to do so with dignity and humility, but also with understanding and compassion. I wish us all a very successful and accomplished legislative session."

#### MOTION

On motion of Senator Spanel, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8600

By Senators Gaspard, Snyder, McDonald and Sellar

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

#### APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 1995-8600, the President appointed Senators Heavey, Finkbeiner, Kohl and Wood to notify the House of Representatives that the Senate is organized and ready to transact business.

#### MOTION

On motion of Senator Spanel, the appointments were confirmed. The committee retired to the House of Representatives.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SCR 8401 by Senator Gaspard

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

#### MOTIONS

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8401 was adopted by voice vote.



## APPOINTMENT OF SPECIAL COMMITTEE

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

### MOTION

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

### MOTION

On motion of Senator Spanel, the following 1995 Senate Standing Committee Assignments were approved:

#### Membership of Senate Standing Committees 1995

**Agriculture and Agricultural Trade and Development (7) -- Rasmussen, Chair; Loveland, Vice Chair;** A. Anderson, Bauer, \*Morton, Newhouse, Snyder.

**Ecology and Parks (6) -- Fraser, Chair; C. Anderson, Vice Chair;** McAuliffe, McDonald, Spanel, \*Swecker.

**Education (7) -- McAuliffe, Chair; Pelz, Vice Chair;** Finkbeiner, Gaspard, Hochstatter, \*Johnson, Rasmussen.

**Energy, Telecommunications and Utilities (5) -- Sutherland, Chair; Loveland, Vice Chair;** \*Finkbeiner, Hochstatter, Owen.

**Financial Institutions and Housing (7) -- Prentice, Chair; Fraser, Vice Chair;** \*Hale, Roach, Sellar, Smith, Sutherland.

**Government Operations (7) -- Haugen, Chair; Sheldon, Vice Chair;** Drew, Hale, Heavey, McCaslin, \*Winsley.

**Health and Long-Term Care (9) -- Quigley, Chair; Wojahn, Vice Chair;** C. Anderson, Deccio, Fairley, Franklin, \*Moyer, Winsley, Wood.

**Higher Education (9) -- Bauer, Chair; Kohl, Vice Chair;** A. Anderson, Drew, McAuliffe, Prince, Sheldon, West, \*Wood.

**Human Services and Corrections (11) -- Hargrove, Chair; Franklin, Vice Chair;** Fairley, Kohl, \*Long, Moyer, Palmer, Prentice, Schow, Smith, Strannigan.

**Labor, Commerce and Trade (9) -- Pelz, Chair; Heavey, Vice Chair;** \*Deccio, Franklin, Fraser, Hale, Newhouse, Palmer, Wojahn.

**Law and Justice (11) -- Smith, Chair; C. Anderson, Vice Chair;** Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, \*Roach, Schow.

**Natural Resources (11) -- Drew, Chair; Spanel, Vice Chair;** A. Anderson, Hargrove, Haugen, Morton, \*Oke, Owen, Snyder, Strannigan, Swecker.

**Rules (19) \*\*Pritchard, Chair; Wojahn, Vice Chair;** C. Anderson, Bauer, Cantu, Deccio, Franklin, Gaspard, Heavey, Kohl, Loveland, McDonald, Newhouse, Oke, Schow, Sellar, Sheldon, Snyder, Spanel.

**Transportation (13) -- Owen, Chair; Heavey, Vice Chair;** Fairley, Haugen, Kohl, Morton, Oke, Prentice, \*Prince, Rasmussen, Schow, Sellar, Wood.

**Ways and Means (25) -- Rinehart, Chair; Loveland, Vice Chair;** Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, \*West, Winsley, Wojahn.

\* Ranking Republican Member

\*\* Lt. Governor Pritchard is a voting member

## INTRODUCTION AND FIRST READING

SB 5000 by Senators Loveland, Snyder, Wojahn, Sheldon, Gaspard, Franklin, Haugen, Rasmussen, Quigley, Owen, McAuliffe, Winsley, McCaslin, Drew, Morton, Prentice, Bauer, Spanel, Hale and Deccio

AN ACT Relating to property tax reductions; amending RCW 43.135.045; reenacting and amending RCW 43.84.092; adding a new section to chapter 84.48 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5001 by Senators Sheldon, Snyder, Haugen, Winsley, Quigley, Franklin, Rasmussen and Prentice

AN ACT Relating to the property taxation of senior citizens and persons retired because of physical disability; amending RCW 84.36.381 and 84.36.381; adding a new section to chapter 84.40 RCW; creating a new section; repealing 1994 1st sp.s. c 8 s 3 (uncodified); providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5002 by Senators Smith, Haugen, Winsley, McCaslin, Wojahn, C. Anderson, Rasmussen, Moyer, Prentice, Rinehart, Long, Quigley, McAuliffe and Kohl

AN ACT Relating to assault; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5003 by Senators Rasmussen, Newhouse, Loveland, Sellar, Snyder, Hochstatter, Prince, Bauer, Morton, Haugen, Winsley and A. Anderson

AN ACT Relating to the deposit of interest earnings from agricultural funds and accounts; amending RCW 15.36.551, 16.38.060, 17.21.280, 17.24.131, and 69.07.120; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.84 RCW; adding a new section to chapter 43.23 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5004 by Senators Rasmussen, Gaspard, Newhouse, Snyder, Sellar, Bauer, Winsley and C. Anderson

AN ACT Relating to the collection, conservation, and appreciation of diversified horticultural plant species; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Ecology and Parks.

SB 5005 by Senators Sheldon, Snyder, Wojahn, Haugen, Winsley and Kohl

AN ACT Relating to interest on property tax refunds; amending RCW 84.69.100; and creating a new section.

Referred to Committee on Ways and Means.

SB 5006 by Senators Winsley, Haugen, McCaslin and Rasmussen

AN ACT Relating to lowering the state-authorized property tax rate; amending RCW 84.52.065; and creating a new section.

Referred to Committee on Ways and Means.

SB 5007 by Senators Roach, Johnson, Long, Schow, Quigley, Drew, McAuliffe, C. Anderson, Rasmussen and Finkbeiner

AN ACT Relating to approval of toll facilities; adding a new section to chapter 47.46 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 5008 by Senators Winsley, Haugen, McCaslin, Rasmussen and Schow

AN ACT Relating to property tax relief for senior citizens and persons retired by reason of physical disability; amending RCW 84.36.381 and 84.36.381; creating a new section; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5009 by Senator McCaslin

AN ACT Relating to drugs for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans; amending RCW 82.08.0281 and 82.12.0275; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5010 by Senators McCaslin and Fraser

AN ACT Relating to disposal of remains of indigent persons; and amending RCW 36.39.030.

Referred to Committee on Government Operations.

SB 5011 by Senator Owen

AN ACT Relating to forest products; amending RCW 76.48.020, 76.48.030, 76.48.040, 76.48.050, 76.48.060, 76.48.070, 76.48.075, 76.48.096, 76.48.098, 76.48.100, 76.48.110, 76.48.120, and 76.48.130; adding new sections to chapter 76.48 RCW; and repealing RCW 76.48.092.

Referred to Committee on Natural Resources.

SB 5012 by Senator Snyder

AN ACT Relating to transfer of fishery licenses; and amending RCW 75.28.011.

Referred to Committee on Natural Resources.

SB 5013 by Senator Snyder

AN ACT Relating to the definition of food fish and enhanced food fish; and amending RCW 75.08.011 and 82.27.010.

Referred to Committee on Natural Resources.

SB 5014 by Senators Snyder and Oke

AN ACT Relating to sale of salmon eggs; adding a new section to chapter 75.08 RCW; and repealing RCW 75.08.245.

Referred to Committee on Natural Resources.

SB 5015 by Senators Gaspard, McDonald and Schow (by request of Office of the Forecast Council)

AN ACT Relating to economic assumptions for state retirement systems; amending RCW 41.45.030 and 41.45.060; repealing RCW 41.45.040 and 41.45.0601; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5016 by Senator Snyder

AN ACT Relating to special base years for unemployed persons directly affected by the salmon fishing disaster; adding a new chapter to Title 50 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5017 by Senator Snyder

AN ACT Relating to commercial fishery licenses; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Natural Resources.

SB 5018 by Senators Snyder, McCaslin and Schow

AN ACT Relating to personal property taxes; and amending RCW 84.44.080.

Referred to Committee on Ways and Means.

SB 5019 by Senator Snyder

AN ACT Relating to industrial developments; adding a new section to chapter 36.70A RCW; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5020 by Senators Snyder, McCaslin, Rasmussen, Bauer and Schow

AN ACT Relating to the issuance of a permit and a variance by the department of labor and industries upon finding that the terms of employment are sufficient to protect the health, safety, and welfare of employed minors; amending RCW 49.12.124; and repealing RCW 26.28.060.

Referred to Committee on Labor, Commerce and Trade.

SB 5021 by Senators Snyder, Owen and Rasmussen

AN ACT Relating to the regulation of certain outdoor fires; and amending RCW 70.94.743, 70.94.745, 70.94.750, 70.94.755, 70.94.775, and 70.94.780.

Referred to Committee on Ecology and Parks.

SB 5022 by Senators Fairley and Winsley

AN ACT Relating to identification cards for liquor purchases; and amending RCW 66.16.040.

Referred to Committee on Labor, Commerce and Trade.

SB 5023 by Senators Fairley, Wojahn, C. Anderson and Pelz

AN ACT Relating to pistol safety; reenacting and amending RCW 9.41.090; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Law and Justice.

SB 5024 by Senators Hargrove, Long, Smith, Winsley, McCaslin, Rasmussen, Bauer, Schow and Oke (by request of Department of Corrections)

AN ACT Relating to health care services for offenders; amending RCW 72.10.020; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5025 by Senators Smith, Rasmussen and Schow

AN ACT Relating to removing the repealer of the criminal profiteering act; repealing RCW 9A.82.903; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5026 by Senator Smith

AN ACT Relating to separating the duties of coroner and prosecuting attorney; and amending RCW 36.16.030, 36.17.020, and 36.24.175.

Referred to Committee on Government Operations.

SB 5027 by Senators Smith, McCaslin, Rasmussen, Prentice, Kohl and Schow

AN ACT Relating to the statute of limitations for homicide by abuse; and amending RCW 9A.04.080.

Referred to Committee on Law and Justice.

SB 5028 by Senator Smith

AN ACT Relating to possession of firearms; amending RCW 9.41.040 and 9.41.047; reenacting and amending RCW 9.41.010; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5029 by Senators Hargrove, Fraser and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to the children's services advisory committee; and amending RCW 74.13.031.

Referred to Committee on Human Services and Corrections.

SB 5030 by Senators Hargrove, Fraser, Winsley and Schow (by request of Department of Corrections)

AN ACT Relating to offenders' noncompliance with conditions or requirements of sentences; amending RCW 9.94A.200; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 5031 by Senators Hargrove, Winsley and Prentice (by request of Department of Social and Health Services)

AN ACT Relating to methadone treatment; and amending RCW 70.96A.400, 70.96A.410, and 70.96A.420.

Referred to Committee on Human Services and Corrections.

SB 5032 by Senators Hargrove and Fraser (by request of Department of Social and Health Services)

AN ACT Relating to adoption support; and amending RCW 74.13.118 and 74.13.121.

Referred to Committee on Human Services and Corrections.

SB 5033 by Senators Rasmussen, Morton, Snyder, Loveland, Newhouse, A. Anderson and Hochstatter

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

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5034 by Senators Quigley, Haugen, Winsley, Rasmussen and Oke

AN ACT Relating to decreasing business and occupation tax rates; amending RCW 82.04.255 and 82.04.290; creating a new section; repealing RCW 82.04.2201 and 82.04.055; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5035 by Senators Quigley, Winsley, McCaslin, Rasmussen and Oke

AN ACT Relating to decreasing business and occupation tax rates; amending RCW 82.04.255 and 82.04.290; repealing RCW 82.04.055 and 82.04.2201; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5036 by Senators Quigley, Haugen and Winsley

AN ACT Relating to expanding access to higher education; amending RCW 28B.10.808; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 5037 by Senators Quigley and Winsley

AN ACT Relating to higher education; reenacting and amending RCW 28B.15.202 and 28B.15.402; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.35 RCW; adding a new section to chapter 28B.40 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5038 by Senator Quigley

AN ACT Relating to modifying time periods for adoption of health benefits and standards; amending RCW 43.72.090, 43.72.180, 70.47.020, and 70.47.060; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5039 by Senator Fairley

AN ACT Relating to luring; and amending RCW 9A.40.090.

Referred to Committee on Law and Justice.

SB 5040 by Senators Haugen and Winsley

AN ACT Relating to district court districting committee; and reenacting and amending RCW 3.38.010.

Referred to Committee on Government Operations.

SB 5041 by Senators Winsley, Haugen and McCaslin

AN ACT Relating to temporary absences in local elective offices; amending RCW 35.18.020, 35.18.190, 35.23.191, 35.27.140, and 35.27.160; and reenacting and amending RCW 35.23.101.

Referred to Committee on Government Operations.

SB 5042 by Senators Winsley and Haugen

AN ACT Relating to ordinance information pooling; amending RCW 35A.39.010; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Government Operations.

SB 5043 by Senators Winsley and Haugen

AN ACT Relating to adoption of codes and statutes by reference by code cities; and amending RCW 35A.12.140.

Referred to Committee on Government Operations.

SB 5044 by Senators Haugen and Winsley

AN ACT Relating to initiative petition requirements for cities and towns; and amending RCW 35.17.270.

Referred to Committee on Government Operations.

SB 5045 by Senators Haugen and Winsley

AN ACT Relating to the vacation by a city or town of streets abutting bodies of water; and amending RCW 35.79.035.

Referred to Committee on Government Operations.

SB 5046 by Senator Haugen

AN ACT Relating to filing requirements for interlocal agreements; amending RCW 39.34.040; and repealing RCW 39.34.120.

Referred to Committee on Government Operations.

SB 5047 by Senators Haugen, Winsley and Pelz

AN ACT Relating to state procurement practices; and amending RCW 43.19.1906.

Referred to Committee on Government Operations.

SB 5048 by Senators Haugen, Winsley and Pelz

AN ACT Relating to disclosure of compensation for local government chief administrative officers; adding a new section to chapter 42.16 RCW; and creating new sections.

Referred to Committee on Government Operations.

SB 5049 by Senators Haugen and Winsley

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

Referred to Committee on Government Operations.

SB 5050 by Senators Morton, Smith, Rasmussen and Schow

AN ACT Relating to burglary in the first degree; and amending RCW 9A.52.020.

Referred to Committee on Law and Justice.

SB 5051 by Senator Smith

AN ACT Relating to vocational training for students with disabilities; and amending RCW 18.16.020.

Referred to Committee on Labor, Commerce and Trade.

SB 5052 by Senators Winsley and Haugen

AN ACT Relating to deleting obsolete provisions related to the printing and duplicating center; and repealing RCW 43.19.640, 43.19.645, 43.19.650, 43.19.655, 43.19.660, and 43.19.665.

Referred to Committee on Government Operations.

SB 5053 by Senators Haugen and Winsley

AN ACT Relating to real estate disclosure; and amending RCW 64.06.010, 64.06.020, 64.06.030, 64.06.040, 64.06.050, and 64.06.070.

Referred to Committee on Government Operations.

SB 5054 by Senators Winsley and Haugen

AN ACT Relating to advancements for travel expenses; and repealing RCW 42.24.130.

Referred to Committee on Government Operations.

SB 5055 by Senators Winsley and Haugen

AN ACT Relating to filing and recording of instruments, papers, and notices; and amending RCW 65.04.090.

Referred to Committee on Government Operations.

SB 5056 by Senators Haugen and Winsley

AN ACT Relating to employee safety award programs; and amending RCW 36.32.460.

Referred to Committee on Government Operations.

SB 5057 by Senators Haugen, Winsley and Fraser

AN ACT Relating to creating a county optional code study commission; creating new sections; and making an appropriation.

Referred to Committee on Government Operations.

SB 5058 by Senators Haugen and Winsley

AN ACT Relating to the use of locally imposed real estate excise tax proceeds for financing capital projects; and reenacting and amending RCW 82.46.035.

Referred to Committee on Government Operations.

SB 5059 by Senators Haugen, Winsley and Snyder

AN ACT Relating to minimum qualifications for the office of sheriff; and amending RCW 36.28.025.

Referred to Committee on Government Operations.

SB 5060 by Senators Haugen and Winsley

AN ACT Relating to publication of legal notices by political subdivisions; and amending RCW 65.16.160.

Referred to Committee on Government Operations.

SB 5061 by Senators Haugen, Winsley and Fraser

AN ACT Relating to law enforcement officers and fire fighters plan I disability board operating expenses; and amending RCW 41.26.110.

Referred to Committee on Government Operations.

SB 5062 by Senator Fairley

AN ACT Relating to side marker lamps; and amending RCW 46.37.210.

Referred to Committee on Transportation.

SB 5063 by Senators Fairley, Haugen, McCaslin, Quigley, Hochstatter and Oke

AN ACT Relating to persistent offenders; amending RCW 9.94A.030; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5064 by Senators Owen, Drew and Oke

AN ACT Relating to regional fisheries enhancement program; amending RCW 75.52.035, 75.50.110, and 75.50.120; reenacting and amending RCW 75.50.100; adding new sections to chapter 75.50 RCW; adding a new section to chapter 90.58 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5065 by Senators Smith, Winsley and Schow (by request of Department of Corrections)

AN ACT Relating to sentences for additional crimes by felons; amending RCW 9.94A.200 and 9.94A.400; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5066 by Senators Fraser, Newhouse, Loveland, Rasmussen and Hochstatter

AN ACT Relating to property tax reform; amending RCW 84.33.035 and 84.33.170; and creating a new section.

Referred to Committee on Ways and Means.

SB 5067 by Senators Snyder and Sellar

AN ACT Relating to distribution and pricing of session laws, legislative journals, and supreme court and court of appeals reports; and amending RCW 40.04.030, 40.04.035, 40.04.040, and 40.04.090.

Referred to Committee on Government Operations.



SB 5068 by Senators Sheldon and Haugen

AN ACT Relating to limits on executory conditional sales contracts entered into by local governments; amending RCW 39.30.010, 35A.64.010, and 39.44.210; and adding a new section to chapter 39.30 RCW.

Referred to Committee on Government Operations.

SB 5069 by Senators Haugen, Winsley and Sheldon

AN ACT Relating to property tax billings; amending RCW 84.40.380; reenacting and amending RCW 84.56.020; and creating a new section.

Referred to Committee on Government Operations.

SB 5070 by Senators Haugen, Winsley, Drew, Sheldon and Fraser

AN ACT Relating to the study of the impact of growth management requirements on property values; amending RCW 36.70A.370; and creating a new section.

Referred to Committee on Government Operations.

SB 5071 by Senators Haugen, Winsley and Sheldon

AN ACT Relating to local voters' pamphlets; and amending RCW 29.81A.020.

Referred to Committee on Government Operations.

SB 5072 by Senators Haugen and Winsley

AN ACT Relating to open public meetings; amending RCW 42.30.120; and prescribing penalties.

Referred to Committee on Government Operations.

SB 5073 by Senators McCaslin, Haugen, Sheldon and Schow

AN ACT Relating to valuation of new construction; amending RCW 36.21.070; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5074 by Senator Fraser

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

Referred to Committee on Ecology and Parks.

SB 5075 by Senators Owen, Sheldon and Oke

AN ACT Relating to emergency school construction; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5076 by Senators Oke, Owen and Drew

AN ACT Relating to wildlife habitat corridors; adding new sections to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 5077 by Senators Oke and Owen

AN ACT Relating to commercial bottom trawling; amending RCW 75.12.390, 75.28.120, and 75.28.130; and providing an effective date.

Referred to Committee on Natural Resources.

SJM 8000 by Senators Rasmussen, Morton, Snyder, Newhouse, A. Anderson and Hochstatter

Petitioning Congress to introduce legislation on pesticide use for minor crops.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SJM 8001 by Senators Rasmussen, Morton, Snyder, Newhouse, A. Anderson and Hochstatter

Petitioning Congress to amend the food, drug, and cosmetic act to establish a negligible risk standard for pesticide residue in processed foods.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SJR 8200 by Senators Haugen, Winsley and Fraser

Amending the Constitution to provide an alternative method of framing a county charter.

Referred to Committee on Government Operations.

SJR 8201 by Senators Haugen and Winsley

Amending the Constitution to revise the method of altering county boundaries.

Referred to Committee on Government Operations.

SJR 8202 by Senators Haugen, Winsley, Drew, Sheldon and C. Anderson

Amending the Constitution to authorize the state to collect property tax for the purpose of funding state fire protection services.

Referred to Committee on Ways and Means.

SCR 8400 by Senators Haugen, Winsley, Owen, C. Anderson and Oke

Creating the Joint Select Committee on Veterans and Military Personnel Affairs.

Referred to Committee on Government Operations.

There being no objection, the President returned the Senate to the third order of business.

#### MESSAGE FROM THE SECRETARY OF STATE

The Honorable Joel Pritchard  
President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

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

ENGROSSED SENATE BILL NO. 5018

SENATE BILL NO. 6003

SENATE BILL NO. 6023

SENATE BILL NO. 6254

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

(Seal) RALPH MUNRO

Secretary of State

VETOED BILLS

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON ENGROSSED SENATE BILL NO. 5018

April 1, 1994

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

I am returning herewith, without my approval Engrossed Senate Bill No. 5018 entitled:

"AN ACT Relating to service of process;"

This bill would amend current law relating to service of process, by allowing a notice of legal action against one or both spouses of a marital community to be served to either spouse personally, or by leaving a copy of the summons at their home with a resident who is of suitable age and discretion.

The bill's intended purpose is to make service of process easier in cases against the marital community by allowing service of process on either spouse even if they are away from home. An issue is raised in this situation when the spouses are not living together. The legislation attempts to address this concern by providing that where the spouses do not reside together, process must be made upon each personally.

However, the bill's language not only makes it easier to serve process on cases against the marital community but, as written, also makes it easier to serve process on cases against a spouse's separate property. Specifically, the language would allow a process server, in a case involving one spouse's separate property, to serve the other spouse at work. This raises serious due process concerns that I believe justify a veto. It is inconsistent with the purpose of service of process, which is to effect due process so that a court may exercise jurisdiction over the person and property of a defendant in an action. This language represents a significant departure from current law on cases against individual/separate property which require some kind of personal notice or that notice be delivered to your home.

For these reasons, I have vetoed Engrossed Senate Bill No. 5018 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 6003

April 1, 1994

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

I am returning herewith, without my approval, Senate Bill No. 6003 entitled:

"AN ACT Relating to the well-being of Children;"

Senate Bill No. 6003 attempts to clarify obscenity laws in our state as they apply to minors. The issue of pornography is one of the most emotionally charged issues before our courts and lawmakers. We must protect our most valuable resource--our children--and I know that was the legislature's well meant intention. However, that is not what Senate Bill No. 6003 does, and it also endangers some of our most important freedoms.

Presently the Washington State Supreme Court has a case before it based on a 1992 statute which added "sound recordings" to the list of materials able to be classified as erotic. The Court has not yet rendered its opinion in this case. This decision is expected to offer guidance and interpretation to the constitutionality of our present law.

Until we hear from the State Supreme Court, a number of questions remain as to the constitutionality of the present laws and, therefore, the appropriateness of any attempted revisions to those laws. Senate Bill No. 6003 is overly broad, vague and ambiguous in a number of respects. This raises important questions as to the bill's constitutional survivability.

The bill also contains provisions which are troubling and, by all signs, unintended. Senate Bill No. 6003, as well as present law, offer special protections to minors. However, the current law defines a minor as anyone under eighteen years of age, while this bill changes the definition to anyone under seventeen years of age. Senate Bill No. 6003 would actually allow more children to be exposed legally to the very material where access is sought to be limited. Further, under the provisions of Senate Bill No. 6003, an individual store clerk could be held criminally liable for selling material later held to be harmful to minors, while those who actually profit from such materials would be explicitly protected from liability.

We must make every effort to protect our children, and we must be likewise vigilant in protecting the fundamental freedoms they will grow to cherish. While there may be disagreement on the particular materials or circumstances from which our children require protection, there is widespread agreement on the need to adequately insulate our children from the proliferation of violence and other obscenity permeating our society. I look forward to working with the legislature, scholars, prosecutors, and citizens to craft, as necessary, changes or additions to current law which are narrowly tailored to address the problem in an enforceable, practical, and constitutionally sound manner.

For these reasons, I am vetoing Senate Bill No. 6003 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 6023

April 2, 1994

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

I am returning herewith, without my approval, Senate Bill No. 6023 entitled:

"AN ACT Relating to emergency management;"

This legislation would transfer the emergency management function from the Department of Community, Trade and Economic Development to the Military Department.

The state role in emergency management is an extremely important one. Under state law, local governments have prime responsibility for protecting the public's health and safety. The state's role is to assist local governments in planning, for responding to, and recovering from emergencies and disasters of all kinds. As governor, I have responsibility for public health and safety statewide, and I take this responsibility seriously. Actions that affect the state's capacity to plan for and respond to emergencies are of critical importance to me.

I believe that a review of how to best organize the state's ability to plan for and respond to emergencies and other public safety needs is both reasonable and appropriate. The Department of Community Development was given responsibility for emergency management in 1986 because of the need to better coordinate state emergency management activities with local governments and with other agencies and to provide a more effective emergency planning, response, and recovery capability for the state in the event of an emergency.

While the Military Department is both capable and responsive, it is not clear that simply transferring emergency management responsibilities from the Department of Community, Trade and Economic Development, in and of itself, will significantly improve the ability of the state to plan or respond to emergencies.

Effective emergency management requires extensive state and local planning. It involves the highest degree of readiness and effectiveness when an emergency occurs, backing up local response with state resources and personnel if needed. It involves the ability to quickly identify local losses and needs, to fund recovery as rapidly as possible and to cover these costs until federal reimbursement arrives. All of these activities require close coordination between state and local emergency managers and between many state agencies.

Rather than transferring the existing division from one agency to another, the state should review all of these issues and other public safety concerns as well to assure that the state has the best capacity to respond to emergencies and the strongest ability to protect the public safety.

For these reasons, I have vetoed Senate Bill No. 6023 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 6254

April 2, 1994

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

I am returning herewith, without my approval, Senate Bill No. 6254 entitled:

"AN ACT Relating to funeral or burial expenses of indigent persons;"

This bill allows the county to file a claim for funeral or burial expenses against any escheat property which reverts to the state when the county has paid burial expenses of the decedent.

The bill duplicates current law. Presently a county may file a claim against a deceased person's estate for any burial or funeral expenses it has incurred when family, friends, and/or organizations do not come forward to claim the body. The language in this bill is vague and may be misleading. A county might read this as empowering it to make a claim to the state for payment of the funeral expenses of any indigent person. I am vetoing this bill and directing the Department of Revenue to provide additional information and guidance to county councils and commissioners about how counties may make claims for payment of burial or funeral expenses of persons who die without heirs or a will.

For these reasons, I have vetoed Senate Bill No. 6254 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

FURTHER MESSAGE FROM THE SECRETARY OF STATE

The Honorable Joel Pritchard  
President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

Mr. President:

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

Section 3, Substitute Senate Bill No. 6006, the remainder of which has been designated Chapter 8, Laws of 1994 Regular Session;

Sections 1, 3 and 4, Substitute Senate Bill No. 6561, the remainder of which has been designated Chapter 47, Laws of 1994 Regular Session;

Sections 513(28) and 513(50), Substitute Senate Bill No. 6096, the remainder of which has been designated Chapter 143, Laws of 1994 Regular Session;

Section 11, Engrossed Substitute Senate Bill No. 6068, the remainder of which has been designated Chapter 253, Laws of 1994 Regular Session;

Sections 15, 16, 17, 18, 19, 20 and 21, Engrossed Substitute Senate Bill No. 6125, the remainder of which has been designated Chapter 255, Laws of 1994 Regular Session;

Section 50, Senate Bill No. 6285, the remainder of which has been designated Chapter 256, Laws of 1994 Regular Session;

Section 10, Engrossed Substitute Senate Bill No. 6339, the remainder of which has been designated Chapter 257, Laws of 1994 Regular Session;

Section 35, Substitute Senate Bill No. 6047, the remainder of which has been designated Chapter 275, Laws of 1994 Regular Session; Sections 3, 5 and 6, Second Substitute Senate Bill No. 6107, the remainder of which has been designated Chapter 284, Laws of 1994 Regular Session;

Section 2, Engrossed Second Substitute Senate Bill No. 5468, the remainder of which has been designated Chapter 302, Laws of 1994 Regular Session;

Section 2, page 2, lines 6 through 9; Section 2(2); Section 5, page 4, lines 8 through 10; Section 5(4); Section 6, page 4, line 37 and page 5, lines 1 and 2, Section 7, page 5, lines 18 and 19; Section 7(1), 7(2), 7(3); Section 25; Section 29(2); Section 34; and Section 45; Engrossed Substitute Senate Bill No. 6084, the remainder of which has been designated Chapter 303, Laws of 1994 Regular Session;

Section 2, Senate Bill No. 6220, the remainder of which has been designated Chapter 306, Laws of 1994 Regular Session;

Sections 122(10); 122(12); 123; 132(3); 135(9); 145(15); 204(4)(h); 228(19); 303(8)(b); 305, page 87, lines 3 and 4; 305(1); 311, page 92, line 31; 311(5); 603, page 127, lines 17 and 18; and 610(5)(a), Engrossed Substitute Senate Bill No. 6244, the remainder of which has been designated Chapter 6, Laws of 1994, First Special Session.

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

(Seal) RALPH MUNRO

Secretary of State

#### PARTIALLY VETOED BILLS

#### MESSAGE FROM THE GOVERNOR

#### PARTIAL VETO MESSAGE ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5468

April 2, 1994

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

I am returning herewith, without my approval as to section 2, Engrossed Second Substitute Senate Bill No. 5468 entitled:

"AN ACT Relating to private business entities receiving public assistance;"

This legislation would direct the Department of Revenue and the Department of Community, Trade and Economic Development to prepare a study of firms that have participated in state sales tax deferral, business and occupation tax credit, and development loan fund programs. The departments would be required to collect information to measure the effect of these tax provisions and loans on businesses. The departments would also be directed to measure whether the firms participating in the programs have followed a wide range of federal and state requirements under other statutes and have met other standards of conduct not required under current law. Firms applying for participation in these programs would be required to prepare employment impact estimates for the departments.

I understand and agree with the premise that the state has an interest in determining whether its economic development programs are achieving their intended effect. I also agree that the goal of state economic development activities is to encourage a sustainable high wage, high skill economy in the state for all of the state's citizens.

I continue to believe that the state should maintain high environmental, health and safety, and employment standards implemented in a way that minimize bureaucracy, duplication, and confusion for the state's businesses. High standards should be enacted in the laws that govern these subjects. However, if compliance with existing standards in these areas is to be examined by the study, the Department of Revenue and the Department of Community, Trade and Economic Development are not the proper agencies to conduct the study.

I am also concerned that the private business information to be collected from businesses under this legislation would be subject to public disclosure. Because we believe that public business should take place in the open, our state has one of the strongest public disclosure statutes in the nation. The only way for publicly collected information to remain confidential is to amend our public disclosure statutes to specifically exempt such information from disclosure requirements. Despite the effort in the legislation to ensure that information collected from individual firms will remain confidential, I believe that information collected would be subject to disclosure.

As a result of these two concerns, I am vetoing section 2 of Engrossed Second Substitute Senate Bill No. 5468. However, I also believe that it is in the state's long-term interest to promote a sustainable high wage, high skill economy and to maintain high environmental, health and safety, and employment standards. As a result, I am asking the directors of state agencies with responsibility for environmental protection, employment, economic development, and workplace health and safety to identify threshold criteria that the state should consider applying in the future as eligibility criteria for state assistance programs. If businesses are willful repeat violators of existing statutes in these areas, these businesses should be removed from the benefits of the state's economic development programs. I am also directing these agencies to involve interested parties in the process of identifying such criteria. I will examine the results of these actions and consider requesting changes in state law and regulations to implement them.

With the exception of section 2, Engrossed Second Substitute Senate Bill No. 5468 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

#### MESSAGE FROM THE GOVERNOR

#### PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6006

March 21, 1994

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

I am returning herewith, without my approval as to Section 3, Substitute Senate Bill No. 6006 entitled:

"AN ACT Relating to the judicial information system;"

This bill amends current law relating to the judicial information system and allows the Supreme Court to increase by rule fines, penalties and assessments for deposit into the judicial information system account. Funds from these increases will be dedicated to upgrading the computer information network utilized by the courts.

Section 3 of this bill is an emergency clause. Immediate implementation as provided by this section would not provide sufficient time for all jurisdictions to effect changes necessary to fully implement this legislation. For this reason, I have vetoed section 3.

With the exception of section 3, Substitute Senate Bill No. 6006 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6047

April 1, 1994

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

I am returning herewith, without my approval as to section 35, Substitute Senate Bill No. 6047 entitled:

"AN ACT relating to crimes involving alcohol, drugs, or mental problems;"

Section 35 of Substitute Senate Bill No. 6047 is in conflict with section 19 of the same bill and contradicts the intent of the bill to maintain records for deferred prosecution for ten years.

With the exception of section 35, Substitute Senate Bill No. 6047 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6068

April 1, 1994

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

I am returning herewith, without my approval as to section 11, Engrossed Substitute Senate Bill No. 6068 entitled:

"AN ACT Relating to appeals involving boards within the Environmental Hearings Office;"

This is a thoughtful piece of legislation helping to reduce the time it takes for the Environmental Hearings Office and its constituent boards to resolve environmental disputes consistent with maintaining the quality of the state's environment. It is a part of larger efforts at regulatory reform designed to maintain the state's environmental quality and high standards while simplifying the regulatory and dispute resolution process.

Section 11 directs the Environmental Hearings Office to review and make recommendations as to whether the Pollution Control Hearings Board, the Growth Planning Hearings Boards, the Shorelines Hearings Boards, the Hydraulic Appeals Board, and the Forest Practices Appeals Board should be consolidated into a single board with jurisdiction over land use and environmental decisions.

While I am always interested in efforts to increase governmental efficiency, I do not agree with the provision as drafted. It is not clear why a study to consolidate state environmental boards should be conducted by the office managing some of the functions to be consolidated. Any such review should be undertaken independently if it is to achieve the desired results. It is also not clear to me that consolidation of these boards, of itself, would reduce any backlogs or delays which are a function of workload and resources.

The Regulatory Reform Task Force is currently reviewing the relationship between the State Environmental Policy Act, the Growth Management Act, the Shoreline Management Act, and other statutes. The goal of its efforts is to provide recommendations for ways to integrate land use and environmental review statutes so that they will continue to protect the state's environment and quality of life while simplifying and unifying regulations. I believe that it is better to allow this task force to complete its review and to make recommendations before approving an additional study of this topic.

For these reasons, I have vetoed section 11 of Engrossed Substitute Senate Bill No. 6068.

With the exception of section 11, Engrossed Substitute Senate Bill No. 6068 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6084

April 2, 1994

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

I am returning herewith, without my approval as to sections 2, page 2, lines 6 through 9; 2(2); 5, page 4, lines 8 through 10; 5(4); 6, page 4, line 37, and page 5, lines 1 and 2; 7, page 5, lines 18 and 19; 7(1); 7(2); 7(3); 25; 29(2); 34; and 45 of Engrossed Substitute Senate Bill No. 6084 entitled:

"AN ACT Relating to transportation appropriations;"

My reasons for vetoing these sections are as follows:

**Sections 2, page 2, lines 6 through 9; 2(2); 7, page 5, lines 18 and 19; and 7(1), Abolishment of the Traffic Safety Commission and Transfer of Responsibility to the State Patrol**

These sections of the supplemental transportation budget would abolish the Traffic Safety Commission as of July 1, 1994 and place the Commission's responsibilities in the State Patrol. I agree with the legislature that a decision should be made whether the effectiveness of state traffic safety activities would be improved by placing these functions in some other agency. I also believe this discussion should be complete and a decision made in the next session. I am vetoing these sections now to provide the opportunity for further consideration of this matter. Also, veto of section 7(1) is necessary to prevent the loss of over \$2.5 million in federal funds because Senate Bill No. 6523, referred to in the proviso, was not enacted.

It is my intention that the State Patrol make these Highway Safety Fund appropriations available to the Traffic Safety Commission to perform the Commission's authorized responsibilities in the fiscal year beginning July 1, 1994. This veto also prevents the transfer of a \$300,000 Transportation Fund appropriation from the Traffic Safety Commission to the State Patrol but reverses the planned \$12,000 reduction from that fund. As the \$12,000 was reduced, because it was identified as unnecessary, I am directing the Traffic Safety Commission to place this amount in reserve status.

I am also directing the Traffic Safety Commission and OFM to work with the legislature to identify the alternatives for placement of traffic safety activities and to address any substantive concerns regarding Traffic Safety Commission service delivery approaches and staffing levels. My recommendations on these matters will be presented to the next session of the legislature.

**Section 5, page 4, lines 8 through 10, Reductions in Field Operations Bureau and the Elimination of the Safety Education Officer Program**

This veto restores approximately \$2 million in State Patrol Highway Account funding that contains several budget actions including the elimination of the patrol's Safety Education Officer program (SEO), commonly known as Trooper Bob. The SEO program staff provides training and education to the state's school age population regarding pedestrian, bicycle and highway safety, drug and alcohol prevention, and youth violence prevention. Last year Trooper Bobs contacted approximately 380,000 students. They are an important element in the state's effort to prevent the problems that plague our schools and our communities.

I concur with the other priorities assumed in this appropriation including savings identified by reducing the number of vehicle replacements, selected staffing reductions, and increasing expenditures for alcohol breath test equipment. These actions will be accomplished through the allotment process.

**Section 5(4), Limitations on Vehicle Assignment**

This section states that "Only commissioned officers and commercial vehicle enforcement officers involved directly and primarily in traffic enforcement activities will be assigned vehicles by the Washington State Patrol." This language limits the patrol's ability to provide vehicles required to effectively respond to emergency calls. These assigned vehicles contain specialized equipment such as sirens, radio equipment, emergency lights, and first aid equipment that are essential to reaching emergency scenes in an expeditious manner and to being fully equipped to provide assistance upon arrival.

While these problems illustrate the defects of the proviso as it was enacted, I share the legislature's concern over the assignment of state vehicles. I am directing the Washington State Patrol to complete a thorough review of its policy regarding vehicle assignment, and to present a plan to me and to the legislature by June 30, 1994 detailing how the number of individually assigned vehicles will be significantly decreased from the current level. I fully expect that only those employees who have a clear need connected to the safety of the public will be assigned a state vehicle.

**Section 6, page 4, line 37, and page 5, line 1 through 2, Crime Lab Reduction and Fund Shift of Motor Vehicle Funds with State Patrol Highway Account Funds**

This section reduces State Patrol Highway Account funding for the Investigative Services Bureau by \$749,000. This amount is a combination of a \$900,000 reduction in crime lab funding, a net increase of \$121,000 in ACCESS funding, and a \$30,000 increase in staffing for microanalysis work performed by the crime labs. The cut in the crime labs of \$900,000 represents a 23 percent reduction and would result in service cutbacks that would hinder law enforcement and the ability of prosecuting attorneys to investigate and prosecute criminal cases. The severity of this reduction was recognized by the Legislature when it provided a partial restoration through the addition of \$200,000 from the Transportation Fund in Section 402 of the operating budget. Even with the partial restoration, the crime lab would be reduced by 18 percent if not for this veto. This would result in approximately 3,750 fewer cases being analyzed with a corresponding impact on the effectiveness of prosecutions.

This veto has the effect of preserving essential crime lab activities.

**Section 7(2), State Patrol Management Study**

This section allows the Washington State Patrol to spend up to \$100,000 for a study of current management programs and staffing of management positions. I agree that a study of management staffing levels is appropriate, but the expenditure of \$100,000 for this effort is not necessary. Therefore, I am directing the Washington State Patrol to design a study as described in this section in cooperation with the Office of Financial Management. The results of this study will be presented to the legislature when the study is complete and incorporated into my budget recommendations for the next biennium.

**Section 7(3), Forbidding Cadet Classes and Maintaining Field Force Levels through Management Reductions**

This section requires the Washington State Patrol to maintain a field force level of 700 troopers and sergeants through reductions in management, and prohibits a cadet class for the remainder of this biennium. While I agree that it is important to maintain the field force level to protect the citizens of the state, this proviso does not accomplish the goal for two reasons. First, there will simply not be enough administrative staff that could reasonably be transferred to the field force sufficient to offset the projected level of field force retirements and attrition. Second, the prohibition of a cadet class eliminates the other avenue of acquiring replacement troopers.

The legislature acknowledges the first problem in Section 7(2) of this bill when it authorizes funds to "conduct a study of current management programs and levels of staffing for management positions within the Washington State Patrol". If it was clear that sufficient administrative staff transfers to the field were available without damaging the agency's operations, a study would be unnecessary.

I believe a more effective approach to maintaining an adequate field force level is to conduct an academy class for existing cadets and, wherever appropriate, to undertake the transfer of administrative staff to the field. I am directing the patrol to take both of these actions as soon as possible.

**Section 25, Project Funding Priorities**

This section directs the Transportation Commission to reduce or eliminate projects in a specified order should revenues fall below the level assumed in the supplemental transportation budget. This veto removes the language which specified the order of reduction--restoring the

responsibility to make these choices to the Transportation Commission. The commission needs flexibility in exercising its responsibility to make project priority selections and to balance highway construction program expenditures with available resources.

**Section 29(2), Horse Racing Track Infrastructure**

This section specifies that \$5 million in the Community Economic Revitalization Board (CERB) fund is dedicated solely for transportation infrastructure related to a new race track once it is approved by the Horse Racing Commission. This proviso sidesteps the CERB policy for selection of projects through competitive application. With this veto, the \$5 million appropriation remains for use on CERB approved projects. If and when a race track location is approved by the Horse Racing Commission, the horse racing track project can compete for transportation infrastructure funding along with other projects through the regular CERB process.

**Section 34, Charges From Other Agencies**

The Motor Vehicle Fund (MVF) appropriation for DOT revolving fund charges is reduced and the section is restructured as separate line items for each of the eight different revolving fund charges. This reduction in the total amount provided means the agency cannot pay the charges for basic custodial and utility services. This veto restores the flexibility of the single line item approach and prevents the reduction in the total amount available. Even though the original appropriation does not provide the full amount needed for all anticipated revolving fund charges, the flexibility provided by the single line item format allows DOT to meet minimum obligations for the Department of General Administration facilities and services costs and for the Office of Minority and Women Business Enterprises expenses.

**Section 45, Treasury Loan**

This section provides for a treasury loan to the Motor Vehicle Fund should a temporary cash deficiency be projected. This section is not necessary. Treasury loans automatically occur for short term cash deficits for all funds and accounts.

With the exceptions of sections 2, page 2, lines 6 through 9; 2(2); 5, page 4, lines 8 through 10; 5(4); 6, page 4, line 37, and page 5, lines 1 and 2; 7, page 5, lines 18 and 19; 7(1); 7(2); 7(3); 25; 29(2); 34; and 45, Engrossed Substitute Senate Bill No. 6084 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6096

March 28, 1994

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

I am returning herewith, without my approval as to sections 513 (28) and 513 (50), Substitute Senate Bill No. 6096 entitled:

"AN ACT Relating to milk and milk products;"

Section 513 of Substitute Senate Bill No. 6096 repeals 103 separate sections of the RCW. The 103 individual sections of law repealed in section 513 are contained in a single section of the bill for clerical ease. Two of these repealers, sections 513 (28) and 513 (50), would repeal sections of the code which are amended elsewhere in Substitute Senate Bill No. 6096.

Section 207 of the bill amends RCW 15.32.590 and makes substantive changes to the requirements for sampling, testing, weighing, and grading done by licensed dairy technicians by expanding the requirement for these actions from "milk or cream" to "milk and milk products" and specifying that no unfair, fraudulent, or manipulated sample shall be taken or delivered for analysis. This same RCW section is repealed in section 513 (28).

Section 402 of the bill amends RCW 15.36.090 and makes substantive changes to labeling and marking requirements and specifically provides requirements concerning raw milk products and pasteurizing. This same RCW section is repealed in section 513 (50).

Veto of these discreet repealer sections cures the problem of internal inconsistency in Substitute Senate Bill No. 6096 and clarifies the substantive intent of this bill. For these reasons, I have vetoed sections 513 (28) and 513 (50) of Substitute Senate Bill No. 6096.

With the exception of sections 513 (28) and 513 (50), Substitute Senate Bill No. 6096 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SECOND SUBSTITUTE SENATE BILL NO. 6107

April 1, 1994

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

I am returning herewith, without my approval as to sections 3, 5, and 6, Second Substitute Senate Bill No. 6107 entitled:

"AN ACT Relating to fees for services for the department of community, trade and economic development;"

Sections 1 through 8 of Second Substitute Senate Bill No. 6107 grant authority to assess fees for services provided by various economic development programs.

Section 3 would require the Office of Financial Management to approve a fee schedule proposed by the Department of Community, Trade and Economic Development. I am concerned that the section would set an inappropriate precedent for the Office of Financial Management's review of fees. Currently OFM approves certain internal revolving fund rates because of the effect these charges have on other state agency budgets. It does not approve specific fee schedules for the various fees assessed by other agencies. The section would establish an unnecessary oversight role for OFM.

Section 5 would grant authority to the Clean Washington Center to assess fees for services rendered. It prohibits fees to be assessed to any person who pays assessments imposed under chapter 82.18 or 82.19 RCW. I am concerned that the language is written so broadly that it would apply to nearly every citizen of the state who purchases a product upon which these taxes are levied. In effect, the Clean Washington Center would be denied the ability to assess fees. In the process of setting fees by rule, the department shall take into account any assessments paid by a firm participating in the program.



Section 6 of the bill creates a Clean Washington Center fee account in the state treasury. I believe that it is more appropriate for the department to maintain these funds in a subaccount as they have authority to do under current law. For this reason, I am vetoing this section. With the exception of sections 3, 5, and 6, Second Substitute Senate Bill No. 6107 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6125

April 1, 1994

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

I am returning herewith, without my approval as to sections 15, 16, 17, 18, 19, 20, and 21, Engrossed Substitute Senate Bill No. 6125 entitled:

"AN ACT Relating to the creation of a combined recreational fish and hunting license document;"

Engrossed Substitute Senate Bill No. 6125 creates a sports recreational license that combines recreational fishing and hunting licenses and consolidates license categories into one document. These changes will provide more efficient service and will be less confusing to the public.

However, sections 15, 16, 17, 18, 19, 20, and 21 of Engrossed Substitute Senate Bill No. 6125 would direct the Department of Fish and Wildlife to create an expanded warm-water fisheries enhancement program financed by a new \$5.00 (five dollar) fee to be imposed on those who fish for most species of warm-water fish.

In a time of fiscal constraint, I do not think it is wise to increase the cost of fishing licenses. Beyond that, in a time of problems emerging from endangered-species findings, from declining cold-water fisheries, from habitat loss, and from a host of other difficulties afflicting our fish and wildlife, I do not believe it is wise to earmark another fee to support only one program in the Department of Fish and Wildlife. The newly merged department already has a great number of special, earmarked funding mechanisms. Until there is a general review of the new department's programs and funding needs, I hesitate to establish yet another fund, and with it a new fisheries program. For these reasons, I am vetoing sections 15, 16, 17, 18, 19, 20, and 21.

With the exception of sections 15, 16, 17, 18, 19, 20, and 21, Engrossed Substitute Senate Bill No. 6125 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 6220

April 2, 1994

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

I am returning herewith, without my approval as to section 2, Senate Bill No. 6220 entitled:

"AN ACT Relating to quality awards;"

Senate Bill No. 6220 creates the Quality Award Council to be appointed by the Governor. The council would promote attention to producing quality products and services in the private and public sectors through educational activities and an annual award. The Quality Award Council is modeled on the national Malcolm Baldrige Award and the International Deming Award.

I am very supportive of the ideals expressed in this bill. I have committed my administration to continuously improving the quality of public sector services as evidenced by cabinet level appointments to the Quality Service Network, by the newly merged Department of Fish and Wildlife and Department of Community, Trade and Economic Development with their development of outcome based measures of service, quality and effectiveness, and my participation with the legislature in the Washington Performance Partnership initiative.

Although I strongly support the creation of an award which would recognize excellence in quality, I am concerned about the vehicle used to establish the award. Senate Bill No. 6220 creates a council in statute at a time when I have been working with the legislature to minimize statutory boards and commissions. Moreover, the awkward organizational structure created by this bill seems an unnecessary and complicated means toward an otherwise laudable goal.

Nonetheless, with the exception of section 2 which would provide for an immediate implementation of this bill, I am signing Senate Bill No. 6220 because I am comfortable that the Quality Award Council and the quality achievement award program can be structurally tailored to meet the objectives of recognizing quality and improving competitiveness. I have directed my staff to work with the Quality Service Network, the legislature, and other interested parties to improve the award process contained in this bill and to minimize impacts on state government while maintaining visibility for quality production and service delivery in both the public and private sectors.

With the exception of section 2, Senate Bill No. 6220 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6244

April 6, 1994

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

I am returning herewith, without my approval as to sections 122(10); 122(12); 123; 132(3); 135(9); 145(15); 204(4)(h); 228(19); 303(8)(b); 305, page 87, lines 3 and 4; 305(1); 311, page 92, line 31; 311(5); 603, page 127, lines 17 and 18; and 610(5)(a), Engrossed Substitute Senate Bill No. 6244 entitled:

"AN ACT Relating to fiscal matters;"

My reasons for vetoing these sections are as follows:

**Section 122(10), pages 18 and 19, Long-Term Care Ombudsman Program (Department of Community Development)**

Section 122(10) provides additional resources for a long-term care ombudsman in Kitsap County; requires a minimum of \$10,000 be allocated to each of the 14 long-term care regions; limits the amount of the appropriation that can be spent on administration; and prohibits any reductions in existing contracts. It further requires the Department of Community Development to report to the fiscal committees of the legislature on the allocation of funding for Long-Term Care Ombudsman (LTCO) services, including recommendations for changes in the distribution of funding.

I am concerned that the limitations on administrative expenditures would reduce direct support for the regions currently provided by the LTCO central office. The central office would likely have to adopt a fee-for-service approach to pay for those services to the regions. Simply accounting for these transactions would drain resources from direct services in the regional and central offices. In addition, the cap on administrative expenditures by the central office would not provide sufficient funding for federally mandated programs.

For these reasons, I have vetoed this proviso. I am directing the new Department of Community, Trade and Economic Development to ensure that residents of long-term care facilities in Kitsap County have improved access to the ombudsman program using the additional funding provided for that purpose. I am also directing the department, in cooperation with the LTCO program and other interested parties, to prepare a comprehensive evaluation of the program for presentation to the fiscal and human services committees of the legislature in the 1995 session. The evaluation will include a specific analysis of the funding allocation method used by the program, including possible ways to increase the proportion of funding available to the regional offices consistent with existing law.

**Section 122(12), page 19, State Environmental Policy Act/Growth Management Act Integration Grants (Department of Community Development)**

The proviso arbitrarily requires a minimum of three grants of not less than \$300,000 each. The language appears to be intended to ensure that grants made by the Department of Community Development for this purpose be of sufficient scale to achieve meaningful results. I am concerned that the specific dollar amounts are overly restrictive and would unnecessarily limit the prudent management of the funding provided by the legislature. Because the new Department of Community, Trade and Economic Development will seek participation in these projects from private and local sources, the state commitment necessary for any one project could be less than the minimum amount provided in the language. The department should not be limited to a requirement to spend at least \$300,000 for each project if it can effectively satisfy project objectives for less.

In keeping with the intent of the language, I have directed the department to support at least three large scale integration projects of at least \$300,000 total cost per project including private and local contributions. I have also directed the department to limit its budget for technical assistance to the amount stated in the proviso and to report to the legislature in December of 1994.

**Section 123, page 20, Fire Protection Policy Board (Department of Community Development)**

Section 123 would reduce the Department of Community Development's appropriation from the Oil Spill Administration Account by \$130,000. The magnitude of this budget reduction, which represents 39 percent of the department's funding for oil spill training, would significantly impair oil spill training programs in this state. Therefore, I am vetoing this proviso and directing the new Department of Community, Trade and Economic Development to place \$61,000 of the Oil Spill Administration Account into reserve to restore the funding to the level recommended in my supplemental budget proposal.

**Section 132(3), page 25, Engrossed Second Substitute Senate Bill No. 5468 (Department of Revenue)**

Section 132(3) allocates funds for a Department of Revenue study of firms that have participated in sales tax deferral, business and occupation tax credit, and development loan fund programs. The department would be required to collect information to measure the effect of these programs and to assess whether participants have followed a wide range of federal and state requirements. This study was also mandated by Engrossed Second Substitute Senate Bill No. 5468.

Engrossed Second Substitute Senate Bill No. 5468 would have required the department to examine the compliance of businesses with environmental, health and safety, and employment standards. If compliance with existing standards in these areas is to be reviewed, the Department of Revenue is not the proper agency to conduct the study. I am also concerned that this provision does not ensure adequate protection against disclosure of proprietary business information.

I am vetoing section 132(3) of the supplemental operating budget to be consistent with my veto of section 2 of Engrossed Second Substitute Senate Bill No. 5468. The Department of Revenue is directed to place the funding in reserve status.

I have also asked directors of state agencies with responsibility for environmental protection, employment, economic development, and workplace health and safety, to coordinate in identifying eligibility criteria that the state might establish for participation in assistance programs.

**Section 135(9), page 27, State-wide Collocation Efforts (Department of General Administration)**

I have vetoed this proviso in order to enable the Department of General Administration to test the findings of collocation and consolidation studies with \$75,000 of the new appropriation contained in the capital budget for further collocation effort. The \$171,000 of appropriation from the General Administration Facilities and Services Revolving Fund will be placed in reserve and may be allotted to support collocation costs in excess of \$75,000 upon presentation of adequate justification as defined by the Office of Financial Management.

**Section 145(15), page 34, Associate Development Organizations (Department of Trade and Economic Development)**

While I am supportive of the intent of the language in this section to provide continuing support for Associate Development Organizations (ADOs) in distressed and rural areas of the state, I am concerned that the proviso limits the new Department of Community, Trade and Economic Development's flexibility to manage these funds most effectively. In keeping with the spirit of the proviso, I have directed the department to provide full funding to those counties in timber and distressed areas that are most in need and to provide funds to rural and distressed counties that would otherwise be excluded from funding under this language.

**Section 204(4)(h), pages 49 and 50, Community Residential Services Efficiencies (Developmental Disabilities, Department of Social and Health Services)**

This proviso directs the Department of Social and Health Services to develop and implement a plan for increasing the efficiency of the community residential services programs within the Division of Developmental Disabilities. The plan must specifically address strategies and timelines for (1) increasing the number of individuals not currently receiving state-funded residential services during 1995-97 by at least 220 adults, and (2) reducing the General-Fund state costs of providing these residential services in 1995-97 by at least \$2.9 million.

While I am generally supportive of the intent of this language, which is to reduce the average daily cost of residential services, the specific targets are overly prescriptive, particularly as they relate to the next biennium. I am vetoing the proviso, but I am directing the division to complete its currently planned evaluation of all residential services, including those in the community, the residential habilitation centers, and the state operated living alternatives in time for the 1995 legislative session. This plan will also address potential costs savings related to residential reconfiguration and methods of providing services to those currently unserved.

**Section 228(19), page 79, Unemployment Insurance Compensation (Employment Security Department)**

Section 228(19) directs the Employment Security Department to use \$80,000 of the Unemployment Compensation Administration Fund to study computer technology that could be used to improve various compensation procedures, as specified in Engrossed Senate Bill No. 6480. Since that bill was not approved by the legislature, I am vetoing this section of the supplemental budget bill.

**Section 303(8)(b), page 84, Water Rights Permit Processing (Department of Ecology)**

The legislature structured the funding for the Water Rights Permitting program so that 50 percent of the program's Fiscal Year 1995 funding would be eliminated if a water rights permit fee bill was not passed in the 1994 legislative session. It was the legislature's expectation that 50 percent of the funding for the Water Rights Permitting program, including data management, would be supported from water rights permit fees. The failure of the legislature to pass the water rights permit fee bill, Engrossed Second Substitute Senate Bill No. 6291, will mean that a significant portion of the department's water rights permit processing activities will be eliminated. Consequently, the ability of the department to administer a vital resource will be greatly impaired. However, there is much in the water resources program that still needs to be done. Among those activities are the continued implementation of the data management program and instream flow determinations.

In addition, section 303(8)(b) contains a technical error which would reduce the department's General Fund-State appropriation for water rights permit administration activities by \$654,000, when only \$279,000 in new General Fund-State was provided. For these reasons, I am vetoing this section and directing the department to use the \$279,000 of new funding to augment other water resource activities not directly related to the processing of water rights permits.

**Section 305, page 87, lines 3 and 4, Oil Spill Administration Account Appropriation (State Parks and Recreation Commission)**

The legislative budget reduced the State Parks and Recreation Commission's appropriation from the Oil Spill Administration Account by \$16,000. The magnitude of the legislative budget reduction will mean that the training provided to park rangers and educational efforts designed to prevent oil spills by small vessels will be curtailed. Therefore, I am vetoing this appropriation.

**Section 305(1), page 87, line 23 through line 26, State Parks Fees (State Parks and Recreation Commission)**

Section 305(1), page 87, line 23 through line 26, requires the State Parks and Recreation Commission to implement fees that generate at least \$3 million of additional revenue for the 1993-95 Biennium. A veto of this requirement will allow the commission to eliminate the day use parking fees scheduled to begin on May 1, 1994. While I feel that such charges may be necessary at some point in the future, user concerns have convinced me that we need more time to evaluate the impact of these fees on public access to state parks.

Section 804 of this act requires the transfer of \$22.3 million from the Trust Land Purchase Account, where park fees are deposited, to the state General Fund. My veto of the language in Section 305 will result in an estimated \$2.7 million in loss in revenue to the Trust Land Purchase Account, thus reducing the amount available for transfer to the General Fund. I will ask the legislature to address this issue in the 1995 legislative session.

**Section 311, page 92, line 31, and Section 311(5), page 93, Warm Water Fish Enhancement (Department of Wildlife)**

I am vetoing section 311, page 92, line 31, to remove the appropriation for the Warm Water Fish Account and section 311(5), which provides funding for the implementation for Engrossed Substitute Senate Bill No. 6125, combined recreational hunting and fishing license and warm water fisheries enhancement. While I support the consolidation of the recreational hunting and fishing license documents, I do not support the implementation of an expanded warm water fisheries enhancement program. Engrossed Substitute Senate Bill No. 6125 imposes a \$5 surcharge on all who fish for warm water species. My primary concern is that until a general review of the new Department of Fish and Wildlife's program funding needs occurs, I am opposed to imposing yet another earmarked fund and with it a new fisheries program. I vetoed the sections of Engrossed Substitute Senate Bill No. 6125 dealing with the warm water fisheries enhancement program, and therefore, the program's appropriation and proviso contained in section 311 of the supplemental budget bill are no longer required. However, I am directing the new Department of Fish and Wildlife to expend \$53,000 from the Wildlife Fund-State appropriation to implement the recreational licensing component of Engrossed Substitute Senate Bill No. 6125.

**Section 603, page 127, lines 17 and 18, Oil Spill Administration Account Appropriation (University of Washington)**

The legislative budget reduced the appropriation for the University of Washington's (UW) appropriation from the Oil Spill Administration Account by \$136,000. A reduction of this magnitude would eliminate funding for the UW's oil spill education programs in Fiscal Year 1995, hampering the state's efforts to inform operators of small commercial vessels and shoreside facilities about ways to prevent oil spills. Therefore, I am vetoing this appropriation and directing the UW to place \$89,000 of the Oil Spill Administration Account into reserve. This restores the funding to the level recommended in my supplemental budget proposal.

**Section 610(5)(a), page 134, Financial Aid (State Need Grant) Money for Post Secondary Education Resource Centers (Higher Education Coordinating Board)**

I am vetoing the proviso contained in section 610(5)(a) permitting the use of \$249,000 of current state need-grant funding to help create post-secondary education resource centers. Under this proviso, the legislature directed that these funds be used as matching funds for an equal amount of federal dollars to create these centers. Last year I worked hard to double the amount of state money available for direct grants to low-income, higher education students. I believe it is inappropriate to reduce the number of financial assistance grants made directly to students who are in need in order to set up an information service for other potential applicants. If the legislature wanted to establish this administrative unit, new money should have been provided. This veto will ensure that the original level of grants to needy students is maintained.

With the exception of sections 122(10); 122(12); 123; 132(3); 135(9); 145(15); 204(4)(h); 228(19); 303(8)(b); 305, page 87, lines 3 and 4; 305(1); 311, page 92, line 31; 311(5); 603, page 127, lines 17 and 18; and 610(5)(a), Engrossed Substitute Senate Bill No. 6244 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 6285

April 1, 1994

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

I am returning herewith, without my approval as to section 50, Senate Bill No. 6285 entitled:

"AN ACT Relating to the strengthening and reform of the regulation of financial institutions and securities;"

This is excellent legislation designed to simplify the regulation of financial institutions and securities while maintaining effective regulation to safeguard the state's financial markets. It is another effort by the state to reform the regulatory structure to reduce paperwork and unnecessary costs for the state's businesses while continuing to safeguard the public and the solvency of financial institutions.

Section 50 would eliminate an existing requirement for banks to publish statements of condition three times a year in local newspapers. The section is intended to reduce the costs of such publication for commercial banks. Statements of condition are prepared three times a year and are available from state-chartered banks and from the Department of Financial Institutions.

However, the current statute protects the public right to know the status of state-chartered institutions without requiring the public to go to extra lengths to seek such information. As such, it is a worthwhile requirement and should be maintained. Therefore, I am vetoing section 50 of Senate Bill No. 6285.

With the exception of section 50, Senate Bill No. 6285 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6339

April 1, 1994

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

I am returning herewith, without my approval as to section 10, Engrossed Substitute Senate Bill No. 6339 entitled:

"AN ACT Relating to facilitating growth management planning and decisions, integration with related environmental laws, and improving procedures for clean-up of hazardous waste sites;"

This is very valuable legislation introduced as part of the state's efforts at regulatory reform. It increases the authority of Growth Planning Hearings Boards to use hearings examiners and allows the Department of Ecology to enter into agreed orders with potentially liable parties under the Model Toxics Control Act. It allows local governments to continue to impose impact fees to pay for needed public facilities and requires local governments to adopt time limits for development permitting and to notify applicants for permits. The legislation has the effect of making the regulatory process more flexible for businesses while retaining the state's ability to protect the environment and local decision-making. It also pushes local governments to increase the predictability of local permitting while retaining local flexibility over how to meet these requirements.

Section 10 of the legislation amends RCW 70.105D.020 of the Model Toxics Control Act which is also amended in section 2 of Engrossed Substitute Senate Bill No. 6123. While both sections include identical definitions of the term "agreed order," the amendment in Engrossed Substitute Senate Bill No. 6123 contains additional new language. To avoid a double amendment of this statute, I am vetoing section 10 of Engrossed Substitute Senate Bill No. 6339.

With the exception of section 10, Engrossed Substitute Senate Bill No. 6339 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6561

March 21, 1994

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

I am returning herewith, without my approval as to sections 1, 3 and 4, Substitute Senate Bill No. 6561 entitled:

"AN ACT Relating to the marketplace program;"

Substitute Senate Bill No. 6561 makes two separate amendments to RCW 43.31.526, section 1 to be effective immediately and section 2 to be effective on July 1, 1994. The purpose of this dual amendment was to make the bill conform with the scheduled merger of the Departments of Fisheries and Wildlife. At the time that Substitute Senate Bill No. 6561 was passed, the merger of these agencies was scheduled to occur on July 1, 1994. With the passage of Senate Bill No. 6346, the merger of these agencies was moved up to March 1, 1994. Therefore, the provisions of section 1 and the related effective dates in sections 3 and 4 are no longer necessary, and for these reasons, I am vetoing sections 1, 3 and 4 of Substitute Senate Bill No. 6561.

With the exception of sections 1, 3 and 4, Substitute Senate Bill No. 6561 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

FURTHER MESSAGE FROM THE SECRETARY OF STATE

The Honorable Joel Pritchard  
President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

Mr. President:

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

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

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

(Seal) RALPH MUNRO

Secretary of State

INITIATIVE MEASURE NO. 159

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

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

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

(a) Armed criminals pose an increasing and major threat to public safety and can turn any crime into serious injury or death.  
(b) Criminals carry deadly weapons for several key reasons including: Forcing the victim to comply with their demands; injuring or killing anyone who tries to stop the criminal acts; and aiding the criminal in escaping.

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

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

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

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

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

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

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

**Sec. 2.** RCW 9.94A.310 and 1992 c 145 s 9 are each amended to read as follows:

**FIREARM AND OTHER DEADLY WEAPON ENHANCEMENTS INCREASED.**

(1) TABLE 1

Sentencing Grid

SERIOUSNESS  
SCORE OFFENDER SCORE

0 1 2 3 4 5 6 7 8 more

9 or

XV Life Sentence without Parole/Death Penalty

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

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

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

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

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

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

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

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

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

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

IV 6m 9m 13m 15m 18m 2y2m 3y2m 4y2m 5y2m 6y2m  
3- 6- 12+- 13- 15- 22- 33- 43- 53- 63-  
9 12 14 17 20 29 43 57 70 84

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

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

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

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

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

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after the effective date of this section if the offender or an accomplice was armed with a firearm as defined in RCW 9A.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a firearm as defined in RCW 9A.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after the effective date of this section under (a), (b), and/or (c) of this subsection

or subsection (4) (a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

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

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

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

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

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

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

(c) ((12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense)) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

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

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

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

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

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

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

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

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

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

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

Sec. 3. RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are each reenacted and amended to read as follows:  
PENALTIES INCREASED FOR OTHER CRIMES INVOLVING FIREARMS.

## TABLE 2

### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)

XIV Murder 1 (RCW 9A.32.030)

Homicide by abuse (RCW 9A.32.055)

XIII Murder 2 (RCW 9A.32.050)

XII Assault 1 (RCW 9A.36.011)

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

XI Rape 1 (RCW 9A.44.040)

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

- X Kidnapping 1 (RCW 9A.40.020)
  - Rape 2 (RCW 9A.44.050)
  - Rape of a Child 2 (RCW 9A.44.076)
  - Child Molestation 1 (RCW 9A.44.083)
  - Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
  - Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
  - Leading Organized Crime (RCW 9A.82.060(1)(a))
  
- IX Assault of a Child 2 (RCW 9A.36.130)
  - Robbery 1 (RCW 9A.56.200)
  - Manslaughter 1 (RCW 9A.32.060)
  - Explosive devices prohibited (RCW 70.74.180)
  - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
  - Endangering life and property by explosives with threat to human being (RCW 70.74.270)
    - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
    - Controlled Substance Homicide (RCW 69.50.415)
    - Sexual Exploitation (RCW 9.68A.040)
    - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
  
- VIII Arson 1 (RCW 9A.48.020)
  - Promoting Prostitution 1 (RCW 9A.88.070)
  - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
    - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
    - Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
    - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)
  
- VII Burglary 1 (RCW 9A.52.020)
  - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
  - Introducing Contraband 1 (RCW 9A.76.140)
  - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
  - Child Molestation 2 (RCW 9A.44.086)
  - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
    - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
    - Involving a minor in drug dealing (RCW 69.50.401(f))
    - Reckless Endangerment 1 (RCW 9A.36.045)
    - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
  
- VI Bribery (RCW 9A.68.010)
  - Manslaughter 2 (RCW 9A.32.070)
  - Rape of a Child 3 (RCW 9A.44.079)
  - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
  - Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
  - Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
    - Incest 1 (RCW 9A.64.020(1))
    - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
    - Intimidating a Judge (RCW 9A.72.160)
    - Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
    - Theft of a Firearm (RCW 9A.56.--- (section 432, chapter 7, Laws of 1994 1st sess., as amended by section 10 of this act))
  
- V Criminal Mistreatment 1 (RCW 9A.42.020)
  - Rape 3 (RCW 9A.44.060)
  - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
  - Child Molestation 3 (RCW 9A.44.089)
  - Kidnapping 2 (RCW 9A.40.030)



Extortion 1 (RCW 9A.56.120)  
Incest 2 (RCW 9A.64.020(2))  
Perjury 1 (RCW 9A.72.020)  
Extortionate Extension of Credit (RCW 9A.82.020)  
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)  
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)  
Rendering Criminal Assistance 1 (RCW 9A.76.070)  
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))  
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))  
Possession of a Stolen Firearm (RCW 9A.56.--- (section 13 of this act))

IV Residential Burglary (RCW 9A.52.025)

Theft of Livestock 1 (RCW 9A.56.080)  
Robbery 2 (RCW 9A.56.210)  
Assault 2 (RCW 9A.36.021)  
Escape 1 (RCW 9A.76.110)  
Arson 2 (RCW 9A.48.030)  
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)  
Malicious Harassment (RCW 9A.36.080)  
Threats to Bomb (RCW 9.61.160)  
Willful Failure to Return from Furlough (RCW 72.66.060)  
Hit and Run — Injury Accident (RCW 46.52.020(4))  
Vehicular Assault (RCW 46.61.522)  
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))  
Influencing Outcome of Sporting Event (RCW 9A.82.070)  
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))  
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

III Criminal mistreatment 2 (RCW 9A.42.030)

Extortion 2 (RCW 9A.56.130)  
Unlawful Imprisonment (RCW 9A.40.040)  
Assault 3 (RCW 9A.36.031)  
Assault of a Child 3 (RCW 9A.36.140)  
Custodial Assault (RCW 9A.36.100)  
Unlawful possession of firearm ~~((or pistol by felon (RCW 9.41.040)))~~ in the second degree (RCW 9.41.040(1)(b))  
Harassment (RCW 9A.46.020)  
Promoting Prostitution 2 (RCW 9A.88.080)  
Willful Failure to Return from Work Release (RCW 72.65.070)  
Burglary 2 (RCW 9A.52.030)  
Introducing Contraband 2 (RCW 9A.76.150)  
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
Escape 2 (RCW 9A.76.120)  
Perjury 2 (RCW 9A.72.030)  
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))  
Intimidating a Public Servant (RCW 9A.76.180)  
Tampering with a Witness (RCW 9A.72.120)  
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))  
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))  
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
Theft of livestock 2 (RCW 9A.56.080)  
Securities Act violation (RCW 21.20.400)

II Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)  
Theft 1 (RCW 9A.56.030)  
Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))  
Possession of phencyclidine (PCP) (RCW 69.50.401(d))  
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))  
Computer Trespass 1 (RCW 9A.52.110)

((Reckless Endangerment 1 (RCW 9A.36.045)))  
Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)

Possession of Stolen Property 2 (RCW 9A.56.160)  
Forgery (RCW 9A.60.020)  
Taking Motor Vehicle Without Permission (RCW 9A.56.070)  
Vehicle Prowl 1 (RCW 9A.52.095)  
Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
Malicious Mischief 2 (RCW 9A.48.080)  
Reckless Burning 1 (RCW 9A.48.040)  
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))  
False Verification for Welfare (RCW 74.08.055)  
Forged Prescription (RCW 69.41.020)  
Forged Prescription for a Controlled Substance (RCW 69.50.403)  
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

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

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

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

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

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

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

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

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

(5) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the sentencing guidelines commission as required in subsection (2) of this section, the sentencing guidelines commission shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the sentencing guidelines commission.

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

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

- (1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not

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

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

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

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

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

(6) The governor may pardon any offender;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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

(c) An access device; or

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

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

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

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

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

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

(4) The definition of "possessing stolen property" and the defense allowed against the prosecution for possessing stolen property under RCW 9A.56.140 shall apply to the crime of possessing a stolen firearm.

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

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

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

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

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

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

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

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

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

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

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

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

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

UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST AND SECOND DEGREE--OWNERSHIP, POSSESSION OF FIREARMS PROHIBITED FROM CERTAIN PERSONS. (1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm(~~(~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265.

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

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

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

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

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

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

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

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

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

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

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

(8) The victim was:

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

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

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

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

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

(a) Robbery in the first or second degree;

(b) Rape in the first or second degree;

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

(d) Kidnapping in the first degree; or

(e) Arson in the first degree;

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

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

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

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

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

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

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

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

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

- a. 1994 1st sp.s. c 7 s 510;
- b. 1994 1st sp.s. c 7 s 511; and
- c. 1994 1st sp.s. c 7 s 512.

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

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

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

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

#### MOTION

On motion of Senator Spanel, the Messages from the Secretary of State regarding Initiative to the Legislature Number 159 and bills that the Governor vetoed and partially vetoed in the 1994 Session were held on the desk.

#### MESSAGES FROM THE GOVERNOR

March 14, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sam Kinville, appointed March 14, 1994, for a term ending September 8, 1998, as a member of the Public Employment Relations Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

March 15, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gregory J. Ochoa, reappointed March 15, 1994, for a term ending December 5, 1996, as a member of the State Hospital, Eastern Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

March 15, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Don Simmonson, appointed March 15, 1994, for a term ending July 1, 1997, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Education.

March 16, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Dennis Dyck, appointed March 16, 1994, for a term ending December 31, 1999, as a member of the State Hospital, Eastern Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

March 16, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Murphy, reappointed March 16, 1994, for a term ending December 5, 1996, as a member of the State Hospital, Eastern Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

March 18, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gary Moore, reappointed March 18, 1994, for a term ending December 31, 1996, as a member of the State Investment Board.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Financial Institutions and Housing.

March 23, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bruce F. Baker, appointed March 23, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 23, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Ann Huntington, appointed March 23, 1994, for a term ending December 31, 1995, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

March 23, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Keiser, appointed March 23, 1994, for a term ending September 30, 1995, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 23, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bob Royer, appointed March 23, 1994, for a term ending June 13, 1996, as a member of the Washington Public Power Supply System Executive Board of Directors.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Energy, Telecommunications and Utilities.

April 5, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Swenson, appointed April 5, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Western Washington University.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Higher Education.

April 7, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul Hirai, reappointed April 7, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Higher Education.

April 7, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James D. Horton, appointed April 7, 1994, for a term ending September 30, 1997, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

April 7, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ann Miller, appointed April 7, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

April 7, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Felix Ramon, appointed April 7, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

April 25, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Julia L. Garratt, appointed April 25, 1994, for a term ending April 15, 1999, as a member of the Indeterminate Sentence Review Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

May 2, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles Alexander, appointed December 30, 1993, for a term ending July 26, 1995, as a member of the Personnel Appeals Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

May 4, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elling B. Halvorson, appointed May 4, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

May 6, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON



Ladies and Gentlemen:

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

Shirley A. Smith, reappointed May 6, 1994, for a term ending at the pleasure of the Governor as Director of the Department of Services for the Blind.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

May 10, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alberta J. Canada, appointed May 10, 1994, for a term ending September 30, 1995, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

May 10, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald V. Rhodes, appointed May 10, 1994, for a term ending September 30, 1995, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

June 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frederick S. Adair, appointed June 1, 1994, for a term running concurrent with the Governors as Chair of the Energy Facility Site Evaluation Council. Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Energy, Telecommunications and Utilities.

June 8, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald H. Brazier, appointed June 8, 1994, for a term ending December 31, 1998, as a member of the Public Disclosure Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

June 9, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James A. Tupper, Jr., reappointed for a term beginning July 1, 1994, and ending June 30, 2000, as a member of the Pollution Control Shorelines/Hearings Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

June 9, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Art Wang, appointed for a term beginning August 24, 1994, and ending July 26, 1997, as a member of the Personnel Appeals Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

June 14, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Wanda Mosbarger, reappointed for a term beginning July 1, 1994, and ending June 30, 2000, as a member of the Gambling Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Labor, Commerce and Trade.

June 15, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Schodde, appointed June 15, 1994, for a term ending September 30, 1995, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

June 16, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathryn S. Bail, reappointed June 16, 1994, for a term ending April 15, 1999, as Chair of the Indeterminate Sentence Review Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

June 17, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Dean K. Brooks, reappointed June 17, 1994, for a term ending December 5, 1997, as Chair of the State Hospital, Western Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

June 17, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ruth J. Hagerott, reappointed June 17, 1994, for a term ending December 5, 1997, as a member of the State Hospital, Western Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

June 17, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Fran Lewis, appointed June 17, 1994, for a term ending December 5, 1995, as a member of the State Hospital, Western Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

June 17, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Janda B. Volkmer, appointed June 17, 1994, for a term ending December 5, 1997, as a member of the State Hospital, Western Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

June 23, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Jess Jamieson, appointed June 23, 1994, for a term ending December 5, 1997, as a member of the State Hospital, Western Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

June 30, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Al Link, appointed June 30, 1994, for a term ending April 30, 1998, as a member of the State Board for Community and Technical Colleges.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

July 13, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Leschine, appointed July 13, 1994, for a term ending December 26, 1997, as a member of the Board of Pilotage Commissioners.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Transportation.

August 2, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sarah Phillips, appointed August 2, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

August 8, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dianne Campbell, appointed August 8, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

August 8, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gloria Mitchell, appointed August 8, 1994, for a term ending September 30, 1995, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

August 8, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dennis Stefani, appointed August 8, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

August 8, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roger Yockey, appointed August 8, 1994, for a term ending September 30, 1997, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

August 10, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John P. Sullivan, appointed August 10, 1994, for a term ending June 15, 1997, as a member of the Marine Employees' Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Transportation.

August 22, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert J. Margulis, appointed August 22, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

August 23, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James S. Hattori, reappointed August 23, 1994, for a term ending August 2, 1999, as Chair of the Lottery Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Labor, Commerce and Trade.

August 24, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Eugene G. "Pat" Patterson, appointed August 24, 1994, for a term ending June 30, 1999, as a member of the Transportation Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Transportation.

August 24, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard Thompson, reappointed August 24, 1994, for a term ending June 30, 2000, as a member of the Transportation Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Transportation.

August 29, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paula T. Crane, appointed August 29, 1994, for a term ending September 25, 1996, as a member of the Clemency and Pardons Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

September 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cyrus Vance, Jr., appointed September 1, 1994, for a term ending August 2, 1996, as a member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

October 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dorothy L. Aiken, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Debbie Aldrich, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Carver Gayton, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lynne Glore, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sally Jarvis, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles D. Kee, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ed Mayeda, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James V. Medzegian, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert Patterson, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Philip E. Sharpe, Jr., reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Barbara Stephenson, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert Tjossem, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 3, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank Armijo, reappointed October 3, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 3, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James H. Freeman, reappointed October 3, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 3, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles W. Fromhold, appointed October 3, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 3, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Virginia Sprenkle, reappointed October 3, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 3, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carol Vipperman, reappointed October 3, 1994, for a term ending September 30, 2000, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 3, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William Wiley, reappointed October 3, 1994, for a term ending September 30, 2000, as a member of the Board of Regents for Washington State University.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 7, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Ray Tobiason, reappointed October 7, 1994, for a term ending March 26, 1998, as a member of the Higher Education Facilities Authority.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 9, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judith Butler, appointed October 9, 1994, for a term ending March 26, 1995, as a member of the Higher Education Facilities Authority.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 13, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William S. Williams, appointed October 13, 1994, for a term ending December 26, 1995, as a member of the Board of Pilotage Commissioners.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Transportation.

October 24, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Grace L. Lynch, reappointed October 24, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 25, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Arland Lyons, reappointed October 25, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 25, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Donald S. Schwerin, reappointed October 25, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 25, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dennis G. Seinfeld, reappointed October 25, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 28, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Craig Cole, appointed October 28, 1994, for a term ending June 17, 1995, as a member of the Human Rights Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

November 14, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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



Emmitt Jackson, appointed November 14, 1994, for a term ending September 30, 1995, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

November 14, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alison Sing, appointed November 14, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 16, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Clyde B. Anderson, reappointed December 16, 1994, for a term ending December 31, 2000, as a member of the Parks and Recreation Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

December 16, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert C. Petersen, reappointed December 16, 1994, for a term ending December 31, 2000, as a member of the Parks and Recreation Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

December 19, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donna DeJarnatt, appointed December 19, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 19, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William L. Hamilton, appointed December 19, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 19, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank R. Sanchez, reappointed December 19, 1994, for a term ending September 30, 2000, as a member of the Board of Trustees for Central Washington University.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 19, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jack G. Skanes, appointed December 19, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Bates Technical College District No. 28.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 22, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. William R. Gillis, reappointed for a term beginning January 1, 1995, and ending January 1, 2001, as a member of the Utilities and Transportation Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Energy, Telecommunications and Utilities.

December 27, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert Helsell, reappointed December 27, 1994, for a term ending September 30, 2000, as a member of the Board of Trustees for Western Washington University.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 27, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Grace T. Yuan, reappointed December 27, 1994, for a term ending September 30, 2000, as a member of the Board of Trustees for Western Washington University.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

#### REPORT OF COMMITTEE

The Senate Committee composed of Senators Cal Anderson, Long, McAuliffe and Oke appeared before the bar of the Senate and reported that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8401, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

#### PERSONAL PRIVILEGE

Senator McDonald: "Mr. President, a point of personal privilege. I think Senator Gaspard did an extremely good job of setting the tone and this is a tone that has been consistent throughout the number of times that we have had to speak before groups around the state. It is time to put the elections behind us; it is time for us to work for the good of the order. I think it is a time, very frankly, in this body that we ought to be working to blur the line that runs down the invisible line--the very real line that runs down the middle of the aisle. I really think over the last number of years that we have gotten into bad habits that way and that there is an opportunity in this coming session to form some coalitions to form the ability to move forward on a number of issues. I think it is not one party or the other, it is both of us. This is the time to do that. I think Senator Gaspard set the right tone; it is one that our caucus definitely wants to work with you to make forward progress for this state and for the people of this state. Thank you, very much."

#### REPORT OF COMMITTEE

The Senate Committee composed of Senators Heavey, Finkbeiner, Kohl and Wood appeared before the bar of the Senate to report that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

#### PERSONAL PRIVILEGE

Senator Heavey: "Thank you, Mr. President, a point of personal privilege. Eight years ago I was sworn into the House and two days prior to that my oldest daughter was born and today is her birthday. Would you please wave to everybody, Shana, upstairs in the gallery?"

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Gaspard, the following resolution was adopted:

SENATE RESOLUTION 1995-8602

By Senators Gaspard, Snyder, McDonald, Sellar, Wojahn, Roach, A. Anderson, C. Anderson, Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood

WHEREAS, On Thursday evening, January 5, 1995, four members of the Seattle Fire Department: Lieutenant Walter D. Kilgore, Lieutenant Gregory M. Shoemaker, and Firefighters Randall R. Terlicker and James T. Brown answered their last alarm; and

WHEREAS, Their bravery, devotion to duty, and ultimate sacrifice in protecting public safety, and the lives and property of others typifies the courage, fidelity and selfless service that firefighters, police officers and other public safety workers bring to their jobs every day; and WHEREAS, Several other members of the Seattle Fire Department were injured in the line of duty while fighting the tragic fire on January 5, 1995; and

WHEREAS, Our words cannot fully express the sorrow, gratitude and pride we hold for these fallen firefighters, their grieving families, and their faithful colleagues in these days of mourning;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors the lives of Walter D. Kilgore, Gregory M. Shoemaker, Randall R. Terlicker and James T. Brown, and gratefully acknowledges their supreme sacrifice; and

BE IT FURTHER RESOLVED, That the Washington State Senate conveys its deepest sympathy to the families of these firefighters and its sincere condolence to their brothers and sisters of the Seattle Fire Department; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to Seattle Fire Chief Claude Harris and Seattle Local 27 I.A.F.F. President John Gillis for presentation to the firefighters' families.

Senators Gaspard and Prentice spoke to Senate Resolution 1995-8602.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Morris, Lisk, McMorris and Hatfield appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

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

MOTION

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

MESSAGES FROM THE HOUSE

January 9, 1995

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8401, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 9, 1995

MR. PRESIDENT:

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

TIMOTHY A. MARTIN, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4401 by Representatives Foreman and Ebersole

Resolving to meet in joint session.

MOTIONS

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

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

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

MOTION

At 2:06 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, January 10, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, JANUARY 9, 1995

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

**SECOND DAY**

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NOON SESSION

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Senate Chamber, Olympia, Tuesday, January 10, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8401.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES

January 9, 1995

The Honorable Mike Lowry  
Washington State Governor  
Legislative Building  
P. O. Box 40002  
Olympia, Washington 98504-0002

Dear Governor Lowry:

In accordance with Section 483 of the Washington Health Services Act of 1993, it gives me great pleasure to submit the enclosed report on the medical services component of the Crime Victims Compensation Program of the Department of Labor and Industries.

A copy of the report will be delivered to the Legislature for their review. If you have any questions regarding the report, you may contact Mr. Cletus Nnanabu, Program Manager of the Crime Victims Compensation Program at (206) 956-5341 or Karen Terwilleger, Assistance Director, Legislative and Governmental Affairs Division at (206) 956-4233.

Sincerely,  
MARK O. BROWN, Director

The Report from the Department of Labor and Industries is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR

January 4, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Myron (Mike) B. Kreidler, appointed January 4, 1995, for a term ending January 15, 1996, as a member of the Pacific Northwest Power and Conservation Planning Council.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Energy, Telecommunications and Utilities.

MESSAGE FROM THE HOUSE

January 9, 1995

MR. PRESIDENT:

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

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5078 by Senators Fraser, Prentice, Newhouse and Sellar

AN ACT Relating to delinquency and cancellation charges on premium finance agreements; and amending RCW 48.56.100.

Referred to Committee on Financial Institutions and Housing.

SB 5079 by Senator Fairley

AN ACT Relating to annexations of territory by direct petition method; and amending RCW 35.13.125, 35.13.130, and 35A.14.120.

Referred to Committee on Government Operations.

SB 5080 by Senators Smith, Gaspard, Roach, Long, Deccio, Haugen, Schow, Newhouse and Oke

AN ACT Relating to use of electronic security systems to prevent fraud involving driver's licenses and identicards; amending RCW 46.20.091, 46.20.117, 46.20.118, and 46.20.120; adding a new section to chapter 46.20 RCW; adding a new section to chapter 74.04 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5081 by Senators Smith, Haugen and Long

AN ACT Relating to possession of firearms; amending RCW 9.41.040, 9.41.042, 9.41.047, 9.41.050, 9.41.060, 9.41.075, 9.41.080, 9.41.0975, 9.41.098, 9.41.110, 9.41.170, 9.41.190, 9.41.280, and 9.41.800; reenacting and amending RCW 9.41.010, 9.41.070, and 9.41.090; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5082 by Senators Haugen, Owen and Loveland

AN ACT Relating to death investigations systems; amending RCW 43.43.680, 46.61.5054, 43.103.030, 43.103.090, 66.08.180, 68.50.107, and 70.58.107; and repealing 1994 c 275 s 44 (uncodified).

Referred to Committee on Law and Justice.

SB 5083 by Senators Oke, Bauer, Franklin, Haugen and C. Anderson (by request of Department of Veterans Affairs)

AN ACT Relating to the veterans affairs advisory committee; and amending RCW 43.60A.080.

Referred to Committee on Government Operations.

SB 5084 by Senators Drew, Prince, Haugen, Wood, Fairley, Franklin, Deccio and Sheldon (by request of Department of General Administration)

AN ACT Relating to state agency commute trip reduction programs; amending RCW 43.01.230, 43.01.225, 46.08.172, and 43.99H.070; and adding new sections to chapter 43.01 RCW.

Referred to Committee on Transportation.

SB 5085 by Senators Owen, Haugen, Pelz, Wood, Franklin, Deccio and Sheldon (by request of Department of General Administration)

AN ACT Relating to streamlining purchasing provisions for state agencies including Washington state ferries; amending RCW 43.19.1906, 43.19.1911, and 47.60.140; and repealing RCW 47.60.651, 47.60.653, 47.60.655, 47.60.657, 47.60.659, and 47.60.661.

Referred to Committee on Transportation.

SB 5086 by Senators Haugen, Winsley, Deccio and Heavey (by request of Department of General Administration)

AN ACT Relating to clarifying the authority to recover cost for contracts administration services within the department of general administration; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Government Operations.

SB 5087 by Senator Fraser (by request of Environmental Hearings Office)

AN ACT Relating to appeals involving environmental and land use boards; amending RCW 43.21B.160, 43.21B.170, 43.21B.190, 90.58.180, 34.05.518, 34.05.522, and 75.20.140; and repealing RCW 43.21B.140 and 43.21B.150.

Referred to Committee on Ecology and Parks.

SB 5088 by Senator Smith

AN ACT Relating to sexually violent predators; amending RCW 71.09.020, 71.09.025, 71.09.030, 71.09.040, 71.09.050, 71.09.060, 71.09.070, 71.09.080, 71.09.090, 71.09.110, and 9A.76.120; adding new sections to chapter 71.09 RCW; repealing RCW 71.09.100; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5089 by Senators Loveland, Finkbeiner and Sutherland

AN ACT Relating to 911 compatibility with private telecommunications systems and private shared telecommunications services; amending RCW 80.04.010 and 43.63A.320; adding new sections to chapter 80.36 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.32 RCW; adding new sections to chapter 38.52 RCW; adding a new section to chapter 43.22 RCW; creating a new section; and providing an effective date.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5090 by Senators Drew, Quigley, Long, C. Anderson, Rasmussen and Fairley

AN ACT Relating to public-private transportation initiatives; and repealing RCW 47.46.010, 47.46.020, 47.46.030, 47.46.040, 47.46.050, and 47.46.900.

Referred to Committee on Transportation.

SB 5091 by Senators Haugen, Winsley and Pelz

AN ACT Relating to public utility district alternative bid procedure; and amending RCW 54.04.082.

Referred to Committee on Government Operations.

SB 5092 by Senators Haugen, Winsley and Quigley

AN ACT Relating to library facilities; adding a new section to chapter 36.32 RCW; adding a new chapter to Title 27 RCW; and repealing RCW 27.14.010, 27.14.015, 27.14.020, 27.14.030, 27.14.035, 27.14.040, and 27.14.050.

Referred to Committee on Government Operations.

SB 5093 by Senators Haugen, Winsley, Rasmussen and Drew

AN ACT Relating to fire protection; amending RCW 4.24.400, 9.40.100, 18.20.130, 18.46.110, 18.51.140, 18.51.145, 19.27A.110, 28A.305.130, 35.21.779, 38.54.010, 38.54.030, 38.54.050, 43.43.710, 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.330, 43.63A.340, 43.63A.350, 43.63A.360, 43.63A.370, 43.63A.377, 46.37.467, 48.05.320, 48.48.030, 48.48.040, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, 48.48.140, 48.48.150, 48.50.020, 48.50.040, 48.53.020, 48.53.060, 70.41.080, 70.75.020, 70.75.030, 70.75.040, 70.77.170, 70.77.250, 70.77.305, 70.77.315, 70.77.330, 70.77.360, 70.77.365, 70.77.375, 70.77.415, 70.77.430, 70.77.455, 70.77.460, 70.77.465, 70.77.575, 70.77.580, 70.108.040, 70.160.060, 71.12.485, 74.15.050, 74.15.080, and 52.12.031; adding a new section to chapter 43.10 RCW; adding new sections to chapter 43.43 RCW; creating new sections; recodifying RCW

43.63A.300, 43.63A.310, 43.63A.320, 43.63A.330, 43.63A.340, 43.63A.350, 43.63A.360, 43.63A.370, 43.63A.375, 43.63A.377, and 43.63A.380; repealing RCW 48.48.120; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5094 by Senators Haugen, Winsley, Rinehart, Drew, Rasmussen, Pelz and Oke

AN ACT Relating to emergency management; amending RCW 38.52.005, 38.52.090, 38.52.420, 38.54.010, 38.54.020, 46.16.340, and 88.46.100; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5095 by Senators Hargrove and Franklin (by request of Department of Corrections)

AN ACT Relating to admissibility in court of records certified by the secretary of corrections or his or her designee; and adding a new section to chapter 72.01 RCW.

Referred to Committee on Human Services and Corrections.

SB 5096 by Senators Hargrove, Franklin, Kohl and Oke (by request of Department of Corrections)

AN ACT Relating to work ethic camps; amending RCW 9.94A.137; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4400 by Representatives Foreman and Ebersole

Establishing legislative cutoff dates.

HOLD.

#### MOTION

On motion of Senator Spanel, House Concurrent Resolution No. 4400 was held on the desk.

#### MOTIONS

On motion of Senator Spanel, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5003. On motion of Senator Spanel, Senate Bill No. 5003 was referred to the Committee on Agriculture and Agricultural Trade and Development.

#### MOTION

At 12:07 p.m., on motion of Senator Spanel, the Senate recessed until 4:30 p.m.

The Senate was called to order at 4:34 p.m. by President Pritchard.  
The members of the Senate retired to the House Chamber for the purpose of a joint session.

#### JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard; President Pro Tempore R. Lorraine Wojahn; Vice President Pro Tempore Rosa Franklin; Majority Leader Marcus S. Gaspard; and Minority Leader Dan McDonald to seats on the rostrum.

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

The Speaker presented the gavel to President Pritchard.



The President called the Joint Session to order.

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

The Secretary of the Senate called the roll of members of the Senate.

The President announced the purpose of this Joint Session is to receive a message from his Excellency, Governor Mike Lowry.

The President appointed Senators Sheldon and West and Representatives Brumsickle and Mason as a special committee to inform Governor Mike Lowry that the Joint Session had assembled and to escort him from his office to the House Chamber.

The President appointed Senators Smith, Cal Anderson, Roach and Johnson and Representatives Sheahan, Hickel, Lambert, Costa and Cody to escort the Supreme Court Justices from the State Reception Room to the House Chamber.

The President appointed Senators Fraser, Franklin, Morton, and Hochstatter and Representatives Fuhrman, Cooke and Dickerson to escort the Elected Officials from the State Reception Room to the House Chamber.

#### INTRODUCTION OF SPECIAL GUESTS

The President greeted and introduced the foreign dignitaries with the Consular Corps of the State of Washington: Mr. Masaki Saito, Consul General from Japan and Dean of the Consular Corps of Washington State; Mr. Haisson Lee, Consul General from South Korea and Vice-Dean of the Consular Corps, and Mrs. Lee; Mr. Stephen Turner, Consul General from Great Britain; Mr. Bernard Gagosz, Consul General from Canada; Mr. Andreas Prothmann, Consul from Germany, and Mrs. Prothmann; Vicente Montemayor, Consul from Mexico; Mr. Georgi Vlaskin, Consul from Russia and Mr. H. T. Chen, Director General of Taiwan.

The President greeted and introduced the Justices of the Supreme Court: Chief Justice Barbara Durham, Justice Robert Utter, Justice James M. Dolliver, Justice Richard Guy, Justice Charles Z. Smith, Justice Charles Johnson, Justice Barbara Madson, Justice Gerry Alexander and Justice Phil Talmadge.

The President greeted and introduced the State Elected Officials: Secretary of State Ralph Munro, State Treasurer Dan Grimm, State Attorney General Christine Gregorie, Insurance Commissioner Deborah Senn, State Auditor Brian Sonntag and Superintendent of Public Instruction Judith Billings.

The President greeted and introduced former Governor Al Rosellini and Mrs. Rosellini, who were seated in the gallery.

The President introduced the Blaine High School Choir, directed by Andy Harmening, who sang the National Anthem and a selection entitled 'Sweet Freedom' by Mac Huff.

The President instructed the special committee to escort Governor Lowry to his place on the rostrum.

The President introduced the Governor's wife, Mrs. Mary Lowry, and his mother, Mrs. Helen Lowry who were seated in the gallery.

#### INTRODUCTION OF THE GOVERNOR BY SPEAKER BALLARD

Speaker Ballard: "It is a pleasure and honor for me to join with President of the Senate, Joel Pritchard, in introducing the Governor of the state of Washington. Governor Mike Lowry has served our great state with distinction. He continues to serve the people of Washington with uncommon dedication and commitment. Throughout a career that has seen him work right here in the legislative committee process, serve the people of King County on their county council, represent our state in the U. S. Congress and now providing leadership for all Washingtonians as our Governor.

"Mike Lowry has remained a true, honest and steadfast servant of the people. In politics and government, those of us in public service are judged both by our philosophy and our personal qualities. While we may not always share the same philosophy, it is our personal qualities that enable us to work together for the betterment of our state. From personal experience, I can assure you that Mike Lowry is a man of honor, a man who is true to his beliefs and absolutely committed to what he believes to be the best interest of all citizens.

"Ladies and Gentlemen, I present to you the Governor of the great state of Washington, the Honorable Mike Lowry."

#### STATE OF THE STATE ADDRESS GOVERNOR MIKE LOWRY

Governor Lowry: "Thank you, Mr. Speaker. Mr. President, distinguished members of the Supreme Court, Governor Rosellini, distinguished state elected officials, members of the Legislature and citizens of the great state of Washington. Thank you, for the privilege of serving as your Governor.

"First, I know I speak for every person in this state in extending our condolences to the families and friends of four Seattle firefighters who, this week, gave their lives in service. Our hearts and prayers go out to them.

"I would like to begin by acknowledging the members of the Consular Corps of Washington, who are here today representing many of the nations with which our state maintains bonds of friendship and of trade. Your efforts help us create and expand markets in the rest of the world. To supply those markets, our people get up every morning and go to work to build the best airplanes, grow the best wheat and apples, design the best computer software, and develop a cure for cancer. One in five jobs in Washington depends on trade. Trade sustains our economy and that economy, in the past two years, has put more Washingtonians to work than ever before. We welcome you and we value your friendship.

"The history of Washington State is one of partnership, of people coming together to work for the progress of all the people of the state. It is a history of Democrats, Republicans and Independents, rising above short-term politics for the good of the state, and more importantly, for our children and our grandchildren. This ability to work together, to form partnerships for the common good, is our Northwest ethic. As Governor, I see examples of that ethic at work every day.

"It is the kind of ethic we've seen working in Hoquiam. When the Grays Harbor Paper Company closed, local officials and a private citizen, Bill Quigg, put together a team of business, labor, state and federal representatives with the citizens of Grays Harbor, got that pulp mill running again and saved three hundred jobs. Bill Quigg could not be here today, but Hoquiam Mayor, Phyllis Shrauger, is. Please join me in congratulating Bill Quigg, Mayor Shrauger, and their whole team for their leadership.

"We saw another example of our Northwest ethic at work in Central Washington this last summer, when public employees and private citizens joined together in a massive effort to control the nation's largest forest fire. In less than twelve hours, our emergency response plan delivered to the scene more than sixty firefighting units--teams--with the end result of their work, no loss of life and minimum loss of structures. With us today is Ray Dobbs of KOZI Radio on the shores of Lake Chelan. His station kept broadcasting the fire news twenty-four hours a day, providing critical information to the public. Also, with us is Ed Small, Director of Emergency Services, and Richard Small of Fire Protection Services. They represent the many fine state and other public employees, who with Land's Commissioner Jennifer Belcher, Speaker Clyde Ballard, Senator George Sellar and Representative Dale Foreman worked night and day coordinating that massive response. We applaud you and all the people who worked with you. Please stand.

"This Northwest ethic has made this a great state in which to live and raise a family. I am here to talk to you about continuing that Northwest ethic of partnership for the good of the state of Washington. I'd like you all to consider just how far that partnership has brought us in the past two years. In two years, we cut unemployment from 7.8% to 6.1%--a 23% reduction; we cut growth in state staffing levels to less than zero, when for the past decade they had grown by an average of 5,000 positions every biennium. We cut the sky-rocketing costs of health care. Two years ago, state employee premiums were increasing faster than 11% a year. This year, we changed that 11% increase to a 6% decrease for a savings of millions of dollars. These are only a few examples, and we still have much to do, but we are making excellent progress.

"One message we've all heard loud and clear is that the voters want a smaller state government--one that operates efficiently and concentrates on priorities. I agree and see this as one of our primary responsibilities. The new budget I submitted to you last month takes additional steps to get government out of areas where it doesn't need to be, while focusing on such key priorities as private sector jobs, public safety, education and protection of our natural resources. It holds the number of state employees to less than existed when I took office in 1993--a dramatic reversal of the trend established over the past decade. Reducing state employment to its lowest level in years will require courage. We sometimes have to disagree with our friends. I know many of my friends certainly disagree with me on this subject. Nevertheless, the cutbacks must go forward. We will have a smaller government. We will have a better government.

"The most important reason we are able to have a smaller, better government is the dedication of hard-working, skilled state employees. My admiration for them grows daily. I admire them for what they do and how well they do it and without receiving a cost-of-living adjustment in their pay for the past two years. On behalf of everyone in this chamber, I want to say to the state employees of this state, 'Thank you for a job well done.'

"Smaller and better government means more efficient and less intrusive regulations. This week, I sent to you legislation that, among other things, directs state agencies to focus on helping businesses comply with necessary rules, rather than penalizing them for minor infractions. And I have requested additional funding to help local governments better coordinate growth management planning with existing environmental laws. These recommendations come from sixteen months of hard work by the Regulatory Reform Task Force. This task force comprised of state legislators and representatives from business, labor, agriculture, conservation groups, state agencies and local governments, have reduced significant regulatory reform. Working together has again brought meaningful progress. I congratulate and thank them.

"Reducing duplication and regulations without removing those that protect the environment and public health and safety will make our state a better place to live, raise a family, and hold a good paying job. Good paying jobs are the top priority of the Lowry Administration. If everyone in the state had a family-wage job, ninety-five percent of the problems we deal with would be resolved. Since this time two years ago, our economy has created 70,000 net new jobs. Despite a loss of 20,000 jobs in the aerospace industry and job losses in our timber and fishing communities, we nevertheless have 70,000 more people employed now than we did in 1992. That net growth in jobs is ten times greater than the last time there were comparable Boeing cutbacks--ten times greater.

"But, we cannot rest now. Investment incentives, regulatory reform, quality education, a quality environment, safe communities are all important for a strong Washington economy. I am offering for your approval a Manufacturing Tax Incentive that would create as many as 45,000 high-wage jobs in our state over the next four years, according to a report from the Association of Washington Business. I am also putting before you a program to provide tax credits to companies that hire and train people now on welfare. Over the next two years, this measure would put 5,000 people to work at wages adequate to support their families and remove them permanently from the welfare rolls. That's a good tax investment for the future that will pay for itself many times over.

"It's easy to blame people on welfare--or new immigrants--or anyone else having trouble securing a stable place in our society, where more and more good paying jobs are connected with getting a good--often technical--education. But the facts are that most people who have to ask the government for help are in their mid-forties and have recently lost their jobs. Many others are recently divorced single women with children. Mocking them, denying them aid, keeping their children from receiving medical care or going to school--does neither help them, nor does it help society. But, providing them the tools to get a good job will help us all.

"Nothing the state does is more important for quality jobs in our society than education. No state government investment is more important, and nearly one-half of the General Fund Budget for the next two years will go to paying for schooling our youngsters. For twenty years, young students have been staying after school for Aki Kurose's science club at Laurelhurst Elementary, where she teaches first grade. The forty-some youngsters in the club discuss science with University of Washington physicists, chemists, zoologists and other scientists. With astronomers, they watched the meteor showers that recently stretched across our skies. Some former club members have now chosen careers in science. In 1990, Ms. Kurose received the Presidential Award for Excellence in teaching science and math from President George Bush. She is here today. Thank you, Aki; and will you please stand, so we can thank you and the thousands of other educators who in this state daily make a difference in the lives of many, many children.

"Because of a burgeoning population and the increasing educational demands of the job market, we expect a considerable rise in the number of students wanting to enter our excellent higher education system. Making sure that they have the chance for quality education, is critically important to our top priority of family-wage jobs. The Higher Education Tax Incentive that I am proposing would increase funding for student financial aid by nearly fifty percent. This will protect middle-income and lower-income families from being excluded from higher education.

"Altogether, I am asking you to approve measures that would increase financial aid eligibility limits on family incomes that are now too low--\$17,000 a year, to as high, in some cases--\$55,000 a year, to help the families that need the help. We cannot afford to lose any of our leaders of tomorrow, because they could not pay the cost of their education today.

"One thing we have done as a state that is also making a big difference in the lives of many children and adults, as well, is the adoption in 1993 of the Historic Washington Health Services Act. In its first two years of existence, that new law will make 138,000 children from lower-income families eligible to receive health coverage--children who might otherwise be denied adequate care. And in our state, no one will be denied from health insurance because of pre-existing conditions or job change. Those are things that everyone in this chamber should be proud of. I am pleased to report that cost increases in private insurance claims have dropped to the lowest rate in seven years. Increases in insurance premiums for large companies of Washington State are about half the national average. We must preserve the gains made under reform. We all need to keep working to achieve universal coverage and cost savings and we must not let special-interest lobbying keep us from that goal.

"We are the seventh fastest growing state in the nation. Every two years, that increase equals the population of another Tacoma. As population grows, our sense of community comes under strain, as does our natural environment. We have threatened watersheds and polluted and overdrawn sources of ground water. Our choices are clear. We can restore our watersheds ourselves or we can wait and let the federal courts or federal government decide for us. Waiting would be politically shortsighted. I am seeking your approval of a Water Policy/Salmon plan to fund local watershed and restoration efforts. This measure protects the environment and leaves a lasting legacy for our future generations.

"We must also continue our efforts to address the growing problems of crime in our many communities. Not just as Governor, but as a father, a son, and a husband, I share the public's concern about crime and their anger at those who victimize innocent people. I am asking in our Smart on Crime Initiative for tougher sentences for violent criminals. I remain unconvinced that we know how to cure the violence. Until we do, we must secure these people behind prison walls and we must increase penalties for crimes committed with guns. We also must recognize that any realistic solution to our crime problems does not stop at the prison door. Anyone in law enforcement can tell you that criminal behavior is closely linked to joblessness, lack of education, domestic violence, fetal alcohol syndrome and child abuse. The answers to these problems can be found in strong families and strong communities.

"Last year, the Legislature approved the Youth Agenda designed to provide additional support in these areas. This year's Smart on Crime Initiative would strengthen law enforcement's ability to pick up runaways, support parents better, and increase their responsibility for their children. It would provide safe places to help troubled youth stay away from crime and violence, to protect them from abuse, and provide job training to those who need it. We all want to be tough on crime. To do that, we also must be Smart on Crime.

"For two years, our Youth Agenda teams have been asking people, 'What are the most important factors in the development of our youth?' The answer consistently has been that every child needs to know that there are adults who love them--every child needs to know that there are adults who care. The answer to our youth problems is in strong families, strong communities and adults who care.

"I grew up in a wonderful family in Eastern Washington. There were fourteen in my high school graduating class. In our town, everybody knew what everybody else was doing. Maybe we were snoopy, but we had a sense of community. Every once in awhile, I would get into trouble, but there were always adults who would ask, 'Have you seen Mike today?' because they cared. Today, we need that same caring. Today, we must refuse to accept the excuse that just because most of us now live in larger populations, that it is okay for us to ignore our responsibilities to our communities, because it is not. Everyone of us must make sure that each child in our community knows we care--that each child knows we care today, and everyday in the future. That, more than anything else, is what we must put before political expediency.

"Today, I am calling for a recommitment by all of us to community. A recommitment that will create family wage jobs, reduce crime, fight bigotry and discrimination; ensure health care, reduce traffic congestion, protect the environment and better the lives of our children. None of these are partisan matters. They are above partisanship. They are the challenges our citizens expect us to meet. I know we can do that. I know we can say 'no' to partisan divisiveness and 'yes' to working together for the common good of the state of Washington--'yes' to a Northwest ethic of partnership that will make our great state even greater.

"Thank you, for the honor of serving as your Governor."

The President of the Senate instructed the special committee to escort the Governor from the House Chamber.

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

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

#### MOTION

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

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

The Speaker instructed the Sergeants at Arms of the House and the Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard; President Pro Tempore R. Lorraine Wojahn; Vice President Pro Tempore Rosa Franklin, Majority Leader Marcus S. Gaspard; Minority Leader Dan McDonald and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 5:43 p.m. by President Pritchard.

#### MOTION

At 5:43 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, January 11, 1995.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SECOND DAY, JANUARY 10, 1995

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

**THIRD DAY**

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 11, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Ann Anderson, Cal Anderson, Drew, Franklin, Gaspard, Heavey, Kohl, Prentice, Prince, Rinehart, Roach, Schow, Smith and Swecker. On motion of Senator Loveland, Senators Cal Anderson, Gaspard, Heavey, Kohl, Prentice, Rinehart and Smith were excused.

The Sergeant at Arms Color Guard, consisting of Pages Casey Bruce and Ben Craighead, presented the Colors. Reverend Kathryn Everett, pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

Mr. President:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 164, originally filed with this office on August 2, 1994. On December 30, 1994, the sponsor of the proposed initiative filed 15,282 petition sheets in support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 231,872 signatures.

Accordingly, pursuant to the provisions of Article 2, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 164 to you at this time. We expect to complete verification of signatures no later than February 13, 1995, and we will provide the Legislature with a final certification as soon as possible thereafter.

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

(Seal) RALPH MUNRO,

Secretary of State

**INITIATIVE MEASURE NO. 164**

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

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

**NEW SECTION. Sec. 1.** This act is intended to provide remedies to property owners in addition to any constitutional rights under the state and/or federal constitutions and is not intended to restrict or replace any constitutional rights.

**NEW SECTION. Sec. 2.** This act shall be known as the private property regulatory fairness act.

**NEW SECTION. Sec. 3.** A regulation of private property or restraint of land use by a governmental entity is prohibited unless a statement containing a full analysis of the total economic impact in private property of such regulation or restraint is prepared by the entity and made available to the public at least thirty days prior to adoption of the regulation or imposition of the restraint. Such statement shall identify the manner in which the proposed action will substantially advance the purpose of protecting public health and safety against identified public health or safety risks created by the use of private property, and analyze the economic impact of all reasonable alternatives to the regulation or restraint. Should the governmental entity choose to adopt a proposed regulation or restraint on the use private property, the governmental entity shall adopt the regulation or restraint that has the least possible impact on private property and still accomplishes the necessary public purpose.

**NEW SECTION. Sec. 4.** (1) A portion or parcel of private property shall be considered to have been taken for general public use when:

(a) a governmental entity regulates or imposes a restraint of land use on such portion or parcel of property for public benefit including wetlands, fish or wildlife habitat, buffer zone, or other public benefit designations; and

(b) no public nuisance will be created absent the regulation; and

(2) When private property is taken for general public use, the regulating agency or jurisdiction shall pay full compensation of reduction in value to the owner, or the use of the land by the owner may not be restricted because of the regulation or restraint. The jurisdiction may not require waiving this compensation as a condition of approval of use or another permit, nor as a condition for subdivision of land.

(3) Compensation must be paid to the owner of a private property within three months of the adoption of a regulation or restraint which results in a taking for general public use.

(4) A governmental entity may not deflate the value of property by suggesting or threatening a designation to avoid full compensation to the owner.

(5) A governmental entity that places restrictions on the use of public or private property which deprive a landowner of access to his or her property must also provide alternative access to the property at the governmental entity's expense, or purchase the inaccessible property.

(6) The assessor shall adjust property valuation for tax purposes and notify the owner of the new tax valuation, which must be reflected and identified in the next tax assessment notice.

(7) The state is responsible for the compensation liability of other governmental entities for any action which restricts the use of property when such action is mandated by state law or any state agency.

(8) Claims for compensation as a result of a taking of private property under this act must be brought within the time period specified in RCW 4.16.020.

**NEW SECTION. Sec. 6.** No governmental entity may require any private property owner to provide or pay for any studies, maps, plans, or reports used in decisions to consider restricting the use of private property for public use.

**NEW SECTION. Sec. 7.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Full compensation" means the reduction in the fair market value of the portion or parcel of property taken for general public use which is attributable to the regulation or restraint. Such reduction shall be measured as of the date of adoption of the regulation or imposition of restraint on the use of private property.

(2) "Governmental entity" means Washington state, state agencies, agencies and commissions funded fully or partially by the state, counties, cities, and other political subdivisions.

(3) "Private property" means -

(a) land;

(b) any interest in land or improvements thereon;

(c) any proprietary water right;

(d) Any crops, forest products, or resources capable of being harvested or extracted that is owned by a non-governmental entity and is protected by either the Fifth or Fourteenth Amendments to the U.S. Constitution or the Washington State Constitution.

(4) "Restraint of land use" means any action, requirement, or restriction by a governmental entity, other than actions to prevent or abate public nuisances, that limits the use or development of private property.

**NEW SECTION. Sec. 8** This act may be enforced in Superior Court against any governmental entity which fails to comply with the provisions of this act by any owner of property subject to the jurisdiction of such entity. Any prevailing plaintiff is entitled to recover the costs of litigation, including reasonable attorney's fees.

**NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 10.** Sections 1 through 8 of this act shall constitute a new chapter in Title 64 RCW.

EDITOR'S NOTE: The copy of Initiative Measure No. 164, as submitted to the Senate, did not have a Section 5.

#### MOTION

On motion of Senator Spanel, Initiative Measure No. 164 was held on the desk.

#### MESSAGES FROM THE HOUSE

January 10, 1995

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8401, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 10, 1995

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4401, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4401.

#### INTRODUCTION AND FIRST READING

SB 5097 by Senators Swecker, Snyder, Palmer, Haugen and Winsley

AN ACT Relating to preserving port district debt limits; and amending RCW 53.36.030.

Referred to Committee on Government Operations.

SB 5098 by Senators Loveland and Winsley

AN ACT Relating to county financial functions; reenacting RCW 3.02.045, 35.49.130, 36.17.042, 36.29.010, 39.44.130, 39.46.020, 39.46.030, 39.46.110, 39.50.030, 43.80.125, and 46.44.175; and creating a new section.

Referred to Committee on Government Operations.

SB 5099 by Senators Fairley and McAuliffe

AN ACT Relating to community public health and safety networks; and amending RCW 70.190.005, 70.190.070, and 70.190.080.

Referred to Committee on Human Services and Corrections.

SB 5100 by Senator Fairley

AN ACT Relating to community public health and safety networks; and amending RCW 70.190.070.

Referred to Committee on Human Services and Corrections.

SB 5101 by Senators Drew, Oke, Haugen and Winsley (by request of Department of Fish and Wildlife)

AN ACT Relating to game fish catch record cards; and amending RCW 77.32.050, 77.32.060, 77.32.070, 77.32.090, 77.32.250, 77.32.256, and 77.32.360.

Referred to Committee on Natural Resources.

SB 5102 by Senators Rinehart and West (by request of Office of Financial Management)

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997; amending RCW 41.06.150 and 90.56.510; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5103 by Senators Rinehart and West (by request of Office of Financial Management)

AN ACT Relating to fiscal matters; amending 1994 sp.s. c 6 ss 110, 111, 113, 117, 119, 122, 218, 124, 132, 138, 142, 145, 202, 203, 204, 205, 206, 208, 212, 213, 214, 216, 217, 221, 223, 224, 225, 303, 310, 311, 313, 314, 315, 502, 503, 504, 505, 507, 508, 509, 510, 511, 512, 516, 602, 603, 604, 606, 613, 617, 803, and 804 (uncodified); 1994 sp.s. c 7 s 919 (uncodified); 1993 sp.s. c 24 ss 201, 218, 711, and 804; 1993 sp.s. c 22 s 816 (uncodified); adding new sections to 1993 sp.s. c 24 (uncodified); repealing 1993 sp.s. c 2 s 709 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5104 by Senators Loveland and West (by request of Office of Financial Management)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for the capital improvements; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5105 by Senators Loveland and West (by request of Office of Financial Management)

AN ACT Relating to general obligation bonds; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways and Means.

SB 5106 by Senators Morton, Owen, Drew, Sellar, Hochstatter, Fraser, Newhouse, Prince, Haugen and Oke

AN ACT Relating to grizzly bear management; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

SB 5107 by Senator Smith

AN ACT Relating to survival of actions; and amending RCW 4.24.010, 43.20B.415, and 43.20B.445.

Referred to Committee on Law and Justice.

SB 5108 by Senators Snyder, Winsley and Palmer

AN ACT Relating to hunting licenses; and amending RCW 77.32.155.

Referred to Committee on Natural Resources.

SB 5109 by Senator Quigley

AN ACT Relating to reviewing programs at institutions of higher education scheduled for closure; and amending RCW 28B.80.340.

Referred to Committee on Higher Education.

SB 5110 by Senator Quigley

AN ACT Relating to abolishing the office of lieutenant governor; amending RCW 28B.07.030, 29.30.020, 29.80.030, 29.81.090, 41.60.015, 43.01.010, 43.03.010, 43.03.011, 43.03.020, 43.06.040, 43.33.010, 43.34.010, 43.43.858, 44.52.010, and 70.37.030; adding a new section to chapter 43.06 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Government Operations.

SB 5111 by Senators Quigley and Pelz

AN ACT Relating to abolishing the office of the superintendent of public instruction; creating a new section; and providing a contingent effective date.

Referred to Committee on Government Operations.

SB 5112 by Senator Quigley

AN ACT Relating to abolishing the office of the commissioner of public lands; creating a new section; and providing a contingent effective date.

Referred to Committee on Government Operations.

SB 5113 by Senator Quigley

AN ACT Relating to abolishing the office of the state treasurer; creating a new section; and providing a contingent effective date.

Referred to Committee on Government Operations.

SB 5114 by Senator Quigley

AN ACT Relating to abolishing the office of the insurance commissioner; creating a new section; and providing for submission of this act to a vote of the people.

Referred to Committee on Government Operations.

SB 5115 by Senators Quigley, McAuliffe and Pelz

AN ACT Relating to political telemarketing; and amending RCW 42.17.020 and 42.17.510.



Referred to Committee on Law and Justice.

SB 5116 by Senator Quigley

AN ACT Relating to campaign contribution and spending limits; amending RCW 42.17.610, 42.17.620, 42.17.390, 42.17.395, 42.17.640, 42.17.660, 42.17.680, and 42.17.690; adding new sections to chapter 42.17 RCW; adding a new section to chapter 29.80 RCW; prescribing penalties; and providing for submission of this act to a vote of the people.

Referred to Committee on Law and Justice.

SB 5117 by Senators West, Deccio, A. Anderson, Rasmussen, Cantu, Oke, McCaslin, Roach, Prince, Schow, Moyer, Swecker, Hochstatter, Johnson, Long, Finkbeiner, Palmer, Morton, Sellar, Newhouse, Haugen, Loveland, Owen, Bauer and Hargrove

AN ACT Relating to employment of minors; amending RCW 49.12.121; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5118 by Senators Winsley, Long, Bauer, Loveland and Fraser

AN ACT Relating to the calculation of excess compensation for retirement purposes; and amending RCW 41.50.150.

Referred to Committee on Ways and Means.

SB 5119 by Senators Bauer, Long, Winsley, Loveland, Newhouse, Fraser, Gaspard, Haugen, Sutherland and McAuliffe

AN ACT Relating to cost-of-living allowances for retirement purposes; reenacting and amending RCW 41.32.010 and 41.40.010; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; creating a new section; repealing RCW 41.32.487, 41.32.4871, 41.32.488, 41.32.499, 41.32.575, 41.40.195, 41.40.198, 41.40.1981, 41.40.1983, and 41.40.325; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5120 by Senators Long, Newhouse, Bauer, Winsley, Loveland, Fraser and Haugen

AN ACT Relating to death benefits under the law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.510 and 41.26.540; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5121 by Senators Rasmussen, Morton, Snyder, Newhouse, Loveland, A. Anderson, Hochstatter, Haugen and Deccio

AN ACT Relating to agricultural safety standards review; adding a new section to chapter 49.17 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SJR 8203 by Senators Quigley and Pelz

Abolishing the office of the superintendent of public instruction.

Referred to Committee on Government Operations.

SJR 8204 by Senator Quigley

Amending the Constitution to eliminate the position of commissioner of public lands.

Referred to Committee on Government Operations.

SJR 8205 by Senator Quigley

Amending the Constitution to eliminate the state treasurer.

Referred to Committee on Government Operations.

SJR 8206 by Senator Quigley

Abolishing the secretary of state.

Referred to Committee on Government Operations.

#### MOTIONS

On motion of Senator Spanel, the Committee on Health and Long-Term Care was relieved of further consideration of the following Gubernatorial Appointments:

Gubernatorial Appointment No. 9009, Dr. Dean Brooks, as Chair of the State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9016, Dr. Dennis Dyck, Member, State Hospital, Eastern Washington Advisory Board;  
Gubernatorial Appointment No. 9023, Ruth Hagerott, Member, State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9032, Dr. Jess Jamieson, Member, State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9038, Fran Lewis, Member, State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9049, John Murphy, Member, State Hospital, Eastern Washington Advisory Board;  
Gubernatorial Appointment No. 9050, Gregory Ochoa, Member, State Hospital, Eastern Washington Advisory Board;  
Gubernatorial Appointment No. 9078, Janda Volkmer, Member, State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9085, Cornell Cebrian, Member, State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9090, Arlene B. Engel, Member, State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9094, Darrell Hamilton, Member, State Hospital, Western Washington Advisory Board; and  
Gubernatorial Appointment No. 9066, Shirley Smith, as Director of the Department of Services for the Blind.

On motion of Senator Spanel, the following Gubernatorial Appointments were referred to the Committee on Human Services and Corrections:

Gubernatorial Appointment No. 9009, Dr. Dean Brooks, as Chair of the State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9016, Dr. Dennis Dyck, Member, State Hospital, Eastern Washington Advisory Board;  
Gubernatorial Appointment No. 9023, Ruth Hagerott, Member, State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9032, Dr. Jess Jamieson, Member, State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9038, Fran Lewis, Member, State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9049, John Murphy, Member, State Hospital, Eastern Washington Advisory Board;  
Gubernatorial Appointment No. 9050, Gregory Ochoa, Member, State Hospital, Eastern Washington Advisory Board;  
Gubernatorial Appointment No. 9078, Janda Volkmer, Member, State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9085, Cornell Cebrian, Member, State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9090, Arlene B. Engel, Member, State Hospital, Western Washington Advisory Board;  
Gubernatorial Appointment No. 9094, Darrell Hamilton, Member, State Hospital, Western Washington Advisory Board; and  
Gubernatorial Appointment No. 9066, Shirley Smith, as Director of the Department of Services for the Blind.

#### MOTION

At 10: 17 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, January 12, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 11, 1995

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

**FOURTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, January 12, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

MESSAGE FROM THE GOVERNOR

January 5, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Kenneth Casavant, reappointed January 15, 1995, for a term ending January 15, 1998, as a member of the Pacific Northwest Power and Conservation Planning Council.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Energy, Telecommunications and Utilities.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
HEALTH SERVICES COMMISSION

January 10, 1995

TO: Agency Directors

FROM: Bernie Dochnahl, Chair

SUBJECT: HEALTH SERVICES COMMISSION RECOMMENDATIONS

Enclosed please find a copy of Volume One: Executive Summary, the January 10, 1995 Washington Health Services Commission recommendations to the Governor and to the Washington State Legislature. This summarizes the recommendations pertaining to the implementation of the Washington Health Services Act of 1993.

Volume Two: Draft Rules, Reports and Proposed Legislation (Parts A and B) contains the substantive information and is available to you for purchase. Here is an order form to obtain additional copies of Volume One and or copies of Volume Two (Parts A and B).

The Report from the Health Services Commission is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5122 by Senators Smith, Hale, Long and Loveland

AN ACT Relating to the number of district court judges; and amending RCW 3.34.010.

Referred to Committee on Law and Justice.

SB 5123 by Senators Wojahn, Wood, Prentice, McDonald, C. Anderson, Hale and Winsley

AN ACT Relating to taxation of bottled water; amending RCW 82.08.0293 and 82.12.0293; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5124 by Senators Wojahn, Sheldon, Prentice, C. Anderson, McAuliffe and Kohl

AN ACT Relating to marriage licenses; and amending RCW 26.04.160.

Referred to Committee on Health and Long-Term Care.

SB 5125 by Senators Wojahn, Prentice, C. Anderson, Fraser, McAuliffe and Kohl

AN ACT Relating to firearms in the possession of the Washington state patrol; and amending RCW 9.41.098.

Referred to Committee on Law and Justice.

SB 5126 by Senators Drew, Oke and Owen (by request of Department of Fish and Wildlife)

AN ACT Relating to recovery of moneys pursuant to forfeitures or court-ordered restitution; amending RCW 75.08.230, 75.10.030, 77.12.170, and 77.21.010; and creating a new section.

Referred to Committee on Natural Resources.

SB 5127 by Senators West, Haugen, Morton, Prince, Moyer and McCaslin

AN ACT Relating to public facilities districts; amending RCW 36.100.030 and 82.14.048; and adding new sections to chapter 36.100 RCW.

Referred to Committee on Government Operations.

SB 5128 by Senators Drew, Owen, Spanel and Snyder (by request of Department of Fish and Wildlife)

AN ACT Relating to salmon charter licenses; and amending RCW 75.28.095.

Referred to Committee on Natural Resources.

SB 5129 by Senators Sheldon, McCaslin, West and Snyder (by request of Department of Revenue)

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

Referred to Committee on Ways and Means.

SB 5130 by Senators Fraser, Oke, Owen, Heavey, Prince, Morton, Rasmussen, Sellar, Franklin, Spanel, Snyder, Fairley, Kohl and Drew

AN ACT Relating to transfers of fuel taxes attributable to marine and nonhighway uses; and amending RCW 43.99.070, 46.09.170, and 46.10.170.

Referred to Committee on Transportation.

SB 5131 by Senators Spanel and Sellar (by request of Interagency Committee for Outdoor Recreation)

AN ACT Relating to changing interagency committee for outdoor recreation accounts and accounting procedures; amending RCW 43.99.030, 43.99.040, 43.99.060, 43.99.070, 43.99.080, 43.99.095, 43.99.120, and 46.09.170; adding a new section to chapter 43.99 RCW; adding a new section to chapter 46.09 RCW; and repealing RCW 43.99.144 and 43.99.150.

Referred to Committee on Ecology and Parks.

SB 5132 by Senators Hale, A. Anderson, Deccio, Wood, Cantu, Schow, Finkbeiner, Johnson, McCaslin, Long, Prince, Moyer, Hochstatter, West, McDonald and Oke

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

Referred to Committee on Government Operations.

SB 5133 by Senator Fairley

AN ACT Relating to city and town council meetings; and amending RCW 35.23.201, 35.23.810, 35.23.840, 35.23.845, 35.27.160, 35.27.280, 35A.12.100, and 35A.12.110.

Referred to Committee on Government Operations.

SB 5134 by Senators Morton, Rasmussen, Wood, Haugen, Hochstatter, Newhouse, West, A. Anderson, Palmer and Winsley

AN ACT Relating to possession of firearms; amending RCW 9.41.040 and 9.41.047; and reenacting and amending RCW 9.41.010.

Referred to Committee on Law and Justice.

SB 5135 by Senators McCaslin and Hochstatter

AN ACT Relating to legislative suspension of administrative rules; and amending RCW 34.05.640.

Referred to Committee on Government Operations.

SB 5136 by Senators McCaslin, Hochstatter, A. Anderson and Long

AN ACT Relating to legislative suspension of administrative rules; and amending RCW 34.05.640 and 34.05.660.

Referred to Committee on Government Operations.

SB 5137 by Senators McCaslin, Sheldon, Hochstatter, Oke, A. Anderson and Long

AN ACT Relating to legislative review of administrative rules; and amending RCW 34.05.610 and 34.05.660.

Referred to Committee on Government Operations.

SB 5138 by Senators Quigley, Drew, Long, McAuliffe, C. Anderson and Rasmussen

AN ACT Relating to public-private initiatives in transportation; amending RCW 47.46.010, 47.46.020, and 47.46.030; and declaring an emergency.

Referred to Committee on Transportation.

SB 5139 by Senators Kohl, Smith, Long, Prentice, Winsley, Heavey, Prince, Franklin, Schow, West, Oke and Rasmussen

AN ACT Relating to persons who patronize prostitutes; adding a new section to chapter 9A.88 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5140 by Senators Kohl, Smith, Winsley, Pelz, Roach, Prentice, Schow, Heavey, McAuliffe, C. Anderson, Fairley, Sheldon, Prince, West, Haugen, Bauer, Oke and Palmer

AN ACT Relating to drug-free zones in public places used primarily for recreation; amending RCW 69.50.435; and creating a new section.

Referred to Committee on Law and Justice.

SB 5141 by Senators Smith, Rasmussen, Quigley, C. Anderson and Bauer

AN ACT Relating to offenses involving alcohol or drugs; amending RCW 46.61.502, 46.61.504, 46.61.5051, 46.61.5056, 46.61.506, 46.61.5151, 46.61.5152, 46.20.285, 35.21.165, 36.32.127, 46.20.270, 46.20.365, 46.20.291, 46.20.308, 10.05.010, 10.05.020, 10.05.030, 10.05.040, 10.05.050, 10.05.060, 10.05.090, 10.05.100, 10.05.120, 10.05.140, 10.05.160, 10.05.170, 46.20.355, 46.20.311, 46.04.480, 46.04.015, 46.20.391, and 3.62.090; reenacting and amending RCW 46.63.020; adding new sections to chapter 46.20 RCW; creating new sections; repealing RCW 46.20.309, 46.61.5052, 46.61.5053, and 46.61.5057; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5142 by Senators Quigley and Sellar

AN ACT Relating to payment agreements; amending RCW 39.96.010 and 39.96.070; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5143 by Senators McCaslin, Hochstatter and Palmer

AN ACT Relating to growth management; and amending RCW 36.70A.040.

Referred to Committee on Government Operations.

SB 5144 by Senator McCaslin

AN ACT Relating to the uniform benefits package schedule of covered health services; and amending RCW 43.72.130.

Referred to Committee on Health and Long-Term Care.

SB 5145 by Senators McCaslin, Haugen, Hochstatter and Palmer

AN ACT Relating to appeals of final orders by a growth management hearings board; and amending RCW 36.70A.300.

Referred to Committee on Government Operations.

SB 5146 by Senator McCaslin

AN ACT Relating to the basis of vehicle excise taxes; amending RCW 82.44.020, 82.44.041, 82.50.410, 82.50.425, and 82.50.530; creating a new section; and repealing RCW 82.44.065 and 82.44.130.

Referred to Committee on Transportation.

SB 5147 by Senators Morton, Rasmussen, Hochstatter and Bauer

AN ACT Relating to safety standards for agriculture; amending RCW 49.17.050; and declaring an emergency.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5148 by Senators Rasmussen and Morton

AN ACT Relating to solid waste; and amending RCW 70.95.030.

Referred to Committee on Ecology and Parks.

SB 5149 by Senators Hargrove, Owen, Snyder and Oke

AN ACT Relating to salmon enhancement by cooperative groups and regional fisheries enhancement groups; adding a new section to chapter 76.13 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 75.08 RCW; adding a new chapter to Title 75 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5150 by Senators Hargrove, Owen, Snyder and Oke

AN ACT Relating to fish and wildlife enhancement; adding a new section to chapter 75.08 RCW; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 5151 by Senators Hargrove, Snyder, Hochstatter and Bauer

AN ACT Relating to counties that plan under the growth management act; and amending RCW 36.70A.040.

Referred to Committee on Government Operations.

SB 5152 by Senators Hargrove, Owen and Snyder

AN ACT Relating to public highways; and amending RCW 47.42.020.

Referred to Committee on Transportation.

SB 5153 by Senators Hargrove, Owen, Snyder and Hochstatter

AN ACT Relating to life-threatening animals; amending RCW 77.12.265; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Natural Resources.

SB 5154 by Senators Hargrove, Snyder, Hochstatter and Winsley

AN ACT Relating to hunters; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

SB 5155 by Senators Hargrove, Owen, Snyder, Hochstatter, A. Anderson and Rasmussen

AN ACT Relating to hydraulic permit exemptions from the shoreline management act; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Ecology and Parks.

SB 5156 by Senators Sutherland, Gaspard, Sellar, Hochstatter and Loveland

AN ACT Relating to promoting competition for long distance telecommunications; adding new sections to chapter 80.36 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5157 by Senators Owen, Drew, Sutherland, Hargrove, Oke and Haugen

AN ACT Relating to conspicuous external marking of hatchery produced chinook salmon and coho salmon; adding new sections to Title 75 RCW; and making an appropriation.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5158 by Senators Owen, Oke, Sutherland and Bauer

AN ACT Relating to recreational fishing; adding a new section to chapter 43.300 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 5159 by Senators Owen, Oke, Haugen and Hochstatter

AN ACT Relating to a warm water game fish enhancement program; adding a new chapter to Title 77 RCW; providing effective dates; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5160 by Senators Owen and Prince (by request of Office of Financial Management)

AN ACT Relating to transportation appropriations; amending 1994 c 303 ss 18, 27, 31, 32, and 33 (uncodified); amending 1993 sp.s. c 23 s 34 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SB 5161 by Senators Owen and Prince (by request of Office of Financial Management)

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

Referred to Committee on Transportation.

SB 5162 by Senators Bauer, Oke, Snyder, Hargrove, Haugen, Kohl, C. Anderson and Winsley

AN ACT Relating to tuition exemptions for veterans; and amending RCW 28B.15.620.

Referred to Committee on Higher Education.

SB 5163 by Senators Winsley, Haugen and Spanel

AN ACT Relating to candidates filing for election; amending RCW 29.15.020, 29.15.120, 29.15.160, 29.27.020, and 29.42.050; and repealing RCW 29.18.150.

Referred to Committee on Government Operations.

SJM 8002 by Senator Sutherland

Requesting amending the Copyright Act to address current situations.

Referred to Committee on Energy, Telecommunications and Utilities.

SJM 8003 by Senators Owen, Oke, Sutherland, Kohl, Drew and Winsley

Requesting the negotiation of a United States/Canada salmon treaty that conserves each country's salmon stock, equitably shares catch, and restores chinook and coho salmon in Washington state.

Referred to Committee on Natural Resources.

#### MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, January 13, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate



JOURNAL OF THE SENATE

FOURTH DAY, JANUARY 12, 1995

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

**FIFTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, January 13, 1995  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Drew, Fairley, Pelz, Prentice, Quigley, Schow, Sheldon, Snyder and Winsley. On motion of Senator Loveland, Senators Fairley, Prentice, Quigley and Snyder were excused.

The Sergeant at Arms Color Guard, consisting of Pages Leslie Gardner and Brian Hagerman, presented the Colors. Reverend Kathryn Everett, pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 12, 1995  
SJM 8000 Prime Sponsor, Senator Rasmussen: Petitioning Congress to introduce legislation on pesticide use for minor crops. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

January 12, 1995  
SJM 8001 Prime Sponsor, Senator Rasmussen: Petitioning Congress to amend the food, drug, and cosmetic act to establish a negligible risk standard for pesticide residue in processed foods. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR

January 9, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Guy McMinds, appointed January 9, 1995, for a term ending September 30, 1996, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 9, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Donna D. Schram, reappointed January 9, 1995, for a term ending August 2, 1997, as a member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
HOUSING FINANCE COMMISSION

January 11, 1995

Mr. Marty Brown  
Secretary of the Senate  
306 Legislative Building  
Olympia, Washington 98504-0482

Dear Mr. Brown:

In accordance with the guidelines set forth by which the Washington State Housing Finance Commission was established, I am forwarding to you a copy of the Commission's 1994 Annual Report and Financial Report. This report summarizes the use of our programs during the past fiscal year in accordance with the current Housing Finance Plan.

Please call me if you have any questions.

Sincerely,  
JAMA HAWK, Manager, External Affairs

The Report from the Housing Finance Commission is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES  
P. O. Box 44000  
Olympia, Washington 98504-4000

January 13, 1995

Lieutenant Governor Joel Pritchard  
304 Legislative Building  
Olympia, Washington 98504

Dear Lieutenant Governor Pritchard:

RCW 51.36.080 requires the Department to make a semi-annual Report to the Legislature for interest payments made to vendors of medical services. The Department paid no interest during the period July 1, 1994, through December 31, 1994.

Sincerely,  
MARK O. BROWN, Director

The Report from the Department of Labor and Industries is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5164 by Senator Smith

AN ACT Relating to service of orders; and amending RCW 6.32.130.

Referred to Committee on Law and Justice.

SB 5165 by Senator Smith

AN ACT Relating to the statute of limitations for negotiable instruments; and amending RCW 62A.3-118.

Referred to Committee on Financial Institutions and Housing.

SB 5166 by Senator Smith

AN ACT Relating to judgments; and amending RCW 4.56.210.

Referred to Committee on Law and Justice.

SB 5167 by Senator Smith

AN ACT Relating to service of process; and amending RCW 4.28.080.

Referred to Committee on Law and Justice.

SB 5168 by Senators McAuliffe, Quigley, Fairley, Drew, Haugen, Bauer and Pelz

AN ACT Relating to student records for students transferring from private to public schools; and adding a new section to chapter 28A.195 RCW.

Referred to Committee on Education.

SB 5169 by Senators McAuliffe, Cantu, Pelz, Hochstatter, Drew, A. Anderson, Rasmussen and Kohl (by request of Joint Select Committee on Education Restructuring)

AN ACT Relating to the recommendations of the joint select committee on education restructuring; amending RCW 28A.150.360, 28A.150.370, 28A.150.380, 28A.215.010, 28A.215.040, 28A.625.010, 28A.625.050, 28A.630.868, 28A.630.870, 28A.630.874, 28A.630.880, 28A.205.050, 28A.630.400, 28A.170.075, 28A.170.090, 28A.610.010, 28A.610.020, 28A.610.030, 28A.215.020, 28A.215.030, 28A.215.050, 28A.405.120, 28A.415.105, 28B.90.005, 28A.215.170, 28A.320.200, 28A.330.100, 28A.400.306, 28A.630.885, 28A.630.952, 28A.650.015, 28A.180.080, 28A.225.220, 28A.225.250, and 28A.335.160; reenacting and amending RCW 28A.315.680; adding new sections to chapter 28A.410 RCW; adding a new chapter to Title 28B RCW; creating new sections; recodifying RCW 28A.405.010, 28A.405.025, 28A.610.010, 28A.610.020, 28A.610.030, 28A.610.040, and 28A.610.050; repealing RCW 28A.310.380, 28A.170.010, 28A.170.020, 28A.170.030, 28A.170.040, 28A.170.060, 28A.170.070, 28A.175.060, 28A.210.050, 28A.225.190, 28A.405.150, 28A.405.160, 28A.415.290, 28A.630.090, 28A.630.091, 28A.630.750, 28A.630.753, 28A.630.756, 28A.630.759, 28A.630.762, 28A.630.765, 28A.630.768, 28A.630.771, 28A.630.774, 28A.630.777, 28A.630.780, 28A.630.783, 28A.630.786, 28A.630.789, 28A.630.800, 28A.175.070, 28A.210.005, 28A.215.300, 28A.215.310, 28A.215.320, 28A.215.330, 28A.234.010, 28A.175.020, 28A.175.030, 28A.175.040, 28A.175.050, 28A.240.010, 28A.240.020, 28A.240.030, 28A.300.110, 28A.300.180, 28A.300.200, 28A.415.110, 28A.415.115, 28A.415.220, 28A.600.425, 28A.600.430, 28A.600.435, 28A.600.440, 28A.600.445, 28A.600.450, 28A.615.060, 28A.625.300, 28A.630.070, 28A.630.075, 28A.630.300, 28A.630.320, 28A.630.330, 28A.630.390, 28A.415.120, 28A.205.060, 28A.225.180, 28A.225.320, 28A.300.210, 28A.335.310, 28A.340.050, 28A.170.100, 28A.175.080, 28A.180.050, 28A.180.070, 28A.415.050, 28A.400.150, 28A.405.070, and 28A.405.460; and providing expiration dates.

Referred to Committee on Education.

SB 5170 by Senators McAuliffe, Long, Fairley, Drew, Haugen, Bauer, Fraser, Pelz, Kohl, Oke and Gaspard

AN ACT Relating to sharing of juvenile records among schools and other agencies; amending RCW 13.50.050, 13.50.100, and 28A.225.330; reenacting and amending RCW 13.40.215; adding a new section to chapter 13.50 RCW; adding a new section to chapter 28A.320 RCW; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

SB 5171 by Senators Haugen, Newhouse and Spanel (by request of Department of Fish and Wildlife)

AN ACT Relating to hunter safety; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 5172 by Senators Snyder, Winsley, Haugen, Heavey, Bauer, Roach and Gaspard (by request of State Treasurer Grimm)

AN ACT Relating to performance audits of the state investment board; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways and Means.

SB 5173 by Senators Pelz and Newhouse (by request of Liquor Control Board)

AN ACT Relating to improvements to the licensing sections of the Washington state liquor act; and amending RCW 66.24.010, 66.24.025, 66.24.210, 66.24.290, 66.24.300, 66.24.320, 66.24.330, and 66.24.490.

Referred to Committee on Labor, Commerce and Trade.

SB 5174 by Senators Heavey, Newhouse, Bauer and Oke (by request of Liquor Control Board)

AN ACT Relating to mandatory server training; and adding new sections to chapter 66.28 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 5175 by Senators Pelz and Deccio (by request of Liquor Control Board)

AN ACT Relating to certain retail liquor licensees being licensed as manufacturers; and amending RCW 66.28.010.

Referred to Committee on Labor, Commerce and Trade.

SB 5176 by Senators Pelz and Deccio (by request of Liquor Control Board)

AN ACT Relating to improvements to the enforcement provisions of the Washington state liquor act; amending RCW 66.12.120; adding a new section to chapter 66.44 RCW; repealing 1990 c 125 s 3 (uncodified); and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5177 by Senators Smith, Kohl, Long and Gaspard

AN ACT Relating to restitution agreements between crime victims and offenders; amending RCW 7.69.030, 9.92.060, 9.94A.030, 9.94A.110, 9.94A.127, 13.40.135, 13.40.150, 13.40.190, and 43.43.754; reenacting and amending RCW 9.94A.120 and 13.40.020; and creating a new section.

Referred to Committee on Law and Justice.

SB 5178 by Senators Fraser, Hale and Prentice

AN ACT Relating to securities investments; and adding new sections to chapter 21.20 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 5179 by Senators Winsley and Loveland

AN ACT Relating to used mobile homes; and amending RCW 82.45.032.

Referred to Committee on Financial Institutions and Housing.

SB 5180 by Senators Sheldon and Winsley (by request of Secretary of State Munro)

AN ACT Relating to the order of candidates on ballots; amending RCW 29.30.025; and repealing RCW 29.30.040.

Referred to Committee on Government Operations.

SB 5181 by Senators Winsley, Haugen and Hale

AN ACT Relating to the use of charge cards by municipal corporations and political subdivisions; and amending RCW 42.24.115.

Referred to Committee on Government Operations.

SB 5182 by Senators Haugen, Winsley, Hale, Deccio and Palmer

AN ACT Relating to county fiscal biennium budgets; and adding new sections to chapter 36.40 RCW.

Referred to Committee on Government Operations.

SB 5183 by Senators Hale, Haugen, Winsley and Deccio

AN ACT Relating to county auditors; amending RCW 36.22.010, 36.22.020, 36.22.060, 36.27.020, 36.32.210, 36.32.215, 36.33.010, 36.40.040, 36.80.040, 42.24.115, and 42.24.150; and repealing RCW 36.32.213 and 36.80.060.

Referred to Committee on Government Operations.

SB 5184 by Senators Roach, Smith, Winsley, Hale, Long, Deccio, Rasmussen and Oke

AN ACT Relating to aggravated first degree murder; amending RCW 10.95.020; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5185 by Senators Roach, Smith, Hale, Rasmussen and Palmer

AN ACT Relating to failure to appear at a court proceeding; and adding a new section to chapter 10.01 RCW.

Referred to Committee on Law and Justice.

SB 5186 by Senators Roach, Smith and Rasmussen

AN ACT Relating to terms of confinement of juvenile offenders who reach eighteen years of age; and reenacting and amending RCW 13.40.280.

Referred to Committee on Human Services and Corrections.

SB 5187 by Senators Roach, Smith, Rasmussen, Deccio, Heavey, Haugen and Oke

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

Referred to Committee on Law and Justice.

SB 5188 by Senators Roach, Smith and Long

AN ACT Relating to juvenile disposition standards; and amending RCW 13.40.025, 13.40.027, and 13.40.030.

Referred to Committee on Law and Justice.

SB 5189 by Senators Roach, Smith, Rasmussen, Deccio and Haugen

AN ACT Relating to capability of children to commit crimes; and amending RCW 9A.04.050, 13.34.070, 13.40.050, and 13.40.100.

Referred to Committee on Law and Justice.

SB 5190 by Senators Roach, Pelz, Smith and Heavey

AN ACT Relating to tattooing of minors; adding a new section to chapter 26.28 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5191 by Senators Smith, Roach, Haugen, McCaslin, Schow, Long, Rasmussen, Deccio, Hale and Palmer

AN ACT Relating to crimes committed by juveniles; amending RCW 13.04.030, 13.40.040, 13.40.050, 13.40.130, 28A.225.020, 28A.225.030, 28A.225.150, 74.13.032, 13.32A.030, 13.32A.130, 70.96A.140, 71.34.030, 71.34.050, 71.34.070, 13.40.320, 13.40.185, 13.40.160, 13.40.210, 13.40.025, 13.40.027, 13.40.030, 9A.04.050, 13.40.060, and 13.40.0357; reenacting and amending RCW 13.40.020; adding a new section to chapter 28A.225 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5192 by Senators Sheldon, Winsley, Haugen, Snyder, Long, McAuliffe, Gaspard and Drew (by request of Governor Lowry)

AN ACT Relating to the rule-making process; amending RCW 34.05.310, 34.05.313, 34.05.325, 34.05.330, 34.04.375, and 19.85.030; adding new sections to chapter 34.05 RCW; adding a new section to chapter 19.85 RCW; and repealing RCW 34.05.355.

Referred to Committee on Government Operations.

SB 5193 by Senators Sheldon, Winsley, Haugen, Franklin, Long, Snyder, Gaspard, McAuliffe and Drew (by request of Governor Lowry)

AN ACT Relating to voluntary compliance with agency rules consistent with the recommendations of the governor's task force on regulatory reform; amending RCW 18.104.155, 49.17.180, 70.94.431, 70.105.080, 70.132.050, 70.138.040, 86.16.081, 90.03.600, 90.48.144, 90.58.210, 90.58.560, and 90.76.080; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on Government Operations.

SB 5194 by Senators Fraser, Winsley, Kohl, Sheldon, Snyder, Franklin, Gaspard, Heavey, C. Anderson and Haugen (by request of Governor Lowry)

AN ACT Relating to the reauthorization of the Puget Sound water quality authority; amending RCW 90.70.011, 90.70.025, 90.70.055, and 90.70.065; repealing RCW 90.70.035, 90.70.045, 90.70.902, 43.131.369, and 43.131.370; providing an effective date; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5195 by Senators Quigley, Winsley, Sheldon, Haugen and Wojahn (by request of Governor Lowry)

AN ACT Relating to public assistance recipient job training programs and employer business and occupation and utility tax credit incentives; adding a new chapter to Title 82 RCW; adding a new chapter to Title 74 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5196 by Senators Bauer, Owen, Winsley and McAuliffe (by request of Governor Lowry)

AN ACT Relating to a business and occupation or public utility tax credit for persons making contributions to public institutions of higher education in this state; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5197 by Senators Quigley, Winsley, Gaspard, Sheldon, Snyder and Haugen (by request of Governor Lowry)

AN ACT Relating to job opportunities and basic skills training program participation criteria; and amending RCW 74.25.020.

Referred to Committee on Health and Long-Term Care.

SB 5198 by Senators Wojahn, Kohl, Quigley, Snyder, Franklin and Haugen (by request of Governor Lowry)

AN ACT Relating to the suspension of driver's licenses for failure to pay child support; adding a new section to chapter 74.20A RCW; and adding new sections to chapter 46.20 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5199 by Senators Quigley, Winsley, Haugen, Snyder, Sheldon, McAuliffe, Franklin and Drew (by request of Governor Lowry)

AN ACT Relating to the elimination and consolidation of boards and commissions; amending RCW 13.40.025, 9.94A.040, 18.16.020, 18.39.010, 18.39.173, 18.39.175, 18.39.217, 18.39.800, 18.130.095, 68.05.020, 68.05.095, 68.05.105, 68.05.175, 68.05.195, 68.05.205, 68.05.285, 68.24.090, 68.40.040, 68.44.115, 68.46.010, 68.46.090, 68.46.110, 68.46.130, 68.50.230, 68.60.030, 68.60.050, 68.60.060, 18.44.010, 18.44.240, 18.44.360, 18.44.380, 18.145.030, 18.145.050, 18.145.070, 18.145.080, 19.16.100, 19.16.360, 19.16.380, 19.16.420, 28B.10.804, 28B.80.575, 38.54.030, 38.52.040, 43.19.190, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1937, 43.19A.020, 43.21B.005, 75.20.103, 75.20.160, 43.20A.750, 43.70.010, 43.70.070, 70.170.020, 43.150.030, 46.61.380, 81.104.090, 47.26.121, 47.66.030, 47.26.140, 47.66.040, 47.26.160, 70.95D.010, 70.95D.060, 70.95B.020, 70.95B.040, 70.95B.100, 70.119.020, 70.119.050, 70.119.110, 75.44.140, and 90.70.065; reenacting and amending RCW 38.52.030, 82.44.180, and 75.30.050; adding a new section to chapter 9.94A RCW; adding a new section to chapter 18.44 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 70.95D RCW; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.119 RCW; creating new sections; repealing RCW 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050, 1.30.060, 2.52.010, 2.52.020, 2.52.030, 2.52.035, 2.52.040, 2.52.050, 18.16.050, 68.05.040, 68.05.050, 68.05.060, 68.05.080, 68.05.100, 18.44.208, 18.44.215, 18.145.060, 19.16.280, 19.16.290, 19.16.300, 19.16.310, 19.16.320, 19.16.330, 19.16.340, 19.16.351, 27.34.300, 27.60.010, 27.60.020, 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.090, 27.60.900, 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904, 43.20A.730, 75.20.130, 75.20.140, 43.31.631, 43.52.373, 70.170.030, 70.170.040, 43.150.060, 43.17.260, 43.17.270, 43.17.280, 43.17.290, 43.17.300, 47.66.020, 47.66.050, 47.66.060, 48.22.071, 48.22.072, 70.95D.050, 70.95B.070, 70.119.080, 81.62.010, 81.62.020, 81.62.030, 81.62.040, 81.62.050, 81.62.060, 81.62.900, 81.62.901, and 90.56.450; repealing 1994 c 232 s 27 (uncodified); repealing 1991 c 53 s 1 and 1987 c 480 s 6 (uncodified); providing effective dates; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5200 by Senators Haugen, Winsley, Spanel, Sheldon, West, Roach and Oke (by request of Governor Lowry)

AN ACT Relating to use tax on aircraft training equipment transferred to Washington state as a result of base closure; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5201 by Senators Bauer, Cantu, McAuliffe, Haugen, Winsley, Snyder, Loveland, Sheldon, Fairley, West, Long, Palmer, Schow, Moyer, Sellar, Rasmussen, Deccio, Heavey, Quigley, C. Anderson, Oke, Roach and Hale (by request of Governor Lowry)

AN ACT Relating to sales and use tax on manufacturing machinery and equipment, pollution control equipment, and high technology research and development; amending RCW 82.04.190, 82.60.070, 82.61.010, and 82.63.010; reenacting and amending RCW 82.60.020; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.63 RCW; creating new sections; repealing RCW 82.61.020, 82.61.030, 82.61.040, 82.63.040, and 82.63.050; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

#### MOTIONS

On motion of Senator Spanel, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5065.  
On motion of Senator Spanel, Senate Bill No. 5065 was referred to the Committee on Human Services and Corrections.

#### MOTIONS

On motion of Senator Spanel, the Committee on Government Operations was relieved of further consideration of Gubernatorial Appointment No. 9036, Sam Kinville, as a member of the Public Employment Relations Commission.  
On motion of Senator Spanel, Gubernatorial Appointment No. 9036, Sam Kinville, as a member of the Public Employment Relations Commission, was referred to the Committee on Labor, Commerce and Trade.

#### MOTION

On motion of Senator McDonald, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8603

By Senator McDonald, Roach, Heavey, Rasmussen, Gaspard, C. Anderson and Fraser

WHEREAS, The state of Washington and its residents have welcomed and assisted newly arrived refugees from all parts of the world, including Asia, Africa, Europe, and the Middle East; and

WHEREAS, Many individuals and organizations have given extensively of their time, talents, and resources to assist refugees in becoming contributing members of our state; and

WHEREAS, The refugees have brought with them new ideas and ideals, new aspirations and ambitions, and new achievements and accomplishments that have added to the strength and diversity of our American society; and

WHEREAS, Many refugees have contributed to our state's economic growth, diversified our political life, enriched our culture, and stimulated progress in all facets of our society; and

WHEREAS, The year of 1995 marks the 20th anniversary of the Southeast Asian refugee resettlement effort in Washington State, and the Vietnamese American refugee community in King County has organized a celebration on January 14, 1995, to commemorate that event;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledges the many contributions the refugees have made to our state and urges all citizens to join with us in honoring them.

#### MOTION

At 10:18 a.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m. Monday, January 16, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate



JOURNAL OF THE SENATE

FIFTH DAY, JANUARY 13, 1995

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**EIGHTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, January 16, 1995  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Ann Anderson.

The Sergeant at Arms Color Guard, consisting of Pages Katie Allen and Brennan Angus, presented the Colors. Reverend Philip Norris, pastor of the Lacey Community Church, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

January 12, 1995  
SB 5003 Prime Sponsor, Senator Rasmussen: Providing criteria to be used in determining whether a fund or account receives interest earnings.  
Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5003 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING

SB 5202 by Senators Prentice and Hale

AN ACT Relating to information provided by banks for customers' examination of negotiable instruments; amending RCW 62A.4-406; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 5203 by Senators Hargrove, Long, Franklin, Kohl and Winsley (by request of Department of Corrections)

AN ACT Relating to admissibility in court of records certified by the secretary of corrections or his or her designee; and adding a new section to chapter 72.01 RCW.

Referred to Committee on Human Services and Corrections.

SB 5204 by Senators Hargrove, Long, Franklin, Kohl, Oke and Winsley (by request of Department of Corrections)

AN ACT Relating to work ethic camps; amending RCW 9.94A.137; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 5205 by Senator Prentice

AN ACT Relating to state patrol wage bargaining; amending RCW 41.56.020, 41.56.450, 41.56.465, and 41.56.475; amending 1993 c 398 s 5 (uncodified); reenacting and amending RCW 41.56.030 and 41.56.460; adding new sections to chapter 41.56 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5206 by Senators Hargrove, Owen, Snyder and Oke

AN ACT Relating to the department of natural resources; and adding a new section to chapter 43.30 RCW.

Referred to Committee on Natural Resources.

SB 5207 by Senators Winsley, Haugen and Rasmussen

AN ACT Relating to annexation of unincorporated territory by municipal corporations providing sewer or water service; and amending RCW 56.24.205 and 57.24.210.

Referred to Committee on Government Operations.

SB 5208 by Senators Haugen and Winsley

AN ACT Relating to premiums, charges, and costs for title insurance and title searches by sewer and water districts; and amending RCW 56.16.110 and 57.08.090.

Referred to Committee on Government Operations.

SB 5209 by Senators McCaslin, Haugen, Swecker, Drew, Schow, Heavey and Winsley

AN ACT Relating to the extension of water or sewer systems outside of existing corporate boundaries; amending RCW 36.93.100; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5210 by Senators Pelz, Heavey, Prentice, Roach, C. Anderson, Prince, Kohl, Snyder and Winsley

AN ACT Relating to unfair labor practices in public employee collective bargaining; and amending RCW 41.56.140 and 41.56.150.

Referred to Committee on Labor, Commerce and Trade.

SB 5211 by Senators Winsley, Haugen, McCaslin, Sheldon, Drew and C. Anderson

AN ACT Relating to the receipt and expenditure of federal and private funds by local governments; amending RCW 35.21.735; creating new sections; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5212 by Senator Quigley (by request of Department of Social and Health Services)

AN ACT Relating to child support enforcement; amending RCW 26.23.050 and 74.20A.055; and reenacting and amending RCW 74.20A.056.

Referred to Committee on Law and Justice.

SB 5213 by Senators Quigley, Haugen, McAuliffe, Wood, McCaslin, Winsley and Rasmussen

AN ACT Relating to civil procedure in domestic relations actions; and amending RCW 26.18.170, 26.23.050, 26.23.130, 26.26.090, 26.21.490, 26.21.520, 26.09.175, and 26.21.115.

Referred to Committee on Law and Justice.

SB 5214 by Senators Smith, C. Anderson, Winsley, Haugen and Kohl

AN ACT Relating to admissibility of children's statements; and amending RCW 9A.44.120.

Referred to Committee on Law and Justice.

SB 5215 by Senators Deccio, Newhouse, Haugen and Loveland

AN ACT Relating to members with service in the teachers' retirement system plan I and the public employees' retirement system plan II; and amending RCW 41.54.030.

Referred to Committee on Ways and Means.

SB 5216 by Senators Fraser, Swecker, C. Anderson, Spanel, McAuliffe, Oke, Drew, Owen, Winsley, Haugen and Kohl (by request of Parks and Recreation Commission)

AN ACT Relating to the parks and recreation commission; amending RCW 43.51.047, 43.51.060, and 43.51.270; adding a new section to chapter 43.85 RCW; adding a new section to chapter 43.51 RCW; repealing RCW 43.51.280; providing an effective date; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5217 by Senators Owen, Rinehart, Swecker, McAuliffe, C. Anderson, Winsley and Kohl (by request of Parks and Recreation Commission)

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

Referred to Committee on Ecology and Parks.

SB 5218 by Senators C. Anderson, Swecker, Owen, Winsley and Fraser (by request of Parks and Recreation Commission)

AN ACT Relating to watercraft excise tax; amending RCW 82.49.030 and 88.12.375; adding a new section to chapter 88.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5219 by Senators Smith, Roach, C. Anderson, Long, Haugen, McCaslin, Spanel, Drew, Winsley, Kohl and Sheldon

AN ACT Relating to domestic violence; amending RCW 26.50.030, 26.50.035, 26.50.040, 26.50.050, 26.50.060, 26.50.070, 26.50.080, 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.125, 10.99.020, 10.99.030, 10.99.040, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 4.24.130, and 10.14.080; reenacting and amending RCW 26.50.010 and 10.31.100; adding new sections to chapter 26.50 RCW; adding a new section to chapter 26.26 RCW; adding a new section to chapter 10.14 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5220 by Senators McCaslin and Rasmussen

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

Referred to Committee on Ways and Means.

SB 5221 by Senators McCaslin, Hargrove and Snyder

AN ACT Relating to hydraulic project approval authority of the department of fish and wildlife; and amending RCW 75.20.100 and 75.20.103.

Referred to Committee on Ecology and Parks.

SB 5222 by Senators Owen, Haugen, Prince, Morton and Winsley

AN ACT Relating to log trucks and pole trailers; and amending RCW 46.44.030.

Referred to Committee on Transportation.

SB 5223 by Senators Loveland, Snyder and Deccio

AN ACT Relating to county assessors; reenacting and amending RCW 36.21.011; adding a new section to chapter 36.21 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5224 by Senators Heavey, McCaslin, C. Anderson and Kohl

AN ACT Relating to the number of precinct committee officers; and amending RCW 29.42.040.

Referred to Committee on Government Operations.

SB 5225 by Senators Heavey, McCaslin and C. Anderson

AN ACT Relating to filing of oaths of office; and amending RCW 29.04.170.

Referred to Committee on Government Operations.

SB 5226 by Senators C. Anderson, McCaslin, Heavey and Kohl

AN ACT Relating to canvassing of mail-only-ballot special elections; and amending RCW 29.62.020.

Referred to Committee on Government Operations.

SB 5227 by Senators Owen and Prince (by request of Department of Transportation)

AN ACT Relating to state highway contracting; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SB 5228 by Senators Owen and Prince (by request of Department of Transportation)

AN ACT Relating to the transportation capital facilities account; and amending RCW 47.13.020.

Referred to Committee on Transportation.

SB 5229 by Senators Owen, Prince and Haugen (by request of Department of Transportation)

AN ACT Relating to tuition for ferry employees; and amending RCW 28B.15.558.

Referred to Committee on Higher Education.

SB 5230 by Senators Owen and Prince (by request of Department of Transportation)

AN ACT Relating to vehicle loads; and reenacting and amending RCW 46.44.041 and 46.44.0941.

Referred to Committee on Transportation.

SB 5231 by Senators Owen and Prince (by request of Department of Transportation)

AN ACT Relating to the tort liability account; amending RCW 4.92.130 and 4.92.230; and reenacting and amending RCW 43.84.092.

Referred to Committee on Transportation.

SB 5232 by Senators Owen and Prince (by request of Department of Transportation)

AN ACT Relating to the exclusion of site exploration as a substantial shoreline development; and amending RCW 90.58.030.

Referred to Committee on Ecology and Parks.

SB 5233 by Senators Owen and Prince (by request of Department of Transportation)

AN ACT Relating to transferring the aeronautics account and the aircraft search and rescue, safety, and education account from the general fund to the transportation fund; and amending RCW 82.42.090, 82.48.080, 47.68.250, and 47.68.236.

Referred to Committee on Transportation.

SB 5234 by Senators Smith, Long, Haugen and Kohl (by request of Department of Social and Health Services)

AN ACT Relating to eligibility for juvenile offender basic training camp; and amending RCW 13.40.320.

Referred to Committee on Human Services and Corrections.

SB 5235 by Senators Bauer, Sutherland, Palmer and Smith

AN ACT Relating to superior court judges; and amending RCW 2.08.062.

Referred to Committee on Law and Justice.

SB 5236 by Senators Kohl, Hargrove, Long, Franklin, Prentice, Spanel and Fraser

AN ACT Relating to intervention services for persons involved in prostitution; and creating new sections.

Referred to Committee on Human Services and Corrections.

SB 5237 by Senators Oke, Owen, Cantu, Long, Schow, McDonald, Finkbeiner, Hochstatter, Deccio and West

AN ACT Relating to limiting the increase in taxing district levies to the inflation rate; and amending RCW 84.55.010, 84.55.020, 35.61.210, 70.44.060, and 84.08.115.

Referred to Committee on Ways and Means.

SB 5238 by Senators Oke and Haugen

AN ACT Relating to park and recreation district elections; and amending RCW 29.21.015 and 36.69.090.

Referred to Committee on Government Operations.

SB 5239 by Senators Oke and Owen

AN ACT Relating to registration of sex offenders; and amending RCW 9A.44.130.

Referred to Committee on Law and Justice.

SB 5240 by Senator Oke

AN ACT Relating to motor vehicle insurance; and amending RCW 48.19.501.

Referred to Committee on Financial Institutions and Housing.

SB 5241 by Senator Oke

AN ACT Relating to public-private initiatives in transportation; adding a new chapter to Title 36 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5242 by Senator Oke

AN ACT Relating to highway signing for factory outlet shopping malls; and amending RCW 47.36.005 and 47.36.320.

Referred to Committee on Transportation.

SB 5243 by Senator Oke

AN ACT Relating to special permits for miniature boilers; and amending RCW 70.79.070.

Referred to Committee on Labor, Commerce and Trade.

SJM 8004 by Senator Heavey

Requesting Congress to direct rejection of Puyallup tribe gaming requests without tribal-state compacts.

Referred to Committee on Labor, Commerce and Trade.

SJM 8005 by Senators Hargrove, Owen and Snyder

Relating to federally held property in those states admitted to the Union since 1846.

Referred to Committee on Government Operations.

SJM 8006 by Senators Oke, Owen, Roach, Hochstatter, Snyder, Schow, Cantu, Long, Hale, Swecker, A. Anderson, Palmer, Sellar, Deccio, Morton, McDonald, Prince, Johnson, Winsley, Bauer and Rasmussen

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

Referred to Committee on Law and Justice.

#### MOTION

On motion of Senator Franklin, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8604

By Senators Franklin, Gaspard, Rasmussen, Spanel, Snyder, Oke, Pelz, Sheldon, Wojahn, C. Anderson, Haugen, Fraser and Kohl

WHEREAS, We live in a time when racial and cultural intolerance is too often a source of violence and mistrust; and  
WHEREAS, The forms of racial and social injustice may have become less overt and more subtle in 1995, and continues to manifest itself in many ways; and

WHEREAS, The law in theory assures all citizens of equality, the fact remains that we must, each one take responsibility for pursuing justice and equality each day of our lives; and

WHEREAS, In America today we rarely discuss openly and honestly our differences and our own biases and prejudices, thus perpetuating the problem; and

WHEREAS, The Reverend Martin Luther King, Jr.'s example of confronting directly the issues that divide us along racial and cultural lines is one that we would do well to emulate today; and

WHEREAS, The increasing separation of citizens into groups of like color and ethnicity as a way of dealing with racism is racist in and of itself, and is directly at odds with Rev. King's message of unity and equality; and

WHEREAS, We as a nation and people can only rise united, and most surely will fall when divided; and

WHEREAS, Dr. King's message of peaceful perseverance in the face of seemingly insurmountable obstacles to equality is still a source of inspiration and hope for us as a nation;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby honor the memory of the Reverend Martin Luther King, Jr., a man of peace who saw injustice and tried to end it for the benefit of all Americans, and urge the citizens of Washington to put aside desires to separate along racial and cultural lines and instead heed his message of peace, unity, equality and social justice.

Senators Franklin, Pelz, Wojahn, Fraser, Kohl, Prentice, Roach and Palmer spoke to Senate Resolution 1995-8604.

#### PERSONAL PRIVILEGE

Senator Snyder: "Needless to say, I am extremely happy to be standing here today. I do want to give a lot of thanks to the Good Lord for looking over me and thanks to all the members that came to my aid in there. I won't start to name them, because I'm afraid I'll omit a few. Thanks to the people in the aid car that gave such wonderful assistance and the doctors and the staff at St. Peter Hospital for the care that I got there. Apparently, the upper part of my heart beat which sends a signal to the lower part to meet at the same time--something happened to the wiring and the signal didn't get through. By the time the aid people got here, my heart beat was forty and it was probably a little lower than that.

"The doctors told me that it may never happen again and it could happen next week, but they could take care of it by implanting a pacemaker. On Friday morning, Dr. Wark, who happens to be Neil Amondson's brother-in-law, implanted a pacemaker in my chest and I am getting along fine. I left my hospital room at seven o'clock and I was back at nine. They gave me a local anesthetic; I visited with the doctor and others during the procedure and I was eating breakfast at nine o'clock. I felt I could have gone home on Friday, but they kept me another twenty-four hours. I think the main thing was to get some IV's into me, because of the possibility of infection and they gave me some antibiotics.

"The real disturbing thing, though, was when I left. The doctor that discharged me was a different doctor; it was Doctor Gavin. At the very last minute he looked and he said, 'I want to check and see what kind of a pacemaker we put in.' He said, 'Oh, oh, that's the kind.' He said that if I was to vote against any Republican proposals this session, the pacemaker automatically stops."

#### MOTION

At 10:30 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 12:00 noon by President Pritchard.

#### MOTION

Senator Gaspard moved that the following resolution be adopted:

#### SENATE RESOLUTION 1995-8605

By Senators Gaspard and Kohl

WHEREAS, Comprehensive statewide water policy issues involve the jurisdiction and expertise of several existing Senate standing committees; and

WHEREAS, Such water issues include but are not limited to watershed planning and management; water resource management and governance; water rights adjudication; and water right permit processing fees;

NOW, THEREFORE, BE IT RESOLVED, That a special Senate Select Committee on Water Policy is hereby created; and

BE IT FURTHER RESOLVED, That the Select Committee shall be made up of twelve members to include the chairs and ranking members of the Agriculture and Agricultural Trade and Development Committee; the Ecology and Parks Committee; the Energy, Telecommunications and Utilities Committee; the Government Operations Committee; and the Natural Resources Committee; and the majority and minority floor leaders; and

BE IT FURTHER RESOLVED, That the Select Committee shall select, from among its members, a member or members to convene its meetings; and

BE IT FURTHER RESOLVED, That the Select Committee shall have all the powers, duties and responsibilities of the several standing committees with regard to any subject or measure referred to it; and

BE IT FURTHER RESOLVED, That the staff for the Select Committee shall come from existing staff.

#### MOTION

Senator Gaspard moved that the following amendment be adopted:

In the fourth paragraph, line 2, after "ranking members" insert ", or designees,"

The President declared the question before the Senate to be the adoption of the amendment by Senator Gaspard in paragraph four, line 2, to Senate Resolution 1995-8605.

The motion by Senator Gaspard carried and the amendment was adopted.

The President declared the question before the Senate to be the adoption of Senate Resolution 1995-8605, as amended.

The motion by Senator Gaspard carried and Senate Resolution 1995-8605, as amended, was adopted.

#### APPOINTMENT OF SELECT COMMITTEE

The President announced the following appointments to the Senate Select Committee on Water Policy: Senator Rasmussen, Senator Morton, Senator Fraser, Senator Swecker, Senator Sutherland, Senator Hochstatter, Senator Haugen, Senator Winsley, Senator Drew, Senator Oke, Senator Spanel and Senator Newhouse.

#### MOTION

On motion of Senator Gaspard, the appointments to the Senate Select Committee on Water Policy were confirmed.

#### PERSONAL PRIVILEGE

Senator Pelz: "Mr. President, I rise to a point of personal privilege. Our dear friend, Senator Vognild, is no longer with us, so I rise to fill a void, which is that I would like to point out that two of the newest members in the Senate have subjected this body to the pain of listening to one of their speeches. I believe that Senator Palmer and Senator Kohl owe a measure of gratitude to the members of the body."

MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, January 17, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate



JOURNAL OF THE SENATE

EIGHTH DAY, JANUARY 16, 1995

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**NINTH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Tuesday, January 17, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

**MOTION**

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

**MESSAGES FROM THE GOVERNOR**

January 12, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Peter Badame, reappointed January 12, 1995, for a term ending December 26, 1998, as a member of the Board of Pilotage Commissioners.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Transportation.

January 12, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Captain Michael T. Gavin, reappointed January 12, 1995, for a term ending December 26, 1996, as a member of the Board of Pilotage Commissioners.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Transportation.

January 12, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dennis Marshall, appointed January 12, 1995, for a term ending December 26, 1996, as a member of the Board of Pilotage Commissioners.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Transportation.

January 12, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas A. Metzger, appointed January 12, 1995, for a term ending August 2, 1995, as a member of the Sentencing Guidelines Commission.

Sincerely,

Referred to Committee on Law and Justice.

INTRODUCTION AND FIRST READING

SB 5244 by Senators Owen and Hargrove

AN ACT Relating to the definition of "dependent child" for purposes of aid to families with dependent children; and amending RCW 74.12.010.

Referred to Committee on Human Services and Corrections.

SB 5245 by Senator Fairley

AN ACT Relating to city and town council meetings; and amending RCW 35.23.201, 35.23.810, 35.23.840, 35.23.845, 35.27.160, 35.27.280, 35A.12.100, and 35A.12.110.

Referred to Committee on Government Operations.

SB 5246 by Senators Bauer, Long, Loveland and Haugen (by request of Joint Committee on Pension Policy)

AN ACT Relating to creating new retirement systems; amending RCW 41.40.005, 41.40.045, 41.32.005, 41.32.032, 41.45.010, 41.45.020, 41.45.030, 41.45.050, 41.45.060, 41.45.070, 41.50.075, 41.50.110, 41.50.030, 41.50.050, 41.50.060, 41.54.030, 41.04.440, 41.04.445, and 41.04.450; reenacting and amending RCW 41.40.010, 41.40.088, and 41.32.010; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.50 RCW; adding a new section to chapter 41.45 RCW; adding a new section to chapter 41.54 RCW; adding a new section to chapter 43.33A RCW; adding a new chapter to Title 41 RCW; creating new sections;

Referred to Committee on Ways and Means.

SB 5247 by Senators Spanel, Haugen, Prince, Sutherland, Owen and Fraser (by request of Puget Sound Water Quality Authority)

AN ACT Relating to operating water pollution prevention, control, and reduction programs through local government systems of sewerage; amending RCW 35.67.010, 35.67.020, 35.92.020, 36.94.010, 36.94.020, 36.94.140, 54.16.230, 56.08.020, 56.16.090, 57.08.065, and 90.72.040; reenacting and amending RCW 56.08.010; creating new sections; and providing an effective date.

Referred to Committee on Ecology and Parks.

SB 5248 by Senators C. Anderson, Owen, Fraser, Long and Sheldon (by request of Puget Sound Water Quality Authority)

AN ACT Relating to Puget Sound license plates; amending RCW 46.16.313; reenacting and amending RCW 43.79A.040; adding new sections to chapter 90.70 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 5249 by Senators McAuliffe, Hargrove, Bauer, Sutherland, Pelz, Rasmussen, Haugen, Hochstatter and Sheldon

AN ACT Relating to community public health and safety networks; and amending RCW 70.190.060.

Referred to Committee on Human Services and Corrections.

SB 5250 by Senators Owen, Haugen, Hargrove, Rasmussen, Prince, Morton and Prentice

AN ACT Relating to motor vehicle equipment; adding new sections to chapter 46.37 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5251 by Senators Rasmussen, Fraser, Oke, Wojahn, Franklin, Winsley, Schow, Swecker and Gaspard

AN ACT Relating to the transportation authority of first class cities; and amending RCW 35.92.060.

Referred to Committee on Transportation.

SB 5252 by Senators Haugen, Wood, Rasmussen, Morton and Long

AN ACT Relating to regulating salvage vehicles; amending RCW 46.12.070; and adding new sections to chapter 46.12 RCW.

Referred to Committee on Transportation.

SB 5253 by Senators Quigley, Moyer, Hargrove and C. Anderson (by request of Department of Health)

AN ACT Relating to implementation of the public health improvement plan; amending RCW 41.05.240, 70.05.030, 70.05.035, and 70.46.020; adding new sections to chapter 43.70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5254 by Senator Hargrove

AN ACT Relating to annual recreational surcharge; and amending RCW 75.54.140.

Referred to Committee on Natural Resources.

SB 5255 by Senators Franklin, Winsley, Hale, Sheldon and Oke (by request of Secretary of State Munro)

AN ACT Relating to processing of incoming absentee ballots; and amending RCW 29.36.060.

Referred to Committee on Government Operations.

SB 5256 by Senator Owen

AN ACT Relating to revising the list of programs to be reviewed by community networks for possible decategorization; and amending RCW 70.190.110.

Referred to Committee on Human Services and Corrections.

SB 5257 by Senators Hargrove, Owen, Palmer, A. Anderson and Snyder

AN ACT Relating to controlling damage to areas burned in 1994; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Natural Resources.

SB 5258 by Senators Hargrove, Long, Franklin and McAuliffe

AN ACT Relating to clarifying, technical, and administrative revisions to community public health and safety networks; amending RCW 70.190.010, 70.190.060, 70.190.090, and 70.190.130; adding new sections to chapter 70.190 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5259 by Senators Owen, Prince and McCaslin

AN ACT Relating to railroads; and amending RCW 81.48.010.

Referred to Committee on Transportation.

SB 5260 by Senators Rasmussen, Newhouse, Bauer, Swecker, Fraser, Franklin, Hargrove, Snyder, Sellar, C. Anderson, Loveland, Prentice, Haugen, Morton, Moyer, A. Anderson, Owen, Sutherland, Gaspard, Roach, Prince, Deccio, Long, McDonald, Oke, Cantu, Winsley, Sheldon, McCaslin, Strannigan, McAuliffe, Schow, Hochstatter, Spanel, Palmer, Quigley, Wood, Hale and Drew

AN ACT Relating to the fair fund; reenacting and amending RCW 43.79A.040; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5261 by Senators Haugen, Winsley, Drew, Sheldon, Rasmussen, McCaslin, Franklin, Wood, McAuliffe, Oke, Heavey, Deccio, Owen, Moyer, Palmer, Bauer and Hochstatter

AN ACT Relating to the creation of an ombudsman office for private property rights; adding a new chapter to Title 34 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5262 by Senators Haugen, Winsley, Drew, Sheldon, Heavey, McCaslin, Rasmussen, Wood, Franklin, Loveland, McAuliffe, Oke, Gaspard, Deccio, Bauer, Moyer, Owen, Palmer and Hochstatter

AN ACT Relating to the creation of an ombudsman office for private property rights; adding a new chapter to Title 34 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5263 by Senators Haugen, Winsley, Sheldon and Long

AN ACT Relating to public utility district commissioners; amending RCW 54.08.010, 54.08.060, 54.12.010, 54.40.040, and 54.40.060; adding new section to chapter 54.12 RCW; adding a new section to chapter 54.40 RCW; and repealing RCW 54.40.010, 54.40.030, and 54.40.050.

Referred to Committee on Government Operations.

SB 5264 by Senators Gaspard and Rasmussen

AN ACT Relating to acceptable identification for liquor purchases; and amending RCW 66.16.040.

Referred to Committee on Labor, Commerce and Trade.

SB 5265 by Senators Pelz, Newhouse, Heavey, Wood and West (by request of Department of Licensing)

AN ACT Relating to deregulating debt adjusters; amending RCW 18.28.010, 18.28.080, 18.28.090, 18.28.100, 18.28.110, 18.28.120, 18.28.130, 18.28.150, 18.28.165, and 18.28.190; repealing RCW 18.28.020, 18.28.030, 18.28.040, 18.28.045, 18.28.050, 18.28.060, 18.28.070, 18.28.160, and 18.28.170; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 5266 by Senators Pelz, Newhouse, Heavey, Wood and West (by request of Department of Licensing)

AN ACT Relating to court reporting; amending RCW 18.145.005, 18.145.010, 18.145.020, 18.145.030, 18.145.040, 18.145.050, 18.145.070, 18.145.080, 18.145.090, 18.145.110, 18.145.120, 18.145.130, and 18.145.900; and repealing RCW 18.145.060.

Referred to Committee on Labor, Commerce and Trade.

SB 5267 by Senators Sheldon, Haugen and Wood

AN ACT Relating to write-in candidates; and amending RCW 29.04.180 and 29.54.085.

Referred to Committee on Government Operations.

SB 5268 by Senators Owen, Wood and Prince

AN ACT Relating to the use of the department of licensing service account to replace, update, procure, and expand the number of workstation equipment used in the department of licensing vehicle field system; and amending RCW 46.68.220.

Referred to Committee on Transportation.

SB 5269 by Senators Rasmussen, Pelz, Heavey, Winsley, Franklin, Oke and Deccio

AN ACT Relating to raffle tickets; and amending RCW 9.46.0277.

Referred to Committee on Labor, Commerce and Trade.

SB 5270 by Senators Deccio, Haugen, Winsley, Loveland, Hochstatter, Oke, Moyer, Rasmussen, Long, Hargrove, McCaslin, Owen, Hale, Newhouse, Wood, Snyder, Cantu, Wojahn, Roach, West, Strannigan, McDonald, Quigley, Schow, Sellar, Finkbeiner, A. Anderson and Bauer

AN ACT Relating to administrative rule making; amending RCW 34.05.380; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Government Operations.

SJR 8207 by Senators Owen, Haugen, McCaslin, Hargrove, Rasmussen and Hochstatter

Amending the Constitution to change the definition of true and fair value of real property.

Referred to Committee on Ways and Means.

#### MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, January 18, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

NINTH DAY, JANUARY 17, 1995

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**TENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, January 18, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Prentice and Roach. On motion of Senator Loveland, Senator Prentice was excused. On motion of Senator Ann Anderson, Senator Roach was excused.

The Sergeant at Arms Color Guard, consisting of Pages Robert Jocky and Sara Wright, presented the Colors. Reverend Philip Norris, pastor of the Lacey Community Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5033 Prime Sponsor, Senator Rasmussen: Establishing a commission on pesticide registration. Reported by Committee on Agriculture and Agricultural Trade and Development  
January 17, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5033 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Referred to Committee on Ways and Means.

SB 5128 Prime Sponsor, Senator Drew: Authorizing shellfish to be taken under a salmon charter license. Reported by Committee on Natural Resources  
January 17, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

GA 9005 KATHRYN S. BAIL, reappointed June 16, 1994, for a term ending April 15, 1999, as Chair of the Indeterminate Sentence Review Board.  
January 17, 1995  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules.

January 17, 1995

GA 9019 JULIA L. GARRATT, appointed April 25, 1994, for a term ending April 15, 1999, as a member of the Indeterminate Sentence Review Board.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules.

January 17, 1995

GA 9097 SAMUEL R. JOHNSTON, reappointed March 9, 1993, for a term ending September 25, 1995, as a member of the Clemency and Pardons Board.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules.

January 17, 1995

GA 9110 JUDGE REGINALD T. ROBERTS, reappointed March 9, 1993, for a term ending September 25, 1996, as a member of the Clemency and Pardons Board.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 5271 by Senator Drew

AN ACT Relating to arrests by United States forest service and park service special agents without warrant; and amending RCW 10.88.330.

Referred to Committee on Natural Resources.

SB 5272 by Senators Spanel, Swecker, Fraser, C. Anderson, McAuliffe and Winsley (by request of Office of Marine Safety)

AN ACT Relating to regulatory reform using incentives for vessel owners and operators to reduce the risk of oil spills; adding a new section to chapter 88.46 RCW; and adding a new section to chapter 88.40 RCW.

Referred to Committee on Ecology and Parks.

SB 5273 by Senators Hale, Haugen, Winsley and Franklin (by request of Secretary of State Munro)

AN ACT Relating to canvassing of election returns; amending RCW 29.62.020 and 29.62.030; and adding a new section to chapter 29.62 RCW.

Referred to Committee on Government Operations.

SB 5274 by Senators Haugen, McCaslin, Winsley, Wood and Palmer

AN ACT Relating to distribution of moneys to the municipal research council; and reenacting RCW 82.44.160.

Referred to Committee on Government Operations.

SB 5275 by Senators Haugen, McCaslin and Winsley

AN ACT Relating to consolidation of cities and towns; amending RCW 35.10.460, 35.10.470, 35.10.480, 35.10.490, and 35.21.010; and adding a new section to chapter 35.10 RCW.

Referred to Committee on Government Operations.

SB 5276 by Senators McAuliffe, Drew, Bauer, Hochstatter, Sutherland, Long, Pelz, Rasmussen, Haugen, Fairley, Winsley and Kohl

AN ACT Relating to nomenclature in the common school education code; amending RCW 28A.150.220, 28A.150.260, 28A.150.260, 28A.150.275, 28A.150.370, 28A.150.390, 28A.155.010, 28A.155.020, 28A.155.030, 28A.155.040, 28A.155.050, 28A.155.060, 28A.155.070, 28A.155.080, 28A.155.090, 28A.160.040, 28A.160.160, 28A.160.180, 28A.190.030, 28A.310.190, 28A.320.080, 28A.330.100, 28A.525.030, 28A.525.162, 28A.545.040, 28A.545.100, 28A.630.400, 28A.630.835, 28A.630.840, 28A.630.845, and 28A.630.872; providing a contingent effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Education.

SB 5277 by Senators Wojahn, Deccio, Hale, Franklin, Palmer, Heavey and Pelz

AN ACT Relating to compacts with Indian tribes for conducting gaming; amending RCW 9.46.360 and 43.06.010; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5278 by Senators Wojahn, Oke, Gaspard, Winsley, Franklin, Long, Rasmussen and Wood

AN ACT Relating to awards to persons found not guilty by reason of self defense; and amending RCW 9A.16.110.

Referred to Committee on Law and Justice.

SB 5279 by Senators Prentice, Roach, Prince, Spanel, Hale, Heavey, Kohl, Sellar and C. Anderson

AN ACT Relating to fees for making small loans; and amending RCW 31.04.005 and 31.04.105.

Referred to Committee on Financial Institutions and Housing.

SB 5280 by Senators Smith, Roach, West, Bauer, Schow, Finkbeiner, Johnson, Hale, Kohl, Deccio, Drew and Rasmussen

AN ACT Relating to tax deferrals for a new thoroughbred race track facility; and adding a new chapter to Title 82 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 5281 by Senators Heavey, Pelz, Roach, Deccio, Kohl, West, Drew and Rasmussen

AN ACT Relating to Washington thoroughbred racing; amending RCW 67.16.105; creating new sections; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5282 by Senators Fraser and Newhouse (by request of Department of Revenue)

AN ACT Relating to confidentiality of certain information of the department of revenue; amending RCW 82.32.330; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5283 by Senators C. Anderson, McCaslin and Wojahn

AN ACT Relating to the optometry board; amending RCW 18.54.030; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5284 by Senators C. Anderson, McCaslin and Wojahn

AN ACT Relating to the optometry board; and amending RCW 18.54.070

Referred to Committee on Health and Long-Term Care.

SB 5285 by Senators Bauer, Wood, Sheldon and Kohl (by request of Higher Education Coordinating Board)



AN ACT Relating to the tuition recovery trust fund; amending RCW 28B.85.200 and 28B.85.210; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5286 by Senators Bauer, Wood, Sheldon and Kohl (by request of Higher Education Coordinating Board)

AN ACT Relating to the state educational trust fund; and amending RCW 28B.10.821.

Referred to Committee on Higher Education.

SB 5287 by Senators Wood, Sheldon, Bauer, Kohl, Rasmussen and Hochstatter (by request of Higher Education Coordinating Board)

AN ACT Relating to student financial aid; and amending RCW 28B.80.160.

Referred to Committee on Higher Education.

SB 5288 by Senators Wood, Sheldon, Bauer, Kohl and Rasmussen (by request of Higher Education Coordinating Board)

AN ACT Relating to the Washington scholars program; amending RCW 28A.600.130, 28B.15.543, 28B.80.245, and 28B.80.246; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5289 by Senators Bauer, Wood, Sheldon, Kohl and Rasmussen (by request of Higher Education Coordinating Board)

AN ACT Relating to the future teachers conditional scholarship program; amending RCW 28B.102.020, 28B.102.060, and 28B.102.900; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5290 by Senators Kohl, Sheldon and Bauer (by request of Higher Education Coordinating Board)

AN ACT Relating to the doctoral fellowship for faculty diversity program; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 5291 by Senators Sheldon and Hochstatter

AN ACT Relating to eliminating the requirement of port districts to file tariffs with the utilities and transportation commission; and amending RCW 53.08.070.

Referred to Committee on Transportation.

SB 5292 by Senators Sutherland and Finkbeiner

AN ACT Relating to civil penalties for violation of gas pipeline safety regulations; amending RCW 80.28.212; and prescribing penalties.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5293 by Senators Quigley, Loveland and Strannigan

AN ACT Relating to state indebtedness; amending RCW 39.42.060, 39.94.010, and 39.94.030; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5294 by Senators Sheldon, Winsley, C. Anderson, Haugen, Palmer and Roach

AN ACT Relating to retirement provisions for municipal fire fighters; and amending RCW 41.24.030.

Referred to Committee on Government Operations.

SB 5295 by Senators Drew, McCaslin, Haugen, Winsley, Sheldon and C. Anderson

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

Referred to Committee on Government Operations.

SB 5296 by Senators Quigley, Moyer and Winsley (by request of Department of Health)

AN ACT Relating to health facilities and services; amending RCW 70.38.015, 70.38.025, 70.38.105, 70.38.115, 70.38.125, and 70.38.135; creating new sections; decodifying RCW 70.38.155, 70.38.156, 70.38.157, 70.38.914, 70.38.915, 70.38.916, 70.38.917, 70.38.918, and 70.38.919; repealing RCW 70.38.095, 70.38.105, 70.38.111, 70.38.115, 70.38.125, and 70.38.220; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5297 by Senators Quigley, Moyer, Deccio, Franklin, Winsley and Wood (by request of Department of Health)

AN ACT Relating to the licensure of ambulatory surgical centers; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5298 by Senators C. Anderson, Deccio, Franklin and Palmer

AN ACT Relating to health care professionals doing business as professional service corporations or limited liability companies; and amending RCW 18.100.050 and 25.15.045.

Referred to Committee on Law and Justice.

SB 5299 by Senator Heavey

AN ACT Relating to civil actions for injury or death involving members of the law enforcement officers' and fire fighters' retirement system; adding new sections to chapter 41.26 RCW; recodifying RCW 41.26.270 and 41.26.281; and repealing RCW 41.26.480.

Referred to Committee on Labor, Commerce and Trade.

SB 5300 by Senators Heavey, Pelz and Oke

AN ACT Relating to cigarette sales and advertising; and amending RCW 70.155.040.

Referred to Committee on Health and Long-Term Care.

SB 5301 by Senators Heavey, Pelz, Winsley, Hochstatter and Oke

AN ACT Relating to compacts limiting tribal gaming activities; amending RCW 9.46.360; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5302 by Senator Heavey

AN ACT Relating to limiting premium liability of workers for industrial insurance; and amending RCW 51.16.140.

Referred to Committee on Labor, Commerce and Trade.

SB 5303 by Senators Heavey, Quigley, Winsley, Deccio, Hochstatter and Oke

AN ACT Relating to official travel by public officers and employees; amending RCW 42.52.010, 42.23.070, and 42.23.050; adding new sections to chapter 42.52 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Government Operations.

SB 5304 by Senators Heavey, Sellar, Schow, Oke, Kohl, Roach, Wood, Sheldon, Winsley, Fraser and Long

AN ACT Relating to vehicle identification number inspections on out-of-state vehicles; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Transportation.

SB 5305 by Senators Heavey, Schow, Sheldon, Oke, Wood and Winsley

AN ACT Relating to the use of county auditors and subagents by the director of licensing; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 5306 by Senators Kohl, Roach, Schow, Winsley, Long, Wood, Heavey and Rasmussen

AN ACT Relating to taxation of landscape maintenance and horticultural services; amending RCW 82.04.050; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5307 by Senators Kohl, Winsley, Schow, Long, Wood, Heavey, Roach and Hochstatter

AN ACT Relating to coin-operated laundry facilities; amending RCW 82.04.050; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5308 by Senators Fairley, Moyer, Franklin and Deccio (by request of Department of Health)

AN ACT Relating to the use of examinations in the credentialing of health professionals; amending RCW 18.25.030, 18.32.050, 18.34.080, 18.29.021, 18.29.120, 18.53.060, 18.54.070, 18.64A.020, 18.74.035, 18.83.070, 18.83.072, 18.92.030, 18.92.100, 18.108.030, 18.108.050, and 18.108.073; and reenacting and amending RCW 18.74.023.

Referred to Committee on Health and Long-Term Care.

SB 5309 by Senators Morton, Rasmussen, Deccio and Hochstatter

AN ACT Relating to entry for the purposes of water pollution investigations on agricultural land; amending RCW 90.48.120; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 5310 by Senators Haugen, Winsley, Wojahn and Prince (by request of Washington State Historical Society)

AN ACT Relating to heritage capital projects; adding a new section to chapter 27.34 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5311 by Senators Haugen and McCaslin

AN ACT Relating to repayment of cost of counsel provided to indigent persons; and amending RCW 10.101.005 and 10.101.020.

Referred to Committee on Law and Justice.

SB 5312 by Senators Rasmussen, Oke, Winsley, Haugen and Palmer

AN ACT Relating to children possessing firearms; amending RCW 9.41.042; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Law and Justice.

SB 5313 by Senators Rasmussen, Owen, Roach, Winsley and Hargrove

AN ACT Relating to farm vehicle exceptions to commercial driver's license requirements; and amending RCW 46.25.050.

Referred to Committee on Transportation.

SB 5314 by Senators Rasmussen, Morton, Loveland, Newhouse and Fraser (by request of Department of Agriculture)

AN ACT Relating to weights and measures; amending RCW 19.94.010, 19.94.160, 19.94.165, 19.94.175, 19.94.185, 19.94.190, 19.94.216, 19.94.255, 19.94.280, 19.94.320, 19.94.360, and 19.94.410; adding new sections to chapter 19.94 RCW; adding a new section to chapter 15.80 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5315 by Senators Rasmussen, Morton, Loveland, Newhouse and Roach (by request of Department of Agriculture)

AN ACT Relating to agriculture and marketing; amending RCW 15.36.012, 15.36.071, 15.36.171, 15.36.221, 15.36.411, 15.36.441, 15.36.551, 69.04.060, 69.04.070, 69.07.100, 69.07.085, 69.25.020, 69.25.050, 69.25.150, 69.25.170, 69.25.250, 69.25.310, 69.25.320, 69.25.340, 15.53.901, 15.53.9012, 15.53.9014, 15.53.9016, 15.53.9018, 15.53.902, 15.53.9022, 15.53.9024, 15.53.9038, 15.53.904, 15.53.9042, 15.53.9053, 16.57.220, 16.57.230, 16.57.240, 16.57.280, 16.57.290, 16.65.030, 15.44.033, and 43.88.240; reenacting and amending RCW 69.07.040 and 16.57.220; reenacting RCW 15.36.431; adding a new section to chapter 69.04 RCW; adding a new section to chapter 15.53 RCW; adding new sections to chapter 16.65 RCW; adding new sections to chapter 43.23 RCW; adding a new chapter to Title 69 RCW; repealing RCW 69.08.010, 69.08.020, 69.08.030, 69.08.040, 69.08.045, 69.08.050, 69.08.060, 69.08.070, 69.08.080, 69.08.090, 69.25.330, 15.53.9036, 15.53.905, and 15.53.9052; repealing 1994 c 46 s 21; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5316 by Senators Morton, Haugen, Rasmussen, Swecker, Newhouse, Prince, Hochstatter, West, Winsley, Deccio, Palmer and Roach

AN ACT Relating to water resource governance; amending RCW 43.20.230, 43.21A.020, 43.21A.061, 43.21A.064, 43.21A.067, 43.21A.445, 43.21B.110, 43.21B.300, 43.21B.310, 43.27A.020, 43.27A.090, 43.27A.130, 43.27A.190, 89.16.040, 89.16.045, 89.16.050, 89.16.055, 89.16.060, 89.16.080, 89.30.055, 89.30.058, 89.30.070, 89.30.427, 90.03.005, 90.03.015, 90.03.130, 90.03.247, 90.03.345, 90.03.360, 90.03.383, 90.03.386, 90.03.390, 90.03.471, 90.03.600, 90.08.040, 90.14.041, 90.14.043, 90.14.061, 90.14.065, 90.14.091, 90.14.101, 90.14.111, 90.14.130, 90.14.150, 90.14.180, 90.14.190, 90.14.200, 90.14.230, 90.16.060, 90.16.090, 90.22.010, 90.22.030, 90.22.040, 90.24.010, 90.24.030, 90.24.040, 90.24.050, 90.24.060, 90.38.010, 90.40.090, 90.42.020, 90.44.035, 90.44.130, 90.44.400, 90.44.410, 90.44.410, 90.44.420, 90.44.430, 90.44.450, 90.46.005, 90.46.020, 90.46.030, 90.46.040, 90.54.010, 90.54.100, 90.54.110, 90.54.120, 90.54.130, 90.54.140, 90.54.150, 90.66.040, 90.66.080, and 90.54.040; reenacting and amending RCW 43.17.010, 43.17.020, and 43.83B.300; adding a new section to chapter 43.21A RCW; adding a new section to chapter 90.03 RCW; adding new sections to chapter 90.54 RCW; adding new sections to chapter 43.27A RCW; adding a new chapter to Title 43 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5317 by Senators Morton, Haugen, West, Winsley, Deccio, Rasmussen and Roach

AN ACT Relating to water resource governance; amending RCW 43.20.230, 43.21A.020, 43.21A.061, 43.21A.064, 43.21A.067, 43.21A.445, 43.21B.110, 43.21B.300, 43.21B.310, 43.27A.020, 43.27A.090, 43.27A.130, 43.27A.190, 89.16.040, 89.16.045, 89.16.050, 89.16.055, 89.16.060, 89.16.080, 89.30.055, 89.30.058, 89.30.070, 89.30.427, 90.03.005, 90.03.015, 90.03.130, 90.03.247, 90.03.345, 90.03.360, 90.03.383, 90.03.386, 90.03.390, 90.03.471, 90.03.600, 90.08.040, 90.14.041, 90.14.043, 90.14.061, 90.14.065, 90.14.091, 90.14.101, 90.14.111, 90.14.130, 90.14.150, 90.14.180, 90.14.190, 90.14.200, 90.14.230, 90.16.060, 90.16.090, 90.22.010, 90.22.030, 90.22.040, 90.24.010, 90.24.030, 90.24.040, 90.24.050, 90.24.060, 90.38.010, 90.40.090, 90.42.020, 90.44.035, 90.44.130, 90.44.400, 90.44.410, 90.44.410, 90.44.420, 90.44.430, 90.44.450, 90.46.005, 90.46.020, 90.46.030, 90.46.040, 90.54.010, 90.54.100, 90.54.110, 90.54.120, 90.54.130, 90.54.140, 90.54.150, 90.66.040, and 90.66.080; reenacting and amending RCW 43.17.010, 43.17.020, and 43.83B.300; adding a new section to chapter 43.21A RCW; adding a new section to chapter 90.03 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5318 by Senators Morton, Haugen, West, Winsley, Deccio, Rasmussen, Palmer and Roach

AN ACT Relating to adjudication and regulation of water rights; amending RCW 90.03.015, 90.03.110, 90.03.120, 90.03.130, 90.03.140, 90.03.200, 43.21A.064, and 90.14.140; adding new sections to chapter 90.03 RCW; adding a new section to chapter 43.27A RCW; creating a new section; and repealing RCW 90.03.160, 90.03.170, and 90.03.190.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5319 by Senators Morton, Haugen, West, Winsley, Deccio, Rasmussen and Palmer

AN ACT Relating to regional water resource planning process; amending RCW 90.54.040; and adding new sections to chapter 90.54 RCW.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5320 by Senator McCaslin

AN ACT Relating to the use of physical force against intruders; adding a new section to chapter 9A.16 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5321 by Senator Loveland

AN ACT Relating to county officials; amending RCW 84.04.060 and 84.56.340; and repealing RCW 36.33.180.

Referred to Committee on Government Operations.

SB 5322 by Senators Gaspard, Roach, McDonald, Rinehart, Heavey, Johnson, Franklin, Loveland, West and Winsley

AN ACT Relating to a death benefit award for certain law enforcement officers, fire fighters, and commissioned employees of the Washington state patrol who die in the line of duty; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 43.43 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5323 by Senator Owen

AN ACT Relating to the regulation of private school buses; amending RCW 46.32.010 and 46.37.193; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

SB 5324 by Senators Pelz, A. Anderson, West and Bauer

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

Referred to Committee on Labor, Commerce and Trade.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

January 16, 1995

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4402, and the same is herewith transmitted.

SHARON HAYWARD, Deputy Chief Clerk

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4402 by Representatives Foreman and Appelwick

Calling for a Joint Session to receive an address from the Washington State Supreme Court Chief Justice Barbara Durham.

## MOTIONS

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4402 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4402 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4402 was adopted by voice vote.

## MOTION

At 10:16 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:52 a.m. by President Pritchard.

## MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

## MOTION

On motion of Senator Gaspard, the following resolution was adopted:

### SENATE RESOLUTION 1995-8601

By Senators Gaspard and Snyder

BE IT RESOLVED, That the Rules of the Senate for the 1993 Regular Session of the 53rd Legislature be adopted, as amended, as the Rules for the 1995 Regular Session of the 54th Legislature, to read as follows:

## PERMANENT RULES OF THE SENATE

### FIFTY-FOURTH LEGISLATURE

1995

#### SECTION I - OFFICERS-MEMBERS-EMPLOYEES

- Rule 1** Duties of the President
- Rule 2** President Pro Tempore
- Rule 3** Secretary of the Senate
- Rule 4** Sergeant at Arms
- Rule 5** Subordinate Officers
- Rule 6** Employees
- Rule 7** Conduct of Members and Officers

#### SECTION II - OPERATIONS AND MANAGEMENT

- Rule 8** Payment of Expenses - Facilities and Operations
- Rule 9** Use of Senate Chambers
- Rule 10** Admission to the Senate
- Rule 11** Printing of Bills
- Rule 12** Furnishing Full File of Bills
- Rule 13** Regulation of Lobbyists
- Rule 14** Security Management

#### SECTION III - RULES AND ORDER

- Rule 15** Time of Convening
- Rule 16** Quorum
- Rule 17** Order of Business
- Rule 18** Special Order
- Rule 19** Unfinished Business
- Rule 20** Motions and Senate Floor Resolutions (How Presented)
- Rule 21** Precedence of Motions
- Rule 22** Voting
- Rule 23** Announcement of Vote
- Rule 24** Call of the Senate

- Rule 25** One Subject in a Bill
- Rule 26** No Amendment by Mere Reference to Title of Act
- Rule 27** Reading of Papers
- Rule 28** Comparing Enrolled and Engrossed Bills

#### **SECTION IV - PARLIAMENTARY PROCEDURE**

- Rule 29** Rules of Debate
- Rule 30** Recognition by the President
- Rule 31** Call for Division of a Question
- Rule 32** Point of Order - Decision Appealable
- Rule 33** Question of Privilege
- Rule 34** Protests
- Rule 35** Suspension of Rules
- Rule 36** Previous Question
- Rule 37** Reconsideration
- Rule 38** Motion to adjourn
- Rule 39** Yeas and Nays - When Must be Taken
- Rule 40** Reed's Parliamentary Rules

#### **SECTION V - COMMITTEES**

- Rule 41** Committees - Appointment and Confirmation
- Rule 42** Subcommittees
- Rule 43** Subpoena Power
- Rule 44** Duties of Committees
- Rule 45** Committee Rules
- Rule 46** Committee Meetings During Sessions
- Rule 47** Reading of Reports
- Rule 48** Recalling Bills from Committees
- Rule 49** Bills Referred to Rules Committee
- Rule 50** Rules Committee
- Rule 51** Employment Committee
- Rule 52** Committee of the Whole
- Rule 53** Appropriation Budget Bills

#### **SECTION VI - BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL**

##### **APPOINTMENTS Rule 54** Definitions

- Rule 55** Prefiling
- Rule 56** Introduction of Bills
- Rule 57** Amendatory Bills
- Rule 58** Joint Resolutions and Memorials
- Rule 59** Senate Concurrent Resolutions
- Rule 60** Committee Bills
- Rule 61** Committee Reference
- Rule 62** Reading of Bills
- Rule 63** First Reading
- Rule 64** Second Reading/Amendments
- Rule 65** Third Reading
- Rule 66** Scope and Object of Bill Not to be Changed
- Rule 67** Matter Related to Disagreement Between the Senate and House
- Rule 68** Bills Committed for Special Amendment
- Rule 69** Confirmation of Gubernatorial Appointees

#### **SECTION I**

##### **OFFICERS-MEMBERS-EMPLOYEES**

###### **Duties of the President**

- Rule 1.** 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)
- 2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber.
- 3. The president shall have charge of and see that all officers and employees perform their respective duties, and shall have general control of the senate chamber and wings. (See also Art. 2, Sec. 10, State Constitution.)
- 4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

### **President Pro Tempore**

**Rule 2.** 1. Upon the organization of the senate the members shall elect one of their number as president pro tempore who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tempore who will serve in the absence of the lieutenant governor and the president pro tempore. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tempore, and vice president pro tempore, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

### **Secretary of the Senate**

**Rule 3.** 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

### **Sergeant at Arms**

**Rule 4.** 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

### **Subordinate Officers**

**Rule 5.** The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

### **Employees**

**Rule 6.** 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. Senate employees are governed by joint rules and chapters 42.17 (the Public Disclosure Act) and 42.52 RCW (the Ethics in Public Service Act).

### **Conduct of Members and Officers**

**Rule 7.** 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure



or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

## SECTION II

### OPERATIONS AND MANAGEMENT

#### Payment of Expenses - Facilities and Operations

**Rule 8.** 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations. The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the secretary of the senate authorizing the payment thereof. The committee on facilities and operations shall issue postage only as follows:

- a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.
- b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

#### Use of Senate Chambers

**Rule 9.** The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

#### Admission to the Senate

**Rule 10.** The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,  
Members of the house of representatives,  
State elected officials,  
Officers and authorized employees of the legislature,  
Honored guests being presented to the senate,  
Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,  
Representatives of the press,  
Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

#### Printing of Bills

**Rule 11.** The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

#### Furnishing Full File of Bills

**Rule 12.** Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate. The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the secretary of the senate. The secretary of the senate is authorized to recoup costs.

#### Regulation of Lobbyists

**Rule 13.** All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

#### Security Management

**Rule 14.** The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

## SECTION III

### RULES AND ORDER

#### Time of Convening

**Rule 15.** The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

#### Quorum

**Rule 16.** A majority of all members elected to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

#### Order of Business

**Rule 17.** After the roll is called and journal read and approved, business shall be disposed of in the following order:

FIRST. Reports of standing committees.

SECOND. Reports of select committees.

THIRD. Messages from the governor and other state officers.

FOURTH. Messages from the house of representatives.

FIFTH. Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions.

SIXTH. Second reading of bills.

SEVENTH. Third reading of bills.

EIGHTH. Presentation of petitions, memorials and floor resolutions.

NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

#### Special Order

**Rule 18.** The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

#### Unfinished Business

**Rule 19.** The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

#### Motion and Senate Floor Resolutions (How Presented)

**Rule 20.** 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration.

#### Precedence of Motions

**Rule 21.** When a motion has been made and stated by the chair the following motions are in order, in the rank named:

#### PRIVILEGED MOTIONS

Adjourn or recess

Reconsider

Demand for call of the senate

Demand for roll call

Demand for division  
Question of privilege  
Orders of the day

#### INCIDENTAL MOTIONS

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

#### SUBSIDIARY MOTIONS

1st Rank: To lay on the table  
2nd Rank: For the previous question  
3rd Rank: To postpone to a day certain  
                    To commit or recommit  
                    To postpone indefinitely  
4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session. A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table. At no time shall the senate entertain a Question of Consideration.

#### Voting

**Rule 22.** 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

#### Announcement of Vote

**Rule 23.** The announcement of all votes shall be made by the president.

#### Call of the Senate

**Rule 24.** Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

#### One Subject in a Bill

**Rule 25.** No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

#### No Amendment by Mere Reference to Title of Act

**Rule 26.** No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

#### **Reading of Papers**

**Rule 27.** When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

#### **Comparing Enrolled and Engrossed Bills**

**Rule 28.** Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

### **SECTION IV**

#### **PARLIAMENTARY PROCEDURE**

##### **Rules of Debate**

**Rule 29.** When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

##### **Recognition by the President**

**Rule 30.** When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

##### **Call for Division of a Question**

**Rule 31.** Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

##### **Point of Order - Decision Appealable**

**Rule 32.** Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

##### **Question of Privilege**

**Rule 33.** Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

##### **Protests**

**Rule 34.** Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

##### **Adoption and Suspension of Rules**

**Rule 35.** 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a

majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

#### **Previous Question**

**Rule 36.** The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

#### **Reconsideration**

**Rule 37.** 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

#### **Motion to Adjourn**

**Rule 38.** Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

#### **Yeas and Nays - When Must be Taken**

**Rule 39.** The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

#### **Reed's Parliamentary Rules**

**Rule 40.** The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

### **SECTION V**

#### **COMMITTEES**

##### **Committees - Appointment and Confirmation**

**Rule 41.** The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

1. Agriculture and Agricultural Trade and Development 7
2. Ecology and Parks 6
3. Education 7
4. Energy, Telecommunications and Utilities 5

- 5. Financial Institutions and Housing 7
- 6. Government Operations 7
- 7. Health and Long-Term Care 9
- 8. Higher Education 9
- 9. Human Services and Corrections 11
- 10. Labor, Commerce and Trade 9
- 11. Law and Justice 11
- 12. Natural Resources 11
- 13. Rules 19
- 14. Transportation 13
- 15. Ways and Means 25

#### **Subcommittees**

**Rule 42.** Committee chairs may create subcommittees of the standing committee and designate subcommittee chairs thereof to study subjects within the jurisdiction of the standing committee. The committee chair shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

#### **Subpoena Power**

**Rule 43.** Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chair shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

#### **Duties of Committees**

**Rule 44.** The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state: PROVIDED, That no executive action on bills may be taken during an interim.

#### **Committee Rules**

**Rule 45. 1.** At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. A majority of any committee shall constitute a quorum. Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one of the following recommendations, shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee:

- a. Do pass.
- b. Do pass as amended.
- c. That a substitute bill be substituted therefor, and the substitute bill do pass.
- d. That the bill be referred to another committee.
- e. Without recommendation.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 3 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members.

8. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

#### **Committee Meetings During Sessions**

**Rule 46.** No committee shall sit during the daily session of the senate unless by special leave. No committee shall sit during any scheduled caucus.

#### **Reading of Reports**

**Rule 47.** The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

#### **Recalling Bills from Committees**

**Rule 48.** Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

#### **Bills Referred to Rules Committee**

**Rule 49.** All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 63 and 64.)

#### **Rules Committee**

**Rule 50.** The lieutenant governor shall be a voting member and the chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

#### **Employment Committee**

**Rule 51.** The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

#### **Committee of the Whole**

**Rule 52.** At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

#### **Appropriation Budget Bills**

**Rule 53.** No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected.

### **SECTION VI**

#### **BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS**

##### **Definitions**

**Rule 54.** "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

#### **Prefiling**

**Rule 55.** Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

#### **Introduction of Bills**

**Rule 56.** All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

#### **Amendatory Bills**

**Rule 57.** Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

#### **Joint Resolutions and Memorials**

**Rule 58.** Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

#### **Senate Concurrent Resolutions**

**Rule 59.** Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 62.

#### **Committee Bills**

**Rule 60.** Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

#### **Committee Reference**

**Rule 61.** When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

FIRST: A standing committee.

SECOND: A select committee.

#### **Reading of Bills**

**Rule 62.** Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote. (See also Rule 59).

#### **First Reading**

**Rule 63.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full. After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.



Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

A bill shall be reported back by the committee chair upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 4.

No committee chair shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

### **Second Reading/Amendments**

**Rule 64.** Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

### **Third Reading**

**Rule 65.** Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

### **Scope and Object of Bill Not to be Changed**

**Rule 66.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.) Substitute bills shall be considered amendments for the purposes of this rule.

### **Matters Related to Disagreement Between the Senate and House**

**Rule 67.** When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

- To concur
- To non-concur
- To recede
- To insist
- To adhere

These motions are in order as to any single amendment or to a series of amendments. (See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

### **Bills Committed for Special Amendment**

**Rule 68.** A bill may be committed with or without special instructions to amend at any time before taking the final vote.

### **Confirmation of Gubernatorial Appointees**

**Rule 69.** When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

The standing committee, or subcommittees, pursuant to rule 42, shall hold a public hearing on the appointment. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chair of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the elected. (Article 13 of the State Constitution.)

MOTION

At 11:54 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, January 19, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TENTH DAY, JANUARY 18, 1995

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**ELEVENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, January 19, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

MESSAGE FROM THE GOVERNOR

January 12, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Williams, appointed January 12, 1995, for a term ending June 15, 1996, as a member of the Marine Employees' Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING

SB 5325 by Senators Rinehart, Bauer, Prince, Pelz, Sheldon, Kohl, Drew and Wood

AN ACT Relating to higher education fiscal matters; amending RCW 28B.15.067, 28B.15.100, 28B.50.095, 28B.80.360, 28B.15.740, and 43.88.150; reenacting and amending RCW 28B.15.202, 28B.15.402, 28B.15.502, 28B.15.820, and 28B.15.031; creating new sections; repealing RCW 28B.15.070 and 28B.15.076; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5326 by Senators Long, Fairley, Roach, Hargrove, West, Oke and Winsley

AN ACT Relating to registration of sex offenders; and amending RCW 9A.44.130 and 9A.44.140.

Referred to Committee on Law and Justice.

SB 5327 by Senators Kohl, Fairley, Smith and Prentice

AN ACT Relating to the attorney-client privilege; and amending RCW 5.60.060.

Referred to Committee on Law and Justice.

SB 5328 by Senators Deccio, Sellar, Smith, Schow and Winsley

AN ACT Relating to juvenile services; and amending RCW 13.04.035.

Referred to Committee on Law and Justice.

SB 5329 by Senators Haugen, Loveland, Deccio, Smith and Winsley

AN ACT Relating to local government costs for criminal prosecutions; and amending RCW 3.62.070 and 70.48.400.

Referred to Committee on Government Operations.

SB 5330 by Senators Smith and Franklin (by request of Washington State Patrol)

AN ACT Relating to the release of background information by the state patrol; and amending RCW 43.43.838.

Referred to Committee on Law and Justice.

SB 5331 by Senators Franklin, Moyer, Fairley, Winsley, Wojahn, C. Anderson, Kohl and Fraser

AN ACT Relating to bicycle safety; amending RCW 46.61.750, 28A.220.050, 46.20.095, 46.82.430, and 46.83.040; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5332 by Senators Prentice, Hale, Fraser and Winsley (by request of Department of Financial Institutions)

AN ACT Relating to securities; and amending RCW 21.20.060, 21.20.090, 21.20.270, 21.20.310, 21.20.340, 21.20.380, and 21.20.390.

Referred to Committee on Financial Institutions and Housing.

SB 5333 by Senators Smith, Long and Johnson

AN ACT Relating to investment of trust funds; amending RCW 11.100.010, 11.100.020, 11.100.035, and 11.100.130; and adding new sections to chapter 11.100 RCW.

Referred to Committee on Law and Justice.

SB 5334 by Senators Smith, Long and Johnson

AN ACT Relating to the Washington business corporation act; amending RCW 23B.14.220, 23B.14.300, 23B.14.330, 23B.14.340, 23B.07.320, 23B.08.080, and 34.08.020; reenacting and amending RCW 23B.01.400; and adding a new section to chapter 23B.14 RCW.

Referred to Committee on Law and Justice.

SB 5335 by Senators Smith, Long and Johnson

AN ACT Relating to updating uniform commercial code provisions on investment securities; amending RCW 62A.8-101, 62A.8-102, 62A.8-103, 62A.8-104, 62A.8-105, 62A.8-106, 62A.8-107, 62A.8-108, 62A.8-201, 62A.8-202, 62A.8-203, 62A.8-204, 62A.8-205, 62A.8-206, 62A.8-207, 62A.8-208, 62A.8-301, 62A.8-302, 62A.8-303, 62A.8-304, 62A.8-305, 62A.8-306, 62A.8-307, 62A.8-401, 62A.8-402, 62A.8-403, 62A.8-404, 62A.8-405, 62A.8-406, 62A.8-407, 62A.1-206, 62A.4-104, 62A.5-114, 62A.9-103, 62A.9-105, 62A.9-106, 62A.9-203, 62A.9-301, 62A.9-304, 62A.9-305, 62A.9-306, 62A.9-309, 62A.9-312, and 62A.10-104; reenacting and amending RCW 62A.1-105 and 62A.9-302; adding new sections to Title 62A RCW; creating a new section; and repealing RCW 21.17.010, 21.17.020, 21.17.030, 21.17.040, 21.17.050, 21.17.060, 21.17.070, 21.17.080, 21.17.090, 21.17.900, 21.17.910, 62A.8-308, 62A.8-309, 62A.8-310, 62A.8-311, 62A.8-312, 62A.8-313, 62A.8-314, 62A.8-315, 62A.8-316, 62A.8-317, 62A.8-318, 62A.8-319, 62A.8-320, 62A.8-321, and 62A.8-408.

Referred to Committee on Financial Institutions and Housing.

SB 5336 by Senators McAuliffe, Moyer, Fairley and Winsley (by request of Department of Health)

AN ACT Relating to food sanitation and safety; amending RCW 69.06.010; adding new sections to chapter 69.06 RCW; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5337 by Senators Haugen and Winsley

AN ACT Relating to the state cosmetology, barbering, esthetics, and manicuring advisory board; amending RCW 18.16.050; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5338 by Senators Morton, West, Finkbeiner, McCaslin, Hochstatter, Moyer, Deccio, Winsley, Long, Sellar and Franklin

AN ACT Relating to financing the construction of common school facilities through the dedication of excess state lottery revenues; amending RCW 67.70.040, 67.70.240, and 28A.515.320; and creating a new section.

Referred to Committee on Ways and Means.

SB 5339 by Senators Kohl, Franklin, Fairley, Prentice, Pelz and Wojahn

AN ACT Relating to firearms; and reenacting and amending RCW 9.41.070.

Referred to Committee on Law and Justice.

SB 5340 by Senators Kohl, Cantu, Fraser, Prentice, Winsley and Fairley

AN ACT Relating to disclosure of public information for commercial purposes; amending RCW 42.17.020 and 42.17.260; adding new sections to chapter 42.17 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5341 by Senators Kohl, Roach, Prentice, Fairley, Johnson, Bauer and Schow

AN ACT Relating to reporting of crimes involving the taking or theft of a motor vehicle; and adding a new section to chapter 9A.56 RCW.

Referred to Committee on Law and Justice.

SB 5342 by Senators Snyder, Swecker, Hargrove, Owen, Spanel and Rasmussen (by request of Governor Lowry)

AN ACT Relating to economic and employment impact of natural resources harvest variation in rural communities; amending RCW 43.31.601, 43.31.611, 43.31.621, 43.31.641, 50.22.090, 43.31.651, 43.63A.600, 43.63A.440, 43.160.076, 28B.50.030, 28B.50.258, 28B.50.262, 28B.80.570, 28B.80.575, 28B.80.580, 28B.80.585, 43.17.065, 43.20A.750, 43.21J.010, 43.168.020, 43.168.140, 43.210.110, 50.12.270, 50.70.010, and 50.70.020; amending 1993 c 316 s 5 (uncodified); amending 1993 c 320 s 10 (uncodified); amending 1993 c 316 s 7 (uncodified); amending 1993 c 320 s 11 (uncodified); reenacting and amending RCW 43.160.020 and 43.160.200; adding a new section to chapter 43.63A RCW; creating a new section; repealing RCW 43.31.661 and 43.31.631; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5343 by Senators Fairley, Swecker, Pelz, Fraser, Prentice, Kohl, Winsley and Franklin

AN ACT Relating to promoting the recycled content of products and buildings; amending RCW 43.19A.020, 43.19A.030, 43.19A.050, 43.78.170, 43.19A.090, 43.19A.100, 47.28.220, and 43.19A.110; and adding new sections to chapter 39.04 RCW.

Referred to Committee on Ecology and Parks.

SB 5344 by Senators Wojahn, Smith, Haugen and Kohl

AN ACT Relating to enhancing the child support enforcement program; amending RCW 26.09.170 and 67.70.255; and adding a new section to chapter 26.26 RCW.

Referred to Committee on Law and Justice.

SJM 8007 by Senators Morton, Hargrove, Oke, Winsley and Rasmussen

Requesting that a state of forest health emergency be declared and that salvage sales of dead and dying trees be expedited.

Referred to Committee on Natural Resources.

SJM 8008 by Senators Wojahn, Sellar, Snyder, Newhouse, Gaspard, Fairley, Swecker, Deccio, Palmer, Drew, McDonald, Oke, Sutherland and Schow

Requesting the United States to advocate for the admission of Taiwan to the United Nations.

Referred to Committee on Labor, Commerce and Trade.

SJM 8009 by Senators Morton, West, A. Anderson, Deccio, Hochstatter, Schow, Winsley, Moyer, Oke, Hale, Prince and Strannigan

Declaring sovereignty over matters under the Tenth Amendment to the Constitution.

Referred to Committee on Government Operations.

SCR 8402 by Senators Wojahn, Sellar, Snyder, Newhouse, Gaspard, Fairley, Swecker, Deccio, Palmer, Drew, McDonald, Oke, Sutherland, Winsley and Rasmussen

Entering Washington state into a sister state relationship with Taiwan.

Referred to Committee on Labor, Commerce and Trade.

#### MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, January 20, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

ELEVENTH DAY, JANUARY 19, 1995

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## TWELFTH DAY

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, January 20, 1995

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators McCaslin and Roach. On motion of Senator Ann Anderson, Senators McCaslin and Roach were excused.

The Sergeant at Arms Color Guard, consisting of Jackie Zehner and Ryan Hein, presented the Colors. Reverend Philip Norris, pastor of the Lacey Community Church, offered the prayer.

### INTRODUCTION OF SPECIAL GUEST

President Pro Tempore Wojahn welcomed and introduced Catholic Archbishop Thomas Murphy of the Archdiocese of Seattle, who was seated on the rostrum.

With permission of the Senate, business was suspended and Archbishop Murphy addressed the Senate.

### REMARKS BY ARCHBISHOP MURPHY

Archbishop Murphy: "Thank you very, very much. I am here in Olympia just to visit and most of all the opportunity to speak to you, to say, 'Thank you.' As a citizen of the state and as the Archbishop of the church in Western Washington, the cooperative efforts between the church and the care of human persons in the state, along with the Legislature, has been a real gift. This really struck me this last past week. As you know in Seattle, when the four firepersons died, it happened by chance each of them was a member of the Roman Catholic faith community. I was never so struck in my life by being able to attend those four services, as well as at the Seattle Center. But, what came out of that experience was the sense of the service that we take for granted, which for these particular men cost them their lives. That made me aware in so many ways the service that all of us could take for granted--the service of men and women, such as yourselves, as we seek what is common to all of us as human beings.

"That also was brought to my attention on Wednesday evening when, at our Cathedral in Seattle, we had a service for the victims of the Japanese earthquake, and what brought us to that conclusion and that service was, despite the different faith traditions that are part of our experience, we share a humanity. We are daughters and sons of the same God; we are brothers and sisters to one another. So, the opportunity on Wednesday night for the Roman Catholic community to offer a sympathy and a word of hope to the Japanese community was a privilege for us. Again the awareness, there is far more that we have in common than what separates us. My prayer for you, as legislators, is that we may discover the truth that God lights in our hearts and to listen to that truth as we try to serve God and especially serve our sisters and brothers in need. Thank you for the ministry you offer, often taken for granted, often overlooked, but my friends, deeply appreciated. Thank you."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 19, 1995

SB 5038 Prime Sponsor, Senator Quigley: Extending time periods for certain health care reform activities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

January 19, 1995

SB 5040 Prime Sponsor, Senator Haugen: Prescribing the selection process for district court districting committees. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5040 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 19, 1995

SB 5041 Prime Sponsor, Senator Winsley: Authorizing temporary vacancies in local elective offices to be filled. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 19, 1995

SB 5043 Prime Sponsor, Senator Winsley: Revising procedures for adoption of codes and statutes by reference by code cities. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 19, 1995

SB 5046 Prime Sponsor, Senator Haugen: Revising filing requirements for interlocal agreements. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 19, 1995

SB 5103 Prime Sponsor, Senator Rinehart: Making supplemental appropriations for the 1993-95 biennium. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5103 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Quigley, Roach, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

HOLD.

#### MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 5103 was advanced to second reading and placed on the second reading calendar.

#### INTRODUCTION AND FIRST READING

SB 5345 by Senators Cantu, McCaslin, Hochstatter, Deccio, Schow, Morton, Finkbeiner, West and A. Anderson

AN ACT Relating to limiting prevailing wage requirements to on-site work; and amending RCW 39.12.020 and 39.12.030.

Referred to Committee on Labor, Commerce and Trade.

SB 5346 by Senators Cantu, McCaslin, Hochstatter, Finkbeiner, Schow, Deccio, Newhouse, Oke and A. Anderson

AN ACT Relating to wages paid for common school construction and renovation; and amending RCW 39.12.020.

Referred to Committee on Labor, Commerce and Trade.

SB 5347 by Senators Cantu, Oke, Johnson and West

AN ACT Relating to limiting regular property taxes; and amending RCW 84.55.010.

Referred to Committee on Ways and Means.



SB 5348 by Senators Cantu, Fraser and Winsley

AN ACT Relating to disclosure of drivers' license records; adding a new section to chapter 46.20 RCW; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Law and Justice.

SB 5349 by Senators Cantu, Roach, Oke, Schow, Johnson, Deccio, Wood, Winsley, Hale, Strannigan, Finkbeiner, McCaslin, Palmer, Long, Hochstatter, Moyer, West, Newhouse, Swecker, Morton and A. Anderson

AN ACT Relating to performance audits conducted by the state auditor; amending RCW 43.88.160 and 43.88.090; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5350 by Senators Wojahn, Winsley, Haugen, McCaslin, Drew and Kohl

AN ACT Relating to counties' powers over family day-care providers; amending RCW 36.70A

Referred to Committee on Government Operations.

SB 5351 by Senators Wojahn, Winsley, Haugen, McCaslin and Drew

AN ACT Relating to requirements of cities regarding certification of family day-care provider's home facilities; and amending RCW 35.63.---, 35A.63.---, and 36.70A.---.

Referred to Committee on Government Operations.

SB 5352 by Senators Sheldon, Cantu, Rasmussen and Oke

AN ACT Relating to small business innovation research awards; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 5353 by Senators Sheldon, Rasmussen and Kohl

AN ACT Relating to economic development grants; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5354 by Senators McAuliffe, Long, Sheldon, Smith, Quigley, Drew, Haugen, Snyder, Gaspard, Rasmussen, Bauer, Winsley and Oke

AN ACT Relating to increasing penalties for alcohol or drug-impaired operators of motor vehicles with minor passengers; amending RCW 46.61.5051, 46.61.5052, and 46.61.5053; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5355 by Senators Drew, Morton and Rasmussen

AN ACT Relating to claims for damages caused by deer or elk; creating new sections; and providing an expiration date.

Referred to Committee on Natural Resources.

SB 5356 by Senators Owen, Prince and Bauer (by request of Board of Pilotage Commissioners)

AN ACT Relating to pilotage license fees; amending RCW 88.16.090; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5357 by Senators Owen, Prince and Bauer (by request of Board of Pilotage Commissioners)

AN ACT Relating to pilotage services; amending RCW 88.16.070; reenacting and amending RCW 88.16.150; and prescribing penalties.

Referred to Committee on Transportation.

SB 5358 by Senators Bauer, Newhouse, Rinehart and Winsley

AN ACT Relating to transferring retirement system plan membership; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 5359 by Senators Sheldon, Cantu, Rasmussen, Winsley and A. Anderson

AN ACT Relating to self-employment for unemployed claimants; amending RCW 50.16.030; adding a new chapter to Title 50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor, Commerce and Trade.

SB 5360 by Senator Heavey

AN ACT Relating to port districts; adding a new section to chapter 53.36 RCW; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Government Operations.

SB 5361 by Senators Smith and Heavey

AN ACT Relating to areas impacted by aircraft noise; amending RCW 53.54.020 and 53.54.030; adding new sections to chapter 53.54 RCW; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5362 by Senators Smith and Heavey

AN ACT Relating to airport siting; amending RCW 36.70A.200; adding a new section to chapter 47.06 RCW; adding a new section to chapter 47.80 RCW; adding a new chapter to Title 47 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

SB 5363 by Senator Pelz

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

Referred to Committee on Health and Long-Term Care.

SB 5364 by Senator Owen (by request of Office of Financial Management)

AN ACT Relating to transportation bonds; amending RCW 47.10.834, 47.10.835, 47.10.836, 47.10.837, 47.10.838, 47.10.839, and 47.10.841; repealing RCW 47.10.840; and declaring an emergency.

Referred to Committee on Transportation.

SB 5365 by Senators Fairley, Deccio, Wojahn and Winsley (by request of Department of Health)

AN ACT Relating to the uniform disciplinary act; amending RCW 18.130.020, 18.130.095, 18.130.098, 18.130.170, and 18.130.180; and reenacting and amending RCW 18.130.040 and 18.130.050.

Referred to Committee on Health and Long-Term Care.

SB 5366 by Senator Owen (by request of Office of Financial Management)

AN ACT Relating to transportation bonds; amending RCW 47.10.834, 47.10.835, 47.10.836, 47.10.837, 47.10.838, 47.10.839, and 47.10.841; repealing RCW 47.10.840; and declaring an emergency.

Referred to Committee on Transportation.

SB 5367 by Senators Smith and Roach

AN ACT Relating to the penalty for failing to obey an officer; amending RCW 46.61.022; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5368 by Senator Heavey

AN ACT Relating to voting for port commissioners; and amending RCW 53.12.010.

Referred to Committee on Government Operations.

SB 5369 by Senators Haugen and Winsley

AN ACT Relating to merger of fire protection districts; and amending RCW 52.06.050.

Referred to Committee on Government Operations.

SB 5370 by Senators Hale, Winsley, Haugen and Wood

AN ACT Relating to the use of credit cards by local governments; amending RCW 42.24.115; adding a new section to chapter 39.58 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5371 by Senators Morton and West

AN ACT Relating to distribution of estates; and amending RCW 11.04.015 and 11.12.051.

Referred to Committee on Law and Justice.

SB 5372 by Senators Sheldon and Wood (by request of Community, Trade, and Economic Development and Public Works Board)

AN ACT Relating to appropriations for projects recommended by the public works board; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5373 by Senators Hochstatter, Roach, Oke and Morton

AN ACT Relating to the best interest of a minor child; and amending RCW 13.32A.010, 13.32A.120, 13.34.020, 26.33.010, 26.33.140, 74.13.010, 74.14A.010, 74.14C.005, and 74.15.010.

Referred to Committee on Human Services and Corrections.

SB 5374 by Senators Smith and Roach

AN ACT Relating to registered limited liability partnerships; amending RCW 25.04.020, 25.04.060, 25.04.150, 25.04.180, 25.04.340, 25.04.360, and 25.04.400; and adding new sections to chapter 25.04 RCW.

Referred to Committee on Law and Justice.

SB 5375 by Senators Wojahn, McCaslin, Haugen, Deccio, Franklin, Spanel, Kohl, Snyder, Quigley, Prentice, Oke and Moyer

AN ACT Relating to suspension of licenses for failure to pay child support; amending RCW 74.20A.020, 46.20.291, 46.20.311, 18.04.335, 18.11.160, 18.27.060, 18.39.181, 18.46.050, 18.96.120, 18.104.110, 18.130.150, 18.160.080, 43.20A.205, and 43.70.115; reenacting and amending RCW 18.130.050; adding new sections to chapter 74.20A RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a new section to chapter 18.16 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 18.106 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new section to chapter 18.170 RCW; adding a new section to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW; and creating new sections.

Referred to Committee on Law and Justice.

SJM 8010 by Senators Cantu, Fraser, Oke, Winsley, Johnson, Snyder, Hochstatter, Finkbeiner, Strannigan, Schow, Moyer, Palmer, Roach, Deccio and West

Postratifying Amendment XXVII.

Referred to Committee on Government Operations.

SJR 8208 by Senators Hochstatter, McCaslin, Schow, Oke, Morton, Cantu, Franklin, Palmer, Finkbeiner, Wood and Swecker

Creating a constitutional right of parents to direct the upbringing and education of their children.

Referred to Committee on Human Services and Corrections.

SJR 8209 by Senator Hochstatter

Amending the Constitution to declare English as the official language of the state of Washington.

Referred to Committee on Government Operations.

#### MOTION

On motion of Senator Fraser, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8607

By Senators Fraser, Winsley, Rasmussen, Roach, Wojahn, C. Anderson, Hale, Spanel, Heavey, Haugen, Johnson, Oke, Sellar, Newhouse, Snyder, Gaspard and Kohl

WHEREAS, Hyogo Prefecture, Japan has been struck by the most severe earthquake in Japan since 1952; and  
WHEREAS, The loss of life and property damage has placed a heavy burden on the people of Hyogo and its government; and  
WHEREAS, Washington State has itself experienced, first hand, the heavy losses wrought by earthquakes in the past; and  
WHEREAS, Washington State has maintained a valuable and active sister state relationship with Hyogo Prefecture for more than thirty years, the oldest such relationship in the United States, which has resulted in innumerable friendships, business, educational, and cultural relationships between our two areas; and

WHEREAS, Several communities in Washington State and Hyogo Prefecture have active sister community relationships, including: Auburn and Kasuga, Kent and Kaibara, Kittitas County and Sanda City, Olympia and Yashiro, Pullman and Kasai City, Renton and Nishiwaki, Seattle and Kobe, Sequim and Yamasaki, Spokane and Nishinomiya, and Walla Walla and Sasayama; and

WHEREAS, The Washington State - Hyogo Prefecture Legislative Friendship Association was founded one year ago by the Washington State Legislature to foster a continued exchange of friendship and information between our two Legislative bodies; and  
WHEREAS, The people of Washington State have a special sense of friendship with and, therefore, a profound sympathy for, the people of Hyogo in their time of sorrow and loss; and

WHEREAS, The people of Washington State stand by to offer any needed assistance if asked;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hold a moment of silence in remembrance of the victims of the earthquake in Japan; and

BE IT FURTHER RESOLVED, That the Washington State Senate extend its expression of profound sympathy and support to Governor Toshitami Kaihara, the Prefectural Assembly, and the people of Hyogo; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Governor Toshitami Kaihara, Mr. Kanbe Hajimu, Speaker of the Hyogo Prefectural Assembly, President Isami Hirazawa of the Japan-America Friendship League of Hyogo Prefectural Assembly, and to Mr. Takeo Tarahata of the Hyogo Cultural Center located in Seattle.

Senators Fraser, Wood, Winsley and Rasmussen spoke to Senate Resolution 1995-8607.

#### MOTION

At 10:27 a.m., on motion of Senator Spanel, the Senate recessed until 10:45 a.m.

The Senate was called to order at 10:53 a.m. by President Pro Tempore Wojahn.

#### MOTION

On motion of Senator Spanel, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5103, by Senators Rinehart and West (by request of Office of Financial Management)

Making supplemental appropriations for the 1993-95 biennium.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5103 was substituted for Senate Bill No. 5103 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5103 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5103.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5103 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators McCaslin and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:00 a.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, January 23, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TWELFTH DAY, JANUARY 20, 1995

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

**FIFTEENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, January 23, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Wade Handsaker and Michelle Harlow, presented the Colors. Jim Cammack of the Baha'i Assembly of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 19, 1995

SB 5001 Prime Sponsor, Senator Sheldon: Affecting senior citizens' and persons retired because of physical disabilities property taxation. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5001 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Drew, Finkbeiner, Gaspard, Hargrove, Johnson, Long, McDonald, Moyer, Snyder, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 19, 1995

SB 5074 Prime Sponsor, Senator Fraser: Changing the limitations on the use of wood stoves. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 19, 1995

SB 5087 Prime Sponsor, Senator Fraser: Revising appeals involving environmental and land use boards. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 19, 1995

SB 5131 Prime Sponsor, Senator Spanel: Revising account names and accounting procedures of the IAC. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5131 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

January 19, 1995  
GA 9013 CRAIG COLE, appointed October 28, 1994, for a term ending June 17, 1995, as a member of the Human Rights Commission.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules.

January 19, 1995  
GA 9014 PAULA T. CRANE, appointed August 29, 1994, for a term ending September 25, 1996, as a member of the Clemency and Pardons Board.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules.

January 19, 1995  
GA 9088 DR. HELEN DONIGAN, reappointed March 13, 1993, for a term ending June 30, 1998, as a member of the Human Rights Commission.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF REVENUE  
P.O. BOX 47450  
OLYMPIA, WASHINGTON 98504-7450

January 10, 1995

Honorable Members of the Washington State Legislature  
Ladies and Gentlemen:

Enclosed are copies of the Executive Summary and Volume One of *The Manufacturing Tax Study*. It delineates the impact of state taxes on the manufacturing industry. Last week, an advance copy of this report was distributed to the Chairs of the legislative fiscal committees. I am hereby ensuring that all members have access to this information. Formal printed copies of Volumes One and Two (which contain over 500 pages of supporting data) will be available from the State Printer by the end of January.

The 1994 Study was conducted pursuant to Senate Bill No. 6573 -- enacted during the 1994 Legislative Session. This report includes findings of both the bipartisan Advisory Committee appointed to examine this important tax policy issue, and the Department of Revenue.

It features a comparative analysis of tax burdens on manufacturing firms and concludes that existing taxes in Washington impose a relatively heavy burden for many types of manufacturers. The Study also examined literature regarding factors businesses consider important when making locational decisions. The consensus is that tax differentials can be a significant criterion when most other factors are similar.

Recommendations for expanded tax incentives for the manufacturing industry are contained in the report, in addition to a comprehensive package of exemptions recommended by the Advisory Committee. More limited proposals which I advocate are detailed in the first chapter.

Should you require additional information on the report or legislation as it is considered during the course of this legislative session, please contact me directly at 206/753-5574.

Thank you.

Sincerely,

LEN McCOMB

Director

The Report from the Department of Revenue is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

January 20, 1995

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4402, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4402.

INTRODUCTION AND FIRST READING

SB 5376 by Senators Moyer, Franklin, Deccio, Winsley, Oke, Wood, Pelz, Hale, Prince, Quigley, Rasmussen, Bauer and McCaslin

AN ACT Relating to property tax relief for senior citizens and persons retired by reason of physical disability; amending RCW 84.36.383 and 84.36.383; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5377 by Senators Quigley and Fairley (by request of Department of Social and Health Services)

AN ACT Relating to physician referral; and amending RCW 74.09.240.

Referred to Committee on Health and Long-Term Care.

SB 5378 by Senators Haugen, Morton and Winsley (by request of Community, Trade, and Economic Development)

AN ACT Relating to disbursement of funds to border areas; amending RCW 66.08.190, 66.08.195, and 43.63A.190; adding a new section to chapter 66.08 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5379 by Senators Fairley, Hargrove, Long, C. Anderson, McCaslin, Schow, Johnson, Kohl and Winsley

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

Referred to Committee on Law and Justice.

SB 5380 by Senator Franklin

AN ACT Relating to licensing legal assistants under the direction and supervision of active members of the Washington state bar association; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5381 by Senators Loveland, Finkbeiner, Deccio, Bauer, Sellar, Snyder, West and Winsley

AN ACT Relating to sales and distribution of magazines by subscription; adding a new section to chapter 82.08 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5382 by Senators Prentice, Hochstatter, C. Anderson, Kohl, Franklin and Spanel

AN ACT Relating to medical rehabilitation services; and amending RCW 43.72.130 and 70.47.060.



Referred to Committee on Health and Long-Term Care.

SB 5383 by Senator Hochstatter

AN ACT Relating to the business and occupation tax on collection agencies; and amending RCW 82.04.260.

Referred to Committee on Ways and Means.

SB 5384 by Senators Quigley, Franklin, C. Anderson and Wojahn (by request of Health Care Authority)

AN ACT Relating to implementation of health care authority responsibilities; amending RCW 41.05.011, 41.05.021, 41.05.022, 41.05.065, 41.04.205, and 43.72.230; repealing RCW 41.05.200 and 41.05.240; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5385 by Senators Quigley, Franklin, C. Anderson and Wojahn (by request of Health Care Authority)

AN ACT Relating to health care authority contracts with school districts; amending RCW 28A.400.350; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5386 by Senators Quigley, Franklin, C. Anderson and Wojahn (by request of Health Care Authority)

AN ACT Relating to the basic health plan; amending RCW 70.47.060 and 70.47.020; repealing RCW 70.47.065; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5387 by Senators Wojahn, Winsley, Franklin, Haugen, Rasmussen, McCaslin and West

AN ACT Relating to taxation of new and rehabilitated multiple-unit housing in urban centers; and adding a new chapter to Title 84 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 5388 by Senators Swecker, Haugen, Oke, Sutherland, Owen, Morton, Hochstatter, Snyder, Winsley and Roach

AN ACT Relating to salmon enhancement projects for public fisheries; amending RCW 75.08.420, 75.08.430, and 75.50.110; and adding new sections to chapter 75.50 RCW.

Referred to Committee on Natural Resources.

SB 5389 by Senators Prentice, Long, Fraser and Wood (by request of Department of Licensing)

AN ACT Relating to the regulation of escrow agents; and amending RCW 18.44.010, 18.44.080, 18.44.145, 18.44.208, 18.44.290, 18.44.380, 43.320.011, 43.320.013, 43.320.050, 43.320.060, 43.320.100, and 43.320.110.

Referred to Committee on Financial Institutions and Housing.

SB 5390 by Senators Fairley, Long, Pelz, Kohl and Quigley

AN ACT Relating to interest on past due child support; and amending RCW 26.23.030.

Referred to Committee on Law and Justice.

SB 5391 by Senators Owen, Prince, Sheldon and Wood

AN ACT Relating to state ferry bonds; and amending RCW 47.60.800.

Referred to Committee on Transportation.

SB 5392 by Senators Owen, Prince and Wood

AN ACT Relating to state highway bonds; and adding new sections to chapter 47.02 RCW.

Referred to Committee on Transportation.

SB 5393 by Senators Owen, Prince and Wood

AN ACT Relating to funding for two high occupancy vehicle lane projects; amending RCW 47.10.819; and declaring an emergency.

Referred to Committee on Transportation.

SB 5394 by Senators Franklin, Moyer, Long, Wood, Pelz, Winsley, Kohl, Fairley, Prince, Sellar, Quigley, Prentice, Bauer, Loveland, Fraser and Newhouse

AN ACT Relating to health insurance; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5395 by Senators Pelz, Fraser and Franklin (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance benefits; amending RCW 51.32.020, 51.32.040, 51.32.050, 51.32.067, 51.32.080, and 51.32.095; and adding a new section to chapter 51.60 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 5396 by Senators Pelz, Deccio, Franklin and Palmer (by request of Department of Labor and Industries)

AN ACT Relating to inspections of conveyances; and amending RCW 70.87.120.

Referred to Committee on Labor, Commerce and Trade.

SB 5397 by Senators Franklin and Pelz (by request of Department of Labor and Industries)

AN ACT Relating to asbestos certification; and amending RCW 49.26.013, 49.26.016, 49.26.100, 49.26.110, 49.26.115, 49.26.120, and 49.26.125.

Referred to Committee on Labor, Commerce and Trade.

SB 5398 by Senators Franklin, Pelz and Wojahn (by request of Department of Labor and Industries)

AN ACT Relating to reporting of personal service contracts; and amending RCW 39.29.040.

Referred to Committee on Government Operations.

SB 5399 by Senators Pelz and Franklin (by request of Department of Labor and Industries)

AN ACT Relating to refining industrial insurance actions; and amending RCW 51.12.120, 51.24.030, 51.24.050, 51.24.060, 51.24.090, and 51.52.060.

Referred to Committee on Labor, Commerce and Trade.

SB 5400 by Senators Smith, C. Anderson, Haugen and Winsley (by request of Department of Labor and Industries)

AN ACT Relating to compensation for victims of crimes; and amending RCW 7.68.120, 7.68.125, and 7.68.130.

Referred to Committee on Law and Justice.

SB 5401 by Senators Quigley, Winsley, Moyer and C. Anderson (by request of Department of Labor and Industries)

AN ACT Relating to extending deadlines for studies of medical benefits for injured workers under a consolidated health care system; and amending RCW 43.72.850 and 43.72.860.

Referred to Committee on Health and Long-Term Care.

SB 5402 by Senators Pelz and Franklin (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance penalties; amending RCW 51.16.200, 51.48.020, 51.48.120, and 51.48.150; adding a new section to chapter 43.22 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 5403 by Senators Fraser, A. Anderson, Rasmussen, Prince, Spanel, Morton, Loveland, Swecker, Snyder, Palmer, Owen, Quigley and Roach

AN ACT Relating to the Washington state horse park; amending RCW 41.06.070 and 43.19.190; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 43.01 RCW; adding a new chapter to Title 67 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 5404 by Senators Heavey, Deccio, Fraser, Newhouse, Kohl, Hale, Franklin, McCaslin, Palmer and Wojahn

AN ACT Relating to commercial real estate broker's liens; and adding a new chapter to Title 60 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 5405 by Senators Wood, Bauer, Kohl, Loveland, McAuliffe, Finkbeiner, Morton, Winsley, Franklin, Sellar, Long and C. Anderson

AN ACT Relating to the governing board of the state's higher education institutions; amending RCW 28B.20.100, 28B.30.100, and 28B.35.100; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; and providing an effective date.

Referred to Committee on Higher Education.

SB 5406 by Senators Prentice, Sellar and C. Anderson

AN ACT Relating to continuing market interest rates for consumer credit transactions; repealing RCW 63.14.135; repealing 1992 c 193 s 4 (uncodified); and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 5407 by Senators Winsley, Haugen, Oke and Wojahn

AN ACT Relating to allowing voters to approve ballot propositions protecting a portion of metropolitan park district property taxes from prorationing; amending RCW 84.52.010 and 84.52.043; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Government Operations.

SB 5408 by Senators McAuliffe, Johnson, Quigley and Long (by request of Office of Financial Management)

AN ACT Relating to school bus acquisitions; amending RCW 28A.160.200 and 43.19.637; adding a new section to chapter 28A.160 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5409 by Senators Owen and Oke

AN ACT Relating to compensation for injured fish and wildlife enforcement officers; and amending RCW 75.08.208.

Referred to Committee on Natural Resources.

SB 5410 by Senators C. Anderson, Rasmussen, Gaspard, Newhouse, Snyder, Bauer, Kohl, Pelz, Fraser, Sellar, Wood and Roach

AN ACT Relating to the Washington park arboretum; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Ecology and Parks.

SB 5411 by Senator Kohl

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

Referred to Committee on Higher Education.

SB 5412 by Senators Kohl, Prentice, Fairley and Heavey

AN ACT Relating to daycare employees; adding a new chapter to Title 74 RCW; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 5413 by Senators Franklin, Heavey, Drew, Pelz, Prentice, Quigley and Kohl

AN ACT Relating to public employees' licenses and certifications; and adding a new section to chapter 43.03 RCW.

Referred to Committee on Law and Justice.

SB 5414 by Senators Winsley, Franklin, Wood, Quigley, Fairley and Roach

AN ACT Relating to temporary employees; and amending RCW 41.05.011.

Referred to Committee on Health and Long-Term Care.

SB 5415 by Senators Kohl, Wood, McAuliffe, Drew, Roach, Prentice, Fairley, Franklin and Bauer

AN ACT Relating to roadside safety rest areas; and adding a new section to chapter 47.38 RCW.

Referred to Committee on Transportation.

SB 5416 by Senators Fraser, Smith, Winsley, Wood, C. Anderson, Kohl and Rasmussen

AN ACT Relating to antiharassment and domestic violence restraining orders; amending RCW 9A.46.080, 10.14.080, 26.50.060, and 40.24.010; adding new sections to chapter 10.14 RCW; adding a new section to chapter 18.165 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5417 by Senators Fraser, Winsley, Wojahn, Oke and Kohl

AN ACT Relating to abandonment of dependent persons; adding a new section to chapter 9A.42 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5418 by Senators Fraser, Wood, Wojahn and Prentice

AN ACT Relating to weights and measures enforcement for scanners; amending RCW 19.94.165 and 19.94.175; adding new sections to chapter 19.94 RCW; and creating a new section.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5419 by Senators Fairley and Quigley (by request of Department of Social and Health Services)

AN ACT Relating to federal financial participation related to health insurer's and children's health care; amending RCW 48.01.180, and 48.41.100, and 26.18.170; adding new sections to chapter 48.01 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5420 by Senators Deccio, Hargrove, Hochstatter, Prince, Palmer and McCaslin

AN ACT Relating to corporal punishment in common schools; adding a new section to chapter 28A.150 RCW; and repealing RCW 28A.150.300.

Referred to Committee on Education.

SB 5421 by Senator Fraser

AN ACT Relating to background checks; and amending RCW 43.43.830.

Referred to Committee on Human Services and Corrections.

SB 5422 by Senator Fraser

AN ACT Relating to requiring that an individualized education program for deaf, deaf-blind, and hard-of-hearing children fully consider the communication needs of the individual child; adding new sections to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Education.

SB 5423 by Senator Winsley

AN ACT Relating to sewer and water district sewer and water extension contracts; and amending RCW 56.22.020 and 57.22.020.

Referred to Committee on Government Operations.

SB 5424 by Senators Kohl, Pelz, Fairley and Prentice (by request of Insurance Commissioner Senn)

AN ACT Relating to the use of driving records by insurers; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 5425 by Senators Pelz, Fairley, Kohl and Prentice (by request of Insurance Commissioner Senn)

AN ACT Relating to insurer provision of replacement transportation when a claimant's vehicle is totaled; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 5426 by Senators Fraser, Pelz, Fairley, Prentice and Kohl (by request of Insurance Commissioner Senn)

AN ACT Relating to criteria to be used when rating senior citizens for private passenger automobile insurance; adding a new section to chapter 48.19 RCW; and providing an effective date.

Referred to Committee on Financial Institutions and Housing.

SB 5427 by Senators Kohl, Pelz, Fairley and Prentice (by request of Insurance Commissioner Senn)

AN ACT Relating to the simplification and improved clarity of property and casualty insurance policies; and adding new sections to chapter 48.18 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 5428 by Senators Fraser, Pelz, Fairley, Prentice and Kohl (by request of Insurance Commissioner Senn)

AN ACT Relating to declinations or terminations of automobile insurance applications or policies; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 5429 by Senator Haugen (by request of Insurance Commissioner Senn)

AN ACT Relating to authorizing the insurance commissioner to designate a deputy to act on behalf of the commissioner; and amending RCW 70.37.030.

Referred to Committee on Financial Institutions and Housing.

SB 5430 by Senators Prentice and Hale (by request of Insurance Commissioner Senn)

AN ACT Relating to the capital and surplus requirements of insurance companies; amending RCW 48.05.340; and adding new sections to chapter 48.05 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 5431 by Senators Prentice and Hale (by request of Insurance Commissioner Senn)

AN ACT Relating to rural health care; and repealing RCW 48.45.005, 48.45.010, 48.45.020, and 48.45.030.

Referred to Committee on Health and Long-Term Care.

SB 5432 by Senators Prentice and Hale (by request of Insurance Commissioner Senn)

AN ACT Relating to unearned premium, loss, and loss expense reserves of insurance companies; and amending RCW 48.12.040, 48.12.090, 48.12.100, 48.12.120, and 48.12.130.

Referred to Committee on Financial Institutions and Housing.

SB 5433 by Senators Prentice, Hale and Fraser (by request of Insurance Commissioner Senn)

AN ACT Relating to prohibited investments by insurers; and amending RCW 48.13.270.

Referred to Committee on Financial Institutions and Housing.

SB 5434 by Senators Prentice, Hale and Fraser (by request of Insurance Commissioner Senn)

AN ACT Relating to the licensing of general agents; and amending RCW 48.05.310.

Referred to Committee on Financial Institutions and Housing.

SB 5435 by Senators Prentice, Hale, Fraser, Franklin, C. Anderson and Kohl (by request of Insurance Commissioner Senn)

AN ACT Relating to preexisting condition limitations in medicare supplement policies or certificates; amending RCW 48.66.020 and 48.66.130; adding a new section to chapter 48.66 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 5436 by Senators Prentice, Hale, Fraser, Wojahn, C. Anderson, Kohl, Sheldon, Franklin, Drew, Winsley, Wood, Rasmussen, Loveland, Deccio, Heavey, Snyder, Fairley, Oke and Spanel (by request of Insurance Commissioner Senn)

AN ACT Relating to insurer discrimination against victims of abuse; adding a new section to chapter 48.30 RCW; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 5437 by Senator Prentice (by request of Insurance Commissioner Senn)

AN ACT Relating to the disclosure of material transactions of insurance companies, certified health plans, health service contractors, and health maintenance organizations; adding new sections to chapter 48.05 RCW; adding new sections to chapter 48.43 RCW; adding new sections to chapter 48.44 RCW; adding new sections to chapter 48.46 RCW; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 5438 by Senators Fairley, Prentice and C. Anderson (by request of Insurance Commissioner Senn)

AN ACT Relating to the application of the insurer holding company act to certified health plans, health care service contractors, and health maintenance organizations; amending RCW 48.31B.005 and 48.31B.030; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 5439 by Senators Hargrove, Long, Franklin, Smith, Schow, Owen, Moyer, Oke, Strannigan, Gaspard, Snyder, Heavey, Haugen, Rasmussen, Quigley, Wojahn, Loveland, Bauer, Winsley, Deccio, Spanel, Hale, Hochstatter and Palmer

AN ACT Relating to revising procedures for nonoffender at-risk youth and their families; amending RCW 13.32A.010, 13.32A.030, 13.32A.060, 13.32A.130, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.196, 13.32A.250, 70.96A.095, 74.13.032, 71.34.030, 74.13.034, 82.14.300, 82.14.320, 28A.175.010, 28A.225.010, 28A.225.050, 28A.225.060, 28A.225.070, 28A.225.090, 28A.225.100, 28A.225.110, 28A.225.120, 28A.225.130, and 28A.225.140; adding new sections to chapter 13.32A RCW; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 28A.150 RCW; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 5440 by Senators McAuliffe, Pelz, C. Anderson, Smith, Gaspard, Quigley, Fairley, Rasmussen, Bauer and Palmer

AN ACT Relating to students with firearms on school property; and amending RCW 9.41.280.

Referred to Committee on Education.

#### MOTIONS

On motion of Senator Spanel, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5326.  
On motion of Senator Spanel, Senate Bill No. 5326 was referred to the Committee on Human Services and Corrections.

#### MOTIONS

On motion of Senator Spanel, the Committee on Rules was relieved of further consideration of Senate Bill No. 5038.  
On motion of Senator Spanel, the rules were suspended, Senate Bill No. 5038 was advanced to second reading and placed on the second reading calendar.

#### MOTION

At 10:10 a.m., on motion of Senator Spanel, the Senate recessed until 11:10 a.m.

The Senate was called to order at 11:10 a.m. by President Pritchard.  
There being no objection, the President declared the Senate to be at ease.  
The members of the Senate retired to the House Chamber for the purpose of a joint session.

#### JOINT SESSION

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

Speaker Ballard instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore R. Lorraine Wojahn, Vice President Pro Tempore Rosa Franklin, Majority Leader Marcus S. Gaspard, and Minority Leader Dan McDonald to seats on the rostrum.

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

The Speaker presented the gavel to President Pritchard.

#### APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appointed Senators Prentice and Strannigan and Representatives Thomas and Tokuda as a special committee to escort Governor Mike Lowry from the State Reception Room to the House Rostrum.

The President of the Senate appointed Senators Snyder and Palmer and Representatives Sehlin, Hankins, Poulsen and Regala as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senators Hargrove, Pelz, Cantu and Hale and Representatives Casada, Chandler, Mastin and Kessler as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senators Loveland and Ann Anderson and Representatives Ballasiotes and Veloria as a special committee to advise Her Honor, the Chief Justice of the Supreme Court, Barbara Durham, that the Joint Session had assembled, and to escort her from the State Reception Room to the House Rostrum.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Bernard Gagosz, Consul General from Canada, who was seated in the gallery.

The President welcomed Governor Mike Lowry, who was seated on the rostrum.

The President of the Senate welcomed and introduced the State Elected Officials who were in attendance: Ralph Munro, Secretary of State; Dan Grimm, State Treasurer; Christine Gregoire, State Attorney General; Deborah Senn, State Insurance Commissioner; and Brian Sonntag, State Auditor.

The President of the Senate welcomed and introduced the Justices of the Supreme Court who were in attendance: Justice Robert Utter, Justice James M. Dolliver; Justice Charles Z. Smith; Justice Richard Guy; Justice Charles Johnson; Justice Barbara Madson; Justice Gerry Alexander; and Justice Phil Talmadge.

The President of the Senate called the Joint Session to order.

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

The Secretary of the Senate called the roll of the Senate.

#### INTRODUCTION OF CHIEF JUSTICE DURHAM

Speaker Ballard: "Thank you, Mr. President. Ladies and gentlemen of the House and Senate, Honorable Members of the Supreme Court of Washington, distinguished visitors and friends. It is my high honor and privilege today to introduce to you the new Chief Justice of the State Supreme Court, the Honorable Barbara Durham. As you are all aware, Chief Justice Durham's swearing in this month was noteworthy, not only for the leadership she will bring to our state's judiciary, it was also historic because she is the first woman to serve as Chief Justice of the Washington Supreme Court. You may not know Chief Justice Durham made judicial history before--in 1980, as the first woman appellate judge in state history, and in 1984, as the first woman Chief Judge in the State Appellate Court System.

"Today, Chief Justice Durham is the only sitting member of the State Supreme Court who has served at all four levels of our judiciary. Chief Justice Durham began her judicial career with appointment to the Mercer Island District Court in 1977, and she was elected to the King County Superior Court. In 1980, she was appointed to the State Court of Appeals and since 1985, she has sat on the Supreme Court. Chief Justice Durham has distinguished herself not only on the bench but throughout her legal career serving in numerous public and private leadership roles.

"It is my pleasure to present to you, the Honorable Barbara Durham, Chief Justice of the Washington State Supreme Court."

#### STATE OF THE JUDICIARY ADDRESS BY CHIEF JUSTICE BARBARA DURHAM

Justice Durham: "Thank you very much for inviting me here today. I am honored to stand before you to report on the state of the judiciary. You are about to hear not only where the judiciary has been, but also where we aspire to go. I will describe not only what we have accomplished, but how, by working together as Legislature and Judiciary, we can renew our common commitment to justice. We will also revitalize our state's own judicial branch of government in the process.

"When I reviewed what our judges have accomplished in the past year, I was amazed. We have nearly four hundred judges in our state courts. Last year, they disposed of more than two million cases. That's an average of eight thousand cases every working day. They also sentenced some two hundred seventy-five thousand defendants. What I admire most about these hard working women and men is their dedication to justice. To them, justice is a duty, a responsibility and a public trust.

"Now, let me turn to three pressing issues that you in this Legislature can help us resolve. They are the process by which judges are selected, the optimum size of the Supreme Court, and the way in which the Chief Justice is chosen. First, let's look at the way we select our judges. As we all know, the integrity of the justice system depends upon the quality of its members. Yet, how we choose quality members has become a source of confusion. In a poll conducted last week by telephone, two-thirds of the voters polled said they lacked sufficient information to intelligently choose judicial candidates. The question is how can we increase this information so that the voters know for whom they are voting? Judges themselves aren't able to provide this information. Our state's Code of Judicial Conduct states clearly that judges cannot announce their views on disputed legal and political issues. Some states have recommended that judges be elected on the basis of a complicated merit system. Others suggest that citizens can get information from a judicial voter's pamphlet. I believe that what we need to do is to give this matter careful and thoughtful consideration.

"Therefore, in order to reduce the confusion and improve the selection process, Governor Lowry and I are announcing today the formation of a Judicial Election Reform Commission. This citizens-based commission will work with legislative leaders, judges and others to review all aspects of judicial selection. Their charge will be to hold meetings, take testimony and review methods used in other states. We will request the report and recommendations by the end of next year. I will work closely with Representative Ballard, Senator Gaspard, Governor



Lowry, and others to appoint a commission as soon as possible. Just recently, I've heard from Representative Jennifer Dunn and from city of Seattle Mayor Norman Rice --both of whom support the concept of a commission. As Representative Dunn stated, 'Voters want and deserve more information about judicial elections. A review of the alternatives by a thoughtful Judicial Election Commission would provide some much needed perspective.'

"The second issue I wish to bring to your attention is the size of the state's Supreme Court. Presently, we have a court made up of nine members, as do supreme courts in only six other states. However, the majority of states in the country have fewer members. Alaska has five, Oregon has seven and California has seven. Twenty-five years ago in our state, former Senator Wes Uhlman and then Justice Walter McGovern suggested that our Supreme Court could operate more efficiently with just seven members. Just last Thursday, in Seattle, speaking to the University of Washington Law School, Justice Robert Utter, our senior justice, urged that the state of the Supreme Court be reduced from nine to seven judges. I concur in these recommendations. According, I have been working with House and Senate leadership to draft a constitutional amendment to provide for this reduction through normal attrition. If passed by the voters, the next two vacancies to occur on the bench would not be filled. This reduction to seven justices would improve the court's communication, circulation and administration, and eventually save the taxpayers one point two million dollars a biennium. This reduction effort, however, will require serious leadership to place this issue before the public in November and to sponsor the necessary legislation. Both the House and Senate have already demonstrated leadership. Senator Adam Smith and Representative Mike Padden are the prime sponsors and many others have signed on to the bills.

"A third fundamental change in our court structure, which I propose, is the way in which the Chief Justice is chosen. Currently, the role of the Chief Justice is automatically assigned to a member of the court based on a combination of timing, seniority, and matriculation. The American Bar Association has recommended that the Supreme Court members choose the Chief Justices of this country on the basis of legal competence and administrative ability. In 1990, the Washington Commission for Trial Courts, chaired by William Gates, who is present today, and is a former past president of the State Bar Association, recommended a change in the method of selection of the Chief Justice and to change the Constitution accordingly. The Commission stated, 'Changing the way in which the Chief Justice is selected and extending the Chief Justice's term could have far-reaching effects on the overall management of the court system.' In a recent survey of all Washington State judges, seventy percent preferred a method of selecting the Chief Justice other than rotation. In the Court of Appeals and in most of our trial courts, the presiding judges are elected by their peers. Therefore, in addition to the constitutional amendment to reduce the size of the Supreme Court, we are also submitting a proposal to change the manner in which the Chief Justice is selected. You, as Representatives and Senators, can assist us in accomplishing these important pieces of legislation. I understand that the bills were delivered to the Bill Room this morning and are available in each chamber. I would invite each of you to join our renewal effort by signing on as co-sponsor.

"As you all know, as long as there have been courts, there have been both supporters and critics of the judicial system. Shakespeare's Hamlet bemoaned the law's delay. Dickens wrote about the seemingly endless chancery cases. I'm proud to say that our judiciary has already taken many bold and innovative projects to improve the administration of justice in this state. I'd like to take some time to enumerate these projects for you. We are improving our Supreme Court circulation procedures, especially with regard to opinion filings. As Gladstone noted, 'Justice delayed is justice denied.' Justice is truly denied when litigants have to wait years for resolution of their appeal. Two weeks ago in my inaugural remarks, I proposed that the opinions of the Supreme Court should be published within the same year that they are argued. This is in keeping with the United States Supreme Court, which files all its cases heard that year, by the end of the Spring Term. We should be able to do likewise.

"Therefore, we will consider reducing the length of appellate opinions, shortening the time for circulation and consolidating our hearing schedules. We will continue to search for ways to improve the appellate process, as we did recently in expediting more than two hundred DUI cases, saving virtually one year of appellate time. In our effort to make improvements, we consider nothing too sacred to be reviewed, and no alternative unworthy of consideration. Another priority we must tackle is to face the issue of domestic violence. Domestic violence is a pervasive and systemic problem, and it is the number one cause to injury of women in this country. The number of domestic violence petitions filed in our courts in the past five years has increased by more than four hundred percent. No other case type has increased at this level.

"The branches of government must work together to combat and eradicate this devastating scourge. Two weeks ago, I met with Justice Richard Guy--who is also present--the chairperson of the Gender and Justice Commission, to lay a foundation for a Domestic Violence Summit. With the cooperation of our Attorney General Christine Gregoire, the Domestic Violence Summit can provide a forum for the exchange of information, for identifying ways to reinforce services already available, and to adopt an action plan for what needs to be done. Invitations will be sent to participants from all three branches of government, both state and local. We can and must work together to combat family violence.

"And now a third project, during my term as Chief Justice, I intend to launch two major initiatives to improve the access to our justice system. How many of you know which cases in this state command the most attention? Ninety percent of all cases in the courts come from the courts of limited jurisdiction--the district and municipal court. And yet, our survey indicates a growing concern among judges that the services provided by these courts vary widely across the state. Therefore, I propose a comprehensive assessment of the services and operation of the district and municipal courts. Our objective is to inventory these courts to ensure that all citizens in this state have equal access to justice. We'll take a look, for example, at how probation services are monitoring defendant behavior, and thereby ensuring public safety. We'll examine these court's procedures for getting protection orders in domestic violence cases, to make sure that in rural areas, these courts have the ability to readily recommend persons in need of protection.

"Another thing we will do to further citizen access to justice is to televise, for the first time, Supreme Court oral arguments. In conjunction with T.V.W.--a state level C-Span in effect--we will also invite the public into the courtroom. I hope to follow these broadcasts with informal citizen roundtables to explain the appellate process and to answer their questions. Yet another project, in our effort to streamline and reduce expenditures, is our attempt to continue to contain the rise of indigent defense. Our Constitution requires that every person charged with a crime has the right to have an attorney. If a defendant cannot afford an attorney, one is provided at governmental expense. If people are to maintain their respect for the courts and the constitutional right to have an attorney, we must demonstrate that defendants who are able to pay their own way, do so, and that those who can pay only part of the way, will at least contribute. Other states are already doing this.

"We are preparing, for your consideration, legislation to establish cost recovery programs. Every person who has a legitimate right to a public attorney will continue to be represented. We want to be able to show, however, that these persons are, in fact, in need. The Supreme Court is also examining ways to streamline how we do business. One recommendation from the National Center for State Courts is to privatize some of the services. Particularly, in the area of the Court Reporter's Office. The Reporter's Office is responsible for issuing written opinions of the Washington Supreme Court and the Court of Appeals. We've been able to re-organize the Reporter's office, reduce staff, and we hope to be able to publish reports more expeditiously. We will be seeking your approval for a bill to recover the costs of producing these reports. Currently,

for example, statute requires that the Supreme Court purchase three hundred copies of each published volume and provide them at no cost to a variety of governmental users. We are proposing legislation that would dramatically reduce that number.

"As you know, the decisions the judge makes are only as good as the evidence and information before the court. Particularly important, for example in DUI cases, the judge needs to know whether the defendant being sentenced has an outstanding warrant or is on a deferred probation prosecution program. This year, we expanded the statewide database to all misdemeanor defendants within our Judicial Information System. Courts and criminal justice agencies across the state, can now access the database and make sure that defendants are being sentenced appropriately. We will soon have nearly ninety percent of all misdemeanor criminal history in this state accessible on the JIS system.

"A project we are also proud of is our new method of recruiting juries. Sometimes our jury system is viewed skeptically. As Robert Frost once noted, 'A jury consists of twelve persons chosen to decide who has the better lawyer.' While this might be true in Los Angeles, we have taken steps in Washington to improve our system. If citizens are to maintain respect for justice, our jury system must reflect the diversity and the faces of our society. Since September, our trial courts have begun drawing jurors from a combined list of registered voters and licensed drivers. This basic change in jury composition came about through authority granted jointly by the Legislature, through statute, and by the Supreme Court, through court rule. The two results of this change are a much larger pool of citizens from which to draw jurors, and a more diverse representation of the community. I am pleased to report on this cooperative effort between the courts, our Secretary of State Ralph Munro, numerous executive branch agencies, local officials, and others that led to this major improvement in our judicial system.

"This past year, our judicial system took a long look in the mirror and did some careful soul searching. Last spring, every judge in this state was invited to participate in a first-ever judicial survey. This rigorous one hundred fifty-questionnaire survey aimed to find out how the judiciary is working, what it is doing well, and what can be improved. A total of sixty-three percent of the state judges all responded. Here are some of their tabulated responses. Ninety-three percent of the judges indicated that the Sentencing Reform Act should be re-evaluated. The same number noted that we face increased demands from pro se litigants--those without attorneys. Ninety-two percent believe that excessive litigation costs diminished the public confidence in our courts. Eighty-two percent felt that our courts could become more efficient by using telephonic motions and video assignments. Already, our judges are taking advantage of computer technology. Starting in March, district and municipal courts will begin issuing computer-generated snapshots of DUI cases. For the first time, judges will have reports to show the person's conviction and dismissal rate, plus the success and failure rates of deferred prosecution treatment programs. This means that judges will be able to match their cases with cases filed in other courts, to see how the sentencing and fining practices compare with others.

"These reports will help all of us better understand how we make decisions, how prosecutors charge, how attorneys defend, and how judges sentence. And yes, this information will be available to you and to the public. I am proud of our district and municipal court judges. They have demonstrated their willingness to be accountable for their decisions in this important area of law. That, in a nutshell, is the state of the judiciary. As we enter this final half decade of this century, I think we can all be proud of the accomplishments and encouraged by the prospect that we are being able to render even greater justice to the citizens of Washington State. I personally look forward to working with all of you to further the cause that have brought us all here to serve.

"In the words of a great American jurist, 'The court's only armor is the cloak of public trust; its sole ammunition, the collective hope of our society.' I look forward to increasing that public trust, and keeping alive in all our citizens, their hope for justice. Thank you."

The President of the Senate instructed the special committee to escort Chief Justice Barbara Durham to the State Reception Room.

The President of the Senate instructed the special committee to escort Governor Mike Lowry to the State Reception Room.

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

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

#### MOTION

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

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore R. Lorraine Wajahn, Vice President Pro Tempore Rosa Franklin, Majority Leader Marcus S. Gaspard and Minority Leader Dan McDonald and members of the Senate from the House Chamber.

The Senate was called to order at 11:54 a.m. by President Pritchard.

#### MOTION

At 11:54 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, January 24, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTEENTH DAY, JANUARY 23, 1995

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**SIXTEENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, January 24, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

MESSAGE FROM STATE OFFICES

WASHINGTON STATE CONVENTION AND TRADE CENTER  
EXPANSION DEVELOPMENT STUDY

January 5, 1995

Governor Mike Lowry  
Mayor Norm Rice  
Members of the Senate Ways and Means Committee  
Members of the House Capital Budget Committee

RE: TASK FORCE RECOMMENDATION FOR EXPANSION OF THE CONVENTION CENTER

Ladies and Gentlemen:

Pursuant to Section 148, Chapter 6, Laws of Washington, 1994 1st Special Session, the Legislature directed that the Washington State Convention and Trade Center (WSCTC) and the City of Seattle, prepare a development plan for expansion of the State Convention Center. To work with the City and the WSCTC, the Legislature authorized the formation of a Convention Center and City Facilities Task Force. The Task Force was also directed to submit recommendations concerning proposed expansion of the fiscal committees of the Legislature. We are pleased to submit to you those recommendations which are contained in the attached report.

On January 5, 1995, by a vote of 7-1, the Task Force voted to recommend that the Legislature approve capital expenditures in the 1995-97 biennial capital budget which would allow for expansion of the Convention Center. The complete text of the recommendations are attached for your review. A minority recommendation to the Task Force Report is also attached.

It has been a privilege to serve the Legislature through our participation on the Task Force. As the legislative process runs its course, we are available to discuss the proposed expansion as the Legislature may deem appropriate.

Respectfully Submitted, TASK FORCE MEMBERS

Senator Eugene Prince, Co-Chair Representative Val Ogden, Co-Chair  
Senator Nita Rinehart Representative Ida Ballasiotes  
Jan Drago, City Councilmember Rick Bender, Washington State Labor Council  
Dorothy Bullitt, Dorothy Bullitt Mgt. Services Joan Enticknap, Seafirst Bank  
Ruta Fanning, Office of Financial Management David Moseley, Town of Steilacoom  
John McCracken, West Coast Development

MINORITY RECOMMENDATION TO THE TASK FORCE

TO: Governor Mike Lowry  
Members of the Washington State Senate

Members of the Washington State House of Representatives  
Members of the Washington State Convention and Trade Center Expansion Task Force  
FROM: David Moseley, Task Force Member  
Minority Recommendation to the Task Force Report  
DATE: January 4, 1995

It has been an honor and a privilege to serve on the Washington State Convention and Trade Center Expansion Task Force. I appreciate the opportunity of serving with each of the Task Force members.

I file this memorandum as a minority recommendation to the report which will be presented by the Task Force to the Governor and the Washington State Legislature. From the discussion and preliminary vote taken at the Task Force meeting held on November 28, 1994, it is clear that the Task Force Report will recommend that the Legislature approve capital expenditures in the 1995/96 capital budget to expand the Convention Center either to the North across Pine Street or to the East toward Boren Avenue. As I indicated at that meeting, I do not concur with this recommendation and wish to state, for the record, the reasons for my position.

First, I wish to make very clear that I believe the Washington State Convention and Trade Center is an excellent facility and is an asset to our state. I believe strongly in the potential for tourism as a growth industry in Washington State and believe the Convention Center is an important part of an economic development strategy to expand tourism. I also believe the Convention Center facility will, in all likelihood, need to be expanded at some time in the future to continue to function as a viable convention facility.

However, I do not believe the need to expand the Convention Center is either immediate or urgent. I also do not believe the immediate expansion of the Convention Center is as high a priority as other critical public improvement investments. My opposition to expanding the Convention Center **at this time** is based on when is the best time to proceed with expansion, not whether the expansion will be needed or can be justified in the future.

Therefore, I am opposed to expanding the Convention Center at this time for the following reasons:

1. Higher Priority Public Investment Projects - As we are all aware, expansion of the Convention Center is but one of numerous publicly financed capital projects currently being considered by the state and by local governments in the Puget Sound region. A short list of those potential projects, in addition to the Convention Center, include a regional rail system, improvements to the state's highway system, a new stadium, a new library, jails and correctional facilities, and schools. Several of these projects have been under serious consideration and review for many years. In addition, some of the projects are critical in nature and must, in my opinion, be accomplished in the very near future to assure the long-term health of the state's economy. I would include the regional transportation system and schools in that group, both of which will, in all likelihood, require state financial participation.

In my opinion, expansion of the Convention Center does not rise to the level of immediate importance as the projects listed above. This is particularly true given the consultants report that the current facility is adequate for the next five to ten years. Recent levy and bond election failures indicates the public's lack of enthusiasm for additional tax-supported public projects. I am very concerned with jeopardizing other more critical projects with one that could wait.

2. Optimistic Financial Assumptions - The final financial information provided to the Task Force at the November 28th meeting appears to contain optimistic financial assumptions. For example, the "Summary of Project Costs and Funding" assumes a \$7.5 million contribution from King County for an East expansion. Since there has been no representation by the county on the Task Force, the county has several other high priority capital projects, and the Task Force has received no indication of county willingness to provide this level of financial participation, this assumption seems optimistic to me. In addition, the cost assumptions have varied significantly from the initial projections. The Task Force has not had an opportunity to review the latest cost assumption of \$129 million for both the north and east expansion. I believe the financial package should be more definitive before the state is asked to authorize a \$100 million bond issue.

For primarily these reasons, I recommend delaying the expansion of the Convention Center. This delay would allow the time for final decisions on other critical public projects and development of a more definitive financial package. During the intervening period, the following activities should occur:

1. The WSCTC Board should determine the best expansion site;
2. Both the revenue and expenditure financial package should be more definitive based on the site selected; and
3. The level and commitment of participation by the county and private developers should be clarified.

I recommend this issue to be "revisited" prior to the 1997 legislative session with a revised report presented to that Legislature.

The Report from the Washington State Convention and Trade Center Expansion Development Study Task Force and the Minority Recommendation to the Task Force Report are on file in the Office of the Secretary of the Senate.

#### MESSAGE FROM THE HOUSE

January 23, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5441 by Senators Swecker, Rasmussen, Hochstatter, Bauer, Morton, Heavey, Owen, Oke, Palmer, Hargrove, Schow, A. Anderson, Deccio and Winsley

AN ACT Relating to water resources; and adding a new section to chapter 43.27A RCW.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5442 by Senators Rasmussen, Morton, Loveland, Prince, Snyder and Newhouse

AN ACT Relating to weed control; and creating a new section.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5443 by Senators Drew, Fairley, Quigley, McAuliffe, Hargrove, Haugen, Owen, Rasmussen, Loveland, Smith, Gaspard and Franklin

AN ACT Relating to public hearings for collection of authorized taxes; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Government Operations.

SB 5444 by Senators Loveland, A. Anderson, Prentice, Quigley, Rasmussen, Franklin and Deccio

AN ACT Relating to acupuncture; amending RCW 4.24.240, 4.24.290, 7.70.020, 18.06.010, 18.06.020, 18.06.045, 18.06.080, 18.06.090, 18.06.110, 18.06.120, 18.06.130, 18.06.140, 18.06.190, 18.06.200, and 18.120.020; and reenacting and amending RCW 18.130.040.

Referred to Committee on Health and Long-Term Care.

SB 5445 by Senators Owen, Sellar and Winsley

AN ACT Relating to procedures for handling and processing violations of RCW 46.55.105; and amending RCW 46.20.031, 46.20.289, 46.52.100, 46.55.105, and 46.63.030.

Referred to Committee on Transportation.

SB 5446 by Senators Smith, Schow, C. Anderson, Long, Haugen, Hargrove and Winsley

AN ACT Relating to supervision of offenders placed on probation; amending RCW 9.95.210, 9.92.060, and 36.01.070; and adding new sections to chapter 9.95 RCW.

Referred to Committee on Human Services and Corrections.

SB 5447 by Senator McAuliffe (by request of Office of Financial Management)

AN ACT Relating to tying the use of student learning improvement grants to attaining the student learning goals and essential learning requirements developed by the commission on student learning; and amending RCW 28A.300.138.

Referred to Committee on Education.

SB 5448 by Senators Fraser, Hochstatter, Sutherland and Winsley (by request of Department of Health)

AN ACT Relating to public water systems; amending RCW 70.116.060 and 70.119A.060; and creating a new section.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5449 by Senators Snyder, Drew, Oke, Owen and Winsley (by request of Department of Health)

AN ACT Relating to seafood safety enhancement; amending RCW 69.30.010, 69.30.030, 69.30.050, 69.30.110, 69.30.120, and 69.30.140; adding a new section to chapter 43.70 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 5450 by Senators Quigley, Moyer, Wojahn, Deccio, Winsley and Franklin (by request of Health Services Commission)

AN ACT Relating to ensuring access to the uniform benefits package under circumstances of religious objection; amending RCW 43.72.130, 43.72.210, and 43.72.220; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5451 by Senators Quigley, Winsley, Wojahn and Franklin (by request of Health Services Commission)

AN ACT Relating to transition to health care coverage; amending RCW 43.72.090, 43.72.220, and 70.47.020; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5452 by Senators Quigley, Moyer, Wojahn, Franklin, Deccio and Winsley (by request of Health Services Commission)

AN ACT Relating to health services commission health entity capital expenditure review; and amending RCW 43.72.040.

Referred to Committee on Health and Long-Term Care.

SB 5453 by Senators Quigley, Moyer, Wojahn, Franklin and Winsley (by request of Health Services Commission)

AN ACT Relating to uniform benefits package and supplemental benefits rate limitations; amending RCW 43.72.100 and 43.72.170; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5454 by Senators Quigley, Wojahn and Franklin (by request of Health Services Commission)

AN ACT Relating to total quality management; amending RCW 43.72.070; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5455 by Senators Quigley, Winsley, Wojahn, Franklin and Moyer (by request of Health Services Commission)

AN ACT Relating to supplemental benefits for health services; amending RCW 41.56.201, 43.72.010, 43.72.040, 43.72.090, 43.72.100, 43.72.120, 43.72.160, 43.72.170, 43.72.190, 43.72.810, 48.01.210, and 48.43.050; amending 1993 c 492 s 102 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5456 by Senators Quigley, Moyer, Wojahn, Franklin and Winsley (by request of Health Services Commission)

AN ACT Relating to health care entities reporting requirements; and adding a new section to chapter 70.170 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5457 by Senators Quigley, Winsley, Wojahn, Franklin and Moyer (by request of Health Services Commission)

AN ACT Relating to conflicts of interest among health care providers, facilities, and third-party payers; amending RCW 18.35.110, 18.46.050, 18.51.054, 18.51.060, 18.100.140, 18.130.180, 43.72.010, 48.05.140, 48.62.091, 70.41.130, 70.42.120, 70.42.130, 70.42.140, 70.42.150, 70.42.160, 70.127.170, 70.175.100, and 71.12.590; adding a new chapter to Title 19 RCW; creating new sections; repealing RCW 19.68.010, 19.68.020, 19.68.030, 19.68.040, and 51.48.280; prescribing penalties; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 5458 by Senators Quigley, Moyer, Wojahn, Franklin, Deccio and Winsley (by request of Health Services Commission)

AN ACT Relating to rating method used to establish the uniform benefits package premium; amending RCW 43.72.010; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5459 by Senators Quigley, Winsley, Wojahn and Franklin (by request of Health Services Commission)

AN ACT Relating to changing the reporting dates on the consolidation of workers' compensation medical benefits and the health care system; and amending RCW 43.72.850.

Referred to Committee on Health and Long-Term Care.

SB 5460 by Senators Quigley, Moyer, Wojahn, Franklin, Deccio and Winsley (by request of Health Services Commission)

AN ACT Relating to development of a long-term care integration plan; amending RCW 43.72.800; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5461 by Senators Quigley, Moyer, Wojahn, Franklin, Deccio and Winsley (by request of Health Services Commission)

AN ACT Relating to clarifying the health service commission's definition of health care provider; and amending RCW 43.72.010.

Referred to Committee on Health and Long-Term Care.

SB 5462 by Senators Quigley, Moyer, Wojahn, Franklin, Deccio and Winsley (by request of Health Services Commission)

AN ACT Relating to clarifying the requirements for calculating the growth rate of the maximum premium; and amending RCW 43.72.040.

Referred to Committee on Health and Long-Term Care.

SB 5463 by Senators Newhouse, Prentice and Franklin

AN ACT Relating to alcohol servers on-premises with class B and H licenses; adding new sections to chapter 66.20 RCW; adding a new chapter to Title 66 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5464 by Senators Pelz, McAuliffe, Rasmussen, Smith, Heavey, Kohl, Franklin, Drew, Haugen and Bauer

AN ACT Relating to common school construction; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5465 by Senators Owen, Prince and Haugen (by request of Washington State Maritime Commission)

AN ACT Relating to the maritime commission; amending RCW 88.46.060; creating new sections; repealing RCW 88.44.155 and 88.44.215; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5466 by Senators Smith, Oke, Heavey, Winsley and Franklin

AN ACT Relating to the well-being of children; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, 9.68.130, 9.68A.140, 9.68A.150, and 9.68A.160; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5467 by Senators Smith, McCaslin, Gaspard, Deccio, Wojahn, Snyder, Haugen, Morton, Long, Hale, Rinehart, Newhouse, Loveland, McDonald, Bauer, Oke and Winsley (by request of Supreme Court)

AN ACT Relating to the size of the state supreme court; and amending RCW 2.04.070 and 2.04.071.

Referred to Committee on Law and Justice.

SB 5468 by Senators Owen and McCaslin

AN ACT Relating to golfing sweepstakes; and amending RCW 9.46.0341.

Referred to Committee on Labor, Commerce and Trade.

SB 5469 by Senator McCaslin

AN ACT Relating to the establishment of the office of county ombudsman; and adding a new chapter to Title 36 RCW.

Referred to Committee on Government Operations.

SB 5470 by Senator McCaslin

AN ACT Relating to telecommunications companies; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5471 by Senators Wojahn, Heavey and Newhouse

AN ACT Relating to the liquor control board; and adding a new section to chapter 66.08 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 5472 by Senators Wojahn, Winsley, Haugen, Wood, Gaspard, Sheldon and Sutherland

AN ACT Relating to satisfaction of utility liens at the time of sale; adding new sections to Title 35 RCW; adding new sections to Title 36 RCW; creating a new section; and providing an effective date.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5473 by Senator Smith

AN ACT Relating to standards for determining child support obligations for parents with a combined monthly net income of less than six hundred dollars; and amending RCW 26.19.065 and 26.19.020.

Referred to Committee on Law and Justice.

SB 5474 by Senators Fraser and Hargrove

AN ACT Relating to benefits under prior retirement systems; and amending RCW 41.54.020.

Referred to Committee on Ways and Means.

SB 5475 by Senators Kohl, Smith, C. Anderson, Heavey and Snyder

AN ACT Relating to condominiums; and adding a new section to chapter 64.34 RCW.

Referred to Committee on Law and Justice.

SB 5476 by Senators Loveland, Winsley, Fraser, Haugen, Kohl, Wood, Drew, Bauer, Pelz, Prentice, Quigley, McAuliffe, Roach, Fairley, Franklin, Prince and Long

AN ACT Relating to shared leave; and amending RCW 41.04.665.

Referred to Committee on Labor, Commerce and Trade.

SB 5477 by Senators Spanel, Smith, Haugen, Winsley and Franklin

AN ACT Relating to the production of family medical history; and amending RCW 26.09.050, 26.09.170, and 26.26.130.

Referred to Committee on Law and Justice.

SB 5478 by Senators Hargrove, Hochstatter, Deccio and West

AN ACT Relating to control of opiate substitutes; amending RCW 70.24.400 and 70.96A.400; and repealing RCW 70.96A.410 and 70.96A.420.

Referred to Committee on Human Services and Corrections.



SB 5479 by Senators Hargrove, Hochstatter and Oke

AN ACT Relating to clarifying transfers under the public school open enrollment program; and amending RCW 28A.225.220, 28A.225.225, and 28A.225.280.

Referred to Committee on Education.

SB 5480 by Senators Hargrove, Long, Franklin and Winsley (by request of Governor Lowry and Attorney General Gregoire)

AN ACT Relating to youth in crisis; amending RCW 13.32A.010, 13.32A.020, 13.32A.030, 13.32A.040, 13.32A.050, 13.32A.130, 13.32A.175, 13.32A.194, 70.96A.140, 70.96A.095, 71.34.050, 71.34.070, 71.34.030, 13.32A.090, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.196, 13.50.010, and 28A.225.100; adding new sections to chapter 13.32A RCW; creating new sections; repealing RCW 13.32A.100 and 13.32A.120; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 5481 by Senators Hargrove, Long, Snyder and Winsley (by request of Governor Lowry and Attorney General Gregoire)

AN ACT Relating to community public health and safety networks; and amending RCW 70.190.005, 70.190.010, 70.190.060, 70.190.070, 70.190.090, 70.190.100, 70.190.120, 70.190.130, and 69.50.520.

Referred to Committee on Human Services and Corrections.

SB 5482 by Senators Hargrove, Long, Owen, Kohl, Haugen, Rasmussen, Franklin, Bauer and Winsley (by request of Governor Lowry and Attorney General Gregoire)

AN ACT Relating to services to families; amending RCW 74.14C.005, 74.14C.010, 74.14C.020, 74.14C.030, 74.14C.040, 74.14C.050, 74.14C.060, 74.14C.070, 13.04.030, 13.50.010, 13.50.100, 74.15.020, 13.34.130, 13.34.145, 74.13.280, 13.04.033, 74.15.120, 13.34.030, 13.34.233, and 28A.225.330; reenacting and amending RCW 26.44.030; adding new sections to chapter 74.14C RCW; adding new sections to chapter 74.13 RCW; adding a new section to chapter 13.50 RCW; adding a new section to chapter 74.15 RCW; repealing RCW 74.14C.035; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 5483 by Senators Sutherland, Long, Smith, Winsley and Fairley

AN ACT Relating to public telecommunication access; amending RCW 43.105.020, 43.105.160, and 43.105.170; adding new sections to chapter 43.105 RCW; adding a new section to chapter 43.19 RCW; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5484 by Senators Rasmussen, Winsley and Snyder

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

Referred to Committee on Government Operations.

SB 5485 by Senators Rasmussen and Winsley

AN ACT Relating to community councils in unincorporated areas; and amending RCW 36.105.010, 36.105.020, and 36.105.030.

Referred to Committee on Government Operations.

SB 5486 by Senators Rasmussen, Morton, Haugen, Winsley and Palmer

AN ACT Relating to the processing of water rights; amending RCW 90.03.340, 90.03.270, 90.03.280, 90.03.290, 90.03.320, 90.03.260, 90.44.060, 90.03.250, 90.03.470, 90.03.470, 89.30.001, 90.40.090, 90.46.020, 90.03.380, 90.03.390, and 90.44.100; amending 1993 c 495 s 3 (uncodified); adding new sections to chapter 90.03 RCW; adding new sections to chapter 43.21B RCW; creating new sections; repealing RCW 90.03.471; providing effective dates; and declaring an emergency.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5487 by Senators Rasmussen, Morton, Haugen, Newhouse and Winsley

AN ACT Relating to creation of a water resources board; adding new sections to chapter 43.27A RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.83B RCW; adding a new section to chapter 43.99E RCW; adding a new section to chapter 86.16 RCW; adding a new section to chapter 86.18 RCW; adding a new section to chapter 86.24 RCW; adding a new section to chapter 86.26 RCW; adding a new section to chapter 89.16 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.08 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 90.16 RCW; adding a new section to chapter 90.22 RCW; adding a new section to chapter 90.24 RCW; adding a new section to chapter 90.38 RCW; adding a new section to chapter 90.42 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.54 RCW; creating new sections; recodifying RCW 43.21A.067; decodifying RCW 90.14.043; providing an effective date; and declaring an emergency.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5488 by Senators Smith, Oke, Wood, Winsley, Long, Hale, Moyer, Deccio, Palmer, Roach, Schow, Sellar and Snyder (by request of Governor Lowry)

AN ACT Relating to making domestic violence an aggravating circumstance for purposes of sentencing decisions; and amending RCW 9.94A.390.

Referred to Committee on Law and Justice.

SB 5489 by Senators Sheldon, A. Anderson, Fraser, Drew, Hale, Haugen, Gaspard, Spanel, Snyder, Loveland and Winsley (by request of Governor Lowry)

AN ACT Relating to implementing the recommendations of the governor's task force on regulatory reform on integrating growth management planning and environmental review; amending RCW 43.21C.075, 43.21C.031, 43.21C.110, 43.21C.080, 36.70A.140, 36.70A.300, 36.70A.330, 90.58.020, 90.58.030, 90.58.050, 90.58.060, 90.58.080, 90.58.090, 90.58.100, 90.58.120, 90.58.140, 90.58.180, 90.58.190, 34.05.461, 34.05.514, 36.70A.020, 36.70A.070, 36.70A.130, 36.70A.280, 36.70A.320, 82.02.090, 82.02.020, 82.46.010, 35.21.225, 35.43.042, 35.43.190, 35.92.010, 36.73.020, 36.94.220, 56.20.015, 57.08.010, 57.16.050, 36.70A.440, 36.70A.065, 58.17.070, 58.17.090, 58.17.092, 58.17.100, 58.17.330, 35.63.130, 35A.63.170, 36.70.970, 7.16.360, and 58.17.180; reenacting and amending RCW 36.70A.030, 36.70A.290, 36.88.010, and 56.08.010; adding new sections to chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 35.43 RCW; adding new sections to chapter 36.32 RCW; adding a new section to chapter 56.08 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 64.40 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 4.84 RCW; adding new chapters to Title 36 RCW; adding a new chapter to Title 90 RCW; creating new sections; recodifying RCW 82.02.050, 82.02.060, 82.02.070, 82.02.080, 82.02.090, 82.02.100, 36.70A.065, and 36.70A.440; repealing RCW 90.58.145, 90.62.010, 90.62.020, 90.62.030, 90.62.040, 90.62.050, 90.62.060, 90.62.070, 90.62.080, 90.62.090, 90.62.100, 90.62.110, 90.62.120, 90.62.130, 90.62.900, 90.62.901, 90.62.904, 90.62.905, 90.62.906, 90.62.907, and 90.62.908; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5490 by Senator Pelz (by request of Governor Lowry)

AN ACT Relating to the privatization of the state's retail liquor stores; amending RCW 66.04.010, 66.08.020, 66.08.050, 41.40.150, 66.24.010, 66.16.010, 66.16.030, 66.16.040, 66.16.110, 66.20.160, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.44.150, 66.08.150, 66.24.410, 66.24.440, 66.24.510, 66.24.540, 66.08.190, 82.08.150, 66.08.030, 66.12.110, and 66.12.120; reenacting and amending RCW 66.20.010; adding a new section to chapter 66.24 RCW; adding a new section to chapter 43.19 RCW; adding new sections to chapter 41.40 RCW; adding a new chapter to Title 66 RCW; creating new sections; providing effective dates; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5491 by Senators Smith, Oke, Wood, Winsley, Hale, Prince, Long and Schow (by request of Governor Lowry and Attorney General Gregoire)

AN ACT Relating to juvenile offenders; amending RCW 13.40.0357, 13.40.050, 13.40.130, 5.60.060, 13.40.080, 13.40.010, 13.40.120, 13.40.025, 13.40.027, 13.40.030, 9.94A.040, 9.94A.050, 13.40.210, 13.40.045, and 13.40.060; reenacting and amending RCW 13.40.020; adding new sections to chapter 13.40 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5492 by Senator C. Anderson

AN ACT Relating to hunting; amending RCW 77.16.020 and 77.21.010; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 5493 by Senators Sheldon, Owen, Haugen, Oke, McCaslin, Heavey, Hochstatter, Snyder, Bauer, West and Palmer

AN ACT Relating to state and county government; and amending RCW 43.20.050, 70.118.020, 70.118.030, 70.118.040, and 70.118.050.

Referred to Committee on Ecology and Parks.

SB 5494 by Senator Fraser (by request of Governor Lowry)

AN ACT Relating to watershed planning and management; amending RCW 90.44.050, 19.27.097, 58.17.110, 43.21A.064, 90.03.070, 43.20.230, 70.116.030, 70.116.050, 90.44.450, 90.03.340, 90.03.270, 90.03.280, 90.03.290, 90.03.380, 90.03.470, 89.30.001, and 90.40.090; amending 1994 c 239 s 3 (uncodified); adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70.116 RCW; adding a new section to chapter 70.119A RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 90.54 RCW; adding a new section to chapter 89.08 RCW; adding new sections to chapter 43.27A RCW; adding new sections to chapter 90.03 RCW; adding a new section to chapter 87.03 RCW; adding new sections to chapter 43.21B RCW; adding a new chapter to Title 90 RCW; creating new sections; repealing RCW 90.03.471, 90.38.005, 90.38.010, 90.38.020, 90.38.030, 90.38.040, 90.38.050, 90.38.900, 90.38.901, and 90.38.902; providing an effective date; and declaring an emergency.

Referred to Committee on Senate Select Committee on Water Policy.

SJR 8210 by Senators Smith, McCaslin, Gaspard, Deccio, Wojahn, Snyder, Haugen, Morton, Long, Hale, Rinehart, Newhouse, Loveland, McDonald, Palmer, Bauer, Oke and Winsley (by request of Supreme Court)

Revising size and leadership of the state supreme court.

Referred to Committee on Law and Justice.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1030 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Carlson, Dyer, Skinner, Cooke, Schoesler, Thompson, Goldsmith, Chandler, Basich, Foreman, Honeyford, Hankins, D. Schmidt, Mulliken, McMorris, Clements, Fuhrman, Sheldon, L. Thomas, Huff, Silver, Buck and McMahan)

Regulating teen-age work hours.

Referred to Committee on Labor, Commerce and Trade.

#### MOTION

At 12:02 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, January 25, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTEENTH DAY, JANUARY 24, 1995

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**SEVENTEENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, January 25, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Gloria Porcella and Erika Siqueira, presented the Colors. Jim Cammack of the Baha'i Assembly of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 1995

SB 5042 Prime Sponsor, Senator Winsley: Directing cities and towns to deliver copies of new ordinances to the municipal research council. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5049 Prime Sponsor, Senator Haugen: Authorizing a county research service. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Referred to Committee on Ways and Means.

January 24, 1995

SB 5089 Prime Sponsor, Senator Loveland: Requiring 911 compatibility of private telecommunications systems and private shared telecommunications services. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5089 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5156 Prime Sponsor, Senator Sutherland: Promoting competition for long distance telecommunications. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5156 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Hochstatter and Owen.

MINORITY Recommendation: Do not pass. Signed by Senator Finkbeiner.

COMMENTS: Current state policy supports competition with the belief that competitive telecommunications markets benefit the consumer in a variety of ways. This bill disembarks from that policy direction and would prohibit the commission from even considering the implementation of telephone dialing patterns that give consumers equal access to telecommunications service providers of their choice in the intra-LATA market.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5194 Prime Sponsor, Senator Fraser: Changing Puget Sound Water Quality Authority provisions. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5247 Prime Sponsor, Senator Spanel: Facilitating local water quality programs. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5247 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5248 Prime Sponsor, Senator C. Anderson: Creating the Puget Sound license plate program. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass and be referred to Committee on Transportation. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Referred to Committee on Transportation.

#### REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

January 24, 1995

GA 9118 DR. DONNA D. SCHRAM, reappointed January 9, 1995, for a term ending August 2, 1997, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin and Roach.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 5495 by Senators Hochstatter, Rasmussen, Morton, Swecker, Sellar, Schow, Prince and Loveland

AN ACT Relating to setting aside waters; amending RCW 90.54.050; and creating a new section.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5496 by Senators Bauer, Newhouse, Loveland, Cantu, Fraser, Winsley and Long

AN ACT Relating to exempting employers with qualified retirement plans from additional contributions; reenacting and amending RCW 41.40.010; adding a new section to chapter 41.40 RCW; decodifying RCW 41.40.045; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5497 by Senators McAuliffe, Fraser, Spanel, C. Anderson and Kohl

AN ACT Relating to used oil recycling; amending RCW 70.951.005 and 70.951.010; and adding new sections to chapter 70.951 RCW.

Referred to Committee on Ecology and Parks.

SB 5498 by Senators Hochstatter, Hargrove, Oke, Roach, Cantu, Schow, Owen and Deccio

AN ACT Relating to parents' rights in education; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

SB 5499 by Senator McAuliffe (by request of Office of Financial Management and Superintendent of Public Instruction Billings)

AN ACT Relating to changing timelines for essential academic learning requirement assessments; amending RCW 28A.630.885; amending 1992 c 141 s 203 (uncodified); and providing an expiration date.

Referred to Committee on Education.

SB 5500 by Senators Smith, Long and Gaspard (by request of Attorney General Gregoire)

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

Referred to Committee on Law and Justice.

SB 5501 by Senators Bauer, Rinehart, Oke, Prince and Wojahn (by request of Legislative Budget Committee)

AN ACT Relating to hospital regulation and inspection; amending RCW 70.41.030, 70.41.040, 70.41.120, and 74.42.600; adding a new section to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5502 by Senators Rinehart, Owen, Prince and Fairley

AN ACT Relating to service and delivery vehicles; amending RCW 46.37.400; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

SB 5503 by Senators Prentice, Deccio, Pelz, Sellar and Fraser

AN ACT Relating to health and safety regulation for temporary worker housing; adding a new chapter to Title 70 RCW; repealing RCW 43.70.330, 43.70.340, and 70.54.110; making an appropriation; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 5504 by Senator Smith

AN ACT Relating to soundproofing programs in aircraft noise- impacted areas; amending RCW 53.54.030; adding a new section to chapter 53.54 RCW; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5505 by Senators Smith, Quigley and Roach

AN ACT Relating to false accusations of child abuse or neglect; adding a new section to chapter 26.44 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5506 by Senators Smith, Quigley and Roach

AN ACT Relating to restrictions in parenting plans; and amending RCW 26.09.191.

Referred to Committee on Law and Justice.

SB 5507 by Senators Heavey, Roach, Pelz, Swecker, Prentice and Sutherland

AN ACT Relating to public employees' collective bargaining; amending RCW 41.56.465; and reenacting and amending RCW 41.56.030.

Referred to Committee on Labor, Commerce and Trade.

SB 5508 by Senators Long and Heavey

AN ACT Relating to pensions for public safety employees; reenacting and amending RCW 41.26.030; adding a new section to chapter 41.26 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5509 by Senators Long, Roach, Heavey and Bauer

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.115, 41.26.211, and 41.26.221.

Referred to Committee on Ways and Means.

SB 5510 by Senators Smith, Roach and Quigley

AN ACT Relating to crimes involving food stamps; amending RCW 9.91.140; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5511 by Senators Hargrove, Owen, Snyder, Quigley, Morton, Roach and A. Anderson

AN ACT Relating to the board of natural resources; and creating new sections.

Referred to Committee on Ways and Means.

SB 5512 by Senators Haugen, McCaslin, Quigley, Swecker and Rasmussen

AN ACT Relating to property tax relief for senior citizens and persons retired by reason of physical disability; amending RCW 84.36.383 and 84.36.383; creating a new section; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Ways and Means.

SB 5513 by Senators Rasmussen, McAuliffe, Bauer, Morton, Snyder, Fairley, Swecker, Drew, Wood, Haugen and Roach

AN ACT Relating to lost and unclaimed horses; amending RCW 16.54.010, 16.54.020, and 16.54.030; adding a new section to chapter 16.24 RCW; and declaring an emergency.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5514 by Senators Schow, Roach, Prince, Morton, Wood, Rasmussen, Long, Oke, Finkbeiner, Smith, Hargrove, Johnson, McCaslin and Owen

AN ACT Relating to posting of motor vehicle fuel tax rates; and adding a new section to chapter 82.36 RCW.

Referred to Committee on Transportation.

SB 5515 by Senators Owen, Oke and Hargrove

AN ACT Relating to metal detectors in state parks; adding a new section to chapter 43.51 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 5516 by Senators Owen, Prentice, Deccio, Palmer, Sutherland, McDonald, Rinehart, Haugen, Sheldon, Heavey, Fraser, Franklin, Bauer, Roach and Rasmussen

AN ACT Relating to providing for drug-free workplaces; adding a new chapter to Title 49 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5517 by Senators Haugen, Morton, Snyder, Sellar, Newhouse, Rasmussen, Swecker, Franklin and Deccio

AN ACT Relating to reforming water resource and water quality administration; amending RCW 43.27A.020, 43.27A.090, 43.27A.130, 43.27A.190, 43.20.230, 43.21A.020, 43.21A.067, 43.83B.040, 43.83B.210, 43.83B.220, 43.83B.230, 43.83B.345, 43.83B.365, 43.83B.400, 43.83B.405, 43.83B.410, 43.83B.415, 89.16.040, 89.16.045, 89.16.050, 89.16.055, 89.16.060, 89.16.070, 89.16.080, 89.30.055, 89.30.058, 89.30.070, 89.30.427, 90.03.005, 90.03.015, 90.03.030, 90.03.060, 90.03.070, 90.03.100, 90.03.110, 90.03.120, 90.03.130, 90.03.140, 90.03.160, 90.03.170, 90.03.190, 90.03.200, 90.03.210, 90.03.230, 90.03.240, 90.03.247, 90.03.250, 90.03.260, 90.03.270, 90.03.280, 90.03.290, 90.03.300, 90.03.310, 90.03.320, 90.03.330, 90.03.340, 90.03.345, 90.03.350, 90.03.360, 90.03.370, 90.03.380, 90.03.383, 90.03.386, 90.03.390, 90.03.430, 90.03.440, 90.03.470, 90.03.471, 90.03.600, 90.08.040, 90.08.050, 90.14.041, 90.14.043, 90.14.051, 90.14.061, 90.14.065, 90.14.091, 90.14.101, 90.14.111, 90.14.130, 90.14.150, 90.14.180, 90.14.190, 90.14.200, 90.14.215, 90.14.230, 90.16.060, 90.16.090, 90.22.010, 90.22.020, 90.22.030, 90.22.040, 90.22.060, 90.24.010, 90.24.030, 90.24.040, 90.24.050, 90.24.060, 90.38.010, 90.38.020, 90.38.030, 90.38.040, 90.38.050, 90.40.090, 90.42.020, 90.42.030, 90.42.040, 90.42.050, 90.42.080, 90.44.035, 90.44.050, 90.44.060, 90.44.070, 90.44.080, 90.44.090, 90.44.100, 90.44.110, 90.44.120, 90.44.130, 90.44.180, 90.44.200, 90.44.220, 90.44.230, 90.44.250, 90.44.400, 90.44.410, 90.44.410, 90.44.420, 90.44.430, 90.44.445, 90.44.450, 90.46.005, 90.46.020, 90.46.030, 90.46.040, 90.46.050, 90.54.010, 90.54.030, 90.54.040, 90.54.045, 90.54.050, 90.54.060, 90.54.100, 90.54.110, 90.54.120, 90.54.130, 90.54.140, 90.54.150, 90.54.160, 90.54.170, 90.54.190, 90.54.200, 90.54.900, 90.66.040, 90.66.050, 90.66.060, 90.66.070, and 90.66.080; reenacting and amending RCW 43.83B.300 and 90.42.010; adding new sections to chapter 43.27A RCW; creating a new section; recodifying RCW 43.21A.067; decodifying RCW 90.14.043; repealing RCW 43.21A.064; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5518 by Senators Heavey and Roach

AN ACT Relating to abolishing the growth management hearings boards; amending RCW 36.70A.110, 36.70A.210, 36.70A.280, 36.70A.300, 36.70A.310, and 36.70A.320; reenacting and amending RCW 36.70A.290; creating a new section; and repealing RCW 36.70A.250, 36.70A.260, and 36.70A.270.

Referred to Committee on Government Operations.

SB 5519 by Senator Heavey

AN ACT Relating to the fixing of, and the directing of growth within, urban growth area boundaries; and amending RCW 36.70A.110 and 36.70A.130.

Referred to Committee on Government Operations.

SB 5520 by Senators Hargrove, Long and Franklin

AN ACT Relating to placement of children; and amending RCW 13.34.130 and 13.34.145.

Referred to Committee on Human Services and Corrections.

SB 5521 by Senators Kohl and Quigley (by request of Department of Social and Health Services)

AN ACT Relating to child care administration; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Human Services and Corrections.

SB 5522 by Senators Smith, Roach, C. Anderson and Johnson

AN ACT Relating to the use of pro tempore judges and court commissioners; amending RCW 3.34.130 and 35.20.200; and adding a new section to chapter 35.20 RCW.

Referred to Committee on Law and Justice.

SB 5523 by Senators Smith and Johnson



AN ACT Relating to imposition of costs; amending RCW 10.01.160; and repealing RCW 10.64.130.

Referred to Committee on Law and Justice.

SB 5524 by Senators Smith, Johnson and C. Anderson

AN ACT Relating to penalties for driving without a driver's license and negligent driving; amending RCW 46.61.525; reenacting and amending RCW 46.20.021 and 46.63.020; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5525 by Senators Heavey, Johnson, C. Anderson and Smith

AN ACT Relating to municipal court judges' salaries in cities over four hundred thousand; and amending 35.20.160.

Referred to Committee on Law and Justice.

SB 5526 by Senators Smith, Long and C. Anderson

AN ACT Relating to district and municipal court service fees; and amending RCW 3.62.060.

Referred to Committee on Law and Justice.

SB 5527 by Senators Oke, Haugen, Rasmussen, Fraser, Bauer and Spanel

AN ACT Relating to wildlife and fisheries habitat on state rangelands; adding a new section to chapter 89.08 RCW; adding a new section to chapter 79.01 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.51 RCW; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources.

SJM 8011 by Senators Hargrove, Owen, Snyder, Bauer, Deccio, Morton, A. Anderson and Rasmussen

Requesting that the U.S. Department of Agriculture assist in restoring burned forests.

Referred to Committee on Natural Resources.

#### MOTION

At 10:07 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:43 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5038, by Senator Quigley

Extending time periods for certain health care reform activities.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Senate Bill No. 5038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5038.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5038 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SENATE BILL NO. 5038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Quigley: "Thank you, Mr. President. I rise to a point of personal privilege. I would simply like to thank the members for this unanimous vote on this first step in fine tuning health care reform and suggest that it sets the mark to where we want to come out when we finally do decide on a bill to fine tune health care reform and that mark is that we pass a bill that is agreed to unanimously. Thank you, Mr. President."

#### MOTION

On motion of Senator West, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8608

By Senators West, C. Anderson, Hale, Oke, Morton, Spanel, Drew, Wojahn, Johnson, Swecker, Bauer, Haugen and Kohl

WHEREAS, Over nine thousand men and women of the Washington State National Guard continue to serve the country as a key part of our national defense; and

WHEREAS, These citizen soldiers who reside in every legislative district throughout Washington volunteer their time and personal efforts to serve the needs of the people of Washington State; and

WHEREAS, The Guard is assisting local communities with their health needs through Operation Guardcare, a program under which medical personnel give care to medically underserved areas through inoculations and wellness services; and

WHEREAS, The Guard is active in promoting positive activities for the youth of our state through active involvement in the D.A.R.E. program, drug demand reduction presentations at local schools, and Camp Minuteman, a motivational summer youth experience at Camp Murray; and

WHEREAS, The Guard makes a major contribution to our state's war on drugs by providing soldiers and equipment in support of local law enforcement through thirty-five different agencies. These counterdrug support efforts by our men and women last year contributed to over nine thousand drug related arrests, and seizure and destruction of millions of dollars of illegal drugs; and

WHEREAS, The Guard continues its high priority support for local communities by opening armories for public use for classes, food banks, and community and youth activities. The guard also answered numerous calls for assistance from local communities for missions varying from traditional color guards to hauling food in support of anti-hunger initiatives; and

WHEREAS, The Guard added another bright chapter in its history as an essential part of our state's ability to protect lives and property in the event of natural disasters. The Guard provided a major portion of the equipment and firefighting and support personnel in the state effort to fight the Central Washington wildfires in August of 1994. Over three thousand five hundred Guard soldiers and seven hundred pieces of equipment operated in the five fire areas during the height of the fire danger. These soldiers and airmen gave up time from their jobs and families to preserve lives and safety in endangered local communities. They accomplished their missions in the face of constant danger and adversity with no loss of life or significant injury. Their actions represent a continuation of the great tradition of sacrifice and service to Washington as shown in the Mt. St. Helens eruption, Spokane wildfires, floods in Skagit County, and the 1993 Inauguration Day windstorm;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and applauds the members of the Washington State National Guard for their exceptional dedication, pride and professional service to the state of Washington; and

BE IT FURTHER RESOLVED, That the Washington State Senate express its appreciation to the families and employers of our Guard soldiers and airmen for their support without which the Guard's mission could not be successful; and

BE IT FURTHER RESOLVED, That the Senate specifically and particularly recognizes the value of a strong Washington State National Guard to the economy and well-being of this state, both through the occasional performance of its state disaster relief mission, and through the ongoing benefit to local communities by the presence of productively employed, drug free, and efficiently trained Guard units and the armories that house them; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to the Adjutant General of the Washington State National Guard, the Governor of the state of Washington, the Secretary of the Army, the Secretary of the Air Force, and to the President of the United States.

Senators West and Cal Anderson spoke to Senate Resolution 1995-8608.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington State National Guard, who were seated in the gallery.

#### MOTION

On motion of Senator Gaspard, the following resolution was adopted:

SENATE RESOLUTION 1995-8609

By Senators Gaspard, C. Anderson, Wojahn, Bauer, Oke, Spanel, Johnson, Hale, Swecker, Roach, Haugen and Kohl

WHEREAS, The men and women who serve as law enforcement officers in the state of Washington are the first line of defense for people's safety and the protection of their property; and

WHEREAS, The state's law enforcement officers place their lives and physical well-being at risk each day they report for duty; and

WHEREAS, Law enforcement officers throughout the state are involved in many community activities, giving of themselves and their time, especially in programs involving young people; and

WHEREAS, The people of the state of Washington have high regard and appreciation for the courage, dedication and professionalism demonstrated by law enforcement officers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors the state's law enforcement officers and recognizes their outstanding efforts to serve and protect the state's citizens; and

BE IT FURTHER RESOLVED, That the Washington State Senate conveys its heartfelt thanks to the state's law enforcement officers for their service to the people and communities of the state of Washington.

MOTION

At 10:57 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, January 26, 1995.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SEVENTEENTH DAY, JANUARY 25, 1995

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**EIGHTEENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, January 26, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 1995

SB 5011 Prime Sponsor, Senator Owen: Concerning specialized forest product permits. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

January 25, 1995

SB 5029 Prime Sponsor, Senator Hargrove: Modifying membership and duties of children's services advisory committee. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice and Schow.

Passed to Committee on Rules for second reading.

January 25, 1995

SB 5030 Prime Sponsor, Senator Hargrove: Revising procedures for offenders who violate conditions or requirements of sentences. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow and Strannigan.

Passed to Committee on Rules for second reading.

January 25, 1995

SB 5032 Prime Sponsor, Senator Hargrove: Modifying adoption support provisions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow and Strannigan.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5044 Prime Sponsor, Senator Haugen: Allowing cities and towns in which citizens have the power of initiative to impose reasonable requirements to assure the validity of signatures on the initiative petition. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5044 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5052 Prime Sponsor, Senator Winsley: Deleting obsolete provisions relating to the printing and duplicating center. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5054 Prime Sponsor, Senator Winsley: Repealing a travel expenses accounting procedure. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5055 Prime Sponsor, Senator Winsley: Revising requirements for filing of instruments. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5060 Prime Sponsor, Senator Haugen: Regulating publication of legal notices by political subdivisions. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5076 Prime Sponsor, Senator Oke: Developing wildlife habitat corridors. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5076 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Owen, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5126 Prime Sponsor, Senator Drew: Authorizing retention of specified moneys recovered through forfeitures or court-ordered restitution.  
Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5126 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Owen, Strannigan and Swecker.

Referred to Committee on Ways and Means.

January 24, 1995

SB 5169 Prime Sponsor, Senator McAuliffe: Implementing recommendations of the joint select committee on education restructuring. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5169 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Finkbeiner, Hochstatter and Johnson.

COMMENTS: The minority supports the bill as reported by the bi-partisan Joint Select Committee on Education Restructuring. The minority believes the bill was tainted by the amendment which deprives school districts of local control on two important issues.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

Mr. President:

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully certify that we have completed the verification of the signatures on Initiative to the Legislature 159, a copy of which was preliminarily certified to you on January 9, 1995, and we have determined that the initiative contains the signatures of at least 181,667 legal voters of the state of Washington. Therefore, we hereby certify that Initiative to the Legislature 159 is qualified to appear on the state general election ballot unless approved by the Legislature during this session.

IN TESTIMONY WHEREOF, I have hereunto set my hand  
(Seal) and affixed the Seal of the state of Washington,  
this 23rd day of January, 1995.

RALPH MUNRO  
Secretary of State

#### CERTIFICATION OF INITIATIVE TO THE LEGISLATURE 159

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29.79.200, and WAC 434-79-010, the office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 159 to be examined in the following manner:

- 1) It was determined that 235,993 signatures were submitted by the sponsors of the initiative. A random sample of 17,089 signatures was taken from those submitted;
- 2) Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 15,263 valid signatures, 1,772 signatures that were invalid due to non-registration or improper form, and 54 pairs of duplicated signatures in the sample;
- 3) We calculated an allowance for the chance error of sampling (64) by multiplying the square root of the number of invalid signatures by 1.5;
- 4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (25,355) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;
- 5) We determined the maximum allowable number of pairs of signatures on the petition (28,971) by subtracting the sum of the number of signatures required by Article II, section 1 of the Washington State Constitution (181,667) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;
- 6) We determined the expected number of pairs of signatures in the sample (151) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;
- 7) We determined the acceptable number of pairs of signatures in the sample (130) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample; and
- 8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 159 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand  
(Seal) and affixed the Seal of the state of Washington,

this 23rd day of January, 1995.  
RALPH MUNRO  
Secretary of State

MESSAGE FROM THE HOUSE

January 25, 1995

MR. PRESIDENT:

The House has passed HOUSE JOINT MEMORIAL NO. 4000, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

INITIATIVE 159 by People of the State of Washington

Increasing penalties for armed crimes.

Referred to Committee on Law and Justice.

SB 5528 by Senators West, Morton and Winsley

AN ACT Relating to property tax relief for residential property leased to disabled persons; amending RCW 84.36.383, 84.36.387, 84.36.389, and 84.36.383; adding a new section to chapter 84.36 RCW; and providing contingent effective dates.

Referred to Committee on Ways and Means.

SB 5529 by Senators McAuliffe, Rinehart, Moyer, McDonald, Wojahn and Winsley (by request of Office of Financial Management)

AN ACT Relating to school district levies; amending RCW 84.52.0531; reenacting and amending RCW 28A.500.010; amending 1993 c 465 s 2 (uncodified); and providing an expiration date.

Referred to Committee on Ways and Means.

SB 5530 by Senators Smith, Roach, Rasmussen and Winsley

AN ACT Relating to automated traffic enforcement; amending RCW 46.63.030 and 46.63.070; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Law and Justice.

SB 5531 by Senators Hargrove, Oke and Swecker

AN ACT Relating to exchanging tidelands, shorelands, and beds of navigable waters; and amending RCW 79.94.150.

Referred to Committee on Natural Resources.

SB 5532 by Senator Hochstatter

AN ACT Relating to written marriage contracts; amending RCW 26.09.010 and 26.09.030; reenacting and amending RCW 26.09.020 and 26.09.150; and adding new sections to chapter 26.09 RCW.

Referred to Committee on Law and Justice.

SB 5533 by Senators Bauer, Wood and Kohl (by request of University of Washington and Washington State University)

AN ACT Relating to tuition for students in programs leading to the degree of doctor of pharmacy; reenacting and amending RCW 28B.15.202; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5534 by Senators Swecker, Rasmussen, A. Anderson, Schow, Palmer, McCaslin and West

AN ACT Relating to the growth management act; and amending RCW 36.70A.040, 36.70A.110, 36.70A.385, and 36.70A.430.

Referred to Committee on Government Operations.

SB 5535 by Senators C. Anderson and McDonald

AN ACT Relating to uplands around Lake Washington; and adding a new section to chapter 79.94 RCW.

Referred to Committee on Natural Resources.

SB 5536 by Senators Smith and Long

AN ACT Relating to homeowners' associations; and adding a new chapter to Title 64 RCW.

Referred to Committee on Law and Justice.

SB 5537 by Senators McAuliffe, Pelz, Rasmussen, Kohl and Wojahn (by request of Board of Education)

AN ACT Relating to teacher preparation; amending RCW 28A.410.030 and 28A.305.130; and repealing RCW 28A.305.230, 28A.305.240, 28A.305.245, 28A.305.250, 28A.410.020, 28A.415.290, and 28B.40.380.

Referred to Committee on Education.

SB 5538 by Senators McAuliffe, Pelz and Rasmussen (by request of Board of Education and Superintendent of Public Instruction Billings)

AN ACT Relating to the state board of education office staff; and amending RCW 28A.305.110.

Referred to Committee on Education.

SB 5539 by Senators McAuliffe, Hochstatter and Rasmussen (by request of Board of Education and Superintendent of Public Instruction Billings)

AN ACT Relating to educational waivers; and adding a new section to chapter 28A.630 RCW.

Referred to Committee on Education.

SB 5540 by Senators Smith, Roach, C. Anderson, Schow, Franklin, Kohl and Winsley

AN ACT Relating to drug-free zones in public housing projects; amending RCW 69.50.435; and creating a new section.

Referred to Committee on Law and Justice.

SB 5541 by Senator Pelz

AN ACT Relating to first cousin marriages; and amending RCW 26.04.020.

Referred to Committee on Law and Justice.

SB 5542 by Senator Smith

AN ACT Relating to payment for additional judicial positions; adding a new section to chapter 2.08 RCW; adding a new section to chapter 3.34 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5543 by Senator Smith

AN ACT Relating to including homicide of a parent by a battered child as manslaughter; amending RCW 9A.32.060; and prescribing penalties.

Referred to Committee on Law and Justice.



SB 5544 by Senators Owen, Rinehart, Spanel, Haugen, C. Anderson and Fraser

AN ACT Relating to ocean resources; and amending RCW 43.143.010.

Referred to Committee on Natural Resources.

SB 5545 by Senators Sheldon, Cantu, Rasmussen and Kohl

AN ACT Relating to economic development; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5546 by Senator Snyder

AN ACT Relating to affidavits required for marriage licenses; and amending RCW 26.04.210.

Referred to Committee on Law and Justice.

SB 5547 by Senators Fairley, Long, Hargrove, Palmer, Moyer, Schow, McAuliffe, Prentice, Kohl and Winsley

AN ACT Relating to animals at large; amending RCW 16.24.110 and 16.24.130; and declaring an emergency.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5548 by Senators Fraser, Heavey, Hale, Newhouse, Deccio and Haugen

AN ACT Relating to engineers and professional land surveyors; amending RCW 18.43.020, 18.43.040, 18.43.050, and 18.43.070; and providing an effective date.

Referred to Committee on Labor, Commerce and Trade.

SB 5549 by Senators Kohl, C. Anderson, Fairley, Prentice, Wojahn, Sheldon and Pelz

AN ACT Relating to access to firearms by minors; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5550 by Senators Snyder and Palmer

AN ACT Relating to standards for solid waste handling; and amending RCW 70.95.060.

Referred to Committee on Ecology and Parks.

SB 5551 by Senators Sellar and Snyder

AN ACT Relating to the excise taxation of lodging; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Ways and Means.

SB 5552 by Senators Sellar and Long

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

Referred to Committee on Ways and Means.

SB 5553 by Senator Sellar

AN ACT Relating to correcting the number of district court judges in Douglas county; and amending RCW 3.34.010.

Referred to Committee on Law and Justice.

SB 5554 by Senators Gaspard, Deccio, Pelz, Palmer, Wojahn, Hale, McAuliffe and Schow

AN ACT Relating to real estate brokerage relationships; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce and Trade.

SB 5555 by Senators C. Anderson, Long, Kohl, A. Anderson, Fairley, Sheldon, Prentice and Moyer

AN ACT Relating to taxation of massage services; amending RCW 82.04.050; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5556 by Senators C. Anderson, Long, Kohl, A. Anderson, Fairley, Sheldon, Prentice, Moyer and Haugen

AN ACT Relating to massage practitioners; amending RCW 18.108.040 and 18.108.085; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5557 by Senators Sutherland, Bauer, Wood, Palmer and Kohl

AN ACT Relating to assessment of prior experiential learning programs in higher education; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5558 by Senators Sutherland, Palmer, Bauer, Owen and Oke

AN ACT Relating to sturgeon gill net fishing; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Natural Resources.

SB 5559 by Senators Roach, Hale, Deccio, Schow, Hochstatter, Johnson, Prince and West

AN ACT Relating to growth management; and amending RCW 36.70A.040.

Referred to Committee on Government Operations.

SB 5560 by Senators Roach, Hargrove, Hochstatter, Hale and Long

AN ACT Relating to game management; amending RCW 77.04.055; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5561 by Senators Roach, Hochstatter, Schow, Johnson, Finkbeiner, Morton, Oke and McDonald

AN ACT Relating to firearm range training and practice facilities; adding a new section to chapter 9.41 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5562 by Senators Roach, Gaspard, Kohl, Heavey, Schow, Hargrove, Oke, Snyder, Owen, Deccio, Strannigan, Finkbeiner, Rasmussen, Moyer, Franklin, Johnson, Morton, Wood, Swecker, Long, Winsley, Cantu, Palmer, McDonald, A. Anderson, Sellar and Bauer

AN ACT Relating to veterans' memorials; adding new sections to chapter 73.40 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5563 by Senators West, Pelz and McCaslin

AN ACT Relating to class H liquor licenses issued to hotels operating conference or convention centers or having banquet facilities on property owned or through leasehold interest by the licensed hotel; and amending RCW 66.24.420.

Referred to Committee on Labor, Commerce and Trade.

SB 5564 by Senators Wood, Schow, Hargrove, Owen, Long, Roach, Palmer, Oke, Morton and Hochstatter

AN ACT Relating to enforcement of visitation provisions of parenting plans; amending RCW 26.09.260; adding a new chapter to Title 26 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5565 by Senators Hargrove, Owen, Long, Schow, Palmer, Oke, Morton, Johnson, Roach, Hochstatter, A. Anderson, Prince and McDonald

AN ACT Relating to prohibiting mandatory child support for postsecondary education of adult children; amending RCW 26.09.170, 26.09.225, 26.18.210, 26.19.035, and 26.19.075; adding a new section to chapter 26.09 RCW; creating a new section; and repealing RCW 26.19.090.

Referred to Committee on Law and Justice.

SB 5566 by Senators Owen, Hargrove, Schow, Oke, Morton and Hochstatter

AN ACT Relating to child support; amending RCW 26.19.001, 26.19.071, 26.19.075, and 26.09.100; reenacting and amending RCW 7.06.020; and adding a new section to chapter 26.19 RCW.

Referred to Committee on Law and Justice.

SB 5567 by Senator Heavey

AN ACT Relating to providing for the preservation of single-family residential neighborhoods; and amending RCW 36.70A.070.

Referred to Committee on Government Operations.

SB 5568 by Senator Heavey

AN ACT Relating to studded tires; amending RCW 46.37.420; adding a new section to chapter 46.37 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5569 by Senators Fraser, Newhouse, Franklin, Swecker, C. Anderson and Sheldon

AN ACT Relating to international development and capital projects; adding new sections to chapter 43.330 RCW; adding new sections to chapter 43.131 RCW; and making an appropriation.

Referred to Committee on Labor, Commerce and Trade.

SB 5570 by Senators Fraser, Moyer, C. Anderson and Kohl

AN ACT Relating to local regulation of firearms in parks and indoor recreational facilities; and amending RCW 9.41.300.

Referred to Committee on Law and Justice.

SB 5571 by Senators Hochstatter, Owen, McCaslin, Schow, Deccio, Moyer, Oke, Swecker, Strannigan, Hale, Johnson, Long, Wood, Morton, West, Palmer, McDonald and Roach

AN ACT Relating to conflicting rules; and amending RCW 34.05.413, 34.05.425, and 34.05.461.

Referred to Committee on Government Operations.

SB 5572 by Senators Hochstatter and Schow

AN ACT Relating to tax reimbursements for education; adding a new chapter to Title 84 RCW; adding a new chapter to Title 82 RCW; prescribing penalties; creating a new section; and declaring an emergency.

Referred to Committee on Education.

SB 5573 by Senators Hochstatter, Moyer and Wood

AN ACT Relating to job placement for recipients of aid to families with dependent children; amending RCW 74.25.010 and 74.25.020; adding a new section to chapter 74.12 RCW; adding new sections to chapter 74.25 RCW; creating a new section; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5574 by Senators Hargrove, A. Anderson, Snyder, McDonald, Owen, Long, Rasmussen, Swecker, Heavey, Morton, Deccio, Johnson, Loveland, Hale, Sutherland, Strannigan, Palmer, Moyer, Hochstatter, West, Drew, Haugen, Quigley, Bauer and Roach

AN ACT Relating to the return of state forest board transfer lands back to counties; amending RCW 76.12.030; and adding a new section to chapter 76.12 RCW.

Referred to Committee on Natural Resources.

SB 5575 by Senators Sheldon, Gaspard, Moyer, Wood, Finkbeiner and Winsley (by request of Governor Lowry)

AN ACT Relating to anatomical gift by persons under the age of eighteen; and amending RCW 68.50.540.

Referred to Committee on Health and Long-Term Care.

SB 5576 by Senator Drew (by request of Governor Lowry)

AN ACT Relating to fair campaign practices; amending RCW 42.17.020, 42.17.130, 42.17.190, 42.17.240, 42.17.241, 42.17.350, 42.17.405, 42.17.410, 42.17.660, 42.17.720, 42.17.740, 42.17.750, 42.17.770, 42.17.780, 42.17.790, 42.17.100, 42.17.125, 42.17.510, 42.17.090, 42.17.105, 42.17.640, 42.17.128, 42.17.510, 29.85.060, 43.290.020, 42.17.710, 42.17.395, 42.17.095, 42.17.160, 42.17.170, 42.17.132, 43.07.310, 29.80.010, 29.80.020, 29.81.010, 29.80.040, and 29.80.090; adding new sections to chapter 42.17 RCW; creating new sections; and repealing RCW 42.17.021, 42.17.2415, and 42.17.630.

Referred to Committee on Law and Justice.

SJR 8211 by Senators West, Morton and Winsley

Amending the state Constitution to provide property tax relief for property leased to disabled persons as a residence.

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

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

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

Referred to Committee on Law and Justice.

#### MOTION

At 12:07 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, January 27, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTEENTH DAY, JANUARY 26, 1995

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

**NINETEENTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, January 27, 1995  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Long and Moyer. On motion of Senator Ann Anderson, Senators Long and Moyer were excused.  
The Sergeant at Arms Color Guard, consisting of Pages Joel Merkel and Lianna Wingfield, presented the Colors. Jim Cammack, of the Baha'i Assembly of Tumwater, offered the prayer.

**MOTION**

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

**MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

January 25, 1995  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following reappointment, subject to your confirmation.  
James L. Kirschbaum, reappointed January 25, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for Eastern Washington University.  
Sincerely,  
MIKE LOWRY, Governor  
Referred to Committee on Higher Education.

January 25, 1995  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following reappointment, subject to your confirmation.  
Jean Beschel, reappointed January 25, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Eastern Washington University.  
Sincerely,  
MIKE LOWRY, Governor  
Referred to Committee on Higher Education.

**MESSAGE FROM THE HOUSE**

January 25, 1995  
MR. PRESIDENT:  
The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4403, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

**INTRODUCTION AND FIRST READING**

SB 5577 by Senators Swecker, Rasmussen, Morton, Wood, Moyer, Hochstatter, Palmer, Schow and Roach

AN ACT Relating to a general permit system for appropriating agricultural and multi-unit residential water; adding new sections to chapter 90.03 RCW; and creating new sections.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5578 by Senators Swecker, Rasmussen, Fraser, Morton, Wood, Roach, Palmer and Haugen

AN ACT Relating to certification of small water supply wells; adding a new section to chapter 90.44 RCW; and creating a new section.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5579 by Senators Swecker, Rasmussen, Morton, Wood, Moyer, Palmer and Haugen

AN ACT Relating to a general permit system for appropriating water; adding new sections to chapter 90.03 RCW; and creating new sections.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5580 by Senators Bauer and Prince

AN ACT Relating to allowing medical transport services to become a limited health care service contractor; and amending RCW 48.44.035.

Referred to Committee on Health and Long-Term Care.

SB 5581 by Senators Fraser, Sellar, Prentice, Roach, Snyder, Sutherland, Smith, Hale, Spanel, C. Anderson and Winsley

AN ACT Relating to extending the pollution liability insurance agency; amending RCW 70.148.050 and 70.148.900; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 5582 by Senators Spanel, Sellar, McAuliffe, Hargrove, Loveland, Long, Winsley, Moyer and Haugen

AN ACT Relating to tax status of child care providers and nonprofit organizations that provide services to children and families; amending RCW 82.04.339 and 82.04.431; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5583 by Senators Newhouse, Heavey, Deccio, Hale, Palmer, Franklin, Pelz, Fraser, Prentice, Prince, A. Anderson and Winsley (by request of Joint Task Force on Unemployment Insurance)

AN ACT Relating to unemployment insurance contribution rates for successor employers; and amending RCW 50.29.062.

Referred to Committee on Labor, Commerce and Trade.

SB 5584 by Senators Newhouse, Deccio, Hale, Palmer, Franklin, Pelz, Fraser, Prentice, Prince and Winsley (by request of Joint Task Force on Unemployment Insurance)

AN ACT Relating to noncharging of benefits to employers' unemployment insurance experience rating accounts; amending RCW 50.16.094, 50.22.090, and 50.29.020; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5585 by Senator Quigley

AN ACT Relating to campaign contribution and spending limits; amending RCW 42.17.610, 42.17.620, 42.17.390, 42.17.395, 42.17.640, 42.17.660, 42.17.680, and 42.17.690; adding new sections to chapter 42.17 RCW; adding a new section to chapter 29.80 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5586 by Senator Quigley

AN ACT Relating to telemarketing; and amending RCW 42.17.020.

Referred to Committee on Law and Justice.

SB 5587 by Senator Quigley

AN ACT Relating to architectural plans for school construction; and adding a new section to chapter 39.80 RCW.

Referred to Committee on Education.

SB 5588 by Senators C. Anderson, Smith, Long, Prince, Haugen and Schow

AN ACT Relating to private communications; and reenacting and amending RCW 9.73.030.

Referred to Committee on Law and Justice.

SB 5589 by Senators Pelz, Prentice, Spanel, Smith, Franklin, Kohl, Quigley, Fairley, Heavey and Fraser

AN ACT Relating to the minimum hourly wage; amending RCW 49.46.020 and 49.46.020; providing effective dates; and providing an expiration date.

Referred to Committee on Labor, Commerce and Trade.

SB 5590 by Senators Newhouse, Heavey, Deccio, Hale, Palmer, Franklin, Pelz, Fraser, Prentice, Prince, Winsley and Kohl (by request of Joint Task Force on Unemployment Insurance)

AN ACT Relating to authorizing voluntary contributions for unemployment insurance; and adding a new section to chapter 50.29 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 5591 by Senators Pelz, Kohl, Sellar and Winsley

AN ACT Relating to longshore and harbor workers' compensation act insurance; amending RCW 48.22.072; repealing 1993 c 177 s 3 and 1992 c 209 s 6 (uncodified); and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5592 by Senators Spanel and Swecker

AN ACT Relating to coastal crab fishing licenses; amending RCW 75.30.350, 75.30.360, 75.30.430, 75.30.050, 75.28.125, and 75.28.113; and repealing RCW 75.30.420 and 75.30.450.

Referred to Committee on Natural Resources.

SB 5593 by Senators Hochstatter, Rasmussen, Morton, Swecker, Sellar, Prince, Schow and Oke

AN ACT Relating to ground water permit applications; amending RCW 90.44.050; and creating a new section.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5594 by Senators Hochstatter, McCaslin, Deccio, Finkbeiner, Johnson, Schow and West

AN ACT Relating to lowering tax levy limitations; and amending RCW 84.55.010, 84.55.020, 35.61.210, 70.44.060, and 84.08.115.

Referred to Committee on Ways and Means.

SB 5595 by Senator Owen (by request of Office of Financial Management)

AN ACT Relating to funding for two high occupancy vehicle lane projects; amending RCW 47.10.819; and declaring an emergency.

Referred to Committee on Transportation.

SB 5596 by Senators C. Anderson, Kohl, Fairley, Prince and Pelz

AN ACT Relating to recognizing and regulating the right of mentally competent terminally ill adults voluntarily to request and receive physician aid in dying; amending RCW 70.122.100 and 9A.36.060; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5597 by Senators C. Anderson, Roach, Smith, Schow, McCaslin, Pelz, Hargrove, Long and Johnson

AN ACT Relating to the costs of copying public records; amending RCW 42.17.260 and 42.17.300; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Law and Justice.

SB 5598 by Senators Fraser, Swecker, C. Anderson, McAuliffe and Spanel

AN ACT Relating to the centennial clean water fund; amending RCW 70.146.010, 70.146.030, and 70.146.070; reenacting and amending RCW 70.146.060; adding new sections to chapter 70.146 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5599 by Senator Loveland

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

Referred to Committee on Ways and Means.

SB 5600 by Senators C. Anderson, Fairley, Rinehart, Kohl, Heavey and Prentice

AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.224, and 48.30.300; and reenacting and amending RCW 49.60.030, 49.60.040, 49.60.120, 49.60.222, 49.60.223, and 49.60.225.

Referred to Committee on Law and Justice.

SB 5601 by Senators C. Anderson, Fairley, Prentice and Kohl

AN ACT Relating to expanding the jurisdiction of the human rights commission regarding gender identity; amending RCW 49.60.010, 49.60.020, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.224, and 48.30.300; and reenacting and amending RCW 49.60.030, 49.60.040, 49.60.120, 49.60.222, 49.60.223, and 49.60.225.

Referred to Committee on Law and Justice.

SB 5602 by Senators Heavey and Prentice

AN ACT Relating to gambling devices; adding a new section to chapter 9.46 RCW; creating a new section; and repealing RCW 9.46.235.

Referred to Committee on Labor, Commerce and Trade.

SJM 8012 by Senators Newhouse, Heavey, Deccio, Hale, Palmer, Franklin, Fraser, Prentice, Prince and Oke (by request of Joint Task Force on Unemployment Insurance)

Requesting that unemployment benefits be removed from the IRS definition of taxable income.

Referred to Committee on Labor, Commerce and Trade.



HCR 4403 by Representatives Horn, Jacobsen, Sheldon, Kessler, Costa and L. Thomas

Calling for a joint session to honor recently deceased members of the legislature.

HOLD.

MOTION

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to second reading and placed on the second reading calendar.

MOTION

At 10:09 a.m., on motion of Senator Spanel, the Senate recessed until 11:45 a.m.

The Senate was called to order at 11:46 a.m. by President Pritchard.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Horn, Jacobsen, Sheldon, Kessler, Costa and L. Thomas

Calling for a joint session to honor recently deceased members of the legislature.

The concurrent resolution was read the second time.

MOTIONS

On motion of Senator Snyder, the following amendment was adopted:  
On page 1, line 12, after "on" strike "Monday, February 20" and insert "Friday, February 24"

On motion of Senator Snyder, the rules were suspended, House Concurrent Resolution No. 4403, as amended by the Senate, was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.  
HOUSE CONCURRENT RESOLUTION NO. 4403, as amended by the Senate, was adopted by voice vote.

MOTION

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4400, which was held on the desk January 10, 1995, was advanced to second reading and placed on the second reading calendar.

SECOND READING

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

Establishing legislative cutoff dates.

The concurrent resolution was read the second time.

MOTIONS

On motion of Senator Gaspard, the following amendment was adopted:  
On page 2, line 10, after "houses," strike "conference and free"

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4400, as amended by the Senate, was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.  
HOUSE CONCURRENT RESOLUTION NO. 4400, as amended by the Senate, was adopted by voice vote.

MOTION

At 11:51 a.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, January 30, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETEENTH DAY, JANUARY 27, 1995

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

**TWENTY-SECOND DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, January 30, 1995  
The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Snyder. On motion of Senator Loveland, Senator Snyder was excused. The Sergeant at Arms Color Guard, consisting of Pages Dan Eygabroad and Mary Flynn, presented the Colors. Reverend Jay Calhoun, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 27, 1995  
SB 5012 Prime Sponsor, Senator Snyder: Revising the fee for transfer of fishery licenses. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5012 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

January 27, 1995  
SB 5017 Prime Sponsor, Senator Snyder: Establishing commercial fishery license fee and renewal provisions for years with no fishing season. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5017 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Referred to Committee on Ways and Means.

January 24, 1995  
SB 5022 Prime Sponsor, Senator Fairley: Allowing United States military dependents' identification as identification cards for liquor purchases. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5022 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1995  
SB 5025 Prime Sponsor, Senator Smith: Removing the repealer of the criminal profiteering act. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, Roach and Schow.

Passed to Committee on Rules for second reading.

January 26, 1995

SB 5027 Prime Sponsor, Senator Smith: Extending the period of time within which a prosecution for homicide by abuse may be commenced. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, Roach and Schow.

Passed to Committee on Rules for second reading.

January 26, 1995

SB 5050 Prime Sponsor, Senator Morton: Revising the elements of the crime of burglary in the first degree. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, Roach and Schow.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5051 Prime Sponsor, Senator Smith: Creating a waiver for students with disabilities to obtain cosmetology course credit without having graduated from high school. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1995

SB 5082 Prime Sponsor, Senator Haugen: Providing for death investigations systems. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5082 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, Roach and Schow.

Referred to Committee on Ways and Means.

January 27, 1995

SB 5101 Prime Sponsor, Senator Drew: Authorizing the director of fish and wildlife to administer game fish catch record cards. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5101 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

January 26, 1995

SB 5122 Prime Sponsor, Senator Smith: Authorizing Benton county to have one additional district court judge. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5122 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Quigley, Rinehart, Roach and Schow.

Passed to Committee on Rules for second reading.

January 26, 1995

SB 5130 Prime Sponsor, Senator Fraser: Freeing the base for transfers of marine and nonhighway fuel taxes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Wood.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey, Vice Chair.

Passed to Committee on Rules for second reading.

January 26, 1995

SB 5164 Prime Sponsor, Senator Smith: Allowing a conformed copy of certain orders to be served. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5164 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, Roach and Schow.

Passed to Committee on Rules for second reading.

January 26, 1995

SB 5166 Prime Sponsor, Senator Smith: Regarding the renewal of judgments and the extension of judgment liens. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5166 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, Roach and Schow.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5173 Prime Sponsor, Senator Pelz: Improving the licensing sections of the Washington state liquor act. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5175 Prime Sponsor, Senator Pelz: Permitting certain retail liquor licensees to be licensed as manufacturers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5175 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1995

SB 5176 Prime Sponsor, Senator Pelz: Improving the enforcement provisions of the Washington state liquor act. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1995

SB 5233 Prime Sponsor, Senator Owen: Transferring the aeronautics account and the aircraft search and rescue, safety, and education account to the transportation fund. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Wood.

Passed to Committee on Rules for second reading.

January 26, 1995

SB 5235 Prime Sponsor, Senator Bauer: Adding a superior court judge in Clark county. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5235 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Referred to Committee on Ways and Means.

January 24, 1995

SB 5266 Prime Sponsor, Senator Pelz: Revising provisions regulating court reporting. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1995  
SJM 8002 Prime Sponsor, Senator Sutherland: Requesting amending the Copyright Act to address current situations. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8002 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

January 27, 1995  
MR. PRESIDENT:  
The House has passed HOUSE BILL NO. 1039, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 27, 1995  
MR. PRESIDENT:  
The House has passed INITIATIVE NO. 159.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5603 by Senators Pelz, Heavey, Wojahn, Smith, Prentice, Cantu and Kohl

AN ACT Relating to punch board or pull-tab devices operated in establishments frequented by children; and amending RCW 9.46.0325.

Referred to Committee on Labor, Commerce and Trade.

SB 5604 by Senators Owen, Prince, Oke, Heavey, Haugen, Snyder and Schow

AN ACT Relating to vessel registration; and amending RCW 88.02.023, 88.02.030, 88.02.220, and 88.02.100.

Referred to Committee on Labor, Commerce and Trade.

SB 5605 by Senators Owen, Bauer, Sheldon, Wood, McAuliffe, Prince, Heavey, Drew, Winsley, Palmer, Deccio, Oke, Prentice and Schow

AN ACT Relating to prohibiting alcohol and drug use in state-owned college or university residences; adding a new section to chapter 28B.10 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Higher Education.

SB 5606 by Senators Fraser, Haugen, Owen, McCaslin, Swecker, Newhouse, Oke, Rasmussen, Winsley, Morton and Schow

AN ACT Relating to water conservation and the reclamation and direct beneficial use of wastewater; amending RCW 90.46.005, 90.46.010, and 90.46.040; adding new sections to chapter 90.46 RCW; adding a new section to chapter 90.48 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5607 by Senators Gaspard, Cantu, Haugen, Prentice, Wood, Snyder, Long, A. Anderson, Deccio, Kohl, Wojahn, Oke, Rasmussen and Winsley (by request of State Auditor Sonntag)

AN ACT Relating to performance audits of state government; amending RCW 43.88.160; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways and Means.

SB 5608 by Senators Hargrove and Prentice (by request of Department of Social and Health Services)

AN ACT Relating to residential habilitation centers; and amending RCW 71A.20.020.

Referred to Committee on Human Services and Corrections.

SB 5609 by Senators Loveland, Rasmussen, Prince, Snyder, Morton, West and A. Anderson

AN ACT Relating to air pollution control authorities; and amending RCW 70.94.141.

Referred to Committee on Ecology and Parks.

SB 5610 by Senators Smith, Deccio, Oke, Winsley, Roach and Schow

AN ACT Relating to false accusations of child abuse or neglect; amending RCW 26.09.191; adding new sections to chapter 26.44 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5611 by Senators Morton, Haugen, Hochstatter, Prince, Wood, McCaslin, Long and Winsley

AN ACT Relating to bids on public works; and amending RCW 39.30.060.

Referred to Committee on Labor, Commerce and Trade.

SB 5612 by Senators Owen, Oke, Sheldon and Winsley

AN ACT Relating to management of salmon in Hood Canal; and adding a new chapter to Title 75 RCW.

Referred to Committee on Natural Resources.

SB 5613 by Senators Pelz, Franklin, Hargrove, Snyder, Fraser, Bauer, McAuliffe, Smith, Prentice, Heavey and Rinehart

AN ACT Relating to the authority of the department of labor and industries to hold industrial insurance orders in abeyance; and amending RCW 51.52.060.

Referred to Committee on Labor, Commerce and Trade.

SB 5614 by Senators Pelz, Franklin, Hargrove, Snyder, Fraser, Bauer, McAuliffe, Smith, Prentice, Heavey and Rinehart

AN ACT Relating to compensation during appeal of department of labor and industries' industrial insurance orders; and amending RCW 51.52.060.

Referred to Committee on Labor, Commerce and Trade.

SB 5615 by Senators Pelz, Franklin, Hargrove, Snyder, Bauer, Fraser, McAuliffe, Smith, Prentice, Heavey and Rinehart

AN ACT Relating to compensation during reconsideration of department of labor and industries' industrial insurance orders; and amending RCW 51.52.050.

Referred to Committee on Labor, Commerce and Trade.

SB 5616 by Senators Gaspard, Sellar, Haugen, Hochstatter, Drew, A. Anderson, Swecker, Newhouse, Deccio, Rasmussen, Winsley and Morton

AN ACT Relating to watershed restoration projects; adding new sections to chapter 89.08 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 90.70 RCW; and making an appropriation.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5617 by Senators Prentice, Hale and Winsley (by request of Insurance Commissioner Senn and Attorney General Gregoire)

AN ACT Relating to insurance fraud; amending RCW 48.01.030, 48.18.460, 48.30.210, 48.30.220, 48.50.010, 48.50.020, 48.50.030, 48.50.040, 48.50.075, 48.80.020, 2.48.180, 9.12.010, 9A.72.010, 9A.72.030, 9A.76.020, 9A.82.010, and 18.130.190; reenacting and amending RCW 9.94A.320; adding a new section to chapter 42.17 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 9A.68 RCW; adding a new section to chapter 9A.76 RCW; adding a new chapter to Title 48 RCW; creating a new section; repealing RCW 9.91.090, 9A.82.903, 48.50.060, 48.50.080, and 49.44.070; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 5618 by Senators Snyder, Swecker, Rasmussen, Hochstatter, Hargrove and Sellar

AN ACT Relating to authorizing counties with a population of seventy-five thousand or less to remove themselves and their cities from growth management planning requirements; and amending RCW 36.70A.040.

Referred to Committee on Government Operations.

SB 5619 by Senators Loveland, Swecker, McCaslin, Hochstatter, Hargrove, Deccio and Roach

AN ACT Relating to petitions to growth management hearings boards; amending RCW 36.70A.310 and 36.70A.320; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations.

SB 5620 by Senators Haugen, Winsley, Heavey, Swecker, Hargrove, Rasmussen, Sellar and Drew

AN ACT Relating to factors used in the establishment of urban growth areas; and amending RCW 36.70A.110 and 43.62.035.

Referred to Committee on Government Operations.

SB 5621 by Senator Prentice (by request of Office of Financial Management)

AN ACT Relating to the pollution liability insurance program; amending RCW 70.148.900; and adding a new section to chapter 70.148 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 5622 by Senators Rinehart, Wojahn, Fairley, Fraser and Kohl (by request of Department of Social and Health Services)

AN ACT Relating to long-term care; amending RCW 74.39A.007, 74.39A.010, 70.128.005, 70.128.007, 70.128.010, 70.128.057, 70.128.060, 70.128.070, 70.128.120, 70.128.040, 70.128.050, 70.128.055, 70.128.080, 70.128.090, 70.128.105, 70.128.110, 70.128.170, 70.128.130, 70.128.140, 70.128.150, 70.128.160, 70.128.175, 43.190.020, 43.190.060, 74.08.545, 74.08.550, 74.08.570, 74.09.520, 18.79.020, 18.79.260, 18.51.091, 18.51.140, 18.51.300, 74.42.020, 74.09.120, 11.40.010, 11.42.020, 11.62.010, 11.28.120, 18.39.250, 18.39.255, 68.46.050, 70.129.040, 43.20B.080, 74.46.020, 74.46.105, 74.46.115, 74.46.160, 74.46.170, 74.46.180, 74.46.370, 74.46.420, 74.46.430, 74.46.450, 74.46.460, 74.46.470, 74.46.481, 74.46.490, 74.46.500, 74.46.505, 74.46.510, 74.46.530, 74.46.560, 74.46.570, 74.46.640, 74.46.690, 74.46.770, 74.46.780, 74.46.010, 34.05.010, and 34.05.030; adding new sections to chapter 74.39A RCW; adding new sections to chapter 70.128 RCW; adding new sections to chapter 18.79 RCW; adding a new section to chapter 70.127 RCW; adding new sections to chapter 74.42 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 74.46 RCW; creating new sections; recodifying RCW 74.08.530, 74.08.560, 74.08.570, 74.08.545, and 74.08.550; repealing RCW 70.128.180 and 74.08.541; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5623 by Senators Haugen, McDonald, Wood, Owen, Finkbeiner, Hale, A. Anderson, Oke and Schow

AN ACT Relating to competitive strategies in the delivery of government services; amending RCW 41.06.380, 41.06.070, and 41.06.382; adding a new section to chapter 28A.400 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5624 by Senators Smith, Haugen, Oke, Drew, Rasmussen and Winsley

AN ACT Relating to liability for cleanup and repair of damaged lodging or accommodation premises; and amending RCW 4.24.230.



Referred to Committee on Law and Justice.

SB 5625 by Senators Haugen, Drew, Oke and Rasmussen

AN ACT Relating to hunting licenses; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources.

SB 5626 by Senators Winsley and Haugen (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to the advisory council on historic preservation; and reenacting and amending RCW 27.34.250.

Referred to Committee on Government Operations.

SB 5627 by Senators Haugen and Winsley (by request of Attorney General Gregoire)

AN ACT Relating to elections; and amending RCW 29.27.060.

Referred to Committee on Government Operations.

SB 5628 by Senators Smith, McCaslin and Wojahn (by request of Attorney General Gregoire)

AN ACT Relating to consumer leases of automobiles; amending RCW 63.10.020, 63.10.040, and 63.10.050; adding new sections to chapter 63.10 RCW; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5629 by Senators Pelz, Fraser, Rinehart and McCaslin (by request of Attorney General Gregoire)

AN ACT Relating to new motor vehicle warranties; amending RCW 19.118.021, 19.118.031, 19.118.041, 19.118.061, 19.118.080, 19.118.090, 19.118.110, and 46.12.380; adding new sections to chapter 19.118 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5630 by Senators Cantu and Haugen (by request of Attorney General Gregoire)

AN ACT Relating to nonconsensual common law liens; amending RCW 60.70.010 and 60.70.030; and adding new sections to chapter 60.70 RCW.

Referred to Committee on Law and Justice.

SB 5631 by Senators Haugen, Moyer, Gaspard, McDonald, Snyder, Winsley, Pelz, Swecker, McAuliffe, Smith, C. Anderson, Kohl, Wood, Rasmussen and Hale

AN ACT Relating to citizen participation in the discussion of public issues; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on Government Operations.

SB 5632 by Senators A. Anderson, Drew, Owen, Hargrove, Swecker, Morton, Hale, Haugen, Finkbeiner, Strannigan, Moyer, Palmer, Johnson, Quigley and Rasmussen

AN ACT Relating to flood damage reduction; amending RCW 36.70A.060, 36.70A.070, 36.70A.170, 43.21C.020, 75.20.100, 75.20.103, 75.20.130, 79.90.150, 79.90.300, 86.15.030, 86.15.050, 86.15.160, 86.26.105, 90.58.180, 86.12.200, 90.58.030, and 47.28.140; adding new sections to chapter 75.20 RCW; adding a new section to chapter 79.90 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 86.26 RCW; creating new sections; repealing RCW 79.90.325; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5633 by Senators Snyder, Swecker, Hargrove, Haugen, Morton, Hochstatter, Owen and Rasmussen

AN ACT Relating to weed control; amending RCW 75.20.100 and 90.58.030; adding a new section to chapter 90.48 RCW; adding a new chapter to Title 17 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5634 by Senators Hochstatter, Haugen, Sheldon, Schow, Deccio, Moyer, McCaslin, Snyder, Strannigan, Johnson, Wood, Swecker, A. Anderson, Palmer and Winsley

AN ACT Relating to unfunded agency activities; reenacting and amending RCW 43.88.030; and creating a new section.

Referred to Committee on Ways and Means.

SB 5635 by Senators Hochstatter, Oke and Schow

AN ACT Relating to limiting the valuation of property for property taxation; and adding a new section to chapter 84.40 RCW.

Referred to Committee on Ways and Means.

SB 5636 by Senators Fraser and Rasmussen

AN ACT Relating to the creation of the Washington water resources commission; adding new sections to chapter 90.54 RCW; adding new sections to chapter 43.131 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5637 by Senators Fraser, Kohl and Oke

AN ACT Relating to a civil action as a remedy for coercion in the making of sexually explicit films or videos; adding new sections to chapter 9.68 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5638 by Senators Prince, Fraser, Wood, Bauer and Kohl

AN ACT Relating to the role of native Americans in international education and cultural exchanges; creating new sections; and providing an expiration date.

Referred to Committee on Government Operations.

SB 5639 by Senators Fairley, Wood, Kohl, Prince, Fraser, Rasmussen and Prentice

AN ACT Relating to world language instruction; adding new sections to chapter 28A.410 RCW; and creating new sections.

Referred to Committee on Higher Education.

SB 5640 by Senators Prince, Fairley, Wood, Fraser, Hale, Kohl, Johnson, Franklin, Prentice and Sheldon

AN ACT Relating to international education; adding a new section to chapter 28B.10 RCW; and adding a new section to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

SB 5641 by Senators McAuliffe, Fairley, Prince, Kohl, Fraser, Rasmussen and Prentice

AN ACT Relating to public school students learning a second language; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

SB 5642 by Senators Fraser and Rasmussen

AN ACT Relating to the international exchange student and teacher program in public schools; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.310 RCW; and repealing RCW 28A.300.240.

Referred to Committee on Education.

SB 5643 by Senators Fraser, Fairley, McAuliffe, Hale, Kohl, Prince, Rasmussen, Wood, Johnson, Franklin, C. Anderson and Winsley

AN ACT Relating to educational, cultural, and business exchange programs; adding a new section to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5644 by Senators Wood, Kohl, Fraser, Prince and Winsley

AN ACT Relating to establishing a community college in the People's Republic of China; and creating a new section.

Referred to Committee on Higher Education.

SB 5645 by Senators Fairley, Kohl, McAuliffe, Fraser, Rasmussen, Prince, Bauer and Wood

AN ACT Relating to international education; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5646 by Senators Rasmussen, Fraser, Kohl, Fairley, Prince, Wood, Bauer, Hale, Deccio, Johnson, Franklin and Winsley

AN ACT Relating to international trade and cultural exchanges; adding new sections to chapter 43.07 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Labor, Commerce and Trade.

SB 5647 by Senators Bauer, Wood, Kohl, Drew, Haugen and Winsley (by request of State Board for Community and Technical Colleges)

AN ACT Relating to retention of sick leave by transferred employees of community and technical colleges; and amending RCW 28B.50.551.

Referred to Committee on Higher Education.

SB 5648 by Senators Smith and Owen (by request of Attorney General Gregoire)

AN ACT Relating to evasion of fuel tax; amending RCW 82.36.010, 82.36.380, 82.38.020, 82.38.270, and 9A.04.080; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5649 by Senators Oke, Hargrove, A. Anderson, Winsley, Deccio, Schow, Wood, Owen, Swecker, McDonald, Prince and Rasmussen

AN ACT Relating to juveniles; amending RCW 13.04.030, 13.40.040, 13.40.050, 13.40.130, 28A.225.020, 28A.225.030, 28A.225.150, 74.13.032, 13.32A.030, 13.32A.130, 70.96A.140, 71.34.030, 71.34.050, and 71.34.070; adding a new section to chapter 28A.225 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5650 by Senators Oke, Owen, Roach, Hargrove, Deccio, Swecker, Wood, Hale, Schow, Hochstatter, Palmer, Winsley, Morton, Sellar, Cantu and McDonald

AN ACT Relating to assault with the human immunodeficiency virus; amending RCW 9A.36.011; reenacting and amending RCW 9A.36.021; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5651 by Senators Hale, McDonald, Newhouse, West, Finkbeiner, Wood, McCaslin, Johnson, A. Anderson, Hochstatter, Strannigan, Schow, Deccio, Swecker, Oke, Roach, Morton, Palmer, Winsley, Prince, Cantu and Sellar

AN ACT Relating to decreasing business and occupation tax rates; amending RCW 82.04.255 and 82.04.290; repealing RCW 82.04.055 and 82.04.2201; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5652 by Senators Gaspard, McDonald, Smith, Quigley, Wojahn, Hargrove, Heavey, Winsley, Sheldon, Fraser, Loveland, Fairley, Oke, McAuliffe, Spanel, Kohl, Franklin, Drew, Haugen, Owen, Bauer, Snyder, Deccio and Rasmussen

AN ACT Relating to welfare fraud; amending RCW 74.08.290; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5653 by Senators Gaspard, McDonald, Smith, Oke, Wojahn, Winsley, Fraser, McAuliffe, Loveland, Kohl, Spanel, Franklin, Snyder, Drew, Haugen, Hargrove, Bauer and Rasmussen

AN ACT Relating to investigations of public assistance fraud; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5654 by Senator Fraser (by request of Attorney General Gregoire)

AN ACT Relating to the collection of taxes owed to taxing agencies; amending RCW 50.24.060, 51.16.155, 51.48.140, 51.48.160, 51.48.210, 51.48.230, 82.32.090, 82.32.215, 82.32.235, 82.32.330, 82.32.340, 84.64.080, 49.52.040, 50.12.220, 50.44.060, 82.32.265, and 82.42.060; adding new sections to chapter 61.24 RCW; adding a new chapter to Title 60 RCW; and repealing RCW 46.87.340, 46.87.360, 46.87.370, 50.24.040, 50.24.050, 50.24.080, 50.24.090, 50.24.100, 50.24.115, 51.16.170, 51.16.180, 51.48.170, 51.48.180, 51.48.190, 51.48.200, 51.48.220, 82.32.210, 82.32.220, 82.32.230, 82.32.245, 82.36.047, 82.36.110, 82.36.130, 82.37.090, 82.38.210, 82.38.230, and 82.38.235.

Referred to Committee on Ways and Means.

SCR 8403 by Senators Snyder, Prince and Winsley

Recognizing the "Old Timers" reunion.

HOLD.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

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

Increasing the number of citizen members of the Washington citizens' commission on salaries for elected officials.

Referred to Committee on Government Operations.

#### MOTION

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8403 was advanced to second reading and placed on the second reading calendar.

#### MOTION

At 10:10 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:17 a.m. by President Pro Tempore Wojahn.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8403, by Senators Snyder, Prince and Winsley

Recognizing the "Old Timers" reunion.

The concurrent resolution was read the second time.

#### MOTIONS

On motion of Senator Prince, the following amendment was adopted:  
On page 1, line 14, after "conducted" insert "Monday, February 20, 1995,"

On motion of Senator Spanel, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8403, was advanced to third reading, the second reading considered the third and the bill was placed on final passage and adopted.  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8403 was adopted by voice vote.

#### SECOND READING GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9013, Craig Cole, as a member of the Human Rights Commission, was confirmed.  
Senators Spanel and Ann Anderson spoke to the confirmation of Craig Cole as a member of the Human Rights Commission.

#### APPOINTMENT OF CRAIG COLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.  
Excused: Senator Snyder - 1.

#### MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9088, Helen Donigan, as a member of the Human Rights Commission, was confirmed.

#### APPOINTMENT OF HELEN DONIGAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.  
Excused: Senator Snyder - 1.

#### SECOND READING

SENATE BILL NO. 5087, by Senator Fraser (by request of Environmental Hearings Office)

Revising appeals involving environmental and land use boards.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.  
The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5087.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5087 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke,

Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Snyder - 1.

SENATE BILL NO. 5087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Spanel, the Committee on Labor, Commerce and Trade was relieved of further consideration of Senate Bill No. 5591.

On motion of Senator Spanel, Senate Bill No. 5591 was referred to the Committee on Financial Institutions and Housing.

#### MOTION

At 11:34 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, January 31, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

#### JOURNAL OF THE SENATE

TWENTY-SECOND DAY, JANUARY 30, 1995

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#### TWENTY-THIRD DAY

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, January 31, 1995  
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

#### MOTION

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

#### REPORT OF STANDING COMMITTEE

January 30, 1995  
SB 5325 Prime Sponsor, Senator Rinehart: Changing higher education fiscal provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5325 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon and Wood.

MINORITY Recommendation: Do not pass substitute. Signed by Senators A. Anderson and West.

Referred to Committee on Ways and Means.

#### MESSAGES FROM THE HOUSE

January 27, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1001,  
HOUSE BILL NO. 1012,

HOUSE BILL NO. 1015,  
SUBSTITUTE HOUSE BILL NO. 1018,  
SUBSTITUTE HOUSE BILL NO. 1032, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 27, 1995

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1014, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 30, 1995

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following resolutions and adopted the resolutions as amended by the Senate:  
HOUSE CONCURRENT RESOLUTION NO. 4400,  
HOUSE CONCURRENT RESOLUTION NO. 4403.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5655 by Senators Rasmussen and Sellar

AN ACT Relating to rail freight service; amending RCW 47.76.200, 47.76.210, 47.76.220, 47.76.230, 47.76.240, 47.76.250, 47.76.270, and 47.76.280; adding a new section to chapter 47.76 RCW; and repealing RCW 47.76.260.

Referred to Committee on Transportation.

SB 5656 by Senators Kohl, Palmer, Moyer, C. Anderson, Deccio, Quigley and Roach

AN ACT Relating to chemical dependency counselors; amending RCW 18.19.020, 18.19.030, and 18.19.070; adding a new section to chapter 18.19 RCW; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 5657 by Senators Palmer, McCaslin, Moyer, Owen, Deccio, Hochstatter, A. Anderson, Swecker, Roach and Hale

AN ACT Relating to changing the population growth factor for determining whether counties and cities are required to plan under the growth management act; and amending RCW 36.70A.040.

Referred to Committee on Government Operations.

SB 5658 by Senators Palmer, Swecker, Deccio, Sellar, Snyder, Hale, Haugen, Johnson, Sutherland, Wood, Schow and Bauer

AN ACT Relating to sentences served by felons in jails; and amending RCW 70.48.240 and 70.48.400.

Referred to Committee on Human Services and Corrections.

SB 5659 by Senators Heavey and Wojahn

AN ACT Relating to using state lottery moneys for compulsive gambling prevention and education; amending RCW 67.70.240; adding a new section to chapter 67.70 RCW; and making an appropriation.

Referred to Committee on Labor, Commerce and Trade.

SB 5660 by Senators Prentice, Hale, Snyder, Sellar, Fraser, Kohl and Winsley

AN ACT Relating to heating oil pollution liability; amending RCW 82.38.090; adding a new section to chapter 70.148 RCW; adding a new chapter to Title 70 RCW; and providing an expiration date.

Referred to Committee on Financial Institutions and Housing.

SB 5661 by Senators Prentice and Kohl

AN ACT Relating to child labor; amending RCW 49.12.300, 49.12.310, 49.12.390, and 49.12.410; adding new sections to chapter 49.12 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 5662 by Senators Owen, Swecker and Morton

AN ACT Relating to clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations; and amending RCW 78.56.110, 78.56.120, and 78.44.087.

Referred to Committee on Natural Resources.

SB 5663 by Senators Deccio, Fraser, Newhouse, Owen, A. Anderson and Palmer

AN ACT Relating to determination of benefits for permanent disability by industrial insurance self-insurers; and amending RCW 51.32.055, 51.14.120, and 51.14.130.

Referred to Committee on Labor, Commerce and Trade.

SB 5664 by Senators Deccio, A. Anderson, Newhouse and Palmer

AN ACT Relating to compensation for occupational disease; and amending RCW 51.32.100.

Referred to Committee on Labor, Commerce and Trade.

SB 5665 by Senators Deccio and A. Anderson

AN ACT Relating to limitations on industrial insurance permanent total disability compensation; and amending RCW 51.32.060.

Referred to Committee on Labor, Commerce and Trade.

SB 5666 by Senators Deccio and A. Anderson

AN ACT Relating to temporary total disability payments; and reenacting an amending RCW 51.32.090.

Referred to Committee on Labor, Commerce and Trade.

SB 5667 by Senators A. Anderson, Wood, Owen, Newhouse, Palmer, Hargrove, Deccio and Schow

AN ACT Relating to disqualification from industrial insurance compensation for worker's intoxication or controlled substance use; and amending RCW 51.32.020.

Referred to Committee on Labor, Commerce and Trade.

SB 5668 by Senators Hale, Wood, Fraser, Pelz, Prince, Newhouse, A. Anderson, Palmer, Franklin, Hargrove, Bauer, Deccio, C. Anderson, Prentice and Winsley

AN ACT Relating to sureties for industrial insurance self-insurers; and amending RCW 51.14.020.

Referred to Committee on Labor, Commerce and Trade.

SB 5669 by Senators Pelz, Newhouse, Hargrove, Prince, Deccio, A. Anderson, Prentice, Palmer, Bauer, C. Anderson and Winsley

AN ACT Relating to the definition of "acting in the course of employment" for industrial insurance; and amending RCW 51.08.013.

Referred to Committee on Labor, Commerce and Trade.

SB 5670 by Senators Deccio, Newhouse, A. Anderson, Prince, Palmer, Bauer and Schow

AN ACT Relating to industrial insurance benefits during confinement in an institution; and amending RCW 51.32.040.



Referred to Committee on Labor, Commerce and Trade.

SB 5671 by Senators Newhouse, A. Anderson and Deccio

AN ACT Relating to industrial insurance compensation for school employees; and amending RCW 51.08.178.

Referred to Committee on Labor, Commerce and Trade.

SB 5672 by Senators Quigley, Prince, Drew, Hargrove, West, Gaspard, Long and Sutherland (by request of Department of Information Services and Office of Financial Management)

AN ACT Relating to the powers and duties of the department of information services and the office of financial management to establish a state-owned nonprofit corporation; amending RCW 43.105.052, 41.05.011, and 39.34.020; reenacting and amending RCW 41.40.010 and 41.32.010; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.41 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5673 by Senators A. Anderson, Spanel and Sellar

AN ACT Relating to permitting special excise taxes on lodgings to be used for festival purposes; and amending RCW 67.28.210.

Referred to Committee on Government Operations.

SB 5674 by Senators Hargrove, Owen, Palmer, Rasmussen and Winsley

AN ACT Relating to armed crimes; amending RCW 9.41.040, 9.41.047, 9.41.050, 9.41.098, 9.41.110, 9.41.135, 9.41.170, and 9.41.800; reenacting and amending RCW 9.41.010 and 9.41.070; repealing RCW 9.41.240; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5675 by Senators Morton, Oke, Schow and Hochstatter

AN ACT Relating to temporary locations for firearms dealers; and amending RCW 9.41.110.

Referred to Committee on Law and Justice.

SB 5676 by Senators Fraser and Kohl

AN ACT Relating to restrictions on residential time for abusive parents; and amending RCW 26.09.191 and 26.10.160.

Referred to Committee on Law and Justice.

SB 5677 by Senators Roach, Haugen and Winsley (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to clarification of building code and structure requirements; amending RCW 19.27A.080, 70.92.110, 70.92.120, 70.92.130, 70.92.150, and 70.92.160; reenacting and amending RCW 19.27.031; and repealing RCW 70.89.005, 70.89.010, 70.89.021, 70.89.031, 70.89.040, 70.89.050, 70.89.060, 70.89.070, 70.89.900, and 70.89.910.

Referred to Committee on Government Operations.

SB 5678 by Senators Haugen, Prentice, Long, Heavey, Prince, Wojahn, Kohl and Winsley (by request of State Auditor Sonntag)

AN ACT Relating to local government whistleblower reporting; and amending RCW 42.41.030.

Referred to Committee on Government Operations.

SB 5679 by Senators Oke and Pelz (by request of State Treasurer Grimm)

AN ACT Relating to prohibiting investment of public pension and retirement funds in business firms manufacturing tobacco products; amending RCW 43.33A.110, 43.33A.130, 43.84.061, and 43.84.150; adding a new section to chapter 43.33A RCW; and creating a new section.

Referred to Committee on Financial Institutions and Housing.

SB 5680 by Senators Hargrove, Long, Franklin, Kohl and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to the enforcement of child care agency licensing; amending RCW 74.15.010, 74.15.020, 74.15.030, 74.15.130, 74.15.100, and 74.15.120; adding new sections to chapter 74.15 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 5681 by Senators Quigley, Smith, Pelz, Prentice, Kohl, Fairley, Heavey, Moyer and Oke

AN ACT Relating to illegal activities involving tobacco; amending RCW 70.155.100 and 70.155.110; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5682 by Senators Haugen, Winsley and Sheldon

AN ACT Relating to local government financing of public facilities; and amending RCW 67.28.210.

Referred to Committee on Government Operations.

SB 5683 by Senators Haugen, Strannigan, Quigley, Wood, McAuliffe, Long, Spanel and Kohl

AN ACT Relating to the postsecondary education needs of the Snohomish, Island, and Skagit county area; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5684 by Senators Smith, Winsley, Gaspard, Oke, Wood and Hale (by request of Public Disclosure Commission)

AN ACT Relating to public disclosure; amending RCW 42.17.020, 42.17.080, 42.17.090, 42.17.105, 42.17.155, 42.17.240, 42.17.370, 42.17.420, 42.17.510, 42.17.640, 42.17.750, 42.17.790, and 42.52.180; reenacting and amending RCW 42.17.2401; repealing RCW 42.17.021 and 42.17.630; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5685 by Senators Long, Haugen, Wood, Kohl, Prince, Fraser, Owen, Schow, Sellar, Heavey, Rasmussen, Winsley and Sheldon

AN ACT Relating to salvaged vehicles; amending RCW 46.12.050, 46.12.310, 46.80.005, 46.80.010, 46.80.020, 46.80.040, 46.80.050, 46.80.060, 46.80.070, 46.80.080, 46.80.090, 46.80.100, 46.80.110, 46.80.130, 46.80.150, 46.80.160, 46.80.170, and 46.80.900; adding a new section to chapter 46.12 RCW; adding new sections to chapter 46.80 RCW; creating a new section; repealing RCW 46.80.055; and prescribing penalties.

Referred to Committee on Transportation.

SB 5686 by Senators Long, Hargrove, Franklin and Roach

AN ACT Relating to early release and specialized training for criminal offenders; and amending RCW 9.94A.132, 9.94A.150, 70.48.210, and 72.09.130.

Referred to Committee on Human Services and Corrections.

SB 5687 by Senators Long, Rasmussen, Johnson, Bauer, Kohl, Finkbeiner, Fairley, C. Anderson, Hochstatter, Gaspard, Pelz, Prince and Winsley

AN ACT Relating to the instruction in Braille reading and writing to blind students; and adding new sections to chapter 28A.155 RCW.

Referred to Committee on Education.

SB 5688 by Senators Hargrove, Long, Franklin, Rasmussen, C. Anderson, Kohl, Prentice, McAuliffe, Fairley, Drew, Smith, Heavey, Sheldon, Wojahn, Bauer and Winsley

AN ACT Relating to fetal alcohol syndrome; adding new sections to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5689 by Senators Oke, Quigley, Rasmussen, Moyer, Drew, Heavey, Hargrove, Haugen, Hochstatter, Deccio, Palmer, Pelz, Fairley, Franklin, Spanel, Prentice, Morton, Fraser, Sutherland, West, Strannigan, Swecker, Winsley and Hale

AN ACT Relating to cigarettes and tobacco products; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5690 by Senators Fairley, Swecker, Fraser, Owen and Quigley

AN ACT Relating to public comment on significant roadside

Referred to Committee on Transportation.

SCR 8404 by Senators Kohl, Gaspard, Pelz, Winsley, Franklin, Snyder, Sutherland, Haugen, Sheldon, Prentice, Deccio, C. Anderson and Bauer

Establishing a joint select committee on fire suppression.

Referred to Committee on Government Operations.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Exempting institutions of higher education from certain expenditure requirements.

Referred to Committee on Higher Education.

HB 1012 by Representative L. Thomas

Regulating loans made by pawnbrokers.

Referred to Committee on Financial Institutions and Housing.

EHB 1014 by Representatives Padden, Dellwo, Costa, Appelwick and Silver (by request of Statute Law Committee)

Correcting obsolete references to the department of community development and the department of trade and economic development.

Referred to Committee on Labor, Commerce and Trade.

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

Correcting double amendments from the 1994 legislative sessions.

Referred to Committee on Law and Justice.

SHB 1018 by House Representative Law and Justice (originally sponsored by Representatives Padden and Appelwick)

Amending the Washington uniform limited partnership act.

Referred to Committee on Law and Justice.

SHB 1032 by House Representative Law and Justice (originally sponsored by Representative Padden)

Revising the procedure for reviewing orders under the administrative procedure act.

Referred to Committee on Government Operations.

APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore appointed Senators Deccio, Franklin, Prince and Snyder to a joint committee to make arrangements for the Legislative Memorial Service set for Friday, February 24, 1995.

MOTION

On motion of Senator Spanel, the appointments were confirmed.

MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, February 1, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-THIRD DAY, JANUARY 31, 1995

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**TWENTY-FOURTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, February 1, 1995

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Michele Leingang and Tony Romeo, presented the Colors. Reverend Jay Calhoun, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5013 Prime Sponsor, Senator Snyder: Excluding all species of tuna, mackerel, and jack from the definitions of food fish and enhanced food fish. Reported by Committee on Natural Resources  
January 31, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5013 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Hargrove, Haugen, Morton, Oke, Snyder and Strannigan.

Passed to Committee on Rules for second reading.

SB 5057 Prime Sponsor, Senator Haugen: Creating an optional county code study commission. Reported by Committee on Government Operations  
January 31, 1995

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hale and Heavey.

Referred to Committee on Ways and Means.

SB 5068 Prime Sponsor, Senator Sheldon: Setting limits on executory conditional sales contracts entered into by local governments. Reported by Committee on Government Operations  
January 31, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale and Heavey.

Passed to Committee on Rules for second reading.

SB 5083 Prime Sponsor, Senator Oke: Changing the composition of the veterans affairs advisory committee. Reported by Committee on Government Operations  
January 31, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 31, 1995

SB 5091 Prime Sponsor, Senator Haugen: Raising the dollar limit for the public utility district alternative bid procedure. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

January 31, 1995

SCR 8400 Prime Sponsor, Senator Haugen: Creating the Joint Select Committee on Veterans and Military Personnel Affairs. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

#### REPORT OF SELECT COMMITTEE

#### IMPLEMENTATION OF EDUCATION REFORM IN WASHINGTON STATE by JOINT SELECT COMMITTEE ON EDUCATION RESTRUCTURING

January, 1995

#### INTRODUCTION

In 1992, Washington State took the first step in moving toward a "performance-based education" system with the adoption of SSB No. 5953. This legislation was the first of three bills that created a process for identifying what students should know and be able to do, and assessing whether or not students have achieved these learning goals. Legislation in 1993 (ESHB No. 1209) and in 1994 (ESHB No. 2850) added additional elements, including providing funding for educators and parents to work together to improve schools, requiring a new school accountability system that will be based on student performance, creating a statewide center to provide assistance to schools and parents, and creating a program to make school more relevant to students' future careers.

A summary of the major components of these three bills is included in Table 1.

The legislation also created a Joint Select Committee on Education Restructuring (Chapter 336, Laws of 1993, Section 1001). The primary purpose of the Select Committee is to monitor, review and report to the full Legislature upon the "...enactment and implementation of education restructuring in Washington both at the state and local level..." This report was written to fulfill this responsibility.

In addition to its monitoring responsibilities, the Select Committee was required to review all K-12 education laws to identify those laws that inhibit the achievement of a performance-based education system. The committee completed this review in November 1994, and copies of its recommendations may be obtained by calling the Legislative Bill Room at (360) 786-7573. Legislation that amends or deletes more than one-hundred statutes will be introduced during the 1995 legislative session.

The Select Committee includes twelve legislators. Members in 1993-94 were:

Senator Rosemary McAuliffe, co-chair Representative Randy Dorn, co-chair

Senator Ann Anderson Representative Bill Brumsickle

Senator Emilio Cantu Representative Sue Karahalios

Senator Kathleen Drew Representative Barbara Cothorn

Senator Harold Hochstatter Representative Brian Thomas

Senator Dwight Pelz Representative Jean Marie Brough

Summarized in the following sections are actions being taken to implement education reform in Washington. Following the summaries is a discussion of waivers that have been granted to school districts.

The Report by the Joint Select Committee on Education Restructuring is on file in the Office of the Secretary of the Senate.

#### INTRODUCTION AND FIRST READING

SB 5691 by Senators Rasmussen, Newhouse, Loveland, Sellar and Hochstatter

AN ACT Relating to agricultural commodity commissions; amending RCW 15.65.400, 15.26.140, and 15.26.155; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5692 by Senators Smith, Winsley, Rasmussen and Haugen (by request of Secretary of State Munro)

AN ACT Relating to business and nonprofit organizations; amending RCW 11.110.020, 23.86.090, 23.86.095, 23.86.310, 23.86.370, 24.03.307, 24.03.405, 24.03.410, 24.03.430, 24.36.090, 28B.10.620, 39.34.055, and 43.07.130; adding new sections to chapter 23.86 RCW; adding a new section to chapter 24.34 RCW; adding a new section to chapter 24.36 RCW; adding a new section to chapter 24.06 RCW; adding a new section to chapter 24.12 RCW; adding a new section to chapter 24.20 RCW; adding a new section to chapter 24.24 RCW; adding a new section to chapter 24.28 RCW; adding a new title to the Revised Code of Washington; creating new sections; recodifying RCW 24.03.060, 24.03.307, 24.03.350, 24.03.400, 24.03.405, 24.03.410, 24.03.415, 24.03.430, 24.03.420, 24.03.425, 24.03.435, and 24.03.480; repealing RCW 24.03.005, 24.03.010, 24.03.015, 24.03.017, 24.03.020, 24.03.025, 24.03.030, 24.03.035, 24.03.040, 24.03.045, 24.03.046, 24.03.047, 24.03.048, 24.03.050, 24.03.055, 24.03.065, 24.03.070, 24.03.075, 24.03.080, 24.03.085, 24.03.090, 24.03.095, 24.03.100, 24.03.103, 24.03.105, 24.03.110, 24.03.113, 24.03.115, 24.03.120, 24.03.125, 24.03.127, 24.03.130, 24.03.135, 24.03.140, 24.03.145, 24.03.150, 24.03.155, 24.03.160, 24.03.165, 24.03.170, 24.03.175, 24.03.180, 24.03.183, 24.03.185, 24.03.190, 24.03.195, 24.03.200, 24.03.205, 24.03.207, 24.03.210, 24.03.215, 24.03.217, 24.03.220, 24.03.225, 24.03.230, 24.03.235, 24.03.240, 24.03.245, 24.03.250, 24.03.255, 24.03.260, 24.03.265, 24.03.270, 24.03.275, 24.03.280, 24.03.285, 24.03.290, 24.03.295, 24.03.300, 24.03.302, 24.03.303, 24.03.305, 24.03.310, 24.03.315, 24.03.320, 24.03.325, 24.03.330, 24.03.335, 24.03.340, 24.03.345, 24.03.360, 24.03.365, 24.03.370, 24.03.375, 24.03.380, 24.03.385, 24.03.386, 24.03.388, 24.03.390, 24.03.395, 24.03.440, 24.03.445, 24.03.450, 24.03.455, 24.03.460, 24.03.465, 24.03.470, 24.03.490, 24.03.500, 24.03.510, 24.03.520, 24.03.530, 24.03.900, 24.03.905, 24.03.910, 24.03.915, 24.03.920, 24.03.925, 24.06.005, 24.06.010, 24.06.015, 24.06.020, 24.06.025, 24.06.030, 24.06.035, 24.06.040, 24.06.045, 24.06.046, 24.06.047, 24.06.048, 24.06.050, 24.06.055, 24.06.060, 24.06.065, 24.06.070, 24.06.075, 24.06.080, 24.06.085, 24.06.090, 24.06.095, 24.06.100, 24.06.105, 24.06.110, 24.06.115, 24.06.120, 24.06.125, 24.06.130, 24.06.135, 24.06.140, 24.06.145, 24.06.150, 24.06.155, 24.06.160, 24.06.165, 24.06.170, 24.06.175, 24.06.180, 24.06.185, 24.06.190, 24.06.195, 24.06.200, 24.06.205, 24.06.207, 24.06.210, 24.06.215, 24.06.225, 24.06.230, 24.06.233, 24.06.235, 24.06.240, 24.06.245, 24.06.250, 24.06.255, 24.06.260, 24.06.265, 24.06.270, 24.06.275, 24.06.280, 24.06.285, 24.06.290, 24.06.295, 24.06.300, 24.06.305, 24.06.310, 24.06.315, 24.06.320, 24.06.325, 24.06.330, 24.06.335, 24.06.340, 24.06.345, 24.06.350, 24.06.355, 24.06.360, 24.06.365, 24.06.370, 24.06.375, 24.06.380, 24.06.385, 24.06.390, 24.06.395, 24.06.400, 24.06.405, 24.06.410, 24.06.415, 24.06.420, 24.06.425, 24.06.430, 24.06.433, 24.06.435, 24.06.440, 24.06.445, 24.06.450, 24.06.455, 24.06.460, 24.06.465, 24.06.470, 24.06.475, 24.06.485, 24.06.490, 24.06.495, 24.06.500, 24.06.505, 24.06.510, 24.06.515, 24.06.520, 24.06.525, 24.06.900, 24.06.905, 24.06.910, 24.06.915, 24.06.920, 24.12.010, 24.12.020, 24.12.030, 24.12.040, 24.20.010, 24.20.020, 24.20.030, 24.20.040, 24.24.010, 24.24.020, 24.24.030, 24.24.040, 24.24.050, 24.24.060, 24.24.070, 24.24.080, 24.24.090, 24.24.100, 24.24.110, 24.28.010, 24.28.020, 24.28.030, 24.28.040, 23.86.300, 23.86.320, and 23.86.350; prescribing penalties; and providing effective dates.

Referred to Committee on Law and Justice.

SB 5693 by Senators Haugen, Long and Winsley (by request of Secretary of State Munro)

AN ACT Relating to financial reporting by corporations, associations, societies, and granges; amending RCW 24.28.010; adding a new section to chapter 24.03 RCW; adding a new section to chapter 24.06 RCW; adding a new section to chapter 24.12 RCW; adding a new section to chapter 24.20 RCW; adding a new section to chapter 24.24 RCW; adding a new section to chapter 24.34 RCW; and adding a new section to chapter 24.36 RCW.

Referred to Committee on Law and Justice.

SB 5694 by Senators Finkbeiner, Rasmussen, Winsley and Kohl (by request of Secretary of State Munro)

AN ACT Relating to the creation of a citizen suggestion program; amending RCW 41.60.015; adding a new chapter to Title 41 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5695 by Senators McCaslin, Deccio and Palmer

AN ACT Relating to the establishment of urban growth boundaries; and amending RCW 36.70A.110 and 36.70A.280.

Referred to Committee on Government Operations.

SB 5696 by Senators Rasmussen, Hargrove, Wood, Haugen, Owen, A. Anderson, Newhouse, Snyder and Palmer

AN ACT Relating to extending existing employer workers' compensation group self-insurance to logging industry organizations; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 5697 by Senators Owen, Prince and Deccio (by request of Department of Licensing)

AN ACT Relating to the renewal of driver's licenses; amending RCW 46.20.120, 46.20.161, 46.25.080, 46.68.041, and 46.68.041; adding a new section to chapter 46.68 RCW; repealing RCW 46.20.181; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5698 by Senators Roach, Spanel and Smith

AN ACT Relating to retrocession of criminal jurisdiction; and amending RCW 37.12.100, 37.12.110, and 37.12.120.

Referred to Committee on Law and Justice.

SB 5699 by Senators Fraser, Prince and Rasmussen (by request of Secretary of State Munro)

AN ACT Relating to international student exchange visitor placement organizations; and amending RCW 19.166.030 and 19.166.040.

Referred to Committee on Education.

SB 5700 by Senators Owen, Prince, Heavey, Wood, Kohl and Deccio

AN ACT Relating to motor vehicle license plates; amending RCW 46.16.270; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5701 by Senators Bauer, Kohl, Wood, A. Anderson, McAuliffe, Sheldon and Prince

AN ACT Relating to governing boards at institutions of higher education; and amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100.

Referred to Committee on Higher Education.

SB 5702 by Senators Roach and Long

AN ACT Relating to designating lottery moneys for school construction and art education; amending RCW 67.70.240; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Ways and Means.

SB 5703 by Senator Roach

AN ACT Relating to processing of incoming absentee ballots; and amending RCW 29.36.060.

Referred to Committee on Government Operations.

SB 5704 by Senator Roach

AN ACT Relating to miniature boiler permits; and amending RCW 70.79.070.

Referred to Committee on Labor, Commerce and Trade.

SB 5705 by Senators Newhouse, Prentice, Pelz, Wojahn, Hale, Heavey, Deccio, Palmer, Prince and Winsley (by request of Joint Task Force on Unemployment Insurance)

AN ACT Relating to work force development programs in the employment security department; amending RCW 50.20.043; adding a new section to chapter 50.67 RCW; adding a new section to chapter 50.12 RCW; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5706 by Senators Pelz, Fraser, Hale, Deccio, Winsley and Rasmussen



AN ACT Relating to international trade; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5707 by Senators Snyder, McCaslin, Bauer, Owen, West and Palmer

AN ACT Relating to enforcement of the state building code; amending RCW 19.27.015, 19.25.020, and 19.27.040; reenacting and amending RCW 19.27.060; and creating a new section.

Referred to Committee on Government Operations.

SB 5708 by Senators Heavey, McCaslin, Bauer, Haugen, Winsley, Palmer and Roach

AN ACT Relating to increasing to five years the time after a preliminary plat is approved before a final plat must be submitted for approval; and amending RCW 58.17.140.

Referred to Committee on Government Operations.

SB 5709 by Senators Hochstatter, Morton, Schow, Swecker, Oke, Owen, Wood, Haugen, Long, Winsley, Strannigan, Johnson, McDonald, Cantu, Palmer, Finkbeiner, Moyer, Sellar, A. Anderson, West, Deccio and Rasmussen

AN ACT Relating to administrative rule making; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on Government Operations.

#### MOTION

On motion of Senator Haugen, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8610

By Senators Haugen, Spanel and C. Anderson

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and  
WHEREAS, Max McYoung has exhibited the highest level of excellence in his commitment to the restoration and preservation of the Skagit River watershed for fish and wildlife habitat; and

WHEREAS, Max McYoung has devoted the last thirty-one years to preserving our state's natural resources, particularly salmon and steelhead enhancement; and

WHEREAS, Max McYoung's selfless efforts and dedication have been the subject of numerous television shows, including "Northwest Focus," "Top Story," and "The Today Show;" and

WHEREAS, Max McYoung has -- at his own expense -- escorted various federal, state, and local officials to the Skagit River in an attempt to secure support for the Skagit River watershed as a fish and wildlife habitat; and

WHEREAS, Max McYoung's tireless efforts on behalf of the Skagit River watershed have earned him the 1991 Outstanding River Advocate Award, the 1992 Jefferson Award and the Giraffe Project Commendation;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Max McYoung for the dedicated service that characterizes his work, and for the outstanding example of commitment and virtue he has set for others, and for the ongoing benefits that future generations will enjoy as a result of his work; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Max McYoung.

Senators Haugen and Spanel spoke to Senate Resolution 1995-8610.

#### MOTION

At 10:22 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:58 a.m. by President Pro Tempore Wojahn.

There being no objection, the President Pro Tempore reverted the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

February 1, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5038, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5038.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5194, by Senators Fraser, Winsley, Kohl, Sheldon, Snyder, Franklin, Gaspard, Heavey, C. Anderson and Haugen (by request of Governor Lowry)

Changing Puget Sound Water Quality Authority provisions.

The bill was read the second time.

MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendments were considered simultaneously and were adopted:

On page 3, beginning on line 22, delete everything beginning with "; and" through "chapter" on line 25.

On page 5, line 15 after "manner;" delete "and (7)" and insert the following:

"(7) Appoint ad hoc advisory committees as necessary to facilitate plan revision, plan implementation, coordination of the ambient monitoring program, and the conduct of other duties under this chapter; and (8)".

Senator Wood moved that the following amendments by Senators Wood, Swecker, McDonald, Long, Prince and A. Anderson be considered simultaneously and be adopted:

On page 6, after line 12, insert the following:

**"Sec. 5.** RCW 90.70.902 and 1990 c 115 s 13 are each amended to read as follows:

Nothing in RCW 43.131.370 shall affect the implementation and requirements of the Puget Sound water quality management plan existing on June 30, (~~1995~~) 2000, or such other effective date of repeal of the laws referenced in RCW 43.131.370. The implementation of the plan on and after that date shall be the responsibility of such entities as are provided by the legislature.

**Sec. 6.** RCW 43.131.369 and 1990 c 115 s 11 are each amended to read as follows:

The Puget Sound water quality authority and its powers and duties shall be terminated on June 30, (~~1995~~) 2000, as provided in RCW 43.131.370.

**Sec. 7.** RCW 43.131.370 and 1990 c 115 s 12 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~1996~~) 2001:

- (1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;
- (2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;
- (3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115, Laws of 1990 and RCW 90.70.011;
- (4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;
- (5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;
- (6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36, Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;
- (7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115, Laws of 1990 and RCW 90.70.055;
- (8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11, Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;
- (9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115, Laws of 1990 and RCW 90.70.070;
- (10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115, Laws of 1990 and RCW 90.70.080; and
- (11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 6, line 15, after "6;" insert "and"

On page 6, beginning on line 17, after "7" strike all material through "12" on line 20

#### MOTION

On motion of Senator Wood, the following amendment to the amendments were considered simultaneously and were adopted:

On page 1, line 17 of the amendment, strike "2000" and insert "2002"

On page 1, line 22 of the amendment, strike "2001" and insert "2003"

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Wood, Swecker, McDonald, Long, Prince and A. Anderson on page 6, after line 12, and page 6, line 15 and beginning on line 17, as amended, to Senate Bill No. 5194.

Debate ensued.

The amendments by Senators Wood, Swecker, McDonald, Long, Prince and A. Anderson on page 6, after line 12, and page 6, line 15 and beginning on line 17, as amended, to Senate Bill No. 5194 were adopted.

#### MOTIONS

On motion of Senator Wood, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "90.70.055," strike "and" and on line 3 of the title, after "90.70.065" insert ", 90.70.902, 43.131.369, and 43.131.370"

On page 1, beginning on line 3 of the title, after "90.70.035" strike all material through "43.131.370" on line 4 of the title and insert "and 90.70.045"

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 5194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Fraser, I believe under the original bill there was an eight cent cigarette tax which was supposed to fund the Authority--can you tell us if that was enough or have we been taking money out of the general fund if it has not been sufficient?"

Senator Fraser: "Senator Deccio, the Puget Sound Water Quality Authority is funded principally from the general fund; also from federal funds and only a very small amount of money from the Centennial Clean Water Fund goes to the Water Quality Authority. The Centennial Clean Water Fund is funded principally from the cigarette tax and a few other sources. Of these Centennial Clean Water accounts, which are funded principally from the cigarette tax, only one point two percent of that fund goes to the Puget Sound Water Quality Authority and that is principally for grants to local groups for citizen involvement and education."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5194.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5194 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McDonald, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Winsley, Wojahn and Wood - 33.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hale, Hargrove, Hochstatter, Johnson, McCaslin, Morton, Newhouse, Palmer, Roach, Schow, Sellar, Strannigan and West - 16.

ENGROSSED SENATE BILL NO. 5194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the ninth order of business.

MOTION

Senator McDonald moved that Senate Bill No. 6003 be passed notwithstanding the Governor's veto.  
Debate ensued.

MOTION WITHDRAWN

There being no objection, on motion of Senator McDonald, the motion that Senate Bill No. 6003 be passed notwithstanding the Governor's veto, was withdrawn.

EDITOR'S NOTE: See the Governor's 1994 Veto Message on Senate Bill No. 6003, which was read in on the First Day, January 9, 1995.

MOTIONS

On motion of Senator Spanel, the Senate Select Committee on Water Policy was relieved of further consideration of Senate Bill No. 5616.

On motion of Senator Spanel, Senate Bill No. 5616 was referred to the Committee on Natural Resources.

MOTION

At 12:21 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, February 2, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FOURTH DAY, FEBRUARY 1, 1995

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

**TWENTY-FIFTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, February 2, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 1995  
INITIATIVE 159 Prime Sponsor, Citizens of Washington: Increasing penalties for armed crimes. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and the bill be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Referred to Committee on Ways and Means.

February 1, 1995  
SB 5002 Prime Sponsor, Senator Smith: Making the assault of a nurse a felony. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5002 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Long, McCaslin, Quigley and Roach.

Passed to Committee on Rules for second reading.

February 1, 1995  
SB 5039 Prime Sponsor, Senator Fairley: Clarifying the elements of the crime of luring. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

January 31, 1995  
SB 5067 Prime Sponsor, Senator Snyder: Simplifying distribution and pricing of state legal publications. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5067 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 31, 1995  
SB 5127 Prime Sponsor, Senator West: Changing provisions regarding public facilities districts. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5127 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1995

SB 5139 Prime Sponsor, Senator Kohl: Authorizing law enforcement officers to impound the vehicles of persons who are patronizing prostitutes. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5139 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 1, 1995

SB 5140 Prime Sponsor, Senator Kohl: Authorizing municipalities to declare certain public places drug-free zones. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5140 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 1, 1995

SB 5167 Prime Sponsor, Senator Smith: Allowing service of process on a marital community by serving either spouse. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5167 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 1, 1995

SB 5177 Prime Sponsor, Senator Smith: Providing for restitution agreements between crime victims and offenders. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5177 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 1, 1995

SB 5214 Prime Sponsor, Senator Smith: Making admissible childrens' statements concerning acts of physical abuse. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5214 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

January 31, 1995

SB 5216 Prime Sponsor, Senator Fraser: Creating the parks renewal and stewardship account. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5216 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, Spanel and Swecker.

Referred to Committee on Ways and Means.

January 31, 1995

SB 5218 Prime Sponsor, Senator C. Anderson: Changing watercraft excise tax provisions. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Referred to Committee on Ways and Means.

January 31, 1995

SB 5222 Prime Sponsor, Senator Owen: Regulating length of log trucks. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5222 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

February 1, 1995

SB 5239 Prime Sponsor, Senator Oke: Requiring any person convicted of communication with a minor to register as a sex offender. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

January 31, 1995

SB 5243 Prime Sponsor, Senator Oke: Revising provision authorizing a special permit for miniature boilers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1995

SB 5291 Prime Sponsor, Senator Sheldon: Removing the requirement that a schedule of port rates and charges be filed with the utilities and transportation commission. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

February 1, 1995

SB 5322 Prime Sponsor, Senator Gaspard: Providing a death benefit award. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5322 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Finkbeiner, Fraser, Hargrove, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Strannigan, Sutherland and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1995

SB 5333 Prime Sponsor, Senator Smith: Revising regulations for the investment of trust funds. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5333 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 1, 1995

SB 5334 Prime Sponsor, Senator Smith: Amending the corporations act. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5334 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

January 31, 1995

SB 5352 Prime Sponsor, Senator Sheldon: Exempting federal small business innovation research program distributions from business and occupation tax. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

January 31, 1995  
GA 9007 CLYDE B. ANDERSON, appointed December 16, 1994, for a term ending December 31, 2000, as a member of the Parks and Recreation Commission.  
Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules.

February 1, 1995  
GA 9008 DONALD H. BRAZIER, appointed June 8, 1994, for a term ending December 31, 1998, as a member of the Public Disclosure Commission.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Quigley, Roach and Schow.

Passed to Committee on Rules.

January 31, 1995  
GA 9053 ROBERT C. PETERSEN, reappointed December 16, 1994, for a term ending December 31, 2000, as a member of the Parks and Recreation Commission.  
Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules.

January 31, 1995  
GA 9075 JAMES A. TUPPER, JR., appointed July 1, 1994, for a term ending June 30, 2000, as a member of the Pollution Control/Shorelines Hearings Board.  
Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules.

February 1, 1995  
GA 9102 JOCELYN H. MARCHISIO, appointed April 26, 1993, for a term ending December 31, 1996, as a member of the Public Disclosure Commission.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Quigley, Roach and Schow.

Passed to Committee on Rules.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON



DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-0095

January 26, 1995

Marty Brown  
Secretary of the Senate  
Mailstop: 40482  
Olympia, Washington 98504-0482

Dear Secretary Brown:

Enclosed is our Report to the Legislature, Status Report of the Telecommunications Access Service, as required by Chapter 89, Laws of 90 and RCW 43.20A.720.

If you have any questions regarding the report, please contact me.

Sincerely,  
JEAN SOLIZ, Secretary

The Report from the Department of Social and Health Services is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

February 1, 1995

MR. PRESIDENT:

The Speaker has signed SENATE BILL NO. 5038, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 1, 1995

MR. PRESIDENT:

The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8403, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8403.

INTRODUCTION AND FIRST READING

SB 5710 by Senators Bauer, Newhouse and Long (by request of Department of Retirement Systems)

AN ACT Relating to collection of state retirement system overpayments; and adding new sections to chapter 41.50 RCW.

Referred to Committee on Ways and Means.

SB 5711 by Senators Cantu and Bauer (by request of Department of Retirement Systems)

AN ACT Relating to complying with federal limits on the maximum compensation used to calculate state retirement system benefits; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Ways and Means.

SB 5712 by Senators Long and Bauer (by request of Department of Retirement Systems)

AN ACT Relating to employer responsibility for retirement contributions; amending RCW 41.50.140; adding a new section to chapter 41.50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5713 by Senators Bauer, Newhouse and Winsley (by request of Department of Retirement Systems)

AN ACT Relating to payment of retirement system benefits upon death of a member or retiree; amending RCW 41.40.188, 41.40.220, 41.40.250, 41.40.270, 41.40.660, 41.40.670, 41.40.700, 41.32.520, 41.32.522, 41.32.523, 41.32.530, 41.32.550, 41.32.785, 41.32.790, 41.32.805, 41.26.460, 41.26.470, 41.26.510, 2.10.144, and 2.10.146; and reenacting and amending RCW 41.40.235.

Referred to Committee on Ways and Means.

SB 5714 by Senators Owen, Oke, Snyder, Morton, Rasmussen, Strannigan, Hargrove and Swecker

AN ACT Relating to the regulation of forest practices; amending RCW 76.09.010, 76.09.020, 76.09.050, 76.09.080, and 76.09.090; adding new sections to chapter 76.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5715 by Senators Drew, Johnson, Haugen, Sheldon, Swecker and Winsley (by request of Secretary of State Munro)

AN ACT Relating to candidate pamphlets for the state primary; amending RCW 29.15.020, 29.80.010, 29.80.020, 29.80.030, 29.80.040, and 29.80.080; adding a new section to chapter 29.80 RCW; and repealing RCW 29.80.050 and 29.80.060.

Referred to Committee on Government Operations.

SB 5716 by Senators A. Anderson, Schow, Oke and Johnson

AN ACT Relating to mandatory arbitration for educational employees; amending RCW 41.59.010 and 41.59.120; and adding new sections to chapter 41.59 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 5717 by Senators Pelz, Rinehart, Prentice, Fraser, Wojahn and Franklin

AN ACT Relating to clarifying sellers of travel registration requirements including the establishment of a registered sellers of travel recovery account; amending RCW 19.138.021, 19.138.030, 19.138.040, 19.138.050, 19.138.100, 19.138.110, 19.138.120, and 19.138.140; adding new sections to chapter 19.138 RCW; repealing RCW 19.138.055; and providing an effective date.

Referred to Committee on Labor, Commerce and Trade.

SB 5718 by Senators Drew and Haugen

AN ACT Relating to fund-raising on state property to benefit public fish and wildlife programs; and adding a new section to chapter 75.08 RCW.

Referred to Committee on Natural Resources.

SB 5719 by Senator West

AN ACT Relating to earned early release time; and amending RCW 9.94A.150, 9.95.070, and 72.09.130.

Referred to Committee on Human Services and Corrections.

SB 5720 by Senator West

AN ACT Relating to childhood immunizations; adding a new section to chapter 43.20 RCW; adding a new section to chapter 43.70 RCW; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 5721 by Senator West

AN ACT Relating to exempting recreational vehicles from vehicle emissions testing; and amending RCW 70.120.010 and 70.120.190.

Referred to Committee on Ecology and Parks.

SB 5722 by Senator West

AN ACT Relating to avoiding the appearance of favoritism in the state's selection of service providers or underwriters; reenacting and amending RCW 42.17.2401; adding a new section to chapter 43.08 RCW; adding a new section to chapter 43.33 RCW; adding a new

section to chapter 43.33A RCW; adding a new section to chapter 39.44 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5723 by Senators Smith and Roach

AN ACT Relating to criminal possession of leased or rented machinery, equipment, or motor vehicles; amending RCW 9A.56.095; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5724 by Senators Quigley, Long and Haugen (by request of Washington State Library)

AN ACT Relating to state court reports; and amending RCW 2.32.160, 2.32.170, 40.04.100, and 40.04.110.

Referred to Committee on Law and Justice.

SB 5725 by Senators Smith, Roach and Schow

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

Referred to Committee on Law and Justice.

SB 5726 by Senators Prentice and Bauer

AN ACT Relating to gambling taxes; and amending RCW 9.46.110.

Referred to Committee on Labor, Commerce and Trade.

SB 5727 by Senators Drew, Haugen, C. Anderson, Sheldon, Swecker, Winsley and Kohl (by request of Secretary of State Munro)

AN ACT Relating to accessibility of polling and registration places; amending RCW 29.57.010, 29.57.070, 29.57.090, 29.57.100, 29.57.130, 29.57.140, 29.57.150, and 29.57.160; and repealing RCW 29.57.030, 29.57.080, 29.57.110, and 29.57.120.

Referred to Committee on Government Operations.

SB 5728 by Senators Gaspard, McDonald, Wojahn, Rinehart, Rasmussen and Winsley

AN ACT Relating to business and occupation tax of international investment management companies; amending RCW 82.04.2201 and 82.04.290; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5729 by Senators Prentice, Sellar and Winsley (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to affordable housing eligibility criteria; and amending RCW 43.185A.010.

Referred to Committee on Financial Institutions and Housing.

SB 5730 by Senators Haugen, Fraser, Oke, Rasmussen, Loveland, Hargrove, Swecker, Spanel and Winsley

AN ACT Relating to removal of classification or designation of forest land for tax purposes; amending RCW 84.33.120 and 84.33.140; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5731 by Senators Haugen, McCaslin, Johnson, Rasmussen, Pelz, Winsley and Schow

AN ACT Relating to approval of mobile home and factory built housing modifications; and amending RCW 43.22.360 and 43.22.455.

Referred to Committee on Labor, Commerce and Trade.

SB 5732 by Senators Fairley, Fraser, Kohl and Franklin

AN ACT Relating to incineration of medical waste; and amending RCW 70.95.710.

Referred to Committee on Ecology and Parks.

SB 5733 by Senators Bauer, McCaslin, Snyder, Rasmussen, Winsley and Palmer

AN ACT Relating to comprehensive plan rural elements; and amending RCW 36.70A.070.

Referred to Committee on Government Operations.

SB 5734 by Senators Cantu, Oke, Wood, Johnson, Swecker, Schow, Hale, McDonald, Hochstatter, Morton, Roach, Winsley, A. Anderson and Long

AN ACT Relating to school site-councils; and amending RCW 42.30.020.

Referred to Committee on Education.

SJM 8013 by Senators McAuliffe, Bauer, Wood, Drew, Sheldon and Kohl

Requesting that the Governor hold a monthly meeting for the discussion of issues concerning K-12 and higher education cooperation and coordination.

Referred to Committee on Education.

#### MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, February 3, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY, FEBRUARY 2, 1995

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

**TWENTY-SIXTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, February 3, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Deccio, Johnson, McCaslin and Owen. On motion of Senator Ann Anderson, Senators Deccio, Johnson and McCaslin were excused. On motion of Senator Loveland, Senators Cal Anderson and Owen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Dana Deccio and Crystal Allard, presented the Colors. Reverend Jay Calhoun, pastor of the First Christian Church of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

SB 5024 Prime Sponsor, Senator Hargrove: Requiring offenders to assist in paying for certain health care services. Reported by Committee on Human Services and Corrections February 1, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5024 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Referred to Committee on Ways and Means.

SB 5075 Prime Sponsor, Senator Owen: Appropriating funds for emergency construction of Crown Hill elementary school. Reported by Committee on Ways and Means February 1, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, Moyer, Roach, Sheldon, Strannigan, Sutherland and Winsley.

Passed to Committee on Rules for second reading.

SB 5088 Prime Sponsor, Senator Smith: Revising the law relating to sexual predators. Reported by Committee on Law and Justice February 1, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5088 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Referred to Committee on Ways and Means.

SB 5092 Prime Sponsor, Senator Haugen: Authorizing creation of library capital facility areas. Reported by Committee on Government Operations February 2, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5092 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 5094 Prime Sponsor, Senator Haugen: Transferring emergency management functions from the department of community, trade, and economic development to the military department. Reported by Committee on Government Operations February 2, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5094 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1995

SB 5162 Prime Sponsor, Senator Bauer: Changing the Vietnam veterans' tuition exemption. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5162 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Prince, Sheldon, West and Wood.

Passed to Committee on Rules for second reading.

February 1, 1995

SB 5204 Prime Sponsor, Senator Hargrove: Revising provisions relating to work ethic camps. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Referred to Committee on Ways and Means.

February 2, 1995

SB 5325 Prime Sponsor, Senator Rinehart: Changing higher education fiscal provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5325 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Long, Moyer, Pelz, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1995

SB 5396 Prime Sponsor, Senator Pelz: Providing for elevator inspections every two years. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1995

SJR 8200 Prime Sponsor, Senator Haugen: Amending the Constitution to provide an alternative method of framing a county charter. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 1, 1995

GA 9009 DR. DEAN K. BROOKS, reappointed June 17, 1994, for a term ending December 5, 1997, as Chair of the State Hospital, Western Washington Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules.

February 1, 1995

GA 9023 RUTH J. HAGEROTT, reappointed June 17, 1994, for a term ending December 5, 1997, as a member of the State Hospital, Western Washington Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules.

February 1, 1995

GA 9032 DR. JESS JAMIESON, appointed June 23, 1994, for a term ending December 5, 1997, as a member of the State Hospital, Western Washington Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules.

February 1, 1995

GA 9038 FRAN LEWIS, appointed June 17, 1994, for a term ending December 5, 1995, as a member of the State Hospital, Western Washington Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules.

February 1, 1995

GA 9078 JANDA B. VOLKMER, appointed June 17, 1994, for a term ending December 5, 1997, as a member of the State Hospital, Western Washington Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules.

February 1, 1995

GA 9085 CORNELL CEBRIAN, appointed June 1, 1993, for a term ending December 5, 1996, as a member of the State Hospital, Western Washington Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, and Smith.

Passed to Committee on Rules.

February 1, 1995

GA 9090 ARLENE B. ENGLE, reappointed June 1, 1993, for a term ending December 5, 1996, as a member of the State Hospital, Western Washington Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 1, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk



INTRODUCTION AND FIRST READING

SB 5735 by Senators West, Winsley, McCaslin, Haugen, Deccio, Hochstatter, Palmer, Roach, Schow, Wood, Hale, Strannigan and Fraser

AN ACT Relating to the payment of fees to the county by credit card; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Government Operations.

SB 5736 by Senators Bauer, Heavey, McCaslin, A. Anderson, Snyder, Hale, West, Quigley and Rasmussen

AN ACT Relating to public agency lobbyists; amending RCW 42.17.160 and 42.17.190; and reenacting and amending RCW 43.88.030.

Referred to Committee on Law and Justice.

SB 5737 by Senators Schow, Hargrove, Strannigan, Roach, Long, Palmer, Prentice, Kohl, Morton, A. Anderson, Deccio, Winsley, Hochstatter, McCaslin, Johnson, Fraser and Rasmussen

AN ACT Relating to injunctive relief; reenacting and amending RCW 9A.46.060; and adding a new section to chapter 7.40 RCW.

Referred to Committee on Law and Justice.

SB 5738 by Senators Johnson, A. Anderson, Cantu, Roach, Oke, Wood, Finkbeiner, Swecker, Hale, Deccio, Strannigan, McCaslin, Long, Palmer, West, Quigley and Schow

AN ACT Relating to a performance audit of the office of the superintendent of public instruction; adding a new section to chapter 43.88 RCW; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5739 by Senators Strannigan, Rinehart, Johnson, Quigley, Long, Owen, Cantu, Hale, Finkbeiner, McCaslin, Palmer, Hochstatter, McDonald, Spanel, Schow, Prentice, Moyer, Loveland, Swecker, West, Rasmussen, Smith, Drew, Haugen, Franklin, Fairley, A. Anderson, Wojahn, Heavey, McAuliffe, Kohl, Hargrove, Oke and Bauer

AN ACT Relating to sales by nonprofit organizations; and amending RCW 82.04.365.

Referred to Committee on Ways and Means.

SB 5740 by Senators Prentice, Deccio, Franklin, Winsley and Heavey

AN ACT Relating to preservation of medical records; and amending RCW 70.41.190.

Referred to Committee on Health and Long-Term Care.

SB 5741 by Senators Roach, Winsley, Rasmussen, Schow, Pelz, Long, Johnson and Quigley

AN ACT Relating to the regulation of permanent color technicians and tattoo artists; reenacting and amending RCW 18.130.040; adding a new chapter to Title 18 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5742 by Senators Rasmussen, Hochstatter, McAuliffe and Loveland

AN ACT Relating to the recruitment, preparation, and continuing education of vocational agriculture teachers; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

SB 5743 by Senators Rasmussen, Hochstatter and Loveland

AN ACT Relating to an integrated curriculum of agriculture and history or language arts; creating new sections; and making an appropriation.

Referred to Committee on Education.

SB 5744 by Senators Wojahn, Moyer, C. Anderson, Heavey, Wood and Winsley

AN ACT Relating to taxation of hospitals; amending RCW 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5745 by Senators Heavey, Oke and Pelz

AN ACT Relating to prohibiting sales of cigarettes or other tobacco products treated to produce faster, nonself-extinguishing burns; amending RCW 70.155.010 and 70.155.040; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5746 by Senators Cantu and C. Anderson

AN ACT Relating to voting precinct boundaries; amending RCW 29.04.050; and adding a new section to chapter 29.04 RCW.

Referred to Committee on Government Operations.

SB 5747 by Senators Sheldon, Roach, Sellar and Fraser

AN ACT Relating to housing authorities; and amending RCW 35.82.070.

Referred to Committee on Financial Institutions and Housing.

SB 5748 by Senators Prentice, Fraser, Sellar, Rinehart, Prince, Smith, C. Anderson, Franklin, Kohl, Heavey, Pelz and Wojahn (by request of Human Rights Commission)

AN ACT Relating to expanding the state law against discrimination; amending RCW 49.60.010 and 49.60.260; reenacting and amending RCW 49.60.040, 49.60.222, 49.60.225, and 49.60.240; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5749 by Senators Winsley, Haugen, McCaslin, Hale and Fraser

AN ACT Relating to authorizing the payment of property taxes by credit card; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Government Operations.

SB 5750 by Senator Hochstatter

AN ACT Relating to AIDS education; amending RCW 28A.230.070, 28B.10.730, 28B.50.205, and 28C.04.600; and repealing RCW 70.24.240 and 70.24.250.

Referred to Committee on Education.

SB 5751 by Senators Newhouse, Smith, Deccio, Owen and Winsley

AN ACT Relating to alcoholic beverages; adding a new section to chapter 66.44 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5752 by Senators Kohl, Prentice, Fairley and Pelz

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

Referred to Committee on Law and Justice.

SB 5753 by Senators Fraser, Winsley, Sheldon, Fairley, Quigley, McAuliffe, Haugen, Sutherland, Bauer, Spanel, Prentice, Snyder and Rasmussen

AN ACT Relating to the deferral of property taxes; adding a new chapter to Title 84 RCW; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5754 by Senator Fraser

AN ACT Relating to water rights for the use of water for instream purposes; amending RCW 90.03.380 and 90.42.080; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Senate Select Committee on Water Policy.

SJM 8014 by Senators Fraser, Morton, Winsley and Rasmussen

Petitioning Congress regarding water adjudication.

Referred to Committee on Energy, Telecommunications and Utilities.

SJR 8212 by Senators Fraser, Winsley, Sheldon, Drew, Fairley, McAuliffe, Quigley, Kohl, Haugen, Franklin, Sutherland, Prentice, Bauer, Spanel, Snyder, Morton and Rasmussen

Amending the Constitution to allow the legislature to defer certain property taxes.

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1010 by House Committee on Government Operations (originally sponsored by Representatives Reams, Horn, Lisk, Cairnes, Dyer, Van Luven, Ballasiotes, Buck, Casada, D. Schmidt, B. Thomas, Chandler, L. Thomas, Brumsickle, Sehlin, Sherstad, Carlson, Benton, Skinner, Kremen, Hargrove, Cooke, Delvin, Schoesler, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Elliot, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Chappell, Basich, Grant, Smith, Robertson, Foreman, Honeyford, Pelesky, Blanton, Koster, Lambert, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, Sheldon, Huff, Mielke, Talcott, Silver, McMahan, Stevens, Morris and Hymes)

Implementing regulatory reform.

Referred to Committee on Government Operations.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 1995 Hubert Humphrey Scholars from the University of Washington, who were seated in the gallery.

#### MOTION

At 10:10 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:43 a.m. by President Pritchard.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9005, Kathryn S. Bail, as Chair of the Indeterminate Sentence Review Board, was confirmed.

#### APPOINTMENT OF KATHRYN S. BAIL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Deccio, Johnson, McCaslin and Owen - 5.

#### SECOND READING

SENATE BILL NO. 5128, by Senators Drew, Owen, Spanel and Snyder (by request of Department of Fish and Wildlife)

Authorizing shellfish to be taken under a salmon charter license.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 5128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5128.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5128 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Deccio, Johnson, McCaslin and Owen - 5.

SENATE BILL NO. 5128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5022, by Senators Fairley and Winsley

Allowing United States military dependents' identification as identification cards for liquor purchases.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5022 was substituted for Senate Bill No. 5022 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5022.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5022 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Deccio, Johnson, McCaslin and Owen - 5.

SUBSTITUTE SENATE BILL NO. 5022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5029, by Senators Hargrove, Fraser and Winsley (by request of Department of Social and Health Services)

Modifying membership and duties of children's services advisory committee.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5029 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5029.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5029 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Deccio, Johnson, McCaslin and Owen - 5.

SENATE BILL NO. 5029, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Wojahn: "A point of personal privilege, Mr. President. I think that our esteemed Senator Pelz neglected to acknowledge and to thank Senator Swecker for this delightful map of the state of Washington in the form of a mint, and I want to personally thank Senator Swecker--I want to personally thank you because you were ignored. It is a beautiful contribution to the cause and it looks edible, also. Thank you."

#### MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, February 6, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY, FEBRUARY 3, 1995

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**TWENTY-NINTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, February 6, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Ann Anderson, Cantu, Fraser, Kohl, Roach and Schow. On motion of Senator Wood, Senators Ann Anderson, Cantu, Roach and Schow were excused. On motion of Senator Loveland, Senators Fraser and Kohl were excused.

The Sergeant at Arms Color Guard, consisting of Pages Katie Doellefeld and Stefani Dodd, presented the Colors. Reverend Joan Cathey of The Evergreen State College Campus Ministry, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5021 Prime Sponsor, Senator Snyder: Modifying regulation of limited outdoor burning. Reported by Committee on Ecology and Parks February 2, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5021 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 5078 Prime Sponsor, Senator Fraser: Concerning premium finance agreements. Reported by Committee on Financial Institutions and Housing February 3, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

SB 5155 Prime Sponsor, Senator Hargrove: Exempting from the shoreline management act certain projects that have been granted hydraulic permits. Reported by Committee on Ecology and Parks February 2, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5155 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 5165 Prime Sponsor, Senator Smith: Revising the statute of limitations for negotiable instruments. Reported by Committee on Financial Institutions and Housing February 3, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 3, 1995

SB 5179 Prime Sponsor, Senator Winsley: Altering the definition of a used mobile home. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Referred to Committee on Ways and Means.

February 2, 1995

SB 5230 Prime Sponsor, Senator Owen: Revising vehicle load fees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Fairley, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

February 2, 1995

SB 5356 Prime Sponsor, Senator Owen: Providing for enforcement and administration of the pilotage act. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

February 2, 1995

SB 5357 Prime Sponsor, Senator Owen: Strengthening the provisions of the pilotage act affecting marine safety and protection of the marine environment. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

February 1, 1995

SB 5401 Prime Sponsor, Senator Quigley: Extending deadlines for studies of medical benefits for injured workers under a consolidated health care system. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

February 3, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that February 3, 1995, Governor approved the following Senate Bill entitled:

SENATE BILL NO. 5038

Relating to modifying time periods for adoption of health benefits and standards.

Sincerely,  
KENT CAPUTO, Legal Counsel to the Governor

MESSAGES FROM THE HOUSE

February 3, 1995

MR. PRESIDENT:

The Speaker has signed ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8403, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 3, 1995

MR. PRESIDENT:

The Speaker has signed:  
HOUSE CONCURRENT RESOLUTION NO. 4400,  
HOUSE CONCURRENT RESOLUTION NO. 4403, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,  
HOUSE CONCURRENT RESOLUTION NO. 4403.

INTRODUCTION AND FIRST READING

SB 5755 by Senators Loveland, Newhouse, Spanel, Rasmussen and Haugen

AN ACT Relating to the application of use tax on donated property to nonprofit charitable organizations; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5756 by Senators Swecker, Hochstatter and Morton

AN ACT Relating to wildlife; amending RCW 77.08.010 and 77.12.010; and creating a new section.

Referred to Committee on Natural Resources.

SB 5757 by Senators McCaslin, Haugen, Winsley, Heavey and Sheldon

AN ACT Relating to bidding requirements; amending RCW 36.32.250, 36.77.040, 39.04.220, 39.10.060, 47.28.100, 47.60.778, 53.08.130, 54.04.080, 56.08.070, 57.08.050, 70.44.140, and 91.08.530; reenacting and amending RCW 35.23.352; adding a new section to chapter 35.22 RCW; adding a new section to chapter 43.19 RCW; and providing an expiration date.

Referred to Committee on Government Operations.

SB 5758 by Senators Pelz, Hargrove and Long

AN ACT Relating to inmate work programs; and amending RCW 72.09.100.

Referred to Committee on Labor, Commerce and Trade.

SB 5759 by Senators Pelz, Smith, Prince, Rinehart, Winsley, Heavey, Quigley, Drew, Prentice, Finkbeiner, Fairley, Fraser, Spanel, C. Anderson, Kohl and Wojahn

AN ACT Relating to exceptional sentences; and amending RCW 9.94A.390.

Referred to Committee on Law and Justice.

SB 5760 by Senators Kohl, McAuliffe, Wood, Drew and Prince

AN ACT Relating to higher education tuition; and amending RCW 28B.15.556.

Referred to Committee on Higher Education.

SB 5761 by Senators Heavey, Newhouse, Spanel, Fraser, A. Anderson, Cantu and Wojahn

AN ACT Relating to registration of contractors; amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.060, 18.27.090, 18.27.100, 18.27.104, 18.27.114, 18.27.117, 18.27.200, 18.27.230, 18.27.270, and 18.27.340; reenacting and amending RCW 51.12.020; adding a new section to chapter 18.27 RCW; repealing RCW 18.27.140; and prescribing penalties.



Referred to Committee on Labor, Commerce and Trade.

SB 5762 by Senators Winsley, Haugen and Fraser

AN ACT Relating to judicial determination of just compensation; and amending RCW 43.98A.090 and 84.34.220.

Referred to Committee on Government Operations.

SB 5763 by Senators Loveland, Strannigan, Rinehart, Winsley, Fraser and Haugen

AN ACT Relating to application of the real estate excise tax to sales to public entities; and amending RCW 82.45.010.

Referred to Committee on Ways and Means.

SB 5764 by Senator Cantu

AN ACT Relating to the redistricting commission; and amending RCW 44.05.100, 44.05.080, and 42.30.110.

Referred to Committee on Government Operations.

SB 5765 by Senators Heavey, Snyder, Smith, Finkbeiner and Schow

AN ACT Relating to delegation to local municipal jurisdictions of hydraulic project approval authority; and amending RCW 75.20.100.

Referred to Committee on Ecology and Parks.

SB 5766 by Senators Deccio, Wood, Hochstatter, Finkbeiner, Schow, Strannigan, McCaslin, West, Oke and Quigley

AN ACT Relating to applicants for aid to families with dependent children; add adding a new section to chapter 74.12 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5767 by Senators Deccio and McCaslin

AN ACT Relating to municipal irrigation assessment districts; and amending RCW 35.92.220 and 35.92.230.

Referred to Committee on Government Operations.

SB 5768 by Senator Pelz (by request of Employment Security Department)

AN ACT Relating to deductions from unemployment benefits for unavailability; amending RCW 50.20.130; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5769 by Senator Deccio (by request of Employment Security Department)

AN ACT Relating to recovery of unemployment insurance overpayments; amending RCW 50.20.190; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5770 by Senators Pelz, Newhouse and Deccio (by request of Employment Security Department)

AN ACT Relating to unemployment insurance claimant profiling; amending RCW 50.20.010; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5771 by Senators Pelz, Newhouse and Deccio (by request of Employment Security Department)

AN ACT Relating to third party employers; adding a new section to chapter 50.04 RCW; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5772 by Senators Pelz, Newhouse and Deccio (by request of Employment Security Department)

AN ACT Relating to disqualification from unemployment compensation; and amending RCW 50.20.065 and 50.20.160.

Referred to Committee on Labor, Commerce and Trade.

SB 5773 by Senators Pelz, Newhouse and Deccio (by request of Employment Security Department)

AN ACT Relating to charges against industrial insurance awards; and amending RCW 51.32.040.

Referred to Committee on Labor, Commerce and Trade.

SB 5774 by Senators Pelz, Newhouse and Deccio (by request of Employment Security Department)

AN ACT Relating to the authority of the employment security department to share data; amending RCW 50.13.080; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5775 by Senator Fraser

AN ACT Relating to water resource management; amending RCW 90.03.015, 90.03.040, 90.03.290, 90.54.020, 90.03.380, 90.03.390, 90.44.070, and 90.14.140; adding new sections to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5776 by Senator Fraser

AN ACT Relating to the integration of water resources and growth management; amending RCW 36.70A.020, 36.70A.070, and 36.70A.210; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations.

SB 5777 by Senators Sutherland, McDonald, Oke, Bauer, Rasmussen, Morton and West

AN ACT Relating to the authority of the state commission on fish and wildlife; amending RCW 75.08.012, 77.04.040, 77.04.055, 77.04.080, 75.08.011, 75.08.025, 75.08.055, 75.08.058, 75.08.070, 75.08.080, 75.08.090, 75.08.110, 75.08.120, 75.08.274, 75.08.285, 75.08.295, 75.08.460, 75.40.020, 75.40.040, 75.40.060, 75.08.014, 75.08.040, 75.08.045, 75.12.010, 75.12.015, 75.20.110, 75.24.030, 75.24.100, 75.24.130, 75.25.095, 75.30.060, 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.050, 75.50.070, 75.50.110, 75.50.130, 75.52.050, and 77.16.135; reenacting and amending RCW 43.17.020 and 75.50.100; creating new sections; and providing an effective date.

Referred to Committee on Natural Resources.

SB 5778 by Senators Heavey, Roach and Winsley

AN ACT Relating to the law enforcement officers' bill of rights; and adding a new chapter to Title 44 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 5779 by Senators Winsley, Franklin and Rasmussen

AN ACT Relating to special license plates; amending RCW 46.16.301 and 46.16.313; adding a new section to chapter 46.16 RCW; adding a new chapter to Title 16 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Transportation.

SB 5780 by Senators Prentice, Deccio and C. Anderson

AN ACT Relating to the regulation of viatical settlements; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Housing.

SB 5781 by Senator Sellar

AN ACT Relating to the application of rules governing the training and qualifications of persons transporting students; and amending RCW 28A.160.210.

Referred to Committee on Labor, Commerce and Trade.

SB 5782 by Senators Sellar and Roach

AN ACT Relating to adoption; and amending RCW 26.33.343.

Referred to Committee on Human Services and Corrections.

SB 5783 by Senators Haugen, McCaslin, Long, Rasmussen and Winsley

AN ACT Relating to internal discrimination complaint procedures for state departments; reenacting and amending RCW 42.17.310; adding new sections to chapter 43.17 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5784 by Senators Haugen and Winsley

AN ACT Relating to fire protection district benefit charges on public housing authority property; and amending RCW 35.82.210, 35.83.040, and 52.30.020.

Referred to Committee on Government Operations.

SB 5785 by Senators Roach, Snyder, Winsley, Rasmussen, Loveland, Oke, Drew, Schow, Franklin, Long, Strannigan, Wood, Palmer, Swecker, Hochstatter, Finkbeiner, Sellar, Hale, West, McDonald, Hargrove, Fairley, Heavey and Wojahn

AN ACT Relating to veterans' memorials; and adding a new section to chapter 73.40 RCW.

Referred to Committee on Government Operations.

SB 5786 by Senators Heavey and Prentice

AN ACT Relating to professional baseball; amending RCW 67.30.010; adding a new section to chapter 9.04 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SJM 8015 by Senators Fraser, Swecker, Oke, McDonald, Wojahn, Deccio, McAuliffe, Hargrove, Rasmussen and Winsley

Requesting a variance in order to preserve man-made wetlands.

Referred to Committee on Ecology and Parks.

SECOND READING  
GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9019, Julia L. Garratt, as a member of the Indeterminate Sentence Review Board, was confirmed.

APPOINTMENT OF JULIA L. GARRATT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, C., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.  
Excused: Senators Anderson, A., Cantu, Fraser, Kohl, Roach and Schow - 6.

#### MOTION

At 10:17 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:37 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5322, by Senators Gaspard, Roach, McDonald, Rinehart, Heavey, Johnson, Franklin, Loveland, West and Winsley

Providing a death benefit award.

#### MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5322 was substituted for Senate Bill No. 5322 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Ann Anderson, Senator Moyer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5322.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5322 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Cantu, Hochstatter, Morton, Oke and Schow - 5.

Excused: Senator Moyer - 1.

SUBSTITUTE SENATE BILL NO. 5322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced firefighters, who were seated in the gallery.

#### MOTIONS

On motion of Senator Spanel, the Committee on Labor, Commerce and Trade was relieved of further consideration of Senate Bill No. 5741.

On motion of Senator Spanel, Senate Bill No. 5741 was referred to the Committee on Health and Long-Term Care.

#### MOTIONS

On motion of Senator Spanel, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5744.

On motion of Senator Spanel, Senate Bill No. 5744 was referred to the Committee on Health and Long-Term Care.

#### MOTION

At 12:07 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, February 7, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FEBRUARY 6, 1995

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**THIRTIETH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, February 7, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 6, 1995  
SB 5190 Prime Sponsor, Senator Roach: Making it a crime to tattoo a person under age sixteen without the parent's permission. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Johnson, Roach and Schow.

Passed to Committee on Rules for second reading.

February 6, 1995  
SB 5213 Prime Sponsor, Senator Quigley: Revising civil procedure for domestic relations actions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 6, 1995  
SB 5229 Prime Sponsor, Senator Owen: Authorizing tuition waivers for ferry employees. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince, West and Wood.

Passed to Committee on Rules for second reading.

February 6, 1995  
SB 5287 Prime Sponsor, Senator Wood: Providing school loan forgiveness in exchange for service within Washington state. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, West and Wood.

Passed to Committee on Rules for second reading.

February 6, 1995  
SB 5473 Prime Sponsor, Senator Smith: Revising standards for determining child support obligations. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 6, 1995

SB 5510 Prime Sponsor, Senator Smith: Revising provisions relating to food stamp crimes. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 6, 1995

GA 9006 BRUCE F. BAKER, appointed March 23, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Bellevue Community College District No. 8.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9011 DIANNE CAMPBELL, appointed August 8, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Cascadia Community College District No. 30.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9012 ALBERTA J. CANADA, appointed May 10, 1994, for a term ending September 30, 1995, as a member of the Board of Trustees for Tacoma Community College District No. 22.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9039 AL LINK, appointed June 30, 1994, for a term ending April 30, 1998, as a member of the State Board for Community and Technical Colleges.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9042 ROBERT J. MARGULIS, appointed August 22, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Bellevue Community College District No. 8.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9044 JAMES V. MEDZEGIAN, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Renton Technical College District No. 27.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9045 ANN MILLER, appointed April 7, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9046 GLORIA MITCHELL, appointed August 8, 1994, for a term ending September 30, 1995, as a member of the Board of Trustees for Cascadia Community College District No. 30.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9052 ROBERT PATTERSON, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9056 DONALD V. RHODES, appointed May 10, 1994, for a term ending September 30, 1995, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9064 ALISON SING, appointed November 14, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Edmonds Community College District No. 23.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995



GA 9065 JACK G. SKANES, appointed December 19, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Bates Technical College District No. 28.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9068 DENNIS STEFANI, appointed August 8, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Cascadia Community College District No. 30.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9072 ROBERT TJOSEM, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Cascadia Community College District No. 30.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9082 ROGER YOCKEY, appointed August 8, 1994, for a term ending August 30, 1997, as a member of the Board of Trustees for Cascadia Community College District No. 30.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

February 6, 1995

GA 9087 CYNTHIA CURRERI, appointed March 2, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Central Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, West and Wood.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 16, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gary A. Maehara, reappointed January 16, 1995, for a term ending December 31, 1999, as a member of the Public Disclosure Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

February 3, 1995

I have the honor to submit the following appointment, subject to your confirmation.  
Mike Sells, appointed February 3, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Central Washington University.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

#### MESSAGE FROM THE HOUSE

February 3, 1995

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1016,  
SUBSTITUTE HOUSE BILL NO. 1047,  
HOUSE BILL NO. 1048,  
HOUSE BILL NO. 1049,  
HOUSE BILL NO. 1051,  
SUBSTITUTE HOUSE BILL NO. 1053,  
HOUSE BILL NO. 1063,  
HOUSE BILL NO. 1064,  
HOUSE BILL NO. 1102,  
HOUSE BILL NO. 1188,  
HOUSE BILL NO. 1193,  
SUBSTITUTE BILL NO. 1195,  
HOUSE JOINT MEMORIAL NO. 4003,  
ENGROSSED HOUSE JOINT MEMORIAL NO. 4004, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5787 by Senator Sutherland

AN ACT Relating to public drinking water systems; amending RCW 43.155.050; adding a new chapter to Title 70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5788 by Senators Schow, Hochstatter, McDonald, Roach, A. Anderson, Swecker, Palmer, Oke, Strannigan, Moyer, Morton, Hale, Johnson, Sellar, McCaslin, West and Cantu

AN ACT Relating to welfare fraud; adding a new section to chapter 74.04 RCW; creating new sections; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5789 by Senators Schow, Hochstatter, Roach, Palmer, Finkbeiner, Sellar, Oke, Moyer, McDonald, Strannigan, Johnson, Hale, Morton, West and Cantu

AN ACT Relating to adult offenders with child accomplices; amending RCW 9.94A.310; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5790 by Senators Rasmussen, Loveland and Newhouse

AN ACT Relating to moneys for wine and wine grape research; and amending RCW 66.08.180, 66.08.190, and 28B.30.068.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5791 by Senators Snyder, Sheldon and Bauer

AN ACT Relating to tax exemptions for nonprofit camps and nonprofit conference centers; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5792 by Senators Wood, Quigley, Swecker, Hochstatter, Deccio, Moyer, McDonald, Strannigan, Schow, McCaslin and West

AN ACT Relating to public assistance recipients who report more than two lost or stolen checks; adding a new section to chapter 74.04 RCW; creating new sections; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5793 by Senators Wood, Quigley, Swecker, Moyer, Deccio, Strannigan, Schow, McCaslin, West and Oke

AN ACT Relating to the community work experience program; adding a new section to chapter 74.25 RCW; creating a new section; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5794 by Senators Wood, Quigley, Swecker, Deccio, Hochstatter, Moyer, Strannigan, Schow, McCaslin, West and Oke

AN ACT Relating to performance audits of job opportunities and basic skills training program contractors; adding a new section to chapter 74.25 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5795 by Senator Heavey

AN ACT Relating to reduction of city limits; and amending RCW 35.16.010.

Referred to Committee on Government Operations.

SB 5796 by Senators Wojahn and Newhouse

AN ACT Relating to including public hospital districts as authorized self-insurers; and amending RCW 51.14.150.

Referred to Committee on Labor, Commerce and Trade.

SB 5797 by Senators Hargrove, Long and Franklin

AN ACT Relating to examinations of mental conditions; amending RCW 10.77.060; adding a new section to chapter 10.77 RCW; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 5798 by Senators Deccio and Loveland

AN ACT Relating to the authority of the state for cleanup standards under the model toxics control act; and reenacting and amending RCW 70.105D.030.

Referred to Committee on Ecology and Parks.

SB 5799 by Senators McDonald, Wojahn, Cantu and West

AN ACT Relating to adult family home licensing and operation; and amending RCW 70.128.005, 70.128.010, 70.128.040, 70.128.060, 70.128.120, and 70.128.130.

Referred to Committee on Human Services and Corrections.

SB 5800 by Senators McDonald, Wojahn, Cantu, West, Rinehart, Pelz and Bauer

AN ACT Relating to developmental disabilities; and adding a new section to chapter 71A.10 RCW.

Referred to Committee on Ways and Means.

SB 5801 by Senators Loveland, Finkbeiner, Hargrove, Rasmussen, Hochstatter, Morton, Heavey, Haugen, Quigley, Owen, Smith, Sutherland, Sellar, Wojahn, Snyder, Newhouse and West

AN ACT Relating to safety inspections of federally licensed hydroelectric projects; amending RCW 43.21A.064, 86.16.025, 90.03.350, and 90.03.370; reenacting and amending RCW 86.16.035; adding a new section to chapter 43.21A RCW; and creating a new section.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5802 by Senators Fraser and Sellar

AN ACT Relating to housing authorities; and amending RCW 35.82.040 and 35.82.130.

Referred to Committee on Government Operations.

SB 5803 by Senators Quigley and Moyer

AN ACT Relating to patient care; amending RCW 48.43.170 and 43.72.310; adding a new section to chapter 43.72 RCW; adding a new section to chapter 70.43 RCW; adding new chapters to Title 70 RCW; adding a new chapter to Title 48 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5804 by Senators Johnson and Long (by request of Secretary of State Munro)

AN ACT Relating to release of power of appointment; amending RCW 11.95.030; and repealing RCW 11.95.050.

Referred to Committee on Law and Justice.

SB 5805 by Senator McAuliffe

AN ACT Relating to school district enrollment reporting dates; amending RCW 28A.150.260 and 28A.150.260; and providing a contingent effective date.

Referred to Committee on Education.

SB 5806 by Senators Johnson and McAuliffe

AN ACT Relating to school district budget development dates; amending RCW 28A.505.040 and 28A.505.050; and declaring an emergency.

Referred to Committee on Education.

SB 5807 by Senator McAuliffe

AN ACT Relating to school district public surveys; and amending RCW 28A.320.090.

Referred to Committee on Education.

SB 5808 by Senators Haugen, Roach, Heavey and Kohl (by request of Commission on Asian American Affairs)

AN ACT Relating to the commission on Asian Pacific American affairs; amending RCW 43.117.010, 43.117.020, 43.117.030, 43.117.070, 43.117.080, and 49.04.100; and reenacting and amending RCW 43.03.028.

Referred to Committee on Government Operations.

SB 5809 by Senators Hochstatter, Schow, McDonald, Strannigan, McCaslin, West and Oke

AN ACT Relating to public assistance sanctions and incentives for school attendance; adding a new section to chapter 74.04 RCW; creating new sections; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5810 by Senators Hochstatter, Moyer, Long, Deccio, McDonald, Strannigan, Schow, McCaslin, West and Oke

AN ACT Relating to rent vouchers for public assistance; adding a new section to chapter 74.04 RCW; creating new sections; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5811 by Senators Hochstatter, Moyer, Schow, Deccio, Strannigan, McCaslin, West and Oke

AN ACT Relating to establishment of paternity for purposes of receiving public assistance; adding a new section to chapter 74.08 RCW; adding a new section to chapter 74.12 RCW; creating new sections; and providing a contingent expiration date.

Referred to Committee on Health and Long-Term Care.

SB 5812 by Senators Hochstatter, Wood, Schow, Long, McDonald, Strannigan, McCaslin, West and Oke

AN ACT Relating to minors receiving aid to families with dependent children; amending RCW 74.04.0052 and 74.12.255; creating new sections; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5813 by Senators Hochstatter, Wood, Schow, Long, Deccio, Strannigan, McCaslin, West and Oke

AN ACT Relating to long-term public assistance recipients; amending RCW 74.12.420; creating new sections; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5814 by Senators Hochstatter, Wood, Schow, Finkbeiner, Long, Deccio, Moyer, Strannigan, McCaslin, West and Oke

AN ACT Relating to welfare fraud investigations; adding a new section to chapter 74.04 RCW; creating new sections; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5815 by Senators Hochstatter, Moyer, Deccio, Strannigan, McCaslin and West

AN ACT Relating to public assistance; amending RCW 74.04.060 and 74.04.280; adding a new section to chapter 74.04 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5816 by Senators Hochstatter, Wood, Schow, Moyer, Deccio, Long, Strannigan, McCaslin, West, A. Anderson and Oke

AN ACT Relating to public assistance; amending RCW 74.08.025; creating new sections; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5817 by Senator Sutherland

AN ACT Relating to the establishment of a telecommunications and information industries development office; adding a new section to chapter 43.330 RCW; creating a new section; and making an appropriation.

Referred to Committee on Government Operations.

SB 5818 by Senators Winsley, A. Anderson, C. Anderson and McAuliffe

AN ACT Relating to payment of benefits when a member dies before retirement; and amending RCW 41.32.520.

Referred to Committee on Ways and Means.

SB 5819 by Senators Spanel, Rasmussen, Owen, Haugen and Oke

AN ACT Relating to property tax deferrals for senior citizens and persons retired because of physical disability; and amending RCW 84.38.020 and 84.38.030.

Referred to Committee on Ways and Means.

SB 5820 by Senators Sutherland, Finkbeiner, Snyder, Smith and Quigley

AN ACT Relating to theft of telecommunication and cable services; amending RCW 9A.56.010, 9A.56.220, 9A.56.230, 9A.56.250, and 9A.82.010; adding new sections to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5821 by Senator Quigley

AN ACT Relating to school bus acquisitions; amending RCW 28A.160.200 and 43.19.637; adding a new section to chapter 28A.160 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5822 by Senators Sellar, Hargrove, A. Anderson, Owen, Hochstatter and Morton

AN ACT Relating to international parks; creating a new section; and declaring an emergency.

Referred to Committee on Ecology and Parks.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1016 by Representatives K. Schmidt and Kremen

Exempting state and county ferry fuel sales and use tax.

Referred to Committee on Transportation.

SHB 1047 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, Sherstad, Benton, Dyer, Schoesler, Johnson, Thompson, Beeksma, Radcliff, Crouse, Carrell, Robertson, Blanton, Lambert, Fuhrman, L. Thomas, Huff, Mielke, McMahan and Casada)

Clarifying the process for defendants to pay restitution to their victims.

Referred to Committee on Law and Justice.

HB 1048 by Representatives Sheahan and Appelwick

Adopting the uniform unincorporated nonprofit association act.

Referred to Committee on Law and Justice.

HB 1049 by Representatives Padden and Schoesler

Removing a defense to the crime of criminal conspiracy.

Referred to Committee on Law and Justice.

HB 1051 by Representatives Padden and Costa

Authorizing certain court commissioners to impose sanctions for contempt of court.

Referred to Committee on Law and Justice.

SHB 1053 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Horn, Chandler and Sheldon)

Changing the limitations on the use of wood stoves.

Referred to Committee on Ecology and Parks.

HB 1063 by Representatives Padden and Mastin (by request of Law Revision Commission)

Making technical corrections.

Referred to Committee on Law and Justice.

HB 1064 by Representatives Padden and Appelwick (by request of Law Revision Commission)

Correcting unconstitutional provisions relating to resident employees on public works.

Referred to Committee on Government Operations.

HB 1102 by Representatives Sheldon, Johnson, Basich, Hargrove, Hatfield, Koster, Quall, Goldsmith, Kessler, Kremen and Buck

Expanding the base of the tax exemption for food fish eggs and fry to shellfish.

Referred to Committee on Natural Resources.

HB 1188 by Representatives L. Thomas, Dyer, Grant, Benton, Campbell, Costa, Pelesky, Huff and Mielke

Concerning the loan security ratio.

Referred to Committee on Financial Institutions and Housing.

HB 1193 by Representatives Benton, Mitchell, K. Schmidt and R. Fisher (by request of Department of Transportation)

Giving the department of transportation discretion in setting capital facility rental rates.

Referred to Committee on Transportation.

SHB 1195 by House Committee on Transportation (originally sponsored by Representatives Buck, R. Fisher, K. Schmidt, Benton, Mitchell, Elliot, Stevens, Mulliken and Hickel) (by request of Department of Transportation)

Excluding site exploration as a substantial shoreline development.

Referred to Committee on Ecology and Parks.

HJM 4003 by Representatives Chandler, Lisk, Kremen, Mulliken, Mastin, Honeyford, Chappell, Clements, Schoesler, Robertson, Delvin, Boldt, Foreman and Johnson

Petitioning Congress to amend the food, drug, and cosmetic act to establish a negligible risk standard for pesticide residue in processed foods.

Referred to Committee on Agriculture and Agricultural Trade and Development.

EHJM 4004 by Representatives Chandler, Lisk, Schoesler, Mulliken, Robertson, Honeyford, Mastin, Clements, Chappell, Delvin, McMorris, Koster, Boldt and Foreman

Petitioning Congress to introduce legislation on pesticide use for minor crops.

Referred to Committee on Agriculture and Agricultural Trade and Development.

#### MOTION

At 12:06 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, February 8, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate



JOURNAL OF THE SENATE

THIRTIETH DAY, FEBRUARY 7, 1995

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

**THIRTY-FIRST DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, February 8, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Ann Anderson, Cal Anderson, Owen, Pelz and Sutherland. On motion of Senator Loveland, Senators Cal Anderson and Sutherland were excused. On motion of Senator Wood, Senator Ann Anderson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jon Schwegler and Sara LaMunyon, presented the Colors. Reverend Joan Cathey of The Evergreen State College Campus Ministry, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5048 Prime Sponsor, Senator Haugen: Requiring disclosure of the total compensation of local government chief executive officers when that compensation exceeds one hundred thousand dollars. Reported by Committee on Government Operations February 7, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5048 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 5061 Prime Sponsor, Senator Haugen: Authorizing sharing of administrative costs of disability boards under LEOFF plan I. Reported by Committee on Government Operations February 7, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5061 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 5065 Prime Sponsor, Senator Smith: Specifying sentencing conditions for felons who commit additional felonies. Reported by Committee on Human Services and Corrections February 7, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

SB 5093 Prime Sponsor, Senator Haugen: Changing provisions relating to fire protection. Reported by Committee on Government Operations February 7, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5093 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 7, 1995

SB 5308 Prime Sponsor, Senator Fairley: Changing certain health professional examination procedures. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5308 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 6, 1995

SB 5344 Prime Sponsor, Senator Wojahn: Changing provisions relating to child support enforcement. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 7, 1995

SB 5350 Prime Sponsor, Senator Wojahn: Providing for counties' powers over family day-care providers. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5350 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 7, 1995

SB 5351 Prime Sponsor, Senator Wojahn: Allowing cities to require family day-care provider's home facilities loading areas to be certified by the office of child care policy licenser. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 7, 1995

SB 5379 Prime Sponsor, Senator Fairley: Allowing courts to set restitution amounts at a later hearing. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5379 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 7, 1995

SB 5648 Prime Sponsor, Senator Smith: Penalizing fuel tax evasion. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5648 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1039 Prime Sponsor, Representative B. Thomas: Increasing the number of citizen members of the Washington citizens' commission on salaries for elected officials. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, Heavey, McCaslin and Winsley.

HOLD.

MOTION

On motion of Senator Spanel, the rules were suspended, House Bill No. 1039 was advanced to second reading and placed on the second reading calendar.

MESSAGE FROM THE HOUSE

February 6, 1995

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 1023, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5823 by Senators Swecker and McCaslin

AN ACT Relating to the growth management act implementation dates; and amending RCW 36.70A.040, 36.70A.110, 36.70A.385, and 36.70A.430.

Referred to Committee on Government Operations.

SB 5824 by Senators Haugen and Winsley

AN ACT Relating to the appointment of the director of a combined city and county health department; amending RCW 70.08.040; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5825 by Senators Fairley and Kohl

AN ACT Relating to bicycle and pedestrian transportation; amending RCW 36.79.010, 36.79.020, 36.79.050, 36.79.060, 36.79.080, 36.79.090, 36.79.120, 47.26.080, 47.26.086, 47.26.270, and 47.26.305; repealing RCW 47.26.084; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5826 by Senator A. Anderson

AN ACT Relating to the higher education options program; amending RCW 41.06.070, 41.06.382, and 43.88.150; reenacting and amending RCW 28B.15.402 and 28B.15.502; adding new sections to chapter 28B.10 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5827 by Senators A. Anderson and Morton

AN ACT Relating to water rights claims filings; amending RCW 90.14.220, 90.14.041, 90.14.071, 90.03.250, and 90.44.050; and adding a new section to chapter 90.14 RCW.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5828 by Senators Sutherland, Oke, McCaslin and Rasmussen

AN ACT Relating to limiting tax increases on residential real property; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 84 RCW; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5829 by Senators Heavey, Newhouse, Wojahn and Deccio

AN ACT Relating to gambling taxes; and amending RCW 9.46.110.

Referred to Committee on Labor, Commerce and Trade.

SB 5830 by Senators McAuliffe, Quigley, Fairley, Loveland, Haugen, Sheldon and Rasmussen

AN ACT Relating to student records for students transferring between private and public schools; and amending RCW 28A.195.010 and 28A.225.330.

Referred to Committee on Education.

SB 5831 by Senators Kohl, Owen, Winsley, Fairley and Schow

AN ACT Relating to authorizing impoundment and sale of motor vehicles for failure to pay amounts owed on accumulated parking ticket violations; amending RCW 46.55.080, 46.55.110, 46.55.120, and 46.55.130; and adding a new section to chapter 46.55 RCW.

Referred to Committee on Transportation.

SB 5832 by Senator Fraser

AN ACT Relating to salmon protection districts; and adding a new chapter to Title 75 RCW.

Referred to Committee on Natural Resources.

SB 5833 by Senators Fraser and Fairley

AN ACT Relating to providing latitude to local governments in administering programs for the protection of habitat lands and recreational opportunities; amending RCW 84.33.120, 84.33.140, 84.34.108, 64.04.130, 84.34.037, 84.34.070, 84.34.020, 84.34.230, 36.70A.160, 84.34.240, 36.68.400, and 28A.150.250; adding a new section to chapter 36.68 RCW; adding a new section to chapter 35.21 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5834 by Senators Fraser and Fairley

AN ACT Relating to the enhancement of programs for the protection of open space and recreation; amending RCW 84.34.020, 84.34.230, 36.70A.160, 84.34.240, and 84.52.010; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5835 by Senators Johnson, Smith, Roach, McCaslin, Schow, Long and Winsley

AN ACT Relating to restraining orders; amending RCW 26.09.050 and 26.10.040; and reenacting and amending RCW 10.31.100.

Referred to Committee on Law and Justice.

SB 5836 by Senator Wojahn

AN ACT Relating to dental assistants; amending RCW 18.32.030, 18.32.0351, 18.32.0355, and 18.32.0357; and adding new sections to chapter 18.32 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5837 by Senators Snyder, Gaspard, Haugen and Spanel

AN ACT Relating to confirmation of gubernatorial appointments; amending RCW 9.94A.060, 9.94A.250, 9.95.003, 13.40.025, 18.64.001, 28B.07.030, 28C.18.020, 41.64.010, 43.97.025, 43.99.110, 43.180.040, 43.210.030, 49.04.010, 70.37.030, 72.23.025, 75.40.040, 76.09.210, and 88.16.010; and reenacting and amending RCW 80.50.030.

Referred to Committee on Government Operations.

SB 5838 by Senators Bauer, Hochstatter, Wood and Winsley

AN ACT Relating to commercial activities by institutions of higher education; amending RCW 28B.63.050; and adding a new section to chapter 28B.63 RCW.

Referred to Committee on Higher Education.

SB 5839 by Senators Rasmussen and A. Anderson

AN ACT Relating to alternative livestock farming; amending RCW 77.08.010, 16.36.005, 16.36.010, 16.36.020, 16.36.050, 16.36.040, 16.36.060, 16.36.070, 16.36.080, 16.36.100, and 16.57.010; adding a new section to chapter 16.49A RCW; and adding a new chapter to Title 16 RCW.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5840 by Senator Smith

AN ACT Relating to penalties for driving with a suspended or revoked license; and amending RCW 46.20.342.

Referred to Committee on Law and Justice.

SB 5841 by Senators Pelz, Winsley, Gaspard, Roach, Snyder, Loveland, Rinehart, McAuliffe, Spanel, Heavey, Franklin, Bauer, Smith, Fairley, Prentice, Fraser, Kohl, Quigley, Rasmussen, Sutherland, Sheldon, Drew, Wojahn, West, Wood, C. Anderson and Moyer (by request of Governor Lowry)

AN ACT Relating to personnel; amending RCW 41.06.030, 41.06.150, 41.06.022, 41.06.070, 41.06.110, 41.06.160, 41.06.167, 41.06.170, 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490, 28B.12.060, 34.05.030, 34.12.020, 41.04.340, 41.50.804, 43.06.425, 43.33A.100, 43.131.090, 49.46.010, 28B.16.015, 41.06.340, 13.40.320, 39.29.006, 41.04.385, and 47.46.030; reenacting and amending RCW 41.06.150; adding new sections to chapter 41.06 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 41.06.163, 41.06.165, 41.06.140, 41.50.804, 41.06.520, 28B.16.015, 41.06.380, 41.06.382, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, and 41.64.910; and providing effective dates.

Referred to Committee on Labor, Commerce and Trade.

SJR 8213 by Senators Sutherland, Oke, McCaslin and Rasmussen

Amending the state Constitution to limit tax increases on residential real property.

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

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

Reducing business and occupation tax rates.

Referred to Committee on Ways and Means.

#### STATEMENT FOR THE JOURNAL

During the morning session of February 8, I was excused from voting on two Gubernatorial Appointments--Donald H. Brazier, as a member of the Public Disclosure Commission and Paula T. Crane, as a member of the Clemency and Pardons Board--due to a meeting with Secretary Morrison, his legal assistant and a constituent regarding a matter of significance to the 17th District.

SENATOR DEAN SUTHERLAND, 17th District

#### SECOND READING GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9008, Donald H. Brazier, as a member of the Public Disclosure Commission, was confirmed.

Senators Smith, Deccio and Newhouse spoke to the confirmation of Donald H. Brazier, as a member of the Public Disclosure Commission.

#### APPOINTMENT OF DONALD H. BRAZIER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3. Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.

Absent: Senators Owen and Pelz - 2.

Excused: Senators Anderson, A., Anderson, C. and Sutherland - 3.

#### MOTION

On motion of Senator Loveland, Senators Owen and Pelz were excused.

#### MOTION

On motion of Senator Sheldon, Gubernatorial Appointment No. 9014, Paula T. Crane, as a member of the Clemency and Pardons Board, was confirmed.

#### APPOINTMENT OF PAULA T. CRANE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5. Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, A., Anderson, C., Owen, Pelz and Sutherland - 5.

#### MOTION

At 10:22 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:36 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5076, by Senators Oke, Owen and Drew

Developing wildlife habitat corridors.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5076 was substituted for Senate Bill No. 5076 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5076.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5076 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Pelz - 2.

SUBSTITUTE SENATE BILL NO. 5076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5060, by Senators Haugen and Winsley

Regulating publication of legal notices by political subdivisions.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5060.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5060 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5032, by Senators Hargrove and Fraser (by request of Department of Social and Health Services)

Modifying adoption support provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5032.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5032 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5089, by Senators Loveland, Finkbeiner and Sutherland

Requiring 911 compatibility of private telecommunications systems and private shared telecommunications services.

#### MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5089 was substituted for Senate Bill No. 5089 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the rules were suspended, Substitute Senate Bill No. 5089 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5089.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5089 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Palmer, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8611

By Senators Palmer, Deccio, Roach, Sellar, A. Anderson, Finkbeiner, Morton, Schow, Johnson, Cantu, Oke, Swecker, Loveland, Hale, Strannigan, McDonald, Long, Hochstatter, Snyder, Haugen, Prentice, Rinehart, Sheldon, Drew, Sutherland, Rasmussen, Bauer, Owen, Quigley, Pelz, McAuliffe, Fairley, West and Spanel

WHEREAS, The children of our state are at risk due to the increasing violence committed by youth; and

WHEREAS, Gangs continue to try and take over neighborhoods using fear, intimidation, and force to attempt to wield influence over the lives of our youth; and

WHEREAS, The rising juvenile violence is a concern to us all, creating a greater need than ever for the influence of the skills and values taught in the programs of the Boy Scouts of America; and

WHEREAS, The Boy Scouts of America was formally incorporated February 8, 1910, with the intent of fostering good citizenship through activities that appeal to boys; and

WHEREAS, Scouting's ultimate goals were building character by using fun programs to promote the ability of youth to do things for themselves and others, to teach them patriotism, courage, self-reliance, and kindred virtues; and

WHEREAS, Scouting's original goals and the Oath and Law, adopted in May, 1911, remain unchanged today and continue to provide an ethical code we would all do well to live by; and

WHEREAS, The Scout Law, possibly known by more Americans than any vow except for the Pledge of Allegiance, reinforces the influence of Scouting; A Scout is: Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent; and

WHEREAS, The Scout motto of "Be Prepared" and the Scout slogan of "Do a Good Turn Daily" both provide a positive message and mission; and

WHEREAS, Scouts of all ages have provided assistance in many local and national emergencies, participating in "Scouting for Food" and other productive programs; and

WHEREAS, The Boy Scouts of America policy states, in part, "Leaders must be a good role model because our children's values and lives will be influenced by those leaders"; and

WHEREAS, February 8, 1995, is the eighty-fifth birthday of the Boy Scouts of America; and

WHEREAS, As long as mothers and fathers cry for their children because they are afraid for their safety or because their child has died a violent and senseless death, there will be a need for the values and skills taught in the programs of the Boy Scouts of America; and

WHEREAS, Governor Lowry has proclaimed February 8, 1995, Boy Scouts of America Recognition Day in the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and applaud the efforts of volunteer and professional Scouters for the service and great benefit they provide the youth of this state; and

BE IT FURTHER RESOLVED, That in recognition of the positive impact that the Boy Scouts of America have on the youth of this state, the members of this body declare February 8, 1995, to be Boy Scouts of America Day in the Washington State Senate, and by so declaring, hereby recognize those Scouts who are present today on the legislative campus and those current and future Scouts who will continue to make our great state even greater.

Senators Palmer and Hochstatter spoke to Senate Resolution 1995-8611.

#### MOTIONS

On motion of Senator Spanel, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5748.

On motion of Senator Spanel, Senate Bill No. 5748 was referred to the Committee on Financial Institutions and Housing.



MOTION

At 12:03 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, February 9, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-FIRST DAY, FEBRUARY 8, 1995

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

**THIRTY-SECOND DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, February 9, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 7, 1995  
SB 5119 Prime Sponsor, Senator Bauer: Modifying the cost of living allowance for retirement purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5119 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1995  
SB 5120 Prime Sponsor, Senator Long: Providing death benefits under LEOFF. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Quigley, Roach, Sheldon, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1995  
SB 5142 Prime Sponsor, Senator Quigley: Extending authority to enter into payment agreements. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 7, 1995  
SB 5202 Prime Sponsor, Senator Prentice: Lowering the number of items provided by banks for customers' examination of negotiable instruments. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 7, 1995

SB 5253 Prime Sponsor, Senator Quigley: Implementing the public health improvement plan. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5253 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 7, 1995

SB 5279 Prime Sponsor, Senator Prentice: Authorizing fees for certain small loans. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5279 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 7, 1995

SB 5342 Prime Sponsor, Senator Snyder: Redefining the program to aid rural natural resources impact areas. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5342 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Ways and Means.

February 7, 1995

SB 5377 Prime Sponsor, Senator Quigley: Modifying physician self-referral provisions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5377 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 8, 1995

SB 5469 Prime Sponsor, Senator McCaslin: Authorizing county ombudsmen. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5469 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 7, 1995

SB 5545 Prime Sponsor, Senator Sheldon: Allowing businesses in this state to participate in the small business innovation research program. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5545 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Palmer and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey, Vice Chair.

Referred to Committee on Ways and Means.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-5000

February 2, 1995

Marty Brown  
Secretary of the Senate

Mailstop: 40482  
Olympia, Washington 98504-0482

Dear Secretary Brown:

Enclosed is our Report to the Legislature from the Office of Child Care Coordinating Council, Toward a More Accessible Child Care Subsidy System, as required by E2SHB No. 2319, Chapter 7, Laws of 1994.

If you have any questions regarding the report, please contact me.

Sincerely,  
JEAN SOLIZ, Secretary

The Report from the Office of the Child Care Coordinating Council, Toward a More Accessible Child Care Subsidy System, is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-5000  
February 2, 1995

Marty Brown  
Secretary of the Senate  
Mailstop: 40482  
Olympia, Washington 98504-0482

Dear Secretary Brown:

Enclosed is our Report to the Legislature from the Economic Services Administration, Division of Income Assistance, Funeral and Interment Services for the Indigent Deceased in Washington State: Post-July 1993 Experiences.

If you have any questions regarding the report, please contact me.

Sincerely,  
JEAN SOLIZ, Secretary

The Report from the Economic Services Administration, Division of Income Assistance, Funeral and Interment Services for the Indigent Deceased in Washington State: Post-July 1993 Experiences, is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5842 by Senators Franklin, Palmer, Hargrove, Smith, Winsley, C. Anderson, Roach and Bauer

AN ACT Relating to defacement of state monuments; adding a new section to chapter 9A.48 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5843 by Senators Haugen and McCaslin

AN ACT Relating to a judicial proceeding for validating bond issues of public agencies; amending RCW 12.20.020; adding a new section to chapter 4.72 RCW; and adding a new chapter to Title 7 RCW.

Referred to Committee on Law and Justice.

SB 5844 by Senators Franklin and Winsley

AN ACT Relating to the tax exemption for senior citizens and persons retired by reason of physical disability; amending RCW 84.36.383 and 84.36.383; creating a new section; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Ways and Means.

SB 5845 by Senator Sutherland

AN ACT Relating to collection of broadcast copyright royalty fees from Washington businesses; adding a new chapter to Title 19 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5846 by Senator Snyder

AN ACT Relating to crab taken in offshore waters; and amending RCW 75.30.360 and 75.30.380.

Referred to Committee on Natural Resources.

SB 5847 by Senators Quigley, Heavey, Moyer and Wood

AN ACT Relating to health care for persons receiving public assistance; and amending RCW 74.09.520.

Referred to Committee on Health and Long-Term Care.

SB 5848 by Senator Smith

AN ACT Relating to retrocession of criminal jurisdiction; and amending RCW 37.12.100, 37.12.110, and 37.12.120.

Referred to Committee on Law and Justice.

SB 5849 by Senators Rasmussen, Roach, Gaspard and Winsley

AN ACT Relating to county law enforcement agencies; and adding a new section to chapter 41.14 RCW.

Referred to Committee on Government Operations.

SB 5850 by Senators Kohl, Hargrove, Long, Owen, Heavey, Quigley, Haugen, Moyer, Winsley, Schow and Oke

AN ACT Relating to evaluation and accountability of programs within the department of social and health services; and adding new sections to chapter 43.20A RCW.

Referred to Committee on Ways and Means.

SB 5851 by Senators Rasmussen, Hale, Haugen, Newhouse, Heavey and Winsley

AN ACT Relating to water marketing; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.08 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 87.03 RCW; adding a new section to chapter 89.30 RCW; and adding a new chapter to Title 90 RCW.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5852 by Senators Drew, Sheldon, Wood, Prince, Oke and Winsley (by request of Secretary of State Munro)

AN ACT Relating to the presidential preference primary; amending RCW 29.19.020, 29.19.030, 29.19.040, 29.19.050, 29.19.060, 29.19.080, and 29.81.014; and adding new sections to chapter 29.19 RCW.

Referred to Committee on Government Operations.

SB 5853 by Senators Haugen and Winsley

AN ACT Relating to fire protection district benefit charges; amending RCW 52.18.010, 52.18.040, 52.18.050, 52.18.060, and 84.55.035; and adding a new section to chapter 52.18 RCW.

Referred to Committee on Government Operations.

SB 5854 by Senators Haugen, Spanel, Wood, Prentice, Winsley, Rasmussen, Hale, Kohl, McCaslin, Fairley, Long, Loveland, Franklin, Roach, Moyer, Quigley, McAuliffe, Drew and Wojahn

AN ACT Relating to women's health care; adding a new section to chapter 48.01 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5855 by Senator Hargrove

AN ACT Relating to transfer of state forest lands back to counties; and adding a new section to chapter 76.12 RCW.

Referred to Committee on Natural Resources.

SB 5856 by Senators Hale, Roach, McCaslin, Loveland, Moyer, Hargrove, Hochstatter, Owen, Morton, Deccio, Long, Johnson and Oke

AN ACT Relating to local improvement districts; and amending RCW 35.43.180.

Referred to Committee on Government Operations.

SB 5857 by Senators Morton, Pelz, Heavey, McCaslin, Fraser, Moyer, Hochstatter, Deccio, Palmer and Schow

AN ACT Relating to public works subletting and subcontracting; and amending RCW 39.30.060.

Referred to Committee on Government Operations.

MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, February 10, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SECOND DAY, FEBRUARY 9, 1995

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

**THIRTY-THIRD DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, February 10, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators McAuliffe, Moyer, Oke, Pelz, Prince, Quigley and Sutherland. On motion of Senator Ann Anderson, Senators Moyer, Oke and Prince were excused. On motion of Senator Loveland, Senators McAuliffe and Quigley were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kristin Wick and Katie Watts, presented the Colors. Reverend Jennifer Lewison, intern pastor of The Central Lutheran Church of Bellingham, and a guest of Senator Ann Anderson, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5026 Prime Sponsor, Senator Smith: Separating the duties of coroner and prosecuting attorney. Reported by Committee on Government Operations  
February 9, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5026 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 5031 Prime Sponsor, Senator Hargrove: Enlarging the scope of the methadone treatment program to the opiate substitution treatment program. Reported by Committee on Human Services and Corrections  
February 9, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5031 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow and Smith.

Passed to Committee on Rules for second reading.

SB 5170 Prime Sponsor, Senator McAuliffe: Allowing disclosure of juvenile records to affected school districts. Reported by Committee on Education  
February 7, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5170 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

SB 5183 Prime Sponsor, Senator Hale: Regarding county auditors. Reported by Committee on Government Operations  
February 9, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5183 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 9, 1995

SB 5203 Prime Sponsor, Senator Hargrove: Specifying the admissibility in court of records certified by the department of corrections. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5203 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

February 8, 1995

SB 5232 Prime Sponsor, Senator Owen: Excluding site exploration as a substantial shoreline development. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5232 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 8, 1995

SB 5272 Prime Sponsor, Senator Spanel: Providing regulatory reform to reduce the risk of oil spills. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 7, 1995

SB 5276 Prime Sponsor, Senator McAuliffe: Changing references from "handicapped" to "with disabilities" in the common school education code. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 9, 1995

SB 5310 Prime Sponsor, Senator Haugen: Requiring a process to solicit proposals for and prioritize heritage capital projects. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 8, 1995

SB 5410 Prime Sponsor, Senator C. Anderson: Designating the Washington park arboretum as an official state arboretum. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5410 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 7, 1995

SB 5440 Prime Sponsor, Senator McAuliffe: Requiring expulsion from school for at least one year for possession of a firearm on elementary or secondary school premises. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5440 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.



February 7, 1995

SB 5537 Prime Sponsor, Senator McAuliffe: Changing teacher preparation provisions. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 7, 1995

SB 5538 Prime Sponsor, Senator McAuliffe: Changing state board of education staff provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 9, 1995

SB 5626 Prime Sponsor, Senator Winsley: Modifying advisory council on historic preservation representation. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 9, 1995

SB 5691 Prime Sponsor, Senator Rasmussen: Authorizing certain commodity commissions to raise assessments in excess of the fiscal growth factor. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

MESSAGE FROM STATE OFFICES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-0095

February 10, 1995

The Honorable Marty Brown  
Secretary of the Senate  
Mailstop: 40482  
Olympia, Washington 98504-0482

Dear Secretary Brown:

Enclosed is our Report to the Legislature from the Health and Rehabilitative Services Administration, Mental Health Division. If you have any questions regarding the report, please contact me.

Sincerely,  
JEAN SOLIZ, Secretary

The Report from the Health and Rehabilitative Services Administration, Mental Health Division, is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5858 by Senators Prentice, Heavey, Franklin, Wojahn, Fairley, Snyder and McAuliffe

AN ACT Relating to prompt payment of industrial insurance awards; amending RCW 51.32.200; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 5859 by Senators Prentice, Heavey, Franklin, Wojahn, Fairley, Snyder and McAuliffe

AN ACT Relating to payment of litigation costs of injured workers; and amending RCW 51.52.120.

Referred to Committee on Labor, Commerce and Trade.

SB 5860 by Senators Prentice, Owen, Heavey, Oke, Wood, Haugen, Fairley, Sellar, Schow, Rasmussen and Winsley

AN ACT Relating to transportation construction project cost estimates; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

SB 5861 by Senators Prentice, Heavey, Pelz and C. Anderson

AN ACT Relating to the Washington credit union share guaranty association; amending RCW 31.12A.050; adding a new section to chapter 31.12 RCW; repealing RCW 31.12A.005, 31.12A.010, 31.12A.020, 31.12A.030, 31.12A.040, 31.12A.050, 31.12A.060, 31.12A.070, 31.12A.080, 31.12A.090, 31.12A.100, 31.12A.110, 31.12A.120, 31.12A.130, 31.12A.140, 31.12A.900, 31.12A.910, 31.12A.920, 31.12A.930, and 31.12A.940; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 5862 by Senators Morton, A. Anderson, Prince, Moyer, Hochstatter, Strannigan, McCaslin, Schow, Deccio and Palmer

AN ACT Relating to the acquisition of habitat conservation and outdoor recreation lands; amending RCW 43.98A.030, 43.98A.040, and 43.98A.050; creating a new section; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5863 by Senators Morton, Swecker, Oke, Deccio, Hochstatter, Prince, Johnson, Schow, McCaslin, Palmer and Sellar

AN ACT Relating to purchase of land by state agencies; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Ecology and Parks.

SB 5864 by Senators Haugen, Winsley, Heavey, McCaslin, Sheldon and Hale

AN ACT Relating to county public works projects; amending RCW 36.32.240; adding a new section to chapter 36.32 RCW; and repealing RCW 36.32.250.

Referred to Committee on Government Operations.

SB 5865 by Senators Snyder, Newhouse, Heavey and Winsley

AN ACT Relating to the assignment of rights of lottery prize winners; amending RCW 67.70.100; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5866 by Senators Pelz and Winsley (by request of Superintendent of Public Instruction Billings)

AN ACT Relating to education technology in schools; amending RCW 28A.650.030 and 28A.650.015; adding new sections to chapter 28A.650 RCW; repealing 1994 c 245 s 3 and 1993 c 336 s 704 (uncodified); and making an appropriation.

Referred to Committee on Education.

SB 5867 by Senators Palmer, Smith, Oke, Hargrove, Swecker, Owen and Schow

AN ACT Relating to offenses involving drugs; amending RCW 9.94A.386; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5868 by Senators Prentice, Fraser, Cantu, Winsley and Rasmussen (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to mobile home relocation assistance; amending RCW 59.21.010, 59.21.030, 59.21.040, 59.21.050, and 59.21.070; reenacting and amending RCW 59.21.105 and 43.84.092; reenacting RCW 59.21.005; creating new sections; repealing RCW 59.21.020, 59.21.035, 59.21.080, 59.21.085, 59.21.095, 59.21.900, 59.21.901, 59.21.902, and 59.21.903; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 5869 by Senators Smith, Long and Sheldon (by request of Utilities and Transportation Commission)

AN ACT Relating to hearings conducted by the utilities and transportation commission; amending RCW 34.12.020 and 80.01.060; and repealing RCW 34.12.042.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5870 by Senators Kohl, Prentice, Fairley, Moyer, Spanel, Quigley, C. Anderson, Franklin, Hochstatter and Rasmussen

AN ACT Relating to the provision of services by dental hygienists; adding new sections to chapter 18.29 RCW; repealing RCW 18.29.050 and 18.29.056; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5871 by Senators Pelz, Hale, Fraser, Newhouse and Deccio

AN ACT Relating to the board of plumbers; amending RCW 18.106.110; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5872 by Senator Prentice

AN ACT Relating to authorizing superior courts and courts of limited jurisdiction to issue civil inspection warrants; adding a new section to chapter 2.08 RCW; adding a new section to chapter 3.02 RCW; adding a new section to chapter 3.46 RCW; adding a new section to chapter 3.50 RCW; adding a new section to chapter 3.66 RCW; and adding a new section to chapter 35.20 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 5873 by Senators Fairley, Owen, Fraser, Smith, Prentice, Kohl and Oke

AN ACT Relating to raising the fine for parking in places reserved for physically disabled persons; amending RCW 46.16.381; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5874 by Senators C. Anderson, Quigley, Moyer, Deccio, Wojahn, Wood, Franklin, Winsley, Fairley and Kohl

AN ACT Relating to the education and training of physicians, nurse practitioners, and physician assistants; adding a new section to chapter 48.01 RCW; adding new sections to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5875 by Senators Fraser and Fairley

AN ACT Relating to wetlands mitigation banks; adding a new chapter to Title 90 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 5876 by Senators Haugen and Winsley

AN ACT Relating to population determinations and projections by the office of financial management; and amending RCW 43.62.035.

Referred to Committee on Government Operations.

SB 5877 by Senators Heavey, Haugen, Wood, Deccio and Rasmussen

AN ACT Relating to the regulation of limousines, taxicabs, and other for hire vehicle services; amending RCW 81.90.010, 81.90.020, 81.90.030, 46.72.010, 46.72.020, and 81.72.210; adding new sections to chapter 81.90 RCW; and adding a new section to chapter 46.72 RCW.

Referred to Committee on Transportation.

SB 5878 by Senators Gaspard, Winsley, McAuliffe, C. Anderson, Kohl and Bauer (by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction Billings)

AN ACT Relating to school district and library district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, and 39.36.020; repealing RCW 28A.530.020; and providing a contingent effective date.

Referred to Committee on Education.

SJR 8214 by Senators Fraser, C. Anderson and Rasmussen

Amending the Constitution to promote water conservation.

Referred to Committee on Ecology and Parks.

SJR 8215 by Senators Gaspard, Winsley, McAuliffe, C. Anderson, Kohl and Bauer (by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction Billings)

Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies.

Referred to Committee on Education.

#### STATEMENT FOR THE JOURNAL

During the morning session of February 10, 1995, I was absent from voting on Gubernatorial Appointment No. 9102, Jocelyn H. Marchisio as a member of the Public Disclosure Commission, due to a decision-making meeting of the Energy, Telecommunications and Utilities Committee.

SENATOR DEAN SUTHERLAND, 17th District

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9102, Jocelyn H. Marchisio, as a member of the Public Disclosure Commission, was confirmed.

#### APPOINTMENT OF JOCELYN H. MARCHISIO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.  
Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Owen, Palmer, Prentice, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 42.  
Absent: Senators Pelz and Sutherland - 2.  
Excused: Senators McAuliffe, Moyer, Oke, Prince and Quigley - 5.

#### MOTION

On motion of Senator Loveland, Senator Pelz was excused.

#### SECOND READING

HOUSE BILL NO. 1039, by Representatives B. Thomas, Reams, Dyer, R. Fisher, Sommers, Costa, Mitchell, Basich and Wolfe

Increasing the number of citizen members of the Washington citizens' commission on salaries for elected officials.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1039.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1039 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senator Heavey - 1.

Excused: Senators Moyer and Pelz - 2.

HOUSE BILL NO. 1039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:25 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:46 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5325, by Senators Rinehart, Bauer, Prince, Pelz, Sheldon, Kohl, Drew and Wood

Changing higher education fiscal provisions.

#### MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5325 was substituted for Senate Bill No. 5325 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5325.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5325 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Haugen, Kohl, Long, Loveland, McAuliffe, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley, Wojahn and Wood - 28.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hale, Heavey, Hochstatter, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Quigley, Roach, Schow, Sellar, Strannigan, Swecker and West - 20.

Excused: Senator Moyer - 1.

SUBSTITUTE SENATE BILL NO. 5325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Swecker, the following resolution was adopted:

SENATE RESOLUTION 1995-8612

By Senators Swecker, Fraser and Owen

WHEREAS, The Legislature is honored to recognize historical events; and  
WHEREAS, It took individuals and families with great courage to embark on a journey on the Oregon Trail; and  
WHEREAS, The party of settlers in the Simmons wagon train are particularly notable due to the fact that this group made their home in what is now the city of Tumwater; and  
WHEREAS, The Simmons party leaders consisted of Michael T. Simmons, George Washington Bush, Gabriel Jones, James McAllister, David Kindred, Jesse Ferguson, and Samuel Crockett; and  
WHEREAS, This intrepid group traveled north in 1845 to establish the first permanent American settlement north of the Columbia River, and were instrumental in gaining national attention for the settlement of the Puget Sound Country;  
NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the one hundred-fiftieth anniversary of the founding of the city of Tumwater, and that city's forefathers' pioneer spirit; and  
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Mayor of Tumwater and to the Tumwater Pioneer Wagon Train group.

MOTION

On motion of Senator McDonald, the following resolution was adopted:

SENATE RESOLUTION 1995-8613

By Senators McDonald, C. Anderson, Prentice, Franklin, Roach and Fairley

WHEREAS, The Vietnamese Unified Buddhist Church of the United States of America and Amnesty International are holding a rally today, February 10, 1995, at the State Capitol, in support of civil rights in Vietnam; and  
WHEREAS, A home to live in, employment, and the freedom to worship are among the basic and fundamental rights of every person; and  
WHEREAS, Denial of civil rights anywhere in the world is a legitimate concern of all civilized nations;  
NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington stands firmly for fundamental human rights and congratulates the efforts of Amnesty International worldwide.

MOTION

At 12:13 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:56 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 10, 1995

MR. PRESIDENT:

The Speaker has signed HOUSE BILL NO. 1039, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1039.

MOTION

At 1:57 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, February 13, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-THIRD DAY, FEBRUARY 10, 1995

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**THIRTY-SIXTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, February 13, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Deccio, Owen, Prentice, Quigley, Rinehart, Smith and Sutherland. On motion of Senator Loveland, Senators Bauer, Owen, Quigley, Rinehart and Sutherland were excused. On motion of Senator Ann Anderson, Senator Deccio was excused.

The Sergeant at Arms Color Guard, consisting of Pages Justin Benson and Paul Biggs, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 10, 1995

SB 5064 Prime Sponsor, Senator Owen: Revising the regional fisheries enhancement program. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5064 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Referred to Committee on Ways and Means.

February 9, 1995

SB 5066 Prime Sponsor, Senator Fraser: Reforming the property taxation of short-rotation hardwoods. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5066 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1995

SB 5084 Prime Sponsor, Senator Drew: Reducing commute trips. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5084 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Wood.

Passed to Committee on Rules for second reading.

February 10, 1995

SB 5157 Prime Sponsor, Senator Owen: Providing for conspicuous external marking of hatchery produced chinook salmon and coho salmon. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Chair; A. Anderson, Hargrove, Haugen, Morton, Owen, Snyder, Strannigan and Swecker.

Referred to Committee on Ways and Means.

February 9, 1995

SB 5200 Prime Sponsor, Senator Haugen: Exempting from use tax naval equipment transferred due to base closure. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 9, 1995

SB 5251 Prime Sponsor, Senator Rasmussen: Affecting the transportation authority of first class cities. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Rasmussen, Schow and Sellar.

Passed to Committee on Rules for second reading.

February 10, 1995

SB 5271 Prime Sponsor, Senator Drew: Allowing certain federal officers to arrest without warrant. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5271 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Haugen, Oke, Owen and Snyder.

MINORITY Recommendation: Do not pass. Signed by Senators Morton, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 8, 1995

SB 5331 Prime Sponsor, Senator Franklin: Enhancing bicycle safety. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5331 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 10, 1995

SB 5332 Prime Sponsor, Senator Prentice: Regulating securities. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 9, 1995

SB 5419 Prime Sponsor, Senator Fairley: Modifying federal financial participation related to health insurer's and children's health care. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5419 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 10, 1995

SB 5433 Prime Sponsor, Senator Prentice: Regulating investments by insurers. Reported by Committee on Financial Institutions and Housing



MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 10, 1995

SB 5434 Prime Sponsor, Senator Prentice: Amending licensing requirements of general agents. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 5879 by Senator Winsley

AN ACT Relating to regulating vegetation height along shorelines; and amending RCW 90.58.320.

Referred to Committee on Ecology and Parks.

SB 5880 by Senators Haugen, Spanel and Winsley

AN ACT Relating to retirement in order to care for a disabled spouse; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 5881 by Senators Hochstatter, Schow and Oke

AN ACT Relating to property tax deferrals for residences; and amending RCW 84.38.030.

Referred to Committee on Ways and Means.

SB 5882 by Senators Haugen, Moyer, Loveland and Deccio

AN ACT Relating to the authority of the state or a political subdivision to dispose of surplus property; and amending RCW 39.33.020.

Referred to Committee on Government Operations.

SB 5883 by Senators Quigley, Long and Franklin

AN ACT Relating to the fiscal impact of legislation enacted by the legislature; adding a new section to chapter 43.88 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5884 by Senators Prentice, Winsley, Fraser, Franklin and Snyder (by request of Washington State Housing Finance Commission)

AN ACT Relating to the enforcement of financing terms by the housing finance commission; and amending RCW 43.180.080.

Referred to Committee on Financial Institutions and Housing.

SB 5885 by Senators Hargrove, Long, Owen, Kohl, Haugen, Rasmussen, Franklin, Bauer and Winsley

AN ACT Relating to services to families; amending RCW 74.14C.005, 74.14C.010, 74.14C.020, 74.14C.030, 74.14C.040, 74.14C.050, 74.14C.060, 74.14C.070, 13.04.030, 13.50.010, 13.50.100, 74.15.020, 13.34.130, 13.34.145, 74.13.280, 13.04.033, 74.15.120, 13.34.030, 13.34.233, and 28A.225.330; reenacting and amending RCW 26.44.030; adding new sections to chapter 74.14C RCW; adding new sections to chapter 74.13 RCW; adding a new section to chapter 13.50 RCW; adding a new section to chapter 74.15 RCW; repealing RCW 74.14C.035; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 5886 by Senators Haugen, Morton, Rasmussen and Swecker

AN ACT Relating to water resource management; amending RCW 43.27A.020, 43.27A.090, 43.27A.130, 43.27A.190, 43.21A.020, 43.21A.067, 90.54.040, 90.03.380, 90.03.383, 90.03.390, 43.21B.110, 43.21B.300, 90.03.600, and 43.21B.310; adding a new section to chapter 43.99E RCW; adding a new section to chapter 43.155 RCW; adding a new section to chapter 70.146 RCW; adding a new section to Title 35 RCW; adding a new section to Title 35A RCW; adding a new section to Title 36 RCW; adding new sections to chapter 90.54 RCW; adding a new section to chapter 90.14 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.21A.067; decodifying RCW 90.14.043; and repealing RCW 43.21A.064 and 90.54.030.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5887 by Senators Wood, Kohl and Bauer

AN ACT Relating to firearms regulation in institutions of higher education; and amending RCW 9.41.290.

Referred to Committee on Higher Education.

SB 5888 by Senator Sutherland

AN ACT Relating to considerations for charges for sewerage and storm water control systems; and amending RCW 36.89.080, 36.94.140, 35.67.020, 35.67.190, and 35.92.020.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5889 by Senators Fairley and Kohl

AN ACT Relating to civil remedies for abuse, abandonment, neglect, and exploitation of frail elderly and vulnerable adults; amending RCW 74.34.010, 74.34.100, and 74.34.020; adding new sections to chapter 74.34 RCW; and recodifying RCW 74.34.100.

Referred to Committee on Human Services and Corrections.

SB 5890 by Senators Fraser, Hale, Prentice, Deccio and Kohl

AN ACT Relating to clarifying the liability of lenders under the model toxics control act; and amending RCW 70.105D.020.

Referred to Committee on Financial Institutions and Housing.

SB 5891 by Senators Prentice, Hale and Fraser

AN ACT Relating to authorizing interstate bank branching; amending RCW 30.04.075 and 30.40.020; adding a new section to chapter 30.04 RCW; adding a new chapter to Title 30 RCW; and providing an effective date.

Referred to Committee on Financial Institutions and Housing.

SB 5892 by Senators McDonald, Sellar, Newhouse, Rasmussen and Roach

AN ACT Relating to incentives for water-efficient irrigation systems; amending RCW 90.03.380; adding a new chapter to Title 90 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5893 by Senators Hale, Haugen, McCaslin, Prentice and Deccio

AN ACT Relating to publication of summons; and amending RCW 4.28.110.

Referred to Committee on Law and Justice.

SB 5894 by Senators Prentice, Owen, Haugen, Wood, Kohl, Fairley, Sellar, Rasmussen, Oke, Schow and Winsley

AN ACT Relating to wetlands owned by the department of transportation; and creating a new section.

Referred to Committee on Transportation.

SB 5895 by Senator Snyder

AN ACT Relating to permitting the exchange of state park lands within the Seashore Conservation Area; amending RCW 43.51.685; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5896 by Senators Haugen and Snyder

AN ACT Relating to the importation of seaweed; and amending RCW 79.01.805.

Referred to Committee on Natural Resources.

SB 5897 by Senators Smith, Prentice and C. Anderson

AN ACT Relating to authority of courts to modify sentences; amending RCW 9.94A.150; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 5898 by Senators Rasmussen, West, Loveland, Newhouse, Bauer and Morton

AN ACT Relating to open burning of grasses grown for seed; amending RCW 70.94.656; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5899 by Senators Kohl, Owen, Prentice and Prince

AN ACT Relating to transportation demand management; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5900 by Senators Haugen, Prentice, Long and Heavey (by request of State Auditor Sonntag)

AN ACT Relating to the internal organization and administration of the office of the state auditor; amending RCW 43.09.010, 43.09.170, 43.09.180, 43.09.200, 43.09.205, 43.09.220, 43.09.230, 43.09.240, 43.09.260, 43.09.265, 43.09.270, 43.09.280, 43.09.2801, 43.09.282, 43.09.290, 43.09.310, 43.09.330, 43.09.340, 43.09.410, 43.09.412, 43.09.414, 43.09.416, 43.09.418, 3.30.070, 3.62.020, 14.08.090, 35.02.132, 35.07.230, 35.21.270, 35.23.121, 35.23.535, 35.27.510, 35.33.031, 35.33.041, 35.33.075, 35.33.111, 35.34.050, 35.34.060, 35.34.120, 35.34.130, 35.34.190, 35.76.020, 35.76.030, 35.76.050, 35A.33.030, 35A.33.040, 35A.33.075, 35A.33.110, 35A.34.050, 35A.34.060, 35A.34.120, 35A.34.130, 35A.34.190, 35A.37.010, 36.22.140, 36.40.030, 36.40.040, 36.40.080, 36.40.220, 36.47.060, 36.68.530, 36.69.160, 36.80.080, 36.82.200, 40.14.070, 42.24.080, 42.24.090, 53.06.060, 56.08.110, 57.08.110, and 70.12.070; adding new sections to chapter 43.09 RCW; and repealing RCW 43.09.030, 43.09.040, 43.09.190, 43.09.250, and 43.09.300.

Referred to Committee on Government Operations.

SB 5901 by Senators Spanel, Haugen and Rasmussen

AN ACT Relating to authorized uses for the proceeds of the special excise tax on lodging imposed by counties and cities; and amending RCW 67.28.270.

Referred to Committee on Government Operations.

SB 5902 by Senators Palmer and Rasmussen

AN ACT Relating to allowing counties to consider a resolution or hold a referendum on continuing to be subject to the growth management act; and amending RCW 36.70A.040.

Referred to Committee on Government Operations.

SB 5903 by Senators Wood, Hochstatter, Swecker, Winsley, Palmer, Oke, Schow, Strannigan, Johnson, Cantu, Sellar, Deccio and West

AN ACT Relating to public assistance for dependents; adding a new section to chapter 74.04 RCW; creating new sections; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5904 by Senators Long, Hargrove, Roach, Smith, Winsley, Schow, Swecker, Haugen, Quigley, Hale, Strannigan, Johnson, McCaslin, Palmer, Finkbeiner, Deccio, West, Bauer, Rasmussen and Oke

AN ACT Relating to persistent prison misbehavior; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9.94 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5905 by Senators Long, Hargrove, Roach, Smith, Winsley, Schow, Swecker, Haugen, Quigley, Hale, Strannigan, McCaslin, Finkbeiner, West, Bauer, Rasmussen and Oke

AN ACT Relating to persistent prison misbehavior; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9.94 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5906 by Senators Long, Hargrove, Haugen, Smith, Winsley, Swecker, Quigley, Hale, Finkbeiner, Strannigan, A. Anderson, West, Bauer, Rasmussen and Oke

AN ACT Relating to disciplinary confinement; amending RCW 9.94A.030, 9.94A.132, 9.94A.137, 9.94A.150, 70.48.210, 72.09.130, 9.94A.123, 9.94A.127, 9.94A.130, 9.94A.180, 9.94A.210, 9.94A.390, 9.94A.400, 13.40.135, 18.155.010, 18.155.020, 18.155.030, 43.43.754, and 46.61.524; reenacting and amending RCW 9.94A.120 and 9.94A.440; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5907 by Senators Rasmussen, West, Sheldon, Finkbeiner, Loveland and Long

AN ACT Relating to a use tax exemption for custom designed and constructed equipment used in manufacturing; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5908 by Senators McAuliffe, Rasmussen and Bauer

AN ACT Relating to internship credit for teachers; amending RCW 28A.415.020; adding a new section to chapter 28A.415 RCW; and creating a new section.

Referred to Committee on Education.

SJM 8016 by Senators McAuliffe, Swecker, Fraser, C. Anderson and Long

Petitioning Congress to enact H.R. 24, The Community Solvency Act, expeditiously.

Referred to Committee on Ecology and Parks.

SJR 8216 by Senator Quigley

Requiring a balanced state budget.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9007, Clyde B. Anderson, as a member of the Parks and Recreation Commission, was confirmed.

#### CONFIRMATION OF CLYDE B. ANDERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.  
Voting yea: Senators Anderson, A., Anderson, C., Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Pelz, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 41.  
Absent: Senators Prentice and Smith - 2.  
Excused: Senators Bauer, Deccio, Owen, Quigley, Rinehart and Sutherland - 6.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced the Honorable Georgi Vlaskin, Consul General of Russia, who was seated in the gallery. Senator Rasmussen gave a special welcome to Consul General Vlaskin.

#### MOTION

On motion of Senator Loveland, Senators Prentice and Smith were excused.

#### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9053, Robert C. Petersen, as a member of the Parks and Recreation Commission, was confirmed.

#### CONFIRMATION OF ROBERT C. PETERSEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.  
Voting yea: Senators Anderson, A., Anderson, C., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.  
Absent: Senator McDonald - 1.  
Excused: Senators Bauer, Prentice, Rinehart, Smith and Sutherland - 5.

#### MOTION

On motion of Senator Ann Anderson, Senator McDonald was excused.

#### SECOND READING

SENATE BILL NO. 5083, by Senators Oke, Bauer, Franklin, Haugen and C. Anderson (by request of Department of Veterans Affairs)

Changing the composition of the veterans affairs advisory committee.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5083 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5083.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5083 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Palmer,

Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators McDonald, Rinehart, Smith and Sutherland - 4.

SENATE BILL NO. 5083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5266, by Senators Pelz, Newhouse, Heavey, Wood and West (by request of Department of Licensing)

Revising provisions regulating court reporting.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5266.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5266 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Rinehart, Smith and Sutherland - 3.

SENATE BILL NO. 5266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:30 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:44 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5041, by Senators Winsley, Haugen and McCaslin

Authorizing temporary vacancies in local elective offices to be filled.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5041.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5041 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 46.

Absent: Senator Wojahn - 1.

Excused: Senators Smith and Sutherland - 2.

SENATE BILL NO. 5041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Wojahn was excused.

SECOND READING

SENATE BILL NO. 5030, by Senators Hargrove, Fraser, Winsley and Schow (by request of Department of Corrections)

Revising procedures for offenders who violate conditions or requirements of sentences.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5030.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5030 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 46.

Excused: Senators Smith, Sutherland and Wojahn - 3.

SENATE BILL NO. 5030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5054, by Senators Winsley and Haugen

Repealing a travel expenses accounting procedure.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5054.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 46.

Excused: Senators Smith, Sutherland and Wojahn - 3.

SENATE BILL NO. 5054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5013, by Senator Snyder

Excluding all species of tuna, mackerel, and jack from the definitions of food fish and enhanced food fish.

## MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 5013 was substituted for Senate Bill No. 5013 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the rules were suspended, Substitute Senate Bill No. 5013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5013.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5013 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 46.

Excused: Senators Smith, Sutherland and Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5091, by Senators Haugen, Winsley and Pelz

Raising the dollar limit for the public utility district alternative bid procedure.

The bill was read the second time.

## MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5091.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5091 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 46.

Excused: Senators Smith, Sutherland and Wojahn - 3.

SENATE BILL NO. 5091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 12:07 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, February 14, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate



JOURNAL OF THE SENATE

THIRTY-SIXTH DAY, FEBRUARY 13, 1995

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**THIRTY-SEVENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, February 14, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 13, 1995  
SB 5298 Prime Sponsor, Senator C. Anderson: Modifying allowed composition of health care professional service corporations and limited liability companies. Reported by Committee on Law and Justice

MAJORITY Recommendation: That it be referred to Committee on Health and Long-Term Care without recommendation. Signed by Senators C. Anderson, Vice Chair; Hargrove, Johnson, Long, McCaslin, Roach and Schow.

Referred to Committee on Health and Long-Term Care.

February 13, 1995  
SB 5542 Prime Sponsor, Senator Smith: Requiring counties to pay for additional judicial positions. Reported by Committee on Law and Justice

MAJORITY recommendation: That it be referred to Committee on Ways and Means without recommendation. Signed by Senators C. Anderson, Vice Chair; Hargrove, Johnson, Long, McCaslin, Roach and Schow.

Referred to Committee on Ways and Means.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

Mr. President:

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully certify that we have completed the verification of the signatures on Initiative to the Legislature 164, a copy of which was preliminarily certified to you on January 10, 1995, and we have determined that the initiative contains the signatures of at least 181,667 legal voters of the state of Washington. Therefore, we hereby certify that Initiative to the Legislature 164 is qualified to appear on the state general election ballot unless approved by the Legislature during this session.

IN WITNESS WHEREOF, I have hereunto set my hand  
(Seal) and affixed the Seal of the state of Washington,  
this 13th day of February, 1995.

RALPH MUNRO  
Secretary of State

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

February 13, 1995

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

INITIATIVE 164 by People of the State of Washington

Relating to regulation of private property.

Referred to Committee on Government Operations.

SB 5909 by Senators Sheldon, Hochstatter and Hargrove

AN ACT Relating to growth planning forecasts; and amending RCW 36.70A.110, 36.70A.280, 36.70A.350, and 43.62.035.

Referred to Committee on Government Operations.

SB 5910 by Senators Swecker, Oke, Wood, Johnson, Schow, Palmer and Finkbeiner

AN ACT Relating to citizen lawsuits; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 5911 by Senators Drew and C. Anderson (by request of Secretary of State Munro)

AN ACT Relating to elections; amending RCW 29.15.020, 29.80.010, 29.80.020, 29.80.030, 29.80.040, and 29.80.080; adding a new section to chapter 29.80 RCW; and repealing RCW 29.80.050 and 29.80.060.

Referred to Committee on Government Operations.

SB 5912 by Senators Pelz and Haugen

AN ACT Relating to the compensation of certain public officers, officials, or employees; and adding a new section to chapter 42.16 RCW.

Referred to Committee on Government Operations.

SB 5913 by Senators Smith, Schow and Heavey

AN ACT Relating to siting a supplemental airport to the Seattle-Tacoma International Airport that will be operating after 2018; amending RCW 36.70A.200; adding a new section to chapter 47.06 RCW; adding a new section to chapter 47.80 RCW; adding a new chapter to Title 47 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 5914 by Senators Prentice, Heavey, Deccio and Finkbeiner

AN ACT Relating to financing of public stadium, convention, performing arts, visual arts, and other tourism facilities; amending RCW 82.14.200 and 67.28.210; reenacting and amending RCW 67.28.180; adding a new section to chapter 36.38 RCW; adding new sections to chapter 67.28 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5915 by Senators McAuliffe and Winsley

AN ACT Relating to keeping students in school; amending RCW 28A.225.030, 28A.225.040, 28A.225.050, 28A.225.060, 28A.225.090, 28A.225.120, 46.20.100, 46.20.292, 70.190.070, and 70.190.080; adding a new section to chapter 28A.225 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Education.

SB 5916 by Senators McAuliffe, Kohl and Pelz

AN ACT Relating to racial equality in school districts; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

SB 5917 by Senators Gaspard, Quigley, Newhouse and Winsley

AN ACT Relating to determining unemployment insurance contribution rates; amending RCW 50.16.094, 50.22.090, 50.29.020, and 50.29.062; reenacting and amending RCW 50.29.025; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5918 by Senators Sheldon, Hargrove, Quigley, Prentice, Rasmussen and Kohl

AN ACT Relating to a single system of accountability for the mental health service delivery system; amending RCW 71.24.400, 71.24.405, and 71.24.415; and reenacting and amending RCW 71.24.025.

Referred to Committee on Human Services and Corrections.

SB 5919 by Senator Snyder

AN ACT Relating to sturgeon catch on the Columbia river; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5920 by Senators Franklin, Pelz, McAuliffe, Rasmussen, Snyder, Winsley, Fairley and C. Anderson

AN ACT Relating to delegating nursing care in schools; amending RCW 18.79.260; and adding new sections to chapter 28A.210 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5921 by Senators Pelz, C. Anderson, Wojahn, Prentice, Fairley, Kohl and Franklin

AN ACT Relating to penetration bullets; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 5922 by Senators Moyer, Wojahn and Winsley

AN ACT Relating to midwifery; amending RCW 18.50.010, 18.50.040, 18.50.105, and 18.50.108; creating a new section; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5923 by Senators Wojahn, Kohl, Winsley, Moyer, Prentice, C. Anderson, Wood and West

AN ACT Relating to tax exemptions for nonprofit blood banks; amending RCW 84.36.035; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5924 by Senators Kohl, Wood, Bauer, A. Anderson, Sheldon, Prince, Drew, Quigley, McAuliffe, Fairley and West

AN ACT Relating to increased tuition fees for excess credits taken at institutions of higher education; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SB 5925 by Senator Pelz

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

Referred to Committee on Labor, Commerce and Trade.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1046 by House Committee on Health Care (originally sponsored by Representatives Dyer, Carlson, Kremen, Cooke, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, B. Thomas, Radcliff, Hickel, Chandler, Backlund, Mastin, Mitchell, Foreman, Sehlin, Ballasiotes, Clements, Campbell, Sheldon, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Lisk)

Amending the health services act of 1993.

Referred to Committee on Health and Long-Term Care.

MOTION

At 12:07 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, February 15, 1995.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY, FEBRUARY 14, 1995

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

**THIRTY-EIGHTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, February 15, 1995  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Moyer, Prince, Sutherland and Wojahn. On motion of Senator Loveland, Senators Sutherland and Wojahn were excused. On motion of Senator Ann Anderson, Senators Moyer and Prince were excused.

The Sergeant at Arms Color Guard, consisting of Pages Natalie Kitson and Adam Marazzo, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 14, 1995  
SB 5097 Prime Sponsor, Senator Swecker: Preserving port district debt limits. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5097 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale and Winsley.

Passed to Committee on Rules for second reading.

February 14, 1995  
SB 5098 Prime Sponsor, Senator Loveland: Reenacting sections about county financial functions. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 14, 1995  
SB 5217 Prime Sponsor, Senator Owen: Requiring personal flotation devices for children on certain recreational vessels. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5217 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald and Swecker.

Passed to Committee on Rules for second reading.

February 14, 1995  
SB 5223 Prime Sponsor, Senator Loveland: Modifying procedure for providing assistance to county assessors. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Referred Committee on Ways and Means.

February 14, 1995  
SB 5262 Prime Sponsor, Senator Haugen: Creating an ombudsman office for private property rights. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5262 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Referred to Committee on Ways and Means.

February 14, 1995  
SB 5274 Prime Sponsor, Senator Haugen: Clarifying the funding formula for the municipal research council. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 14, 1995  
SB 5275 Prime Sponsor, Senator Haugen: Affecting the consolidation of cities and towns. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 13, 1995  
SB 5280 Prime Sponsor, Senator Smith: Providing tax exemptions for a new thoroughbred race track facility. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5280 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Hale, Newhouse and Palmer.

Referred to Committee on Ways and Means.

February 13, 1995  
SB 5281 Prime Sponsor, Senator Heavey: Promoting horse racing. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5281 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

February 14, 1995  
SB 5294 Prime Sponsor, Senator Sheldon: Paying for fire fighters' retirement provisions. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 14, 1995  
SB 5369 Prime Sponsor, Senator Haugen: Allowing a majority vote to authorize merger of fire protection districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5378 Prime Sponsor, Senator Haugen: Modifying border area fund distribution. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 13, 1995

SB 5397 Prime Sponsor, Senator Franklin: Revising provisions regulating asbestos certification. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Heavey, Vice Chair; Deccio, Hale, Newhouse and Palmer.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Franklin.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5398 Prime Sponsor, Senator Franklin: Removing the filing requirement for expert witness personal service contracts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5429 Prime Sponsor, Senator Haugen: Authorizing a deputy to vote on behalf of the insurance commissioner. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Sellar and Smith.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5432 Prime Sponsor, Senator Prentice: Regulating unearned premium, loss, and loss expense reserves. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Smith.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5437 Prime Sponsor, Senator Prentice: Disclosing material transactions. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Smith.

Passed to Committee on Rules for second reading.

February 13, 1995

SB 5563 Prime Sponsor, Senator West: Relating to class H liquor licenses issued to hotels operating conference or convention centers or having banquet facilities on property owned or through leasehold interest by the licensed hotel. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

February 13, 1995

SB 5583 Prime Sponsor, Senator Newhouse: Determining unemployment insurance contribution rates for successor employers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

February 13, 1995

SB 5584 Prime Sponsor, Senator Newhouse: Affecting noncharging of benefits to employers' unemployment insurance experience rating accounts. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

February 13, 1995

SB 5590 Prime Sponsor, Senator Newhouse: Authorizing voluntary contributions for unemployment insurance. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5790 Prime Sponsor, Senator Rasmussen: Providing moneys for wine and wine grape research. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Referred to Committee on Ways and Means.

February 13, 1995

SJM 8012 Prime Sponsor, Senator Newhouse: Requesting that unemployment benefits be removed from the IRS definition of taxable income. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 5926 by Senators Owen, McDonald, Finkbeiner, West and A. Anderson

AN ACT Relating to emergency response services; amending RCW 76.04.145; adding new sections to chapter 76.04 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 5927 by Senator Heavey

AN ACT Relating to home and real estate inspectors; amending RCW 18.27.010 and 18.27.050; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5928 by Senator Morton

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

Referred to Committee on Labor, Commerce and Trade.

SB 5929 by Senators Wojahn, Moyer, Bauer, Winsley and Long



AN ACT Relating to written disclosure of health care coverage and benefits; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5930 by Senators McAuliffe, Owen, Fairley and Long

AN ACT Relating to minimum retirement benefits; and amending RCW 43.43.277.

Referred to Committee on Ways and Means.

SB 5931 by Senators Prentice and Hale

AN ACT Relating to state-chartered financial institutions parity with federally chartered financial institutions; amending RCW 30.04.111 and 30.08.180; and reenacting and amending RCW 30.08.190.

Referred to Committee on Financial Institutions and Housing.

SB 5932 by Senators Drew, Pelz, Schow, Deccio and Prince

AN ACT Relating to establishing the Washington alliance for manufacturing; adding a new section to chapter 43.330 RCW; adding a new section to chapter 28B.50 RCW; adding a new chapter to Title 24 RCW; creating a new section; and making an appropriation.

Referred to Committee on Labor, Commerce and Trade.

SB 5933 by Senators Heavey and Wojahn

AN ACT Relating to apprenticeship for electricians; amending RCW 19.28.510, 19.28.530, and 19.28.620; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 5934 by Senators Cantu, Deccio, Johnson, Oke, Hochstatter, Schow, A. Anderson and Moyer

AN ACT Relating to clarifying school days for purposes of educational contracts; amending RCW 41.59.020; reenacting and amending RCW 41.56.030; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5935 by Senators Quigley, Wojahn, Franklin, C. Anderson, Fairley, Gaspard, Haugen, Snyder, Pelz, Spanel, Sheldon, Loveland, Fraser, Kohl, Hargrove, McAuliffe, Prentice, Heavey, Drew, Rasmussen, Bauer, Rinehart, Sutherland, Smith, Owen and Winsley

AN ACT Relating to consumer protection in the purchase of health care; amending RCW 48.30.010; adding new sections to chapter 43.72 RCW; adding a new section to chapter 48.01 RCW; adding a new section to chapter 43.70 RCW; adding new sections to chapter 48.43 RCW; adding a new section to chapter 70.47 RCW; adding a new section to chapter 43.19 RCW; adding a new section to Title 51 RCW; adding a new chapter to Title 48 RCW; creating new sections; repealing RCW 48.43.020, 48.43.030, 48.43.040, 48.43.050, 48.43.060, 48.43.070, 48.43.080, 48.43.090, 48.43.100, 48.43.110, 48.43.120, 48.43.130, 48.43.150, 43.72.220, 43.72.240, 43.72.810, 43.72.210, and 43.72.120; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5936 by Senator Hochstatter

AN ACT Relating to child care agency regulation; amending RCW 74.15.020; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5937 by Senators Morton, Prince and Long

AN ACT Relating to school psychologists; and amending RCW 28A.305.130.

Referred to Committee on Health and Long-Term Care.

SB 5938 by Senators Bauer, Hochstatter, Palmer and Snyder

AN ACT Relating to clarification of physical conditions for determining the output of major energy projects; and amending RCW 80.50.020 and 80.52.030.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5939 by Senators Deccio, Owen, McCaslin and Schow

AN ACT Relating to administration of the responsibilities of self-insurers; and amending RCW 51.14.020.

Referred to Committee on Labor, Commerce and Trade.

SB 5940 by Senators Snyder, McCaslin, Loveland, Palmer, Bauer, Sutherland, Newhouse, Heavey, Moyer, Finkbeiner, Winsley, Gaspard, Drew, Sheldon, Fraser, Wojahn, Long and Spanel

AN ACT Relating to clarifying that use tax is due on direct mail advertising pieces printed out-of-state and mailed directly to Washington residents to promote the sale of goods or services by Washington residents; amending RCW 82.12.010; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5941 by Senators Fraser and Winsley

AN ACT Relating to coordinated water resources programs; adding new sections to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5942 by Senators Kohl and Prentice

AN ACT Relating to prioritization of bicycle projects; adding a new section to chapter 47.05 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5943 by Senators Rinehart, Prince, Sheldon, Deccio and Kohl

AN ACT Relating to convention and trade centers; amending RCW 67.40.020, 67.40.030, 67.40.040, 67.40.045, and 67.40.090; adding new sections to chapters 67.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5944 by Senators Pelz and C. Anderson

AN ACT Relating to local regulation of firearms in municipal offices and meeting areas; and amending RCW 9.41.300.

Referred to Committee on Law and Justice.

SB 5945 by Senators Rasmussen, Deccio, Newhouse and A. Anderson

AN ACT Relating to the agricultural trade showcase; creating a new section; and making an appropriation.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5946 by Senators West, McCaslin, Hochstatter, Schow and Long

AN ACT Relating to lowering public utility tax rates; and amending RCW 82.16.020.

Referred to Committee on Ways and Means.

SJM 8017 by Senators Rasmussen, Roach, Hochstatter, Long, Hargrove, Johnson and Sheldon

Encouraging schools to provide an elementary gun safety program.

Referred to Committee on Education.

SCR 8405 by Senators Gaspard, McDonald, Owen and Prince

Amending the cutoff date for bills from the Senate Transportation Committee.

HOLD.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8405 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Rinehart, the following resolution was adopted:

SENATE RESOLUTION 1995-8615

By Senators Rinehart, Gaspard, C. Anderson, Bauer, Wood, Quigley, Spanel, Kohl, McDonald, West, A. Anderson, Long, Prentice, Hale, Prince, McAuliffe, Snyder, Newhouse, Cantu, Sellar, Johnson, Finkbeiner, Sheldon and Pelz

WHEREAS, Bill and Ruth Gerberding moved to Washington State in 1979 and have represented the University of Washington for the last sixteen years; and

WHEREAS, Dr. William P. Gerberding will resign his presidency at the University of Washington at the end of the 1994-95 academic year, June 30, 1995; and

WHEREAS, Dr. Gerberding will have been the longest-serving president in the history of the University of Washington; and

WHEREAS, The University of Washington has continued to be one of the finest institutions of higher learning in the nation under Dr. Gerberding's guidance; and

WHEREAS, Dr. Gerberding has been an education leader in Washington State, the Northwest region, and the nation; and

WHEREAS, Dr. Gerberding has brought his wisdom, humor, drive, intelligence, and vision to a most demanding job; and

WHEREAS, Under the direction and guidance of Dr. Gerberding, the University of Washington successfully initiated the Campaign for Washington which inspired contributions from more than 70,000 individuals and several corporations and foundations totaling two hundred eighty-four million dollars in gifts and pledges from 1987 to 1992; and

WHEREAS, Dr. Gerberding has focused on undergraduate education as one of the University's top priorities with the appointment of a dean for Undergraduate Education and new programs such as the Entry-Level Initiative, freshman interest groups, and faculty seminars; and

WHEREAS, Dr. Gerberding was instrumental in the creation of a task force to examine the undergraduate experience, graduate education, and academic reorganization; and

WHEREAS, Dr. Gerberding has led the University to its Number One ranking for all public universities in federal research funding; and

WHEREAS, Dr. Gerberding has successfully led the way for the opening of two branch campuses in Bothell and Tacoma, bringing education opportunities to the broader communities of Washington State; and

WHEREAS, The University has grown under the watchful eye of Dr. Gerberding, adding the Kenneth S. Allen Library, a new physics/astronomy building, a new chemistry building, and additions to the Magnuson Health Sciences Center; and

WHEREAS, Dr. Gerberding has created a successful work environment based upon a great respect for University faculty, which now includes four Nobel Prize recipients and thirty-four members of the National Academy of Sciences; and

WHEREAS, Dr. Gerberding has never wavered in his commitment to maintaining a diverse student body and faculty that represents the many cultural and ethnic populations in Washington State; and

WHEREAS, Ruth Gerberding has tirelessly supported the University of Washington and the greater community with her involvement in and her support of the Seattle Symphony, Cathedral Associates, Market Place North Homeowners Association, Hillside Guild, Meany Hall Advisory Committee, and the Seattle/Perugia Sister City Organization; and

WHEREAS, Ruth Gerberding gives of her time and expertise to serve on the boards of the Seattle Chamber Music Festival, The Market Foundation, The Washington State Committee of the National Museum of Women in the Arts, and The Achievement Rewards for College Scientists; and

WHEREAS, Ruth Gerberding has made innumerable contributions to the University, including her volunteer work for the University Hospital and the greater community;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Bill and Ruth Gerberding for the dedicated service and commitment they have shown in their work and the innumerable contributions they have made to the University of Washington and the greater community of the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Bill and Ruth Gerberding.

Senators Rinehart, McDonald, Gaspard, Palmer and Kohl spoke to Senate Resolution 1995-8615.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. William and Ruth Gerberding, who were seated on the rostrum. With permission of the Senate, business was suspended to permit President Gerberding to address the Senate.

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

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8405, by Senators Gaspard, McDonald, Owen and Prince

Amending the cutoff date for bills from the Senate Transportation Committee.

The concurrent resolution was read the second time.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Concurrent Resolution No. 8405 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8405 was adopted by voice vote.

#### STATEMENT FOR THE JOURNAL

During the morning session of February 15, 1995, I was excused from voting on Gubernatorial Appointment No. 9075, Senate Bill No. 5287, Senate Bill No. 5075, Senate Bill No. 5046, Engrossed Senate Bill No. 5243 and Senate Bill No. 5173, due to inclement weather and extenuating circumstances.

SENATOR DEAN SUTHERLAND, 17th District

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9075, James A. Tupper, Jr., as a member of the Pollution Control Hearings Board, was confirmed.

#### CONFIRMATION OF JAMES A. TUPPER, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 45.

Excused: Senators Moyer, Prince, Sutherland and Wojahn - 4.

#### SECOND READING

SENATE BILL NO. 5287, by Senators Wood, Sheldon, Bauer, Kohl, Rasmussen and Hochstatter (by request of Higher Education Coordinating Board)

Providing school loan forgiveness in exchange for service within Washington state.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 5287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5287.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5287 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 45.

Excused: Senators Moyer, Prince, Sutherland and Wojahn - 4.

SENATE BILL NO. 5287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5075, by Senators Owen, Sheldon and Oke

Appropriating funds for emergency construction of Crown Hill elementary school.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5075.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5075 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 46.

Excused: Senators Moyer, Sutherland and Wojahn - 3.

SENATE BILL NO. 5075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5046, by Senator Haugen

Revising filing requirements for interlocal agreements.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5046.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5046 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 46.

Excused: Senators Moyer, Sutherland and Wojahn - 3.

SENATE BILL NO. 5046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5243, by Senator Oke

Revising provision authorizing a special permit for miniature boilers.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendments were considered simultaneously and were adopted:

On page 2, line 3, after "miniature" insert "hobby"

On page 2, line 12, after "commercial" insert "or industrial"

On motion of Senator Pelz, the rules were suspended, Engrossed Senate Bill No. 5243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5243.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5243 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 46.

Excused: Senators Moyer, Sutherland and Wojahn - 3.

ENGROSSED SENATE BILL NO. 5243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5173, by Senators Pelz and Newhouse (by request of Liquor Control Board)

Improving the licensing sections of the Washington state liquor act.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5173.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5173 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 46.

Excused: Senators Moyer, Sutherland and Wojahn - 3.

SENATE BILL NO. 5173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### MOTION

On motion of Senator Fraser, the following resolution was adopted:

## SENATE RESOLUTION 1995-8606

By Senators Fraser and C. Anderson

WHEREAS, Saint Martin's College, the oldest institution of higher education in the Olympia area, will celebrate one century of educational excellence on September 11, 1995; and

WHEREAS, Saint Martin's College and Abbey have been centers of spiritual and academic development in the state of Washington since they first opened their doors in a city called Woodland, later to become Lacey, Washington; and

WHEREAS, In 1895, the founding year of the school, The Olympian newspaper envisioned the vast local significance Saint Martin's College would have on its community when it proclaimed, "It is hardly possible to realize the great benefits which will accrue to the Olympia area by having such an institution..."; and

WHEREAS, Olympia Mayor John Byrne and local business owners also recognized the significant local contribution of Saint Martin's by forming an organization in 1891 to help purchase the present site of Saint Martin's College and Abbey in Lacey, Washington; and

WHEREAS, Local legend says the first student, Angus McDonald of Shelton, arrived at Saint Martin's College by canoe on September 11, 1895; and

WHEREAS, The entire student body consisted of only one student for the first few months of the college's existence, and he was extended a full academic schedule consisting of writing, diction and study hall based upon the strong belief by the founding monks "that one person's education is an important contribution to mankind"; and

WHEREAS, The institution first was established by Benedictine monks as a boy's grammar school in 1895, Saint Martin's began offering college-level classes at the turn of the century and was deemed a four-year accredited, baccalaureate-granting institution in 1940; and

WHEREAS, In 1965, Saint Martin's opened its doors to women, offering them the opportunity to receive the same high quality education that until then only males were permitted to attain; and

WHEREAS, Saint Martin's College furthered its strong educational commitment by continuing to offer high school academics as well as a college-level curriculum until 1974; and

WHEREAS, Father Sebastian Ruth founded the first Olympia-area radio station, called KGY, in a log cabin on the campus of Saint Martin's in the 1920's, then used the station to broadcast the first live local radio coverage of the World Series and help the Elks Club of Olympia raise charitable funds for the needy in the community; and

WHEREAS, Saint Martin's is one of only twelve Benedictine institutions of higher learning in the United States and the only one west of the Rocky Mountains; and

WHEREAS, In one century of service, the college has grown to serve hundreds of students on its main campus in Lacey and also extends educational opportunities to hundreds more students at two additional campuses on the McChord Air Force Base and the Fort Lewis Army Post in Tacoma, Washington; and

WHEREAS, Saint Martin's commitment to using computers in education has ranked the college's student computer center, with Harvard and Columbia, as one of the top three in the nation by Computers in Education magazine; and

WHEREAS, Saint Martin's also was heralded by Electronic Learning magazine for having the largest educational software collection on the west coast of the United States; and

WHEREAS, The alumni of Saint Martin's College fill a variety of leadership roles in civic, corporate, governmental and charitable organizations throughout the state of Washington and the United States, and in twenty-eight nations around the world; and

WHEREAS, The community of Saint Martin's is in the midst of a year-long centennial observance, which will include the one hundredth commencement class ceremony scheduled for May 12, 1995, and a Centennial Homecoming Week set to begin February 4, 1995, and conclude February 12, 1995;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honors the one hundredth anniversary of the founding of Saint Martin's College and Abbey on September 11, 1995, and the celebratory events of the year as the college enters its second century of service to the state of Washington, reaffirming its dedication to educational excellence; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Saint Martin's College and Abbey in Lacey, Washington.

Senators Fraser, Rasmussen, Deccio and Prince spoke to Senate Resolution 1995-8606.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Abbot Neal Roth, Chancellor of St. Martin's College; Dr. David Spangler, President of St. Martin's College; Father John Scott, Centennial Chairman and Historian; and Father Nicholas Rausch, Chair of the Abbey Centennial Committee; who were seated in the gallery.

## MOTION

On motion of Senator Kohl, the following resolution was adopted:

## SENATE RESOLUTION 1995-8614

By Senators Kohl, Winsley, Wojahn, Sheldon, Wood, Long, Franklin, C. Anderson, Rasmussen, Haugen, Hargrove, Owen, Bauer, Rinehart, Pelz, Loveland, Spanel, Snyder, Gaspard, Prentice, Heavey, Drew, Fairley, McAuliffe and Quigley

WHEREAS, Wednesday, February 15, 1995, marks the one hundred seventy-fifth anniversary of the birth of Susan Brownell Anthony, reformer and leader of women's suffrage; and

WHEREAS, Susan B. Anthony defied male electioneers and faced indictment for illegally voting in 1872; and  
WHEREAS, Susan B. Anthony spoke on suffrage legislation before members of the Washington State Territorial Legislature in Olympia, Washington, on October 19, 1871, making her the first woman in the history of the United States to be given the privilege of addressing an assembled Legislature; and

WHEREAS, Following her presentation to the Washington Territorial Legislature, Susan B. Anthony was the guest of Daniel Bigelow, a state lawmaker who was one of the first to support women's suffrage in the Northwest, at what is now Olympia's historic Bigelow Home; and

WHEREAS, Susan B. Anthony helped draft the constitution for the Washington Women's Suffrage Association; and

WHEREAS, Susan B. Anthony was director of the Female Department of the Canajoharie Academy in New York until she abandoned her career in education to devote her life to social reform, first organizing the Women's State Temperance Society of New York; and

WHEREAS, Susan B. Anthony, along with Elizabeth Cady Stanton, founded in 1863, the Woman's Loyal National League to petition Congress to advocate full civil and political rights for women and blacks when the Civil War ended; and

WHEREAS, In 1866, Susan B. Anthony and other reformers formed the Equal Rights Association to further their campaign for women's suffrage; and

WHEREAS, The reformers took their suffrage campaign, in 1867, to the New York State Constitutional Convention, where the State Legislature refused to consider the issue, but instead gave considerable support to legislation legalizing prostitution; and

WHEREAS, Susan B. Anthony and her suffragettes fought back with lobbying efforts that killed the prostitution bill in committee, and furthermore, eventually secured the first laws in New York State guaranteeing women's rights over their children and control over property and wages; and

WHEREAS, Susan B. Anthony, during the presidential campaign in 1872, urged women to claim their rights under the Fourteenth and Fifteenth Amendments by registering and voting in every state in the union; and

WHEREAS, In a colorful display of her remarkable courage, Susan B. Anthony and her three sisters boldly entered a stronghold of men in a Rochester, New York, barbershop in 1872, and insisted that they be registered to vote under provisions of the Fourteenth Amendment; and

WHEREAS, On November 5, Susan B. Anthony entered her polling place and voted the Republican ticket after which she was charged and indicted for voting illegally; and

WHEREAS, In another display of determination, Susan B. Anthony, refusing to pay her streetcar fare, as a deputy marshal was carting her off to jail, announced loudly enough for all passengers to hear, "I'm travelling at the expense of this government. This gentleman is taking me to jail. Ask him for my fare!";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Susan B. Anthony and remember her for and emulate her in her dedication to social reform that led to the passage of the Women's Suffrage Amendment (Nineteenth Amendment) to the United States Constitution in 1920; and

BE IT FURTHER RESOLVED, That Susan B. Anthony be remembered for her courage and determination to work for equal rights for all citizens of America as reflected in Anthony's quote, "It was we, the people, not we, the white male citizens, nor yet we, the male citizens, but we the whole people, who formed this Union. And we formed it not to give the blessings of liberty, but to secure them, not to the half of ourselves and the half of our posterity, but to the whole people--women as well as men."

Senators Kohl, Winsley, Wood and Deccio spoke to Senate Resolution 1995-8614.

#### MOTION

On motion of Senator Ann Anderson, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8617

By Senators A. Anderson, Strannigan, Swecker, Haugen, Drew, Oke, Owen, Snyder and Spanel

WHEREAS, The commercial crab fishery industry is an important industry in this state; and

WHEREAS, The closure of the crab fishery season will adversely affect the common good of the citizens of this state; and

WHEREAS, Judge Rafeedie's December 20, 1994, ruling does not require the state to terminate the non-Indian crab season; and

WHEREAS, While the state's effort to act in good faith with the tribal governments is laudable, it is not necessary to place the full impact of this spirit of cooperation solely on the inner Puget Sound crab fishers; and

WHEREAS, The state created a crab season that runs from October through April, and sold licenses based on this time period; and

WHEREAS, The state is considering appealing Judge Rafeedie's decision; and

WHEREAS, Too short of notice was given to the crab fishers to provide for adequate time to halt their operations in a safe fashion and to make alternative financial arrangements;

NOW, THEREFORE, The Senate of the state of Washington believes that the commercial crab season should be immediately restored to the previously agreed upon dates.

Senators Ann Anderson, Spanel and Snyder spoke to Senate Resolution 1995-8617.

#### MOTION

At 10:50 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, February 16, 1995.



MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY, FEBRUARY 15, 1995

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

**THIRTY-NINTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, February 16, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 14, 1995  
SB 5118 Prime Sponsor, Senator Winsley: Calculating excess compensation for retirement purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5118 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel and Winsley.

Passed to Committee on Rules for second reading.

February 15, 1995  
SB 5234 Prime Sponsor, Senator Smith: Modifying eligibility for juvenile offender basic training camp option. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5234 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

February 14, 1995  
SB 5250 Prime Sponsor, Senator Owen: Regulating collection of historic and special interest motor vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5250 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

February 14, 1995  
SB 5315 Prime Sponsor, Senator Rasmussen: Modifying agriculture regulations. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5315 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton and Snyder.

Referred to Committee on Ways and Means.

February 15, 1995

SB 5326 Prime Sponsor, Senator Long: Revising provision for registration of sex offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5326 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Prentice and Strannigan.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5330 Prime Sponsor, Senator Smith: Regulating background checks. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5372 Prime Sponsor, Senator Sheldon: Appropriating funds for projects recommended by the public works board. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1995

SB 5374 Prime Sponsor, Senator Smith: Establishing registered limited liability partnerships. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5374 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, Roach and Schow.

Passed to Committee on Rules for second reading.

February 15, 1995

SB 5467 Prime Sponsor, Senator Smith: Reducing the size of the state supreme court. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5467 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley and Schow.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 15, 1995

SB 5500 Prime Sponsor, Senator Smith: Clarifying the method of execution to be used in Washington state. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin and Quigley.

MINORITY Recommendation: Do not pass. Signed by Senators C. Anderson, Vice Chair; and Roach.

Passed to Committee on Rules for second reading.

February 15, 1995

SB 5588 Prime Sponsor, Senator C. Anderson: Clarifying protection of private communications. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5588 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley and Schow.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5630 Prime Sponsor, Senator Cantu: Limiting nonconsensual common law liens. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5698 Prime Sponsor, Senator Roach: Providing for retrocession of criminal jurisdiction by the Muckleshoot Tribe. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5848 Prime Sponsor, Senator Smith: Providing for retrocession of criminal jurisdiction by the Tulalip Tribe. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 15, 1995

SJM 8015 Prime Sponsor, Senator Fraser: Requesting a variance in order to preserve man-made wetlands. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 8015 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 15, 1995

SJR 8210 Prime Sponsor, Senator Smith: Revising size and leadership of the state supreme court. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 8210 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley and Schow.

Passed to Committee on Rules for second reading.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
1112 S.E. Quince Street, MS/7890, P.O. Box 47890  
Olympia, Washington 98504-7890

February 10, 1995

The Honorable Marty Brown  
Secretary of the Senate  
306 Legislative Building  
Olympia, Washington 98504

Dear Secretary Brown:

The Washington State Department of Health and the Youth Suicide Prevention Plan Advisory Committee are pleased to present the Youth Suicide Prevention Plan for Washington State. The Plan is the result of intensive work done by the committee as directed by the 1993-95 supplemental operating budget.

In preparing the plan, we were reminded again and again that youth suicide has touched the lives of too many of your youth and their families. Suicide is the second leading cause of death among young people aged 15-24 years in Washington.

The Plan includes comprehensive recommendations for addressing the tragedy of youth suicide. It is our fervent hope that the Plan will be the catalyst necessary to begin a concerted effort to reduce youth suicide in our state.

Thank you for the opportunity to provide you with this important information.

Sincerely,  
BRUCE A. MIYAHARA, Secretary

The Report from the Department of Health Youth Suicide Prevention Plan Advisory Committee is on file in the Office of the Secretary of the Senate.

#### INTRODUCTION AND FIRST READING

SB 5947 by Senators Bauer, Kohl, Moyer, Palmer, Prince, Sheldon, Gaspard, Snyder, Drew, Sutherland and Winsley (by request of State Board for Community and Technical Colleges)

AN ACT Relating to faculty salary increments for community and technical colleges; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5948 by Senators Drew, Gaspard, Oke, Owen, Haugen, McDonald, Rasmussen, Sutherland and Bauer

AN ACT Relating to the authority of the state commission on fish and wildlife; amending RCW 77.04.040, 77.04.055, 77.04.080, 75.08.080, 75.25.095, 75.30.060, 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.050, 75.50.070, 75.50.110, 75.50.130, 75.52.050, 75.08.014, and 77.04.060; adding a new section to chapter 43.300 RCW; creating new sections; and providing an effective date.

Referred to Committee on Natural Resources.

SB 5949 by Senator Fraser

AN ACT Relating to water supply regulation; amending RCW 43.21A.064 and 90.03.070; adding new sections to chapter 43.27A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5950 by Senators Owen and Oke

AN ACT Relating to vessels providing excursion services; adding new sections to chapter 81.84 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 5951 by Senators Sheldon, A. Anderson, Hale, Winsley, Gaspard, Drew, Loveland, Fraser, Haugen, Spanel, Snyder, Palmer and Bauer

AN ACT Relating to contracts between cities, counties, or other districts and owners or developers of real property; amending RCW 35.21.225, 35.43.042, 35.43.190, 35.92.010, 36.73.020, 36.94.220, 56.20.015, 57.08.010, and 57.16.050; reenacting and amending RCW 36.88.010 and 56.08.010; adding new sections to chapter 36.70A RCW; adding a new section to chapter 35.43 RCW; adding new sections to chapter 36.32 RCW; adding a new section to chapter 56.08 RCW; adding a new section to chapter 57.08 RCW; and creating new sections.

Referred to Committee on Ecology and Parks.

SB 5952 by Senators Sheldon, A. Anderson, Hale, Winsley, Gaspard, Haugen, Drew, Loveland, Fraser, Spanel, Snyder, Palmer, Rasmussen and Bauer

AN ACT Relating to improving coordination of shoreline management with other planning and appeals processes; amending RCW 90.58.020, 90.58.030, 90.58.050, 90.58.060, 90.58.080, 90.58.090, 90.58.100, 90.58.120, 90.58.140, 90.58.180, 90.58.190, 34.05.461, 34.05.514, 36.70A.020, 36.70A.070, 36.70A.280, and 36.70A.320; reenacting and amending RCW 36.70A.290; and repealing RCW 90.58.145.

Referred to Committee on Ecology and Parks.

SB 5953 by Senators Sheldon, Loveland, A. Anderson, Hale, Winsley, Gaspard, Drew, Fraser, Haugen, Spanel, Snyder, Palmer, Rasmussen and Bauer

AN ACT Relating to judicial review of land use decisions; amending RCW 7.16.360 and 58.17.180; adding a new section to chapter 4.84 RCW; and adding a new chapter to Title 36 RCW.

Referred to Committee on Ecology and Parks.

SB 5954 by Senators Roach, McDonald, Hochstatter, Schow, Smith, Winsley, Long, Strannigan, Moyer and West

AN ACT Relating to authorizing a retired status certificate for engineers and land surveyors; and adding a new section to chapter 18.43 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 5955 by Senators Owen, Schow, Hargrove, Hochstatter, Haugen, Oke, Roach, Morton, Sellar and Smith

AN ACT Relating to joint residential placement; amending RCW 26.09.004, 26.09.187, and 26.09.260; and adding new sections to chapter 26.09 RCW.

Referred to Committee on Law and Justice.

SB 5956 by Senators Rasmussen, Strannigan, Rinehart, Hargrove, Smith, Schow, Prentice, Hochstatter, Wojahn, Haugen, Sheldon, Gaspard, Deccio, Spanel, Morton, Pelz, Franklin, Bauer, Kohl, Sutherland, Palmer, McDonald, Wood, A. Anderson, Owen, McAuliffe, Fraser, Long, West, Oke and Winsley

AN ACT Relating to collection of unpaid court-ordered legal financial obligations; and amending RCW 36.18.190.

Referred to Committee on Law and Justice.

SJM 8018 by Senators Spanel, Haugen, A. Anderson, Morton and Sellar

Opposing a border fee between the United States of America and Canada.

Referred to Committee on Government Operations.

SJM 8019 by Senators Oke, Owen, Snyder, A. Anderson, Haugen, Bauer, Gaspard, McDonald, Swecker, Roach, Strannigan, Palmer, Hochstatter, Morton, West, Rasmussen and Spanel

Requesting federal assistance to facilitate the implementation of judicial decisions concerning the harvest of fish and shellfish.

Referred to Committee on Natural Resources.

#### MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, February 17, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-NINTH DAY, FEBRUARY 16, 1995

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**FORTIETH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, February 17, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Fairley, Schow and Wojahn. On motion of Senator Loveland, Senators Fairley and Wojahn were excused. On motion of Senator Wood, Senator Schow was excused.

The Sergeant at Arms Color Guard, consisting of Pages Michael Sheafe and Victoria Shoemaker, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5080 Prime Sponsor, Senator Smith: Directing the department of licensing to develop electronic security systems to prevent fraud involving drivers' licenses and identicards. Reported by Committee on Law and Justice  
February 15, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5080 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Haugen, Long, Quigley, Roach and Schow.

Referred to Committee on Ways and Means.

SB 5219 Prime Sponsor, Senator Smith: Changing domestic violence provisions. Reported by Committee on Law and Justice  
February 15, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, Roach and Schow.

Referred to Committee on Ways and Means.

SB 5292 Prime Sponsor, Senator Sutherland: Revising the level of civil penalties for violation of gas pipeline safety regulations. Reported by Committee on Energy, Telecommunications and Utilities  
February 16, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

SB 5328 Prime Sponsor, Senator Deccio: Revising provisions relating to juvenile probation and detention services. Reported by Committee on Law and Justice  
February 15, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 15, 1995

SB 5400 Prime Sponsor, Senator Smith: Providing for reimbursements to the department of labor and industries related to crime victim compensation. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5400 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5421 Prime Sponsor, Senator Fraser: Modifying the definition of "vulnerable adult" for background check purposes. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5421 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5521 Prime Sponsor, Senator Kohl: Modifying availability of child care subsidy programs. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5521 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5681 Prime Sponsor, Senator Quigley: Providing penalties for illegal activities involving tobacco. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5681 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Cal Anderson, Fairley and Moyer.

Referred to Committee on Ways and Means.

February 16, 1995

SB 5689 Prime Sponsor, Senator Oke: Prohibiting giveaways of cigarette and tobacco samples and coupons. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Cal Anderson, Fairley, Franklin and Moyer.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5787 Prime Sponsor, Senator Sutherland: Providing a comprehensive public drinking water system assistance program. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

February 15, 1995

SJM 8006 Prime Sponsor, Senator Oke: Asking Congress to propose a constitutional amendment to prohibit the physical desecration of the flag. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

MINORITY Recommendation: Do not pass. Signed by Senator Cal Anderson, Vice Chair.



Passed to Committee on Rules for second reading.

February 16, 1995

SJM 8014 Prime Sponsor, Senator Fraser: Petitioning Congress regarding water adjudication. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

February 15, 1995

HJM 4000 Prime Sponsor, Representative Reams: Asking Congress to propose a constitutional amendment to prohibit the physical desecration of the flag. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

MINORITY Recommendation: Do not pass. Signed by Senator Cal Anderson, Vice Chair.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 5957 by Senator Cantu

AN ACT Relating to plat and subdivision amendments; and adding a new section to chapter 58.17 RCW.

Referred to Committee on Government Operations.

SB 5958 by Senators Morton, Sellar, Hale, Heavey, A. Anderson, Prince, Hochstatter, Deccio, McCaslin, Swecker, Schow and Rasmussen

AN ACT Relating to water storage applications; amending RCW 90.03.320 and 90.14.140; and creating a new section.

Referred to Committee on Senate Select Committee on Water Policy.

SB 5959 by Senator Sutherland

AN ACT Relating to ensuring security of document transmissions using common carrier, broadcast, and computer technologies; reenacting and amending RCW 42.17.310; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 5960 by Senator Sutherland

AN ACT Relating to the motor vehicle excise tax; amending RCW 81.100.060 and 82.44.020; reenacting and amending RCW 81.104.160 and 82.44.110; and providing an effective date.

Referred to Committee on Transportation.

SB 5961 by Senator Sutherland

AN ACT Relating to telecommuting; amending RCW 36.70.020, 35.63.010, and 35A.63.010; reenacting and amending RCW 36.70A.030; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; creating new sections; and making an appropriation.

Referred to Committee on Government Operations.

SB 5962 by Senators Rasmussen and Newhouse

AN ACT Relating to dairy products; and amending RCW 15.36.111 and 15.36.121.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 5963 by Senators Bauer, Wojahn and Winsley

AN ACT Relating to sick leave cash out; and amending RCW 28A.310.490, 28A.400.210, and 41.04.340.

Referred to Committee on Ways and Means.

SB 5964 by Senators Prentice, Sellar, Loveland, Moyer and Kohl

AN ACT Relating to low-income and special needs housing; amending RCW 82.46.010; and creating a new section.

Referred to Committee on Financial Institutions and Housing.

SB 5965 by Senators Smith, Roach, Schow, Oke, Bauer and Long

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

Referred to Committee on Government Operations.

SB 5966 by Senators Bauer and Kohl

AN ACT Relating to the Washington award for vocational excellence; amending RCW 28C.04.520, 28C.04.525, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.545, and 28B.15.545; adding a new section to chapter 28C.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

#### MOTION

On motion of Senator Swecker, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8616

By Senators Swecker, Fraser, Palmer, Snyder and Owen

WHEREAS, The Legislature finds that as interests in the Chehalis River Basin have diversified, the Chehalis River and its tributaries have sustained increasing pressure to satisfy demands for irrigation, hydroelectricity, and instream flow needs for fisheries and recreation; and

WHEREAS, Since approval of the "Chehalis River Basin Action Plan" in 1992, recommendations in the plan have not yet been fully addressed by the federal, state, and local agencies with management or regulatory jurisdiction in the Basin; and

WHEREAS, In view of the high resource values at stake in the Chehalis River Basin, an innovative process is needed to provide for implementation of the plan and for sound watershed management;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and commend the mission statement of the Chehalis Watershed Council: The Chehalis Watershed Council is a grassroots, community forum which uses a nonadversarial, consensus based approach to problem solving and conflict resolution among stakeholders, scientists, and agencies with varied perspectives; and

BE IT FURTHER RESOLVED, That the Senate encourage state agencies to participate in the Chehalis Watershed Council, to focus on watershed issues and to facilitate long-term solutions.

Senators Swecker and Fraser spoke to Senate Resolution 1995-8616.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Chehalis Watershed Council, who were seated in the gallery.

#### MOTION

At 10:11 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:36 a.m. by President Pritchard.

#### MOTION

On motion of Senator Spanel, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 14, 1995

SB 5269 Prime Sponsor, Senator Rasmussen: Raising the maximum cost for raffle tickets to ten dollars. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5395 Prime Sponsor, Senator Pelz: Revising provisions related to industrial insurance benefits. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5395 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale and Palmer.

Referred to Committee on Ways and Means.

February 14, 1995

SB 5402 Prime Sponsor, Senator Pelz: Revising provisions related to industrial insurance penalties. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5402 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5465 Prime Sponsor, Senator Owen: Transferring functions of the Maritime Commission to a nonprofit corporation. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Wood.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5548 Prime Sponsor, Senator Fraser: Changing the registration requirements relating to professional land surveyors and engineers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5613 Prime Sponsor, Senator Pelz: Revising the provision authorizing the department of labor and industries to hold industrial insurance orders in abeyance. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5668 Prime Sponsor, Senator Hale: Revising provisions relating to sureties for industrial insurance self-insurers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 14, 1995

SB 5705 Prime Sponsor, Senator Newhouse: Establishing requirements for work force development programs in the employment security department. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

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

SECOND READING  
GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Hargrove, Gubernatorial Appointment No. 9009, Dr. Dean K. Brooks, as Chair of the State Hospital, Western Washington Advisory Board, was confirmed.

APPOINTMENT OF DR. DEAN K. BROOKS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.  
Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 46.  
Excused: Senators Fairley, Schow and Wojahn - 3.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Washington's United States Congresswoman Linda Smith, who was seated on the rostrum.

MOTION

On motion of Senator Loveland, Senator Bauer was excused.

SECOND READING

SENATE BILL NO. 5176, by Senators Pelz and Deccio (by request of Liquor Control Board)

Improving the enforcement provisions of the Washington state liquor act.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5176.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5176 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Anderson, C., Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 45.

Excused: Senators Bauer, Fairley, Schow and Wojahn - 4.

SENATE BILL NO. 5176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5127, by Senators West, Haugen, Morton, Prince, Moyer and McCaslin

Changing provisions regarding public facilities districts.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5127 was substituted for Senate Bill No. 5127 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5127.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, A., Anderson, C., Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 44.

Absent: Senator Roach - 1.

Excused: Senators Bauer, Fairley, Schow and Wojahn - 4.

SUBSTITUTE SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Wood, Senator Roach was excused.

#### SECOND READING

SENATE BILL NO. 5239, by Senators Oke and Owen

Requiring any person convicted of communication with a minor to register as a sex offender.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5239.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5239 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Anderson, C., Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 44.

Excused: Senators Bauer, Fairley, Roach, Schow and Wojahn - 5.

SENATE BILL NO. 5239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5170, by Senators McAuliffe, Long, Fairley, Drew, Haugen, Bauer, Fraser, Pelz, Kohl, Oke and Gaspard

Allowing disclosure of juvenile records to affected school districts.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5170 was substituted for Senate Bill No. 5170 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5170.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5170 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 46.

Excused: Senators Fairley, Schow and Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5021, by Senators Snyder, Owen and Rasmussen

Modifying regulation of limited outdoor burning.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5021 was substituted for Senate Bill No. 5021 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Owen: "Senator Snyder, on page 2, lines 1 through 3, is the intent of this language to allow residential burning in counties less than 50,000 population without any permit or process?"

Senator Snyder: "The answer is 'yes.'"

Senator Owen: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5021.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5021 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 46.

Excused: Senators Fairley, Schow and Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:07 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, February 20, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTIETH DAY, FEBRUARY 17, 1995

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**FORTY-THIRD DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, February 20, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Quigley.

The Sergeant at Arms Color Guard, consisting of Pages Joia Fried and Brandy Keon, presented the Colors. Reverend Peter Mans, pastor of the Olympia Christian Reformed Church, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

SB 5000 Prime Sponsor, Senator Loveland: Reducing property taxes. Reported by Committee on Ways and Means

February 16, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5000 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Moyer, Quigley, Sheldon, Snyder, Spanel, Sutherland and Winsley.

Passed to Committee on Rules for second reading.

SB 5024 Prime Sponsor, Senator Hargrove: Requiring offenders to assist in paying for certain health care services. Reported by Committee on Ways and Means

February 16, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5024 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

SB 5082 Prime Sponsor, Senator Haugen: Providing for death investigations systems. Reported by Committee on Ways and Means

February 16, 1995

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5082 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

SB 5106 Prime Sponsor, Senator Morton: Providing for grizzly bear management. Reported by Committee on Natural Resources

February 17, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5106 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

SB 5124 Prime Sponsor, Senator Wojahn: Revising provisions concerning marriage licenses. Reported by Committee on Health and Long-Term Care

February 16, 1995



MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5129 Prime Sponsor, Senator Sheldon: Excluding utility line clearing from the definition of retail sale. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5129 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland and West.

Passed to Committee on Rules for second reading.

February 15, 1995

SB 5141 Prime Sponsor, Senator Smith: Revising provisions relating to offenses involving alcohol or drugs. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5141 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley and Roach.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5159 Prime Sponsor, Senator Owen: Creating the warm water game fish enhancement program. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5159 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Referred to Committee on Ways and Means.

February 17, 1995

SB 5178 Prime Sponsor, Senator Fraser: Regulating securities investments. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5178 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5204 Prime Sponsor, Senator Hargrove: Revising provisions relating to work ethic camps. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5235 Prime Sponsor, Senator Bauer: Adding a superior court judge in Clark county. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5235 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Roach, Sheldon, Snyder, Spanel, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5313 Prime Sponsor, Senator Rasmussen: Excusing small tree harvesters from the commercial driver's license requirements. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5313 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Wood.

Passed to Committee on Rules for second reading.

February 17, 1995

SB 5355 Prime Sponsor, Senator Drew: Providing for payment of claims for damages caused by deer or elk. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5365 Prime Sponsor, Senator Fairley: Revising the uniform disciplinary act. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5365 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5386 Prime Sponsor, Senator Quigley: Modifying provision of the basic health plan. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5386 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; C. Anderson, Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 17, 1995

SB 5389 Prime Sponsor, Senator Prentice: Regulating escrow agents. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5389 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5430 Prime Sponsor, Senator Prentice: Regulating the capital and surplus requirements of insurance companies. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Hale, Roach, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

February 17, 1995

SB 5449 Prime Sponsor, Senator Snyder: Revising shellfish sanitation requirements to enhance the safety of recreationally and commercially harvested seafood. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5449 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5463 Prime Sponsor, Senator Newhouse: Requiring alcohol servers to have alcohol servers permits. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5463 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5483 Prime Sponsor, Senator Sutherland: Enhancing public telecommunication access. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5483 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; and Owen.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Finkbeiner and Hochstatter.

Passed to Committee on Rules for second reading.

February 17, 1995

SB 5544 Prime Sponsor, Senator Owen: Concerning the leasing of state shoreline for the exploration of oil or gas. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Haugen, Morton, Oke, Owen and Snyder.

MINORITY Recommendation: Do not pass. Signed by Senators A. Anderson, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5568 Prime Sponsor, Senator Heavey: Limiting weight of tire studs. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5568 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Wood.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5575 Prime Sponsor, Senator Sheldon: Allowing persons at least sixteen years of age to make anatomical gifts if a parent or guardian signs the document of gift. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5581 Prime Sponsor, Senator Fraser: Extending the expiration date for the pollution liability insurance program. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Hale, Roach, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

February 17, 1995

SB 5625 Prime Sponsor, Senator Haugen: Clarifying hunting license requirements. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5652 Prime Sponsor, Senator Gaspard: Temporarily prohibiting public assistance payments for willful violators of public assistance eligibility provisions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5653 Prime Sponsor, Senator Gaspard: Transferring functions of the certified criminal justice agency within the department of social and health services to the office of the attorney general. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5653 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 16, 1995

SB 5660 Prime Sponsor, Senator Prentice: Providing for heating oil liability protection. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5660 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Sutherland.

Referred to Committee on Ways and Means.

February 17, 1995

SB 5718 Prime Sponsor, Senator Drew: Authorizing fund-raising on state property to benefit public fish and wildlife programs. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 17, 1995

SB 5830 Prime Sponsor, Senator McAuliffe: Changing provisions for students transferring between private and public schools. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 13, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe W. Jackson, reappointed February 13, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 14, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Eugene Matt, appointed February 14, 1995, for a term ending January 4, 2001, as a member of the Personnel Resources Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

February 15, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
George Bradley, appointed January 19, 1995, for a term ending January 19, 1999, as a member of the Board of Pharmacy.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

February 15, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Matthew J. Coyle, to be reappointed March 1, 1995, for a term ending March 1, 2001, as a member of the Board of Tax Appeals.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING

SB 5967 by Senators McAuliffe, Johnson, Fraser, Rasmussen and Kohl

AN ACT Relating to public school license plates; amending RCW 46.16.301 and 46.16.313; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SB 5968 by Senator McAuliffe

AN ACT Relating to computation of the fiscal growth factor; amending RCW 43.135.025; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways and Means.

SB 5969 by Senators Bauer, West, Oke, Rinehart, Prince, Wojahn and Gaspard (by request of Legislative Budget Committee)

AN ACT Relating to changing the name of the legislative budget committee to the joint committee on performance audits; and amending RCW 28A.630.830, 28B.20.382, 39.19.060, 39.29.016, 39.29.018, 39.29.025, 39.29.055, 41.06.070, 42.48.060, 43.09.310, 43.21J.800, 43.72.830, 43.79.270, 43.79.280, 43.88.020, 43.88.160, 43.88.205, 43.88.230, 43.88.310, 43.88.510, 43.131.050, 43.131.060, 43.131.070, 43.131.080, 43.131.110, 43.250.080, 44.28.010, 44.28.050, 44.28.060, 44.28.085, 44.28.086, 44.28.087, 44.28.140, 44.28.180, 44.40.025, 67.70.310, 79.01.006, and 88.46.920.

Referred to Committee on Ways and Means.

SB 5970 by Senators Fraser, Roach, Pelz, Prentice, Winsley, Heavey and Hargrove

AN ACT Relating to membership in the law enforcement officers' and fire fighters' retirement system for law enforcement officers employed by the state liquor control board or the state parks and recreation commission; amending RCW 41.54.010; reenacting and amending RCW 41.26.030 and 41.54.040; adding a new section to chapter 41.40 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5971 by Senators C. Anderson, Kohl and Prentice

AN ACT Relating to assault weapons; amending RCW 9.41.220; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5972 by Senators C. Anderson, Kohl and Prentice

AN ACT Relating to state preemption of firearms regulation; and amending RCW 9.41.290.

Referred to Committee on Law and Justice.

SB 5973 by Senators Bauer, Cantu, Snyder, Strannigan, McAuliffe, Heavey, Rasmussen, Hochstatter, Hale, Quigley, Sheldon, C. Anderson, Fairley, Loveland, McDonald, Winsley, Prince, McCaslin, Finkbeiner, West, Wood, Schow, Sutherland, Oke, Long, Moyer, Deccio, Morton, Sellar, Roach, Owen, Prentice, Smith and Kohl

AN ACT Relating to tax exemptions for manufacturing and processing; amending RCW 82.04.190, 82.60.040, 82.60.045, 82.60.070, 82.61.010, and 82.63.010; reenacting and amending RCW 82.60.020; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.63 RCW; creating new sections; repealing RCW 82.61.020, 82.61.040, 82.63.040, and 82.63.050; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5974 by Senators Prentice, Fairley, Pelz and Kohl (by request of Department of Labor and Industries)

AN ACT Relating to crane operators licensing; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 5975 by Senators Prentice, Hale and Kohl (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to creating an exemption from the real estate excise tax for affordable housing; amending RCW 82.46.010; and creating a new section.

Referred to Committee on Financial Institutions and Housing.

SB 5976 by Senators West, Bauer, Wojahn, Gaspard, Rinehart, Oke and Prince (by request of Legislative Budget Committee)

AN ACT Relating to reimbursement of the legislative budget committee for program and fiscal reviews; and adding a new section to chapter 43.131 RCW.

Referred to Committee on Ways and Means.

SB 5977 by Senators Loveland, Haugen, Long, Smith and Winsley

AN ACT Relating to forensic investigations; amending RCW 43.43.670, 43.103.010, 43.103.020, 43.103.030, 43.103.040, 43.103.050, 43.103.070, 43.103.090, 43.79.445, 68.50.107, 82.14.310, and 82.14.320; and reenacting and amending RCW 82.44.110.

Referred to Committee on Government Operations.

SB 5978 by Senators Prentice, Gaspard, A. Anderson, Newhouse, Winsley and Rasmussen

AN ACT Relating to employment in the construction industry; amending RCW 51.24.035, 51.16.140, and 51.32.073; adding a new section to chapter 49.17 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5979 by Senator Hochstatter

AN ACT Relating to learning materials support; adding a new section to chapter 28A.195 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

SB 5980 by Senators Strannigan, Owen, McCaslin, Wood, Long, Schow, Deccio, Finkbeiner, Roach, Loveland, Oke, Prince, Haugen, Morton, McDonald, A. Anderson, Palmer, Prentice, West, Moyer, Johnson, Hale, Hochstatter, Swecker, Cantu, Franklin, Kohl, Winsley and Rasmussen

AN ACT Relating to a performance audit of the department of transportation; and creating a new section.

Referred to Committee on Ways and Means.

SB 5981 by Senators Prentice, Hargrove, Kohl, Heavey and Fairley

AN ACT Relating to health care coverage for confined persons; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.20 RCW; and adding a new section to chapter 48.21 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5982 by Senators Pelz and Franklin

AN ACT Relating to requiring community networks to emphasize youth job training and employment; and amending RCW 70.190.050, 70.190.070, 70.190.080, and 43.41.195.

Referred to Committee on Human Services and Corrections.

SB 5983 by Senators Pelz and Franklin

AN ACT Relating to qualifications of teachers; and adding a new section to chapter 28A.410 RCW.

Referred to Committee on Education.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 17, 1995

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8405, with the following amendment:

On page 1, line 1, strike the resolution and insert, "For purposes of the joint legislative cutoffs, (HCR 4400), the Senate Transportation Committee shall have the same cutoffs as does the Senate Ways and Means Committee.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendment to Senate Concurrent Resolution No. 8405. The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8405, as amended by the House.

SENATE CONCURRENT RESOLUTION NO. 8405, as amended by the House, was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Miss Washington 1994, Annalee Klein, who was seated on the rostrum. With permission of the Senate, business was suspended to permit Miss Washington to address the Senate.

#### INTRODUCTION OF MISS WASHINGTON SCHOLARSHIP PAGEANT CONTESTANTS

The President welcomed and introduced the Miss Washington Scholarship Pageant contestants accompanying Miss Washington, who were seated in the gallery.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Washington's United States Senator, Patty Murray, who was seated on the Senate Rostrum. With permission of the Senate, business was suspended to permit Senator Murray to address the Senate.

#### MOTION

At 10:24 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:07 a.m. by President Pritchard. There being no objection, the President returned the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

February 16, 1995

SB 5258 Prime Sponsor, Senator Hargrove: Making technical revisions to community public health and safety networks. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5258 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

February 15, 1995

SB 5491 Prime Sponsor, Senator Smith: Modifying juvenile disposition. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5491 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, Roach and Schow.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Snyder, the following resolution was adopted.

#### SENATE RESOLUTION 1995-8619

By Senators Snyder and Newhouse

WHEREAS, The Senate is pleased to acknowledge the presence of former members, staff, lobbyists and press corps personnel in recognition of their past services and other assorted activities; and

WHEREAS, The "Legislative Old Timers Reunion," now a formal and official part of legislative proceedings, presents us with an opportunity to pay our respects to those who are no longer directly serving in or with the State Senate, some by choice; and

WHEREAS, There is no truth to the rumor that the reunion organizing committee ever seriously considered changing the name of these festivities from "Legislative Old Timers" to "The Over The Hill Gang Reunion;" and

WHEREAS, Most of those being honored here today and this evening paid little or no attention to past floor resolutions, but no doubt are intently listening to this one; and

WHEREAS, Many of our guests are now enjoying retirement and wouldn't trade places with any of us on this 43rd Legislative Day; and

WHEREAS, As we gaze upon those who have gathered here today we could associate them with terms such as: armchair strategists; chronic campaigners; masters of baffle-gab; troglodytes and do-gooders; we prefer to call them "Friend;" and

WHEREAS, Presidents' Day (sort of a busmen's holiday for you) seems a peculiar day to try to convince you that you are missed;

NEVERTHELESS, AND WITH A BARE MAJORITY CONCURRING,

BE IT RESOLVED, That we heartily welcome you back to say thank you for the contributions you have made to the Washington State Senate, be they ever so minute!

Senators Snyder, Newhouse, Wojahn, Gaspard and McDonald spoke to Senate Resolution 1995-8619.

#### ROLL CALL

President Pritchard asked the Secretary to take the roll call of Senate Old Timers who were present in the Senate Chamber.

Former Senators August Mardesich, Eugene Lux, "Pete" Francis, Gary Nelson, Bill Kiskaddon and Patrick Sutherland spoke to the Legislative Reunion.

#### MOTION

At 11:29 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, February 21, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate



JOURNAL OF THE SENATE

FORTY-THIRD DAY, FEBRUARY 20, 1995

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**FORTY-FOURTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, February 21, 1995  
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 1995  
SB 5109 Prime Sponsor, Senator Quigley: Requiring the higher education coordinating board to review certain programs slated for closure by an institution of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5109 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe and Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senators A. Anderson, Prince and Wood.

Passed to Committee on Rules for second reading.

February 17, 1995  
SB 5153 Prime Sponsor, Senator Hargrove: Permitting control of life-threatening animals. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5153 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 20, 1995  
SB 5286 Prime Sponsor, Senator Bauer: Changing provisions relating to the state educational grant account. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules for second reading.

February 20, 1995  
SB 5289 Prime Sponsor, Senator Bauer: Continuing the future teachers conditional scholarship program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Referred to Committee on Ways and Means.

February 17, 1995

SB 5447 Prime Sponsor, Senator McAuliffe: Tying the use of student learning improvement grants to attaining the student learning goals.  
Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5447 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5540 Prime Sponsor, Senator Smith: Authorizing drug-free zones around public housing authority facilities. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5540 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5546 Prime Sponsor, Senator Snyder: Revising the affidavits required for marriage licenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5647 Prime Sponsor, Senator Bauer: Changing retention of leave provisions for employees of community and technical colleges. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5647 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules for second reading.

February 17, 1995

SJM 8007 Prime Sponsor, Senator Morton: Requesting that a state of forest health emergency be declared and that salvage sales of dead and dying trees be expedited. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 8007 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 20, 1995

SHB 1001 Prime Sponsor, House Committee on Higher Education: Exempting institutions of higher education from certain expenditure requirements. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 20, 1995

GA 9018 CHARLES W. FROMHOLD, appointed October 3, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Clark Community College District No. 14. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules.

February 20, 1995

GA 9025 WILLIAM L. HAMILTON, appointed December 19, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Clover Park Technical College District No. 29. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules.

February 20, 1995

GA 9028 ROBERT HELSELL, appointed December 27, 1994, for a term ending September 30, 2000, as a member of the Board of Trustees for Western Washington University. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules.

February 20, 1995

GA 9029 JAMES D. HORTON, appointed April 7, 1994, for a term ending September 30, 1997, as a member of the Board of Trustees for Yakima Valley Community College District No. 16. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules.

February 20, 1995

GA 9035 KAREN KEISER, appointed March 23, 1994, for a term ending September 30, 1995, as a member of the Board of Trustees for Highline Community College District No. 9. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules.

February 20, 1995

GA 9054 SARAH PHILLIPS, appointed August 2, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Shoreline Community College District No. 7. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules.

February 20, 1995

GA 9062 PHILIP E. SHARPE, JR., reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Whatcom Community College District No. 21. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules.

February 20, 1995

GA 9071 MARY SWENSON, appointed April 5, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Western Washington University. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules.

February 20, 1995

GA 9117 GUY McMINDS, appointed January 9, 1995, for a term ending September 30, 1996, as a member of the Board of Trustees for Grays Harbor Community College District No. 2. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules.

#### MESSAGES FROM THE HOUSE

February 17, 1995

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1055, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 17, 1995

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1019,  
HOUSE BILL NO. 1041,  
HOUSE BILL NO. 1068,  
HOUSE BILL NO. 1086,  
HOUSE BILL NO. 1087,  
HOUSE BILL NO. 1096,  
SUBSTITUTE HOUSE BILL NO. 1097,  
HOUSE BILL NO. 1176,  
HOUSE BILL NO. 1180,  
SUBSTITUTE HOUSE BILL NO. 1182,  
SUBSTITUTE HOUSE BILL NO. 1183,  
SUBSTITUTE HOUSE BILL NO. 1185,  
HOUSE BILL NO. 1186,  
HOUSE BILL NO. 1190,  
SUBSTITUTE HOUSE BILL NO. 1237,  
HOUSE BILL NO. 1285,  
SUBSTITUTE HOUSE BILL NO. 1337,  
HOUSE BILL NO. 1371, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 17, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1017,  
HOUSE BILL NO. 1029, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5984 by Senators Palmer, Heavey, McCaslin, Hochstatter, Moyer, Strannigan, Johnson and Morton

AN ACT Relating to standards for designation of urban growth areas; and amending RCW 36.70A.110 and 36.70A.130.

Referred to Committee on Government Operations.

SB 5985 by Senators Palmer, Heavey, McCaslin and Hochstatter

AN ACT Relating to construction of improvements necessary to maintain level of service standards for transportation facilities; and amending RCW 36.70A.070.

Referred to Committee on Government Operations.

SB 5986 by Senator Gaspard

AN ACT Relating to school district indebtedness; amending RCW 28A.530.080; and adding a new section to chapter 28A.530 RCW.

Referred to Committee on Education.

SB 5987 by Senator Snyder

AN ACT Relating to recreational fishery in waters adjacent to Oregon waters; and amending RCW 75.08.012.

Referred to Committee on Natural Resources.

SB 5988 by Senators McDonald and Oke

AN ACT Relating to property tax relief for senior citizens and persons retired by reason of physical disability; amending RCW 84.38.020, 84.38.030, and 84.38.020; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5989 by Senators Prince, Haugen, Cantu, Hochstatter, Finkbeiner, Oke, Deccio, Loveland, McCaslin, Sheldon, Strannigan, Heavey, Hale, Swecker, Morton, Johnson, West, Roach, Schow, McDonald and Wood

AN ACT Relating to preparation of organizational charts for state government; and adding a new section to chapter 44.28 RCW.

Referred to Committee on Ways and Means.

SB 5990 by Senators Long, Bauer, Cantu, Rinehart, Newhouse, Winsley, Wood, Deccio, Johnson, Finkbeiner, Loveland and Hochstatter

AN ACT Relating to requiring public notice prior to entering into agreements to pay certain types of excess compensation; and adding a new section to chapter 41.50 RCW.

Referred to Committee on Ways and Means.

SB 5991 by Senators Fraser and Rasmussen

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

Referred to Committee on Government Operations.

SB 5992 by Senators Bauer, Pelz, Wood, Prince, Kohl, Deccio, Heavey and Rasmussen

AN ACT Relating to the work force training and education coordinating board; amending RCW 28C.18.050; adding new sections to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 5993 by Senators Winsley, Finkbeiner, Swecker and Wood

AN ACT Relating to leaves of absence for disaster relief services; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Government Operations.

SB 5994 by Senators West, Moyer, Deccio, Hochstatter, Oke, Finkbeiner, Palmer, Winsley, Johnson, Schow, Hale and Strannigan

AN ACT Relating to the state employee attendance incentive program; amending RCW 41.04.340; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5995 by Senators West and Oke

AN ACT Relating to property tax relief for residential property leased to disabled persons and low-income senior citizens; amending RCW 84.36.383, 84.36.387, 84.36.389, and 84.36.383; adding a new section to chapter 84.36 RCW; and providing contingent effective dates.

Referred to Committee on Ways and Means.

SJR 8217 by Senators West and Oke

Amending the state Constitution to allow property tax relief for property leased to disabled persons or low-income senior citizens.

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1017 by House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Horn, Robertson, Padden, Lisk, Scott, Dyer, Thompson, Goldsmith, K. Schmidt, Sehlin, Campbell, Sheldon and Talcott)

Transferring emergency management functions from the department of community development to the military department.

Referred to Committee on Government Operations.

HB 1019 by Representative Padden

Transferring certain interests in individual retirement accounts.

Referred to Committee on Law and Justice.

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

Modifying adoption of the uniform benefits package.

Referred to Committee on Health and Long-Term Care.

HB 1041 by Representatives Quall, Schoesler, Robertson and Sheldon

Authorizing a trade association representing manufactured housing dealers to use a manufactured home as an office.

Referred to Committee on Labor, Commerce and Trade.

EHB 1055 by Representatives Padden, Fuhrman and Sheldon

Exempting docks of less than seven hundred square feet from the definition of substantial development under the Shorelines Management Act.

Referred to Committee on Ecology and Parks.

HB 1068 by Representatives Brumsickle, Chappell and Radcliff

Preserving port district debt limits.

Referred to Committee on Government Operations.

HB 1086 by Representatives Hickel and Appelwick (by request of Law Revision Commission)

Revising provisions relating to personal property liens and security interests.

Referred to Committee on Law and Justice.

HB 1087 by Representatives Hickel and Appelwick (by request of Law Revision Commission)

Correcting an unconstitutional provision concerning jurisdiction for violations dealing with motor vehicles.

Referred to Committee on Law and Justice.

HB 1096 by Representatives Padden, Appelwick and Hickel

Modifying the limited liability company act.

Referred to Committee on Law and Justice.

SHB 1097 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, Appelwick and Padden)

Waiving penalties for certain estate tax returns.

Referred to Committee on Ways and Means.

HB 1176 by Representatives Delvin, Hickel, Sheahan, Appelwick, Dellwo, Hankins, Mastin, Honeyford and Padden

Authorizing Benton county to have one additional district court judge.

Referred to Committee on Law and Justice.

HB 1180 by Representatives Van Luven, D. Schmidt, Hargrove, Honeyford and Thompson

Limiting administrative law judge service by former agency employees.

Referred to Committee on Government Operations.

SHB 1182 by House Committee on Law and Justice (originally sponsored by Representatives Hickel and Appelwick)

Modifying the uniform commercial code.

Referred to Committee on Law and Justice.

SHB 1183 by House Committee on Law and Justice (originally sponsored by Representatives Appelwick and Hickel)

Updating uniform commercial code provisions on investment securities.

Referred to Committee on Financial Institutions and Housing.

SHB 1185 by House Committee on Law and Justice (originally sponsored by Representatives Hickel and Costa)

Revising regulations for the investment of trust funds.

Referred to Committee on Law and Justice.

HB 1186 by Representatives Appelwick and Padden

Concerning social security benefits.

Referred to Committee on Law and Justice.

HB 1190 by Representatives K. Schmidt, R. Fisher, Mitchell and Koster (by request of Department of Transportation)

Transferring the aeronautics account and the aircraft search and rescue, safety, and education account to the transportation fund.

Referred to Committee on Transportation.

SHB 1237 by House Committee on Law and Justice (originally sponsored by Representatives Padden, Foreman, Honeyford, Chandler, Mielke, Johnson, Blanton, Goldsmith, Clements, Hickel, Dyer, Backlund, Schoesler, McMahan, Boldt, Sheahan, Koster, Sherstad and Smith)

Specifying responsibility for payment of costs incurred on appeal by indigent persons.

Referred to Committee on Law and Justice.

HB 1285 by Representatives L. Thomas, Dellwo, Mielke, Benton, Huff, Wolfe, Campbell, Costa, Pelesky, Dyer, Kessler, Smith and Beeksma

Allowing persons that provide the insurance commissioner with surplus line insurance information to gain immunity from civil liability.

Referred to Committee on Financial Institutions and Housing.

SHB 1337 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lisk, Cole, Conway, Fuhrman, Sheahan, Romero, Jacobsen and Wolfe) (by request of Department of Licensing)

Deregulating debt adjusters.

Referred to Committee on Financial Institutions and Housing.

HB 1371 by Representatives L. Thomas, Wolfe, Kessler, Dyer and Jacobsen (by request of Insurance Commissioner Senn)

Regulating investments by insurers.

Referred to Committee on Financial Institutions and Housing.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8405.

MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, February 22, 1995.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate



JOURNAL OF THE SENATE

FORTY-FOURTH DAY, FEBRUARY 21, 1995

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

**FORTY-FIFTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, February 22, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Prince, Quigley and Rinehart. On motion of Senator Ann Anderson, Senators Finkbeiner and Prince were excused. On motion of Senator Loveland, Senators Quigley and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sara Peters and Annie Senner, presented the Colors. Reverend Peter Mans, pastor of the Olympia Christian Reformed Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5063 Prime Sponsor, Senator Fairley: Making sex offenders with child victims subject to life imprisonment without parole after two offenses. Reported by Committee on Law and Justice  
February 21, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5063 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Referred to Committee on Ways and Means.

SB 5182 Prime Sponsor, Senator Haugen: Allowing county fiscal biennium budgets. Reported by Committee on Government Operations  
February 21, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5182 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 5207 Prime Sponsor, Senator Winsley: Clarifying annexation authority by municipal corporations providing sewer or water service of unincorporated territory. Reported by Committee on Government Operations  
February 21, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5207 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 5236 Prime Sponsor, Senator Kohl: Providing a comprehensive treatment project for persons involved in prostitution. Reported by Committee on Human Services and Corrections  
February 21, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5236 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow and Smith.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5238 Prime Sponsor, Senator Oke: Eliminating the primary in park and recreation district elections. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5244 Prime Sponsor, Senator Owen: Revising the definition of "dependent child" for purposes of aid to families with dependent children. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5244 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5303 Prime Sponsor, Senator Heavey: Restricting public and municipal officers and public employees' use of first class airplane accommodations and luxury hotels if traveling on public business. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5303 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5367 Prime Sponsor, Senator Smith: Clarifying penalties for failure to obey an officer. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5367 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5370 Prime Sponsor, Senator Hale: Authorizing use of credit cards by local governments. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5370 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5443 Prime Sponsor, Senator Drew: Requiring taxing districts to hold hearings about using the authorized amount of property tax. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5443 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5488 Prime Sponsor, Senator Smith: Making domestic violence an aggravating circumstance for purposes of sentencing decisions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long and Schow.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5520 Prime Sponsor, Senator Hargrove: Modifying placement of juveniles, specifically addressing independent living. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5522 Prime Sponsor, Senator Smith: Regulating the use of pro tempore judges and court commissioners. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5522 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Rinehart, Roach and Schow.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5523 Prime Sponsor, Senator Smith: Regulating payment of criminal defendants' costs. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Rinehart, Roach and Schow.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5524 Prime Sponsor, Senator Smith: Decriminalizing certain traffic offenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, McCaslin and Schow.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5610 Prime Sponsor, Senator Smith: Penalizing false accusations of child abuse or neglect. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5680 Prime Sponsor, Senator Hargrove: Modifying licensing enforcement for child care agencies. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5680 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice and Schow.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5725 Prime Sponsor, Senator Smith: Protecting privileged communications. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5725 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Rinehart and Schow.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5727 Prime Sponsor, Senator Drew: Updating accessibility requirements for polling and registration places. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5727 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5824 Prime Sponsor, Senator Haugen: Changing appointment provisions for the director of a combined city and county health department. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5889 Prime Sponsor, Senator Fairley: Enacting the frail elderly and vulnerable adult civil protection act. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Senate Bill No. 5889 be referred to Committee on Health and Long-Term Care without recommendation. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow and Strannigan.

Referred to Committee on Health and Long-Term Care.

#### MESSAGES FROM THE HOUSE

February 20, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1110, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 20, 1995

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 1081, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5996 by Senators Wojahn and Moyer

AN ACT Relating to repealing the health personnel resources plan, transferring data gathering to the health services commission; amending RCW 43.70.470; adding a new section to chapter 70.170 RCW; adding a new section to chapter 28B.80 RCW; creating new sections; repealing RCW 28B.125.005 and 28B.125.010; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5997 by Senators Palmer, Bauer, Owen and Newhouse

AN ACT Relating to fireworks, creating new state fireworks regulations, strengthening state fireworks enforcement provisions, requiring all sales to comply with state regulation; amending RCW 70.77.124, 70.77.126, 70.77.131, 70.77.136, 70.77.146, 70.77.180, 70.77.200, 70.77.205, 70.77.250, 70.77.255, 70.77.270, 70.77.280, 70.77.285, 70.77.311, 70.77.315, 70.77.343, 70.77.345, 70.77.375, 70.77.395, 70.77.435, 70.77.440, 70.77.455, and 70.77.555; adding new sections to chapter 70.77 RCW; adding a new section to chapter 42.17 RCW; repealing RCW 70.77.465; prescribing penalties; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 5998 by Senators Sheldon, Owen, Oke, Fraser, Hochstatter and Palmer

AN ACT Relating to local government waivers from specific requirements of on-site sewage system rules adopted by the board of health; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Ecology and Parks.

SB 5999 by Senator Sheldon

AN ACT Relating to payment for pharmacy providers when health maintenance organizations fail to make payment; and amending RCW 48.46.243 and 48.46.245.

Referred to Committee on Health and Long-Term Care.

SB 6000 by Senators Snyder, Heavey, Loveland, A. Anderson, Oke, Winsley and Swecker

AN ACT Relating to an exemption to the Washington clean air act for fire training; and amending RCW 70.94.650 and 70.94.775.

Referred to Committee on Ecology and Parks.

SB 6001 by Senators McCaslin and Haugen

AN ACT Relating to school impact fees; and amending RCW 82.02.050 and 36.70A.130.

Referred to Committee on Government Operations.

SB 6002 by Senators Bauer, Wood, Rinehart and Kohl (by request of State Board for Community and Technical Colleges)

AN ACT Relating to community and technical college tuition refunds or fee cancellations; amending RCW 28B.15.600; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SB 6003 by Senators Hargrove, A. Anderson, Palmer and Rasmussen

AN ACT Relating to protection of logging and land clearing activities; amending RCW 9A.48.070; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6004 by Senators Sellar and Oke

AN ACT Relating to joint agreements between cities and counties for criminal justice purposes; and amending RCW 82.14.340.

Referred to Committee on Government Operations.

SB 6005 by Senator Haugen

AN ACT Relating to county hospitals; and amending RCW 36.62.110.

Referred to Committee on Government Operations.

SB 6006 by Senator Smith

AN ACT Relating to expanding authority to arrest without warrant to special agents of the federal bureau of investigation, drug enforcement administration, United States secret service, or bureau of alcohol, tobacco, and firearms, and deputy United States marshals; and amending RCW 10.88.330.

Referred to Committee on Law and Justice.

SB 6007 by Senators Johnson, Hochstatter, Finkbeiner, A. Anderson, Oke, Swecker, Roach, Strannigan, Palmer and McCaslin

AN ACT Relating to a program for educational advancement grants in designated urban areas; and adding new sections to chapter 74.13 RCW.

Referred to Committee on Education.

SB 6008 by Senators Roach and Swecker

AN ACT Relating to allowing students to incorporate religious and philosophical beliefs in school-related activities; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

SB 6009 by Senators Rasmussen, Loveland, Finkbeiner, Morton, Bauer, McAuliffe, Drew and Kohl

AN ACT Relating to the malt beverage commission; adding a new chapter to Title 15 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6010 by Senators McAuliffe and Rinehart

AN ACT Relating to the learning assistance program; amending RCW 28A.165.070; and declaring an emergency.

Referred to Committee on Education.

SB 6011 by Senator McAuliffe

AN ACT Relating to the purchase of liability insurance by school districts; and amending RCW 28A.400.350.

Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1081 by Representatives Radcliff, Blanton, Costa, Koster, Ballasiotes, Cole, Dickerson, Basich and Mitchell (by request of Department of Corrections)

Specifying sentencing conditions for felons who commit additional felonies.

Referred to Committee on Law and Justice.

SHB 1110 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Fuhrman, Pennington, Silver, Johnson, Brumsickle, Stevens, Hargrove and Benton)

Prohibiting the department of natural resources from entering into certain agreements with the federal government without prior legislative and gubernatorial approval.

Referred to Committee on Natural Resources.

#### SECOND READING GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9118, Dr. Donna D. Schram, as a member of the Sentencing Guidelines Commission, was confirmed.

#### APPOINTMENT OF DR. DONNA D. SCHRAM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Finkbeiner, Prince, Quigley and Rinehart - 4.

#### SECOND READING

SENATE BILL NO. 5272, by Senators Spanel, Swecker, Fraser, C. Anderson, McAuliffe and Winsley (by request of Office of Marine Safety)

Providing regulatory reform to reduce the risk of oil spills.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5272.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5272 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Finkbeiner and Prince - 2.

SENATE BILL NO. 5272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5002, by Senators Smith, Haugen, Winsley, McCaslin, Wojahn, C. Anderson, Rasmussen, Moyer, Prentice, Rinehart, Long, Quigley, McAuliffe and Kohl

Making the assault of a nurse a felony.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5002 was substituted for Senate Bill No. 5002 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5002.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5002 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Heavey and West - 2.

Excused: Senators Finkbeiner and Prince - 2.

SUBSTITUTE SENATE BILL NO. 5002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5122, by Senators Smith, Hale, Long and Loveland

Authorizing Benton county to have one additional district court judge.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5122 was substituted for Senate Bill No. 5122 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hale, the following amendment by Senators Hale and Smith was adopted:

On page 1, after line 16, insert the following:

"NEW SECTION. Sec. 2. This is act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

#### MOTIONS

On motion of Senator Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, strike "and"

On page 1, line 2 of the title, after ".010" insert "; and declaring an emergency"

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5122.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5122 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Finkbeiner and Prince - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUEST

Senator Snyder welcomed and introduced Mr. Frank Pritchard, brother of President Pritchard, who was seated on the rostrum. Mr. Pritchard is a former Assistant Chief Clerk in the House of Representatives.

#### SECOND READING

SENATE BILL NO. 5183, by Senators Hale, Haugen, Winsley and Deccio

Regarding county auditors.

#### MOTIONS

On motion of Senator Hale, Substitute Senate Bill No. 5183 was substituted for Senate Bill No. 5183 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hale, the rules were suspended, Substitute Senate Bill No. 5183 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5183.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5183 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Finkbeiner - 1.

SUBSTITUTE SENATE BILL NO. 5183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5291, by Senators Sheldon and Hochstatter

Removing the requirement that a schedule of port rates and charges be filed with the utilities and transportation commission.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5291.



## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5291 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Finkbeiner - 1.

SENATE BILL NO. 5291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5066, by Senators Fraser, Newhouse, Loveland, Rasmussen and Hochstatter

Reforming the property taxation of short-rotation hardwoods.

## MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5066 was substituted for Senate Bill No. 5066 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5066.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5066 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Finkbeiner - 1.

SUBSTITUTE SENATE BILL NO. 5066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5011, by Senator Owen

Concerning specialized forest product permits.

The bill was read the second time.

## MOTIONS

On motion of Senator Drew, the following Committee on Natural Resources amendment was adopted:

On page 1, line 19, after "products." insert "Cut or picked evergreen foliage" does not mean cones or seeds."

On motion of Senator Owen, the following amendments by Senators Hargrove and Owen were considered simultaneously and were adopted:

On page 4, after line 5, insert the following:

"(20) "Permit area" means a designated tract of land that may contain single or multiple harvest sites."

On page 5, line 23, after "by the" strike "picker" and insert "permittee"

On page 12, line 11, after "nonminority" strike "pickers" and insert "permittees"

On page 12, line 13, after "nonminority" strike "pickers" and insert "permittees"

## MOTION

On motion of Senator Drew, the rules were suspended, Engrossed Senate Bill No. 5011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5011.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5011 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Finkbeiner - 1.

ENGROSSED SENATE BILL NO. 5011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5101, by Senators Drew, Oke, Haugen and Winsley (by request of Department of Fish and Wildlife)

Authorizing the director of fish and wildlife to administer game fish catch record cards.

## MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5101 was substituted for Senate Bill No. 5101 and the substitute bill was placed on second reading and read the second time.

Senator Roach moved that the following amendment by Senators Roach, Swecker, Drew and McDonald be adopted:

On page 3, beginning on line 7, strike all of section 7 and insert the following:

"**Sec. 7.** RCW 77.32.360 and 1991 sp.s. c 7 s 10 are each amended to read as follows:

(1) ~~((A steelhead catch record card is required to fish for steelhead trout. The fee for this catch record card is eighteen dollars.~~

~~(2) Persons possessing steelhead trout shall immediately validate their catch record card as provided by rule.~~

~~(3) The steelhead catch record card required under this section expires April 30th following the date of issuance.~~

(4)) Each person who returns a steelhead catch record card to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, catch record card, or stamp required by this chapter. This subsection does not apply to annual steelhead catch record cards for persons under the age of fifteen.

~~((5) Persons under the age of fifteen may purchase an annual steelhead catch record card for six dollars. The six dollar catch record card entitles the holder to retain no more than five steelhead. After retaining five steelhead, a new catch record card may be purchased.))~~

(2) Catch record cards necessary for proper management of the state's game fish resources shall be administered under rules adopted by the director and issued at no charge."

## MOTIONS

On motion of Senator Sutherland, the following amendments by Senators Sutherland, Drew and Roach to the amendment by Senators Roach, Swecker, Drew and McDonald were considered simultaneously and were adopted:

On page 1, line 17 of the amendment, strike "by June 1" and insert "~~((by June 1))~~ within thirty days"

On page 1, line 19 of the amendment, strike "catch record card," and insert "~~((catch record card.))~~

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach, Swecker, Drew and McDonald on page 3, beginning on line 7, as amended, to Substitute Senate Bill No. 5101.

The motion by Senator Roach carried and the amendment, as amended, was adopted.

On motion of Senator Drew, the rules were suspended, Engrossed Substitute Senate Bill No. 5101 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5101.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5101 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Pelz - 1.

Excused: Senator Finkbeiner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5139, by Senators Kohl, Smith, Long, Prentice, Winsley, Heavey, Prince, Franklin, Schow, West, Oke and Rasmussen

Authorizing law enforcement officers to impound the vehicles of persons who are patronizing prostitutes.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5139 was substituted for Senate Bill No. 5139 and the substitute bill was placed on second reading and read the second time.

Senator Owen moved that the following amendment be adopted:

On page 2, line 6, after "owner" strike "or operator"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Owen on page 2, line 6, to Substitute Senate Bill No. 5139.

The motion by Senator Owen carried and the amendment was adopted.

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senator McCaslin asked Senator Heavey if he would yield to a question, but Senator Heavey would not yield.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Kohl, are motorcycles a motor vehicle? If we are going to stop this process, we'd better throw in bicycles, mopeds and motorcycles. Wherever the act is committed, those people should go to jail."

Senator Kohl: "Thank you, Senator McCaslin. Senator Rasmussen is wondering if we are including horses, as well?"

Senator McCaslin: No, I sold mine."

Senator Kohl: "I honestly had not considered motorcycles, bicycles, mopeds, and so forth, and perhaps we should have that checked out by an attorney. My bill does call for motor vehicles."

Senator McCaslin: "Thank you very much. I'm not a civil libertarian; I don't even know what it means, but I am going to vote for the bill."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5139.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5139 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Heavey, Morton and Pelz - 3.

Absent: Senator Newhouse - 1.

Excused: Senator Finkbeiner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

February 22, 1995

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8405, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

At 11:17 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, February 23, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-FIFTH DAY, FEBRUARY 22, 1995

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**FORTY-SIXTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, February 23, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 22, 1995  
SB 5069 Prime Sponsor, Senator Haugen: Creating a temporary program for property tax payments. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5069 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

February 22, 1995  
SB 5086 Prime Sponsor, Senator Haugen: Clarifying the authority to recover cost for contracts administration services within the department of general administration. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5086 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1995  
SB 5121 Prime Sponsor, Senator Rasmussen: Reviewing agricultural safety standards. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5121 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer and Snyder.

Passed to Committee on Rules for second reading.

February 22, 1995  
SB 5180 Prime Sponsor, Senator Sheldon: Determining the order of candidates on ballots. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hale, Heavey and McCaslin.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5211 Prime Sponsor, Senator Winsley: Revising guidelines for receipt and expenditure of federal and private funds by local governments. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5211 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5248 Prime Sponsor, Senator Cal Anderson: Creating the Puget Sound license plate program. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Sellar.

MINORITY Recommendation: Do not pass. Signed by Senator Wood.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5259 Prime Sponsor, Senator Owen: Restricting the ringing of bells or sounding of whistles on locomotives. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Oke, Prentice, Prince, Schow and Sellar.

MINORITY Recommendation: Do not pass. Signed by Senators Morton and Wood.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5273 Prime Sponsor, Senator Hale: Avoiding conflicts of interest on election canvassing boards. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5278 Prime Sponsor, Senator Wojahn: Revising provisions relating to awards to persons found not guilty by reason of self defense. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5278 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5314 Prime Sponsor, Senator Rasmussen: Revising weights and measures provisions. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5314 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer and Snyder.

Referred to Committee on Ways and Means.

February 21, 1995

SB 5335 Prime Sponsor, Senator Smith: Updating uniform commercial code provisions on investment securities. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5335 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5337 Prime Sponsor, Senator Haugen: Reconstituting the state cosmetology, barbering, esthetics, and manicuring advisory board. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5337 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5343 Prime Sponsor, Senator Fairley: Promoting the recycled content of products and buildings. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5343 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Cal Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5354 Prime Sponsor, Senator McAuliffe: Changing penalties for persons convicted of driving a motor vehicle while chemically impaired if there were passengers under the age of fourteen. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5354 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5387 Prime Sponsor, Senator Wojahn: Providing tax incentives for multiple-unit housing in urban centers. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5387 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Smith and Sutherland.

Referred to Committee on Ways and Means.

February 21, 1995

SB 5406 Prime Sponsor, Senator Prentice: Continuing market interest rates for consumer credit transactions. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5406 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5445 Prime Sponsor, Senator Owen: Clarifying responsibility for abandoned vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5514 Prime Sponsor, Senator Schow: Posting fuel tax rates. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5514 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Prentice, Rasmussen, Schow and Wood.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5530 Prime Sponsor, Senator Smith: Authorizing the use of automated traffic enforcement systems. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5530 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5551 Prime Sponsor, Senator Sellar: Authorizing special taxation of lodging. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5551 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5565 Prime Sponsor, Senator Hargrove: Prohibiting mandatory child support for postsecondary education of adult children. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

MINORITY Recommendation: Do not pass. Signed by Senator Cal Anderson, Vice Chair.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5606 Prime Sponsor, Senator Fraser: Providing for use of reclaimed water. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5606 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Cal Anderson, Vice Chair; McAuliffe and Spanel.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5628 Prime Sponsor, Senator Smith: Regulating consumer leases of automobiles. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5628 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5646 Prime Sponsor, Senator Rasmussen: Promoting international trade and cultural exchanges. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5646 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale and Palmer.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5655 Prime Sponsor, Senator Rasmussen: Revising state freight rail service programs. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Rasmussen, Schow and Wood.



Passed to Committee on Rules for second reading.

February 21, 1995

SB 5739 Prime Sponsor, Senator Strannigan: Exempting certain sales by nonprofit organizations from taxation. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5739 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5747 Prime Sponsor, Senator Sheldon: Regulating housing authorities. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5747 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5768 Prime Sponsor, Senator Pelz: Revising provision relating to deductions from unemployment benefits for unavailability. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5769 Prime Sponsor, Senator Deccio: Revising provision on recovery of unemployment insurance overpayments. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5769 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1995

SB 5771 Prime Sponsor, Senator Pelz: Establishing unemployment insurance liability for third party employers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5825 Prime Sponsor, Senator Fairley: Enhancing bicycle and pedestrian transportation. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5825 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Prentice, Rasmussen, Schow and Wood.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5835 Prime Sponsor, Senator Johnson: Changing provisions relating to restraining orders. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5835 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5843 Prime Sponsor, Senator Haugen: Validating bond issues of public agencies. Reported by Committee on Law and Justice

MAJORITY Recommendation: That the bill be referred to Committee on Government Operations without recommendation. Signed by Senators Smith, Chair; Cal Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Referred to Committee on Government Operations.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 22, 1995

GA 9030 MARY ANN HUNTINGTON, appointed March 23, 1994, for a term ending December 31, 1995, as a member of the Interagency Committee for Outdoor Recreation.  
Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Cal Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules.

February 22, 1995

GA 9092 WILLIAM S. FEARN, appointed December 30, 1993, for a term ending December 31, 1997, as a member of the Interagency Committee for Outdoor Recreation.  
Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Cal Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules.

February 22, 1995

GA 9103 DONNA M. MASON, reappointed January 17, 1994, for a term ending December 31, 1996, as a member of the Interagency Committee for Outdoor Recreation.  
Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Cal Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-0095

February 21, 1995

Marty Brown  
Secretary of the Senate  
Mailstop: 40482  
Olympia, Washington 98504-0482

Dear Secretary Brown:

Enclosed for your information is the Department of Social and Health Services' (DSHS) report: *Offenses Committed by Juveniles While on Authorized Leave, Unauthorized Leave, and Minimum Security Status in the Community During Fiscal Year 1994*. This is an annual report prepared by the DSHS Juvenile Rehabilitation Administration as required by RCW 13.40.030(1)(b).

If you have questions regarding the report, please contact Gerard Sidorowicz, Assistant Secretary for the Juvenile Rehabilitation Administration. He can be reached at 753-7402.

Sincerely,  
JEAN T. SOLIZ, Secretary

The Report from the Department of Social and Health Services is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

February 22, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1091  
SUBSTITUTE HOUSE BILL NO. 1123, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 22, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6012 by Senators West, Swecker, Strannigan and Wojahn

AN ACT Relating to child support; creating new sections; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6013 by Senators McAuliffe, Rasmussen, Kohl and Spanel

AN ACT Relating to sales and use tax exemption for school districts and educational service districts; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6014 by Senators Prentice, Deccio and Haugen

AN ACT Relating to electrical inspection regulatory reform; amending RCW 19.28.010, 19.28.015, 19.28.070, 19.28.120, 19.28.190, 19.28.210, and 19.28.360; adding a new section to chapter 19.28 RCW; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 6015 by Senator Palmer

AN ACT Relating to confidentiality and privilege regarding industrial insurance claim files and records; and amending RCW 51.28.070.

Referred to Committee on Labor, Commerce and Trade.

SB 6016 by Senator A. Anderson

AN ACT Relating to the Puget Sound bottomfish fishery; reenacting and amending RCW 75.30.050; adding new sections to chapter 75.30 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 6017 by Senator Palmer

AN ACT Relating to airport land use planning; adding a new chapter to Title 36 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6018 by Senators Strannigan, McCaslin, Quigley, Moyer, Hochstatter, Hargrove, Morton, Deccio, Palmer, Johnson, Oke, Smith, Swecker, Prentice, Finkbeiner, West and A. Anderson

AN ACT Relating to regional transit authorities; and amending RCW 81.112.030.

Referred to Committee on Transportation.

SB 6019 by Senators Sutherland, Winsley and Heavey

AN ACT Relating to studded tires; amending RCW 46.37.420; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

SB 6020 by Senators Prentice, Fraser, Sellar and Sutherland

AN ACT Relating to educating consumers about insurance products; and creating new sections.

Referred to Committee on Financial Institutions and Housing.

SB 6021 by Senators Moyer, Prentice, Palmer, Franklin, Fairley, Winsley, Cal Anderson, McAuliffe, Deccio, Snyder, McDonald, Sellar, Kohl, Schow, Johnson, Wood, A. Anderson, Pelz, Bauer, Drew and Oke

AN ACT Relating to health care entity authority regarding drugs; amending RCW 18.64.011 and 18.64.255; reenacting and amending RCW 18.64.165; and adding new sections to chapter 18.64 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6022 by Senators Franklin, Quigley, Fairley, Prentice and Kohl

AN ACT Relating to health care coverage for elected officials; adding a new section to Title 2 RCW; adding a new section to Title 3 RCW; adding a new section to Title 35 RCW; adding a new section to Title 35A RCW; adding a new section to Title 36 RCW; adding a new section to chapter 41.05 RCW; adding a new section to Title 43 RCW; and adding a new section to Title 44 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6023 by Senators Owen, Prince, Heavey, Morton, Kohl, Wood, Oke, Schow, Rasmussen, Sellar, Haugen, Prentice and Fairley

AN ACT Relating to interest on accounts and funds; reenacting and amending RCW 43.84.092; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6024 by Senator Snyder

AN ACT Relating to regional support networks; and amending RCW 71.24.300.

Referred to Committee on Human Services and Corrections.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1091 by House Committee on Education (originally sponsored by Representatives Brumsickle, B. Thomas and Cole) (by request of Joint Select Committee on Education Restructuring)

Changing education provisions.

Referred to Committee on Education.

SHB 1123 by House Committee on Trade and Economic Development (originally sponsored by Representatives Sheldon, Van Luven, Horn, Campbell, Foreman, Mason, Hatfield, Ballasiotes, Kremen, Conway, K. Schmidt, D. Schmidt, Grant, Sheahan, Chopp, Schoesler, Morris, Koster, Thibaudeau, Talcott, Valle, Wolfe, L. Thomas, Casada, Boldt, Sherstad, Huff and Mitchell)

Establishing a special trade representative and Washington state trade advisory council.

Referred to Committee on Labor, Commerce and Trade.

ESHB 1125 by House Committee on Energy and Utilities (originally sponsored by Representatives Kessler, Casada, Chandler, Kremen, Patterson, Mastin, Morris, Quall, Foreman, L. Thomas, Brumsickle, Buck, Huff and Schoesler)

Exempting federally licensed dams from state regulation.

Referred to Committee on Energy, Telecommunications and Utilities.

MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, February 24, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SIXTH DAY, FEBRUARY 23, 1995

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

**FORTY-SEVENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, February 24, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Moyer, Palmer and Smith. On motion of Senator Loveland, Senators Cal Anderson and Smith were excused. On motion of Senator Ann Anderson, Senators Moyer and Palmer were excused.

The Sergeant At Arms Color Guard, consisting of Pages Owen Taylor and Trevor Wright, presented the Colors. Reverend Peter Mans, pastor of the Olympia Christian Reformed Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5053 Prime Sponsor, Senator Haugen: Modifying real estate disclosure provisions. Reported by Committee on Government Operations February 22, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5053 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

SB 5186 Prime Sponsor, Senator Roach: Providing for transfer to department of corrections facilities of juvenile offenders who reach eighteen years of age. Reported by Committee on Human Services and Corrections February 22, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5186 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

SB 5199 Prime Sponsor, Senator Quigley: Eliminating and consolidating boards and commissions. Reported by Committee on Government Operations February 22, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5199 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 5210 Prime Sponsor, Senator Pelz: Enumerating unfair labor practices. Reported by Committee on Labor, Commerce and Trade February 22, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5359 Prime Sponsor, Senator Sheldon: Creating a self-employment income support program. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5359 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5399 Prime Sponsor, Senator Pelz: Refining industrial insurance actions. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio, Hale and Palmer.

Passed to Committee on Rules for second reading.

February 21, 1995

SB 5418 Prime Sponsor, Senator Fraser: Enhancing weights and measures enforcement regarding scanners. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5418 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5476 Prime Sponsor, Senator Loveland: Sharing leave and personal holiday time. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5476 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Palmer and Wojahn.

Referred to Committee on Ways and Means.

February 22, 1995

SB 5507 Prime Sponsor, Senator Heavey: Revising the collective bargaining provisions for law enforcement officers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5507 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser and Hale.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Newhouse and Wojahn.

Referred to Committee on Ways and Means.

February 22, 1995

SB 5569 Prime Sponsor, Senator Fraser: Establishing the office of international capital projects. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5569 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Referred to Committee on Ways and Means.

February 22, 1995

SB 5589 Prime Sponsor, Senator Pelz: Increasing the hourly minimum wage. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio, Hale and Newhouse.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5614 Prime Sponsor, Senator Pelz: Revising provisions relating to compensation during appeal of department of labor and industries industrial insurance orders. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5615 Prime Sponsor, Senator Pelz: Revising provisions relating to compensation during reconsideration of department of labor and industries industrial insurance orders. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5669 Prime Sponsor, Senator Pelz: Defining "acting in the course of employment." Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5669 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5677 Prime Sponsor, Senator Roach: Clarifying building code and structure requirements. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5706 Prime Sponsor, Senator Pelz: Creating the office of Washington state trade representative. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Palmer and Wojahn.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Heavey, Vice Chair.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5708 Prime Sponsor, Senator Heavey: Increasing to five years the time after a preliminary plat is approved before a final plat must be submitted for approval. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5758 Prime Sponsor, Senator Pelz: Removing statutory restrictions on class II inmate work programs. Reported by Committee on Labor, Commerce and Trade



MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5760 Prime Sponsor, Senator Kohl: Eliminating the number restriction on waivers for foreign students at institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5773 Prime Sponsor, Senator Pelz: Revising provision relating to charges against industrial insurance awards. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5773 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5925 Prime Sponsor, Senator Pelz: Modifying the determination of unemployment insurance contribution rates. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio, Hale and Palmer.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5945 Prime Sponsor, Senator Rasmussen: Promoting the agricultural trade showcase. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5945 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Referred to Committee on Ways and Means.

February 23, 1995

SB 5965 Prime Sponsor, Senator Smith: Allowing a court to award attorneys' fees and other court costs to an individual or small business that successfully appeals a state agency directive in court. Reported by Committee on Government Operations

MAJORITY Recommendation: Referred to Committee on Law and Justice without recommendation. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Referred to Committee on Law and Justice.

February 22, 1995

SJM 8004 Prime Sponsor, Senator Heavey: Requesting Congress to direct rejection of Puyallup tribe gaming requests without tribal-state compacts. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1995

SJM 8008 Prime Sponsor, Senator Wojahn: Requesting the United States to advocate for the admission of Taiwan to the United Nations. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8008 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1995

SCR 8402 Prime Sponsor, Senator Wojahn: Entering Washington state into a sister state relationship with Taiwan. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8402 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 23, 1995

GA 9001 DOROTHY L. AIKEN, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Yakima Valley Community College District No. 16. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince and Wood.

Passed to Committee on Rules.

February 23, 1995

GA 9002 DEBBIE ALDRICH, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Skagit Valley Community College District No. 4. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince and Wood.

Passed to Committee on Rules.

February 23, 1995

GA 9004 FRANK ARMIJO, reappointed October 3, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Columbia Basin Community College District No. 19. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince and Wood.

Passed to Committee on Rules.

February 23, 1995

GA 9017 JAMES H. FREEMAN, reappointed October 3, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince and Wood.

Passed to Committee on Rules.

February 23, 1995

GA 9020 DR. CARVER GAYTON, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6.  
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince and Wood.

Passed to Committee on Rules.

February 23, 1995

GA 9022 LYNNE GLORE, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.  
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince and Wood.

Passed to Committee on Rules.

February 23, 1995

GA 9026 PAUL HIRAI, reappointed April 7, 1994, for a term ending September 30, 1998, as a member of the Board of Trustees for Big Bend Community College District No. 18.  
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince and Wood.

Passed to Committee on Rules.

February 23, 1995

GA 9033 SALLY JARVIS, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Bellevue Community College District No. 8.  
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince and Wood.

Passed to Committee on Rules.

February 23, 1995

GA 9034 CHARLES D. KEE, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Edmonds Community College District No. 23.  
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince and Wood.

Passed to Committee on Rules.

#### MESSAGES FROM THE HOUSE

February 22, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1069, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 22, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1006, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 22, 1995

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1132, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 22, 1995

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1088,  
SUBSTITUTE HOUSE BILL NO. 1090,  
HOUSE BILL NO. 1117,  
SUBSTITUTE HOUSE BILL NO. 1144,  
ENGROSSED HOUSE BILL NO. 1173,  
SUBSTITUTE HOUSE BILL NO. 1192,  
SUBSTITUTE HOUSE BILL NO. 1205,  
SUBSTITUTE HOUSE BILL NO. 1220,  
SUBSTITUTE HOUSE BILL NO. 1221,  
SUBSTITUTE HOUSE BILL NO. 1229,  
HOUSE BILL NO. 1238,  
SUBSTITUTE HOUSE BILL NO. 1241,  
SUBSTITUTE HOUSE BILL NO. 1270,  
SUBSTITUTE HOUSE BILL NO. 1273,  
SUBSTITUTE HOUSE BILL NO. 1276,  
SUBSTITUTE HOUSE BILL NO. 1278,  
HOUSE BILL NO. 1302,  
HOUSE BILL NO. 1310,  
HOUSE BILL NO. 1311,  
HOUSE BILL NO. 1321,  
SUBSTITUTE HOUSE BILL NO. 1328,  
SUBSTITUTE HOUSE BILL NO. 1348,  
HOUSE BILL NO. 1360,  
HOUSE BILL NO. 1361,  
HOUSE BILL NO. 1362,  
SUBSTITUTE HOUSE BILL NO. 1387,  
SUBSTITUTE HOUSE BILL NO. 1398,  
HOUSE BILL NO. 1412,  
HOUSE BILL NO. 1415,  
HOUSE BILL NO. 1424,  
HOUSE BILL NO. 1433,  
HOUSE BILL NO. 1450,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1452,  
HOUSE BILL NO. 1457,  
HOUSE BILL NO. 1468,  
HOUSE BILL NO. 1498,  
SUBSTITUTE HOUSE BILL NO. 1514,  
SUBSTITUTE HOUSE BILL NO. 1522,  
HOUSE BILL NO. 1567,  
HOUSE BILL NO. 1627,  
HOUSE BILL NO. 1667,  
SUBSTITUTE HOUSE BILL NO. 1744, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6025 by Senators Roach, Schow, Heavey, Kohl, McCaslin, Hochstatter and Wood

AN ACT Relating to the civil rights act of 1995; and adding a new chapter to Title 7 RCW.

Referred to Committee on Law and Justice.

SB 6026 by Senators Rasmussen, Loveland, A. Anderson, Morton, Bauer, Snyder, Newhouse, Winsley and Kohl

AN ACT Relating to Washington state agricultural commodities; and adding a new section to chapter 15.04 RCW.

Referred to Committee on Agriculture and Agricultural Trade and Development.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1006 by House Committee on Education (originally sponsored by Representatives Carlson and Brumsickle)

Defining school bus driver.

Referred to Committee on Labor, Commerce and Trade.

SHB 1069 by House Committee on Law and Justice (originally sponsored by Representatives Delvin, Wolfe, Mielke, Ebersole, Ballasiotes, Sheldon, Mastin, Carlson, McMorris, Carrell, Robertson, Hickel, Sheahan, Reams, Benton, Padden, Boldt, Hargrove, Chandler, McMahan, Cairnes, Clements, Chappell, Buck, Campbell, L. Thomas, Johnson, Backlund, Cooke, Conway, Kessler, Costa, Mulliken, Kremen, Dickerson, Quall, Basich, Fuhrman, Morris, Huff, Mitchell, Honeyford, Pennington, Elliot, Schoesler, D. Schmidt, Dyer and Appelwick)

Exempting retired law enforcement officers from restrictions on carrying firearms.

Referred to Committee on Law and Justice.

HB 1088 by Representatives Hatfield, Ballasiotes, Kessler, Poulsen, Sheldon, Schoesler, Brumsickle, Blanton, Campbell, Pennington, Costa, Sherstad and Benton

Clarifying the definition of "sex offense".

Referred to Committee on Human Services and Corrections.

SHB 1090 by House Committee on Commerce and Labor (originally sponsored by Representative L. Thomas)

Regulating miniature boilers.

Referred to Committee on Labor, Commerce and Trade.

HB 1117 by Representatives Lambert, Costa, Blanton, Silver, Ballasiotes, Backlund, Robertson, Boldt, Buck, Thompson, Hargrove and Huff

Providing a deterrence for crimes committed at county or local penal institutions.

Referred to Committee on Human Services and Corrections.

EHB 1132 by Representatives Beeksma, Sehlin, B. Thomas, Sheldon, Foreman, L. Thomas, Costa, Huff and Mason (by request of Governor Lowry)

Exempting from use tax naval equipment transferred due to base closure.

Referred to Committee on Ways and Means.

SHB 1144 by House Committee on Health Care (originally sponsored by Representatives Dyer, Backlund, Morris, Johnson, Campbell, Cooke, Skinner, Chandler, Casada, Schoesler, Boldt, Mulliken, Huff, Mitchell, Thompson, Foreman, Robertson, Buck, Clements, Smith, Delvin, Carrell, Mielke and Sheahan)

Amending the veterinary practice act to include implanting of electronic identification devices.

Referred to Committee on Agriculture and Agricultural Trade and Development.

EHB 1173 by Representatives Cooke and Brown (by request of Department of Social and Health Services)

Modifying adoption support provisions.

Referred to Committee on Human Services and Corrections.

SHB 1192 by House Committee on Transportation (originally sponsored by Representatives Robertson, R. Fisher and K. Schmidt) (by request of Department of Transportation)

Revising vehicle load fees.

Referred to Committee on Transportation.

SHB 1205 by House Committee on Health Care (originally sponsored by Representative Dyer) (by request of Department of Social and Health Services)

Modifying physician self-referral provisions.

Referred to Committee on Health and Long-Term Care.

SHB 1220 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, Horn, Johnson, Kremen, Boldt, Sheahan and Huff)

Providing a SEPA exemption for air operating permits.

Referred to Committee on Ecology and Parks.

SHB 1221 by House Committee on Transportation (originally sponsored by Representatives Johnson, Buck, Cairnes, Hatfield, Chappell and Sheldon)

Regulating length of log trucks.

Referred to Committee on Transportation.

SHB 1229 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan and Appelwick)

Modifying options for payment of retirement allowances.

Referred to Committee on Law and Justice.

HB 1238 by Representatives Honeyford, Ogden, Carlson and Sherstad (by request of Department of Community, Trade, and Economic Development and Public Works Board)

Appropriating funds for projects recommended by the public works board.

Referred to Committee on Ways and Means.

SHB 1241 by House Committee on Energy and Utilities (originally sponsored by Representatives Crouse, Casada, Dellwo, Chappell, Schoesler, Honeyford, Hymes, Sherstad, Backlund, Mastin, Benton, Campbell and Kremen)

Providing waivers of electric and gas utility connection charges.

Referred to Committee on Energy, Telecommunications and Utilities.

SHB 1270 by House Committee on Transportation (originally sponsored by Representatives Morris, Benton, Sheldon, Pennington, Basich, Chappell, Kessler, Schoesler, Boldt, Hatfield, Stevens and Johnson)

Excusing small tree harvesters from the commercial driver's license requirements.

Referred to Committee on Transportation.

SHB 1273 by House Committee on Transportation (originally sponsored by Representatives Fuhrman, Blanton, Elliot and McMorris)

Refunding motor vehicle fuel and special fuel taxes to Indian tribes.

Referred to Committee on Transportation.

SHB 1276 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Costa, Mastin, Scott and Morris)

Specifying who may be an execution witness.

Referred to Committee on Human Services and Corrections.

SHB 1278 by House Committee on Law and Justice (originally sponsored by Representatives Lambert, Mason, Costa, Delvin and Huff)

Indicating legislative intent for section 1 of SHB 1047.

Referred to Committee on Law and Justice.

HB 1302 by Representatives Delvin, Costa, Appelwick, Hickel, Robertson, Sheahan, Padden, L. Thomas and Mastin

Revising provisions relating to food stamp crimes.

Referred to Committee on Law and Justice.

HB 1310 by Representatives K. Schmidt, R. Fisher and Buck (by request of Board of Pilotage Commissioners)

Strengthening the provisions of the pilotage act affecting marine safety and protection of the marine environment.

Referred to Committee on Transportation.

HB 1311 by Representatives K. Schmidt, R. Fisher and Blanton (by request of Board of Pilotage Commissioners)

Providing for enforcement and administration of the pilotage act.

Referred to Committee on Transportation.

HB 1321 by Representatives Mulliken, Mason, Goldsmith and Carlson (by request of Higher Education Coordinating Board)

Correcting citations to the tuition recovery trust fund.

Referred to Committee on Higher Education.

SHB 1328 by House Committee on Health Care (originally sponsored by Representatives Dyer, Dellwo and Backlund) (by request of Department of Health)

Revising the uniform disciplinary act.

Referred to Committee on Health and Long-Term Care.

SHB 1348 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Cole, Fuhrman and Wolfe) (by request of Department of Licensing)

Regulating escrow agents.

Referred to Committee on Financial Institutions and Housing.

HB 1360 by Representatives Dyer, Dellwo, Backlund and Cody

Addressing discriminatory practices against osteopathic physicians and surgeons.

Referred to Committee on Health and Long-Term Care.

HB 1361 by Representatives Robertson, Costa, Cody, Delvin, Chappell, Hickel, Smith, McMahan and Honeyford

Authorizing arrest warrants to be served by facsimile transmission.

Referred to Committee on Law and Justice.

HB 1362 by Representatives Robertson, L. Thomas and Sheldon

Providing for retrocession of criminal jurisdiction by the Muckleshoot Tribe.

Referred to Committee on Law and Justice.

SHB 1387 by House Committee on Law and Justice (originally sponsored by Representatives Delvin, Dellwo, Carrell, Cody, Morris, Padden, Hickel, Sommers, Conway, Brown, Mason, B. Thomas, Dickerson, Boldt, Campbell, Carlson, Patterson, Kessler, Mielke, Mulliken, Honeyford, Hargrove, L. Thomas, Kremen, Scott and Huff)

Revoking the license of a massage practitioner who has been convicted of prostitution.

Referred to Committee on Health and Long-Term Care.

SHB 1398 by House Committee on Health Care (originally sponsored by Representatives Dyer, Dellwo, Backlund, Quall, Conway, Cody, Morris and Casada)

Regulating acupuncture licensing.

Referred to Committee on Health and Long-Term Care.

HB 1412 by Representative Padden

Prescribing the penalty for misdemeanor violations for marihuana possession.

Referred to Committee on Law and Justice.

HB 1415 by Representatives Hargrove, Lisk, Chandler, Cole, Fuhrman, Goldsmith, Romero, Conway, Horn, Ogden and Thompson

Revising provisions relating to sureties for industrial insurance self-insurers.

Referred to Committee on Labor, Commerce and Trade.

HB 1424 by Representative Padden

Concerning the use of court seals.

Referred to Committee on Law and Justice.

HB 1433 by Representatives Conway, Basich, Boldt, Romero, Poulsen, Huff, McMahan, Regala, Pelesky, L. Thomas, Thompson, Costa, Dickerson, Sherstad, Hatfield, Ebersole, Schoesler, Chopp and Carrell

Penalizing defacement of a state monument.

Referred to Committee on Law and Justice.

HB 1450 by Representatives Appelwick and Padden

Including certain judgments to be summarized.

Referred to Committee on Law and Justice.

ESHB 1452 by House Committee on Government Operations (originally sponsored by Representatives Mitchell, Regala, Reams, R. Fisher, Hickel, Ebersole, Carrell, Brumsickle, Huff and Conway)

Allowing voters to protect a portion of metropolitan park district property taxes from prorationing.

Referred to Committee on Government Operations.

HB 1457 by Representatives Veloria, Tokuda, Brumsickle, Regala, Conway and Huff (by request of Commission on Asian American Affairs)

Renaming the commission on Asian Pacific American affairs.

Referred to Committee on Government Operations.



HB 1468 by Representatives Hymes, Reams and Chopp (by request of Department of Community, Trade, and Economic Development)

Modifying advisory council on historic preservation representation.

Referred to Committee on Government Operations.

HB 1498 by Representatives L. Thomas, Wolfe, Dyer, Dellwo, Huff, Tokuda, Basich, Kessler, Blanton, Beeksma, Mielke, Hatfield and Hymes

Extending the expiration date for the pollution liability insurance program.

Referred to Committee on Financial Institutions and Housing.

SHB 1514 by House Committee on Finance (originally sponsored by Representatives Hymes, Dickerson, Costa, D. Schmidt, Hargrove, Romero, Poulsen, B. Thomas, Regala, R. Fisher, Benton, Wolfe, Ogden and Conway)

Directing the department of revenue to prepare legislation to reorganize Titles 82 and 84 RCW.

Referred to Committee on Ways and Means.

SHB 1522 by House Committee on Law and Justice (originally sponsored by Representatives Padden, Cooke, Goldsmith, Hickel, Lambert, Boldt, Sherstad, Thompson, Johnson, Fuhrman, Mulliken, McMahan, Koster, Hargrove, Pelesky, Sheahan, Backlund, McMorris, Huff, Talcott, Carrell, Casada, Honeyford, Clements, B. Thomas, Crouse, Campbell and D. Schmidt)

Prohibiting delays or denials of adoptions on the basis of race, color, or national origin.

Referred to Committee on Human Services and Corrections.

HB 1567 by Representatives R. Fisher, Regala, Chappell and Brumsickle

Affecting the transportation authority of first class cities.

Referred to Committee on Transportation.

HB 1627 by Representatives Dyer, Backlund and Thibaudeau

Modernizing osteopathic physician and surgeon terminology.

Referred to Committee on Health and Long-Term Care.

HB 1667 by Representatives Radcliff, Brumsickle, Hickel, Dickerson, Quall, Blanton, Thompson, Cole, Pelesky, Veloria, D. Schmidt, Mason, Conway, Skinner, Lambert, Elliot, Johnson and Schoesler

Promoting sister relationships with other countries.

Referred to Committee on Labor, Commerce and Trade.

SHB 1744 by House Committee on Energy and Utilities (originally sponsored by Representatives Huff, Kessler, Casada and Campbell)

Regulating small telecommunications companies.

Referred to Committee on Energy, Telecommunications and Utilities.

#### MOTION

On motion of Senator Kohl, the following resolution was adopted:

SENATE RESOLUTION 1995-8622

By Senators Kohl, Heavey, Snyder and Spanel

WHEREAS, The Washington State commercial fishing fleet leaves on March 15th and the Blessing of the Fleet will occur at Fisherman's Terminal in Ballard this Sunday; and

WHEREAS, The commercial crab industry alone employs four hundred ninety-eight fishing vessels in the Puget Sound and coastal fleets; and

WHEREAS, The commercial crab fishery indirectly employs more than two thousand seven hundred people; and

WHEREAS, The current harvest of fifteen million pounds annually generates \$33.7 million in direct economic contributions; and

WHEREAS, The life of a crab fisher is one fraught with danger and hardship that most of us will never face; and

WHEREAS, Strength and courage are basic requirements for anyone who chooses to work on the high seas, battling the elements in order to harvest the nature's bounty; and

WHEREAS, The men and women who work on boats, living between God and the sea, and never certain which will claim them first, deserve our admiration, our thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Jim Foster, Larry Johnston, Bruce Forde, Rob Olson, Troy Collins, and Bob Petersen were all claimed too early in life, and their deaths have rent again the tightly knit fabric that is the community of fishing families in our region;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extends its condolences to the families and friends of all our fishermen and women who have lost their lives at sea, including most recently those of Jim Foster, Larry Johnston, Bruce Forde, Rob Olson, Troy Collins, and Bob Petersen, and wishes the entire commercial fishing fleet a safe and prosperous season.

Senators Kohl and Ann Anderson spoke to Senate Resolution 1995-8622.

#### MOTION

On motion of Senator Haugen, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8621

By Senator Haugen, Kohl and Spanel

WHEREAS, The industrial technology and woodworking class at Stanwood High School has earned a statewide reputation for excellence; and

WHEREAS, One of the reasons the woodworking program enjoys a reputation is because of the quality of instruction the students receive from Mike Chandler, himself a graduate of Stanwood High School; and

WHEREAS, Stanwood High School is one of the few schools that still places an emphasis on time-honored, traditional craftsmanship; and

WHEREAS, The students' projects range from living room furniture to kitchen cabinetry to outdoor furniture; and

WHEREAS, The Stanwood High School woodworking program also supports the local economy by buying as much material as possible locally; and

WHEREAS, Stanwood is the only high school in the state that Weyerhaeuser sells materials to directly; and

WHEREAS, Students in the Stanwood High School woodworking programs learn not only a craft and vocational skill, but they also learn to take pride in their workmanship, problem-solving skills, the ability to stay on task, and interpersonal skills; and

WHEREAS, The Stanwood High School woodworking program is the only high school invited annually by the Office of the Superintendent of Public Instruction to exhibit its projects during Vocational-Technical Education Week;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and recognize the exceptional skills and craftsmanship demonstrated by students in the Stanwood High School woodworking program; and

BE IT FURTHER RESOLVED, That the Senate applaud and commend the outstanding job of teaching and mentoring that Mike Chandler has done at Stanwood High School for the past nineteen years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mike Chandler.

#### MOTION

On motion of Senator Spanel, the Senate reverted to the sixth order of business.

#### SECOND READING GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9039, Al Link, as a member of the State Board for Community and Technical Colleges, was confirmed.

#### APPOINTMENT OF AL LINK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice,

Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Moyer, Palmer and Smith - 4.

#### MOTION

On motion of Senator Hargrove, Gubernatorial Appointment No. 9023, Ruth J. Hagerott, as a member of the State Hospital, Western Washington Advisory Board, was confirmed.

#### APPOINTMENT OF RUTH J. HAGEROTT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Moyer, Palmer and Smith - 4.

#### SECOND READING

SENATE BILL NO. 5169, by Senators McAuliffe, Cantu, Pelz, Hochstatter, Drew, A. Anderson, Rasmussen and Kohl (by request of Joint Select Committee on Education Restructuring)

Implementing recommendations of the joint select committee on education restructuring.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5169 was substituted for Senate Bill No. 5169 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the following amendments were considered simultaneously and were adopted:

On page 11, line 21, after "(1) The" strike "superintendent of public instruction" and insert "~~((superintendent of public instruction))~~ state board for community and technical colleges"

On page 11, beginning on line 23, after "services, the" strike "state board for community and technical colleges ~~((education))~~" and insert "~~((state board for community college education))~~ superintendent of public instruction"

#### MOTIONS

On motion of Senator McAuliffe, the following amendment was adopted:

On page 27, line 36, after "~~therein~~)" insert ", and may charge the adults reasonable tuition"

Senator McAuliffe moved that the following amendment be adopted:

On page 29, at the beginning of line 14, strike "eighteen" and insert "twenty-one"

#### POINT OF INQUIRY

Senator Ann Anderson: "Senator McAuliffe, as I read this amendment, your summary says that it is a technical correction, but we are talking about twenty-one years of age, rather than eighteen years of age in terms of SPI's adoption of rules. Is this current law that we are restoring to twenty-one years of age instead of eighteen years of age? I guess I need a little more discussion on what a technical correction is, since we are changing the age."

Senator McAuliffe: "At this point, I cannot answer that question. I will check that out with staff and if you--. That is current law; thank you, staff."

Senator Anderson: "So, this amendment is restoring to current law twenty-ones years of age?"

Senator McAuliffe: "Yes, it is. Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 29, at the beginning of line 14, to Substitute Senate Bill No. 5169.

The motion by Senator McAuliffe carried and the amendment was adopted.

#### MOTION

Senator Johnson moved that the following amendment by Senators Johnson and McAuliffe be adopted:

On page 30, after line 17, insert the following:

"**Sec. 701.** RCW 28A.405.460 and 1991 c 116 s 15 are each amended to read as follows:

All certificated employees of school districts shall be allowed a reasonable lunch period of not less than thirty continuous minutes per day during the regular school lunch periods and during which they shall have no assigned duties: PROVIDED, That local districts may work out other arrangements with the consent of all affected parties."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Johnson and McAuliffe on page 30, after line 17, to Substitute Senate Bill No. 5169.

The motion by Senator Johnson carried and the amendment was adopted.

#### MOTIONS

On motion of Senator McAuliffe, the following title amendments were considered simultaneously and were adopted:

On page 1, line 9 of the title, strike "and"

On page 1, line 9 of the title, after "28A.335.160" insert ", and 28A.405.460"

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5169.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5169 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Moyer, Palmer and Smith - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:43 a.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:09 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

February 23, 1995

SB 5017 Prime Sponsor, Senator Snyder: Establishing commercial fishery license fee and renewal provisions for years with no fishing season. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5017, as recommended by Committee on Natural Resources, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Snyder, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5268 Prime Sponsor, Senator Owen: Restricting use of the department of licensing services account. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5282 Prime Sponsor, Senator Fraser: Modifying department of revenue tax information disclosure regulations. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Referred to Committee on Ways and Means.

February 23, 1995

SB 5312 Prime Sponsor, Senator Rasmussen: Regulating firearm possession by children. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5312 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5417 Prime Sponsor, Senator Fraser: Making it a crime to abandon a dependent person. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5417 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5448 Prime Sponsor, Senator Fraser: Modifying provisions for public water system regulation. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5448 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Ways and Means.

February 23, 1995

SB 5472 Prime Sponsor, Senator Wojahn: Providing for utility liens. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5472 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5533 Prime Sponsor, Senator Bauer: Changing tuition provisions for students in programs leading to the degree of doctor of pharmacy. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Sheldon and Wood.

Referred to Committee on Ways and Means.

February 23, 1995

SB 5545 Prime Sponsor, Senator Sheldon: Allowing businesses in this state to participate in the small business innovation research program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5545, as recommended by Committee on Labor, Commerce and Trade, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Long, McDonald, Pelz, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5557 Prime Sponsor, Senator Sutherland: Establishing the Washington assessment of prior experiential learning program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5557 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon and Wood.

Referred to Committee on Ways and Means.

February 23, 1995

SB 5644 Prime Sponsor, Senator Wood: Developing a proposal to establish a community college in the People's Republic of China. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5644 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5723 Prime Sponsor, Senator Smith: Failing to return leased or rented machinery, equipment, or motor vehicles. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5723 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5759 Prime Sponsor, Senator Pelz: Including crimes committed to obstruct or hinder legal abortions on the list of aggravating circumstances for the purposes of imposing exceptional sentences. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Quigley, Rinehart and Roach.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5860 Prime Sponsor, Senator Prentice: Improving transportation project cost estimates. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5860 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5873 Prime Sponsor, Senator Fairley: Raising the fine for parking in places reserved for physically handicapped persons. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5894 Prime Sponsor, Senator Prentice: Planning for department of transportation wetlands. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5981 Prime Sponsor, Senator Prentice: Prohibiting providers of health care coverage from reducing or terminating coverage because a person is in confinement. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Refer to Committee on Financial Institutions and Housing without recommendation. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Winsley and Wood.

Referred to Committee on Financial Institutions and Housing.

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

## INTRODUCTION AND FIRST READING

SJM 8020 by Senators Loveland, Hale, Rasmussen, A. Anderson, Newhouse, Bauer, Snyder, Morton, Sutherland, Finkbeiner, Hochstatter, Owen, Hargrove, Rinehart, Spanel, Drew, Sheldon, Fraser, Sellar and McDonald

Concerning federal funds for the cleanup of the Hanford waste disposal site.

Referred to Committee on Ecology and Parks.

## MOTION

At 1:10 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

At 1:10 p.m., the Senate retired to the House Chamber for the purpose of a joint session.

## JOINT SESSION

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

Speaker Pro Tempore Horn instructed the Sergeants at Arms of the House and Senate to escort President of the Senate Joel Pritchard to his seat on the rostrum and to escort President Pro Tempore R. Lorraine Wojahn; Vice President Pro Tempore Rosa Franklin; Majority Leader Marcus S. Gaspard; and Minority Leader Dan McDonald to seats within the House Chamber.

Speaker Pro Tempore Horn invited the Senators to seats within the House Chamber.

Speaker Pro Tempore Horn instructed the Sergeant at Arms of the House and Senate to escort the Memorialists to seats within the House Chamber.

Speaker Pro Tempore Horn presented the gavel to President Pritchard.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Snyder and Prince and Representatives Carlson and Romero to escort Governor Mike Lowry from his office to the House Chambers.

The Flag was escorted to the rostrum by the All Service Color Guard.

The Secretary of the Senate called the roll of the Senate.

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

The Sergeant at Arms of the House announced the arrival of Governor Mike Lowry.

The President of the Senate instructed the special committee to escort Governor Mike Lowry to the rostrum.

The President of the Senate introduced the Honorable John L. O'Brien, the Honorable Charles W. Hodde and the Honorable Thomas A. Swayze, former Speakers of the House of Representatives, who were seated on the rostrum.

## REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "The purpose of this Joint Session is to conduct Memorial Services in memory of the departed former members of the Legislature. The President at this time would like to respectfully present the Honorable Jim Horn, Speaker Pro Tempore of the House of Representatives."

The President of the Senate presented the gavel to Speaker Pro Tempore Horn.

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## MEMORIAL PROGRAM

Presiding: President of the Senate Joel Pritchard

Chair: Speaker Pro Tempore Jim Horn

## INVOCATION

by

Father Michael J. Ryan, St. Michael's

Catholic Church, Olympia

*For All the Saints/Praise Ye The Lord*  
Kantorei - Bellevue Christian School  
Joel Ulrick, Director

*How Great Thou Art*  
Kathy Ward/John Grace, Accompanist

MEMORIAL TRIBUTE  
by  
Speaker Pro Tempore Jim Horn  
Representative Georgette Valle

Speaker Pro Tempore Horn: "We are assembled today to pay tribute to the lives and services of a distinguished former Governor and distinguished former members of the Senate and House of Representatives of the state of Washington who have passed from among us. On behalf of the people of our state, the Fifty-fourth Legislative Session of the state of Washington conveys its respects to our deceased Governor and to those deceased legislators who once sat in these hallowed Chambers of the House and the Senate, like we are doing today, answered roll calls on sometimes critical and perplexing bills, attended committee meetings, and above all else served to the best of their abilities in order to make our state a better and more enjoyable place to live. While they have passed to the great beyond, their achievements, records and valued services have been recorded in the Journals of the Senate and House and are now and forever more a permanent part of the history of the state of Washington.

"We express our sympathies to the bereaved families and their friends and also share with them on this memorable occasion the fond and happy memories of these legislators, who served beyond their call of duty and responsibilities and truly loved the state of Washington. They have indeed left a legacy of dedicated services that will remain forever etched in our hearts, our memories and our legislative records."

CANDLE SERVICE

#### IN MEMORIUM

In tribute to the memories of our distinguished former Governor and members of the Senate and House of Representatives who have passed from among us, the Fifty-fourth Legislative Session of the state of Washington conveys its respects on behalf of the people our State. May the memory of their dedicated service remain in our hearts.

***In Memory of: Tribute by:***

Robert G. Earley Representative Debbie Regala  
William H. "Skeeter" Ellis Representative Mike Padden  
Harry S. Elway, Jr. Senator Sid Snyder  
A. H. Fairchild Representative Brian Hatfield  
William Howard Finch Representative Larry Sheahan  
Lady Willie Forbus Representative Dave Schmidt  
R. Mort Frayn Representative Pat Thibaudeau  
Thomas C. Hall Representative Bill Brumsickle  
Herbert M. Hamblen Representative Larry Crouse  
Elmer C. Huntley Senator Eugene Prince  
George C. Kinnear Representative Helen Sommers  
June Leonard Senator Margarita Prentice  
Leo A. McGavick Representative Lois McMahan  
Jim Matson Senator Irv Newhouse  
Frances Haddon Morgan Senator Betti Sheldon  
John Pearsall Representative Bob Basich  
Charles A. Riemcke Representative Mary Skinner  
J. V. "Jack" Rogers Representative Dale Foreman  
Jack D. Schwartz Senator Jeanne Kohl  
Mrs. Thomas A. Swayze Representative Tom G. Huff  
F. Pat Wanamaker Representative Barney Beeksma  
Arnold S. Wang Representative Karen Schmidt  
Governor Dixy Lee Ray Governor Mike Lowry

MEMORIAL PRAYER  
by  
Rabbi James L. Mirel  
Temple B'nai Torah, Mercer Island

*Amazing Grace*  
Ralph Munro, Piper  
Herb Jones, Kathy Ward, Singers



John Grace, Accompanist

BENEDICTION

by

Reverend Jack Olive, Mercer Island United Methodist Church

*God Bless America*

Herb Jones

John Grace, Accompanist

ECHO TAPS

1st Corps Army Band - Fort Lewis  
and Navy Band - Seattle

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Speaker Pro Tempore Horn presented the gavel to the President of the Senate, Joel Pritchard.

REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "Thank you, Speaker Pro Tempore Horn, Representative Valle and the other members of our Memorial Committee, Senators Deccio, Franklin, Prince and Snyder and Representatives Veloria and Skinner. I would just like to say a word to the relatives; we do owe a great debt of gratitude for the service that these people have performed for our state. Having known almost all of them, I can tell you that they gave great satisfaction from their service here. The ones I know and as I said--almost all of them--they wouldn't have missed it for the world. They had great experiences and we love them dearly."

The President of the Senate instructed the committee to escort Governor Mike Lowry from the House Chambers.

The Color Guard retired the Colors.

MOTION

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

The President of the Senate returned the gavel to Speaker Pro Tempore Horn of the House of Representatives.

REMARKS BY SPEAKER PRO TEMPORE HORN

Speaker Pro Tempore Horn: "Thank you Governor Pritchard, we appreciate the excellent job you have done in presiding over this fine joint session. On behalf of the House of Representatives, we extend to you our deep appreciation."

Speaker Pro Tempore Horn instructed the Sergeant at Arms of the House and Senate to escort the President of the Senate Joel Pritchard; President Pro Tempore R. Lorraine Wojahn; Vice President Pro Tempore Rosa Franklin; Majority Leader Marcus S. Gaspard; Minority Leader Dan McDonald, and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 2:21 p.m. by President Pritchard.

MOTION

At 2:21 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, February 27, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY, FEBRUARY 24, 1995

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

**FIFTIETH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, February 27, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Cantu, Fraser, Long, McAuliffe, Oke, Pelz, Rinehart and Roach. On motion of Senator Ann Anderson, Senators Cantu, Long, Oke and Roach were excused. On motion of Senator Loveland, Senators Cal Anderson, Pelz, and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Winter Alto and Kathryn Brotherton, presented the Colors. President Pritchard offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 23, 1995  
SB 5159 Prime Sponsor, Senator Owen: Creating the warm water game fish enhancement program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5159 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, Pelz, Sheldon, Snyder, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1995  
SB 5216 Prime Sponsor, Senator Fraser: Creating the parks renewal and stewardship account. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5216 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1995  
SB 5435 Prime Sponsor, Senator Prentice: Restricting limitations in certain medicare policies. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5435 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1995  
SB 5439 Prime Sponsor, Senator Hargrove: Revising procedures for nonoffender at-risk youth and their families. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5439 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and Kohl.

Referred to Committee on Ways and Means.

February 23, 1995

SB 5513 Prime Sponsor, Senator Rasmussen: Implementing a procedure for determining ownership of lost horses. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5513 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton and Snyder.

Passed to Committee on Rules for second reading.

February 24, 1995

SB 5641 Prime Sponsor, Senator McAuliffe: Studying providing instruction in world languages in the common school system. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 24, 1995

SB 5642 Prime Sponsor, Senator Fraser: Requiring annual training for educational service district staff about placing exchange students and teachers in public schools. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard, Hochstatter and Rasmussen.

Passed to Committee on Rules for second reading.

February 24, 1995

SB 5699 Prime Sponsor, Senator Fraser: Revising provisions relating to international student exchange visitor placement organizations. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5729 Prime Sponsor, Senator Prentice: Modifying the affordable housing eligibility criteria. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1995

SB 5742 Prime Sponsor, Senator Rasmussen: Establishing the Washington state vocational agriculture teacher recruitment program. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5742 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 24, 1995

SB 5743 Prime Sponsor, Senator Rasmussen: Establishing a pilot program to develop an integrated vocational agricultural educational program. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5743 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5748 Prime Sponsor, Senator Prentice: Expanding the state law against discrimination. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5770 Prime Sponsor, Senator Pelz: Providing for unemployment insurance claimant profiling. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Deccio, Fraser, Hale, Newhouse, Palmer and Wojahn.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Heavey, Vice Chair; and Franklin.

Passed to Committee on Rules for second reading.

February 23, 1995

SB 5780 Prime Sponsor, Senator Prentice: Regulating viatical settlements. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5780 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1995

SB 5871 Prime Sponsor, Senator Pelz: Clarifying the terms of the members of the advisory board of plumbers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 6027 by Senator Morton

AN ACT Relating to county day labor road construction budgets; and amending RCW 36.77.065.

Referred to Committee on Government Operations.

SB 6028 by Senators Schow and Roach

AN ACT Relating to harassment; and amending RCW 10.14.020 and 10.14.040.

Referred to Committee on Law and Justice.

SB 6029 by Senator Pelz

AN ACT Relating to exemptions from overtime compensation requirements; amending RCW 49.46.130; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 6030 by Senator Heavey

AN ACT Relating to council elections in cities with a population of four hundred thousand or more; adding a new section to chapter 35.22 RCW; and declaring an emergency.

Referred to Committee on Government Operations.

SB 6031 by Senators Wood, Prince, Prentice and Owen

AN ACT Relating to authorizing removal of motor vehicles bought or received in pledge by a pawnbroker from the pawnbroker's place of business; and amending RCW 19.60.050.

Referred to Committee on Labor, Commerce and Trade.

SB 6032 by Senators Moyer, Deccio, McDonald, Winsley, Long, Hochstatter, Prince, Palmer, Oke, Sellar, Schow, Cantu, Johnson, Wood, Morton, Swecker, Hale, Roach, Strannigan, West, Newhouse, McCaslin, Finkbeiner and A. Anderson

AN ACT Relating to health care reform improvement; adding a new section to chapter 70.47 RCW; adding new sections to chapter 48.43 RCW; adding a new chapter to Title 48 RCW; creating new sections; repealing RCW 18.130.320, 18.130.330, 43.72.005, 43.72.010, 43.72.020, 43.72.030, 43.72.040, 43.72.050, 43.72.060, 43.72.070, 43.72.080, 43.72.090, 43.72.100, 43.72.110, 43.72.120, 43.72.130, 43.72.140, 43.72.150, 43.72.160, 43.72.170, 43.72.180, 43.72.190, 43.72.210, 43.72.220, 43.72.225, 43.72.230, 43.72.240, 43.72.300, 43.72.310, 43.72.800, 43.72.810, 43.72.820, 43.72.830, 43.72.840, 43.72.850, 43.72.860, 43.72.870, 48.01.200, 48.43.010, 48.43.020, 48.43.030, 48.43.040, 48.43.050, 48.43.060, 48.43.070, 48.43.080, 48.43.090, 48.43.100, 48.43.110, 48.43.120, 48.43.130, 48.43.140, 48.43.150, 48.43.160, 48.43.170, 48.01.210, 48.20.540, 48.21.340, 48.44.480, 48.46.550, 48.42.060, 48.42.070, 48.42.080, 70.170.100, 70.170.110, 70.170.120, 70.170.130, 70.170.140, 48.44.490, and 48.46.560; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Health and Long-Term Care.

SB 6033 by Senators Deccio, Quigley, Moyer, Wojahn and Winsley

AN ACT Relating to health care facility worker identification; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6034 by Senators Quigley, Winsley, Gaspard, Wood, Deccio, Snyder, Rinehart, Sheldon, Spanel, Loveland, Bauer, Owen, Haugen, Heavey, Franklin, Kohl, Prentice, Fraser, Drew, Wojahn, Rasmussen, McAuliffe, Hargrove, Oke and Sutherland

AN ACT Relating to repeal of the health insurance participation mandate for individuals and employers; repealing RCW 43.72.210 and 43.72.220; providing an effective date; and declaring an emergency.

HOLD.

SB 6035 by Senators Finkbeiner, Johnson and Hochstatter

AN ACT Relating to the delivery of telecommunications services; amending RCW 80.54.010; adding a new section to chapter 54.04 RCW; and creating a new section.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6036 by Senators Finkbeiner, Hochstatter, Swecker, Schow, Sellar, Strannigan, Johnson, Cantu and West

AN ACT Relating to the state energy office; and repealing RCW 43.21F.010, 43.21F.015, 43.21F.025, 43.21F.035, 43.21F.045, 43.21F.055, 43.21F.060, and 43.21F.065.

Referred to Committee on Government Operations.

SB 6037 by Senators Sheldon, Hale, Rinehart, Haugen, Drew, Oke, Kohl, Fairley, Franklin, Snyder, Quigley, Bauer, McAuliffe, Fraser, Sutherland and Gaspard

AN ACT Relating to the creation of the Washington independent regulatory affairs commission; amending RCW 34.05.010, 34.05.320, and 34.05.350; reenacting and amending RCW 42.17.2401; adding new sections to chapter 34.05 RCW; creating a new section; and repealing RCW 34.05.610, 34.05.620, 34.05.630, 34.05.640, and 34.05.650.

Referred to Committee on Government Operations.

#### MOTION

On motion of Senator Spanel, Senate Bill No. 6034 was held on the desk.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Masaki Saito, Consul General of Japan, who was seated in the gallery.

#### SECOND READING GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9097, Samuel R. Johnston, as a member of the Clemency and Pardons Board, was confirmed.

#### APPOINTMENT OF SAMUEL R. JOHNSTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 40.

Absent: Senators Fraser and McAuliffe - 2.

Excused: Senators Anderson, C., Cantu, Long, Oke, Pelz, Rinehart and Roach - 7.

#### SECOND READING

SENATE BILL NO. 5031, by Senators Hargrove, Winsley and Prentice (by request of Department of Social and Health Services)

Enlarging the scope of the methadone treatment program to the opiate substitution treatment program.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5031 was substituted for Senate Bill No. 5031 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5031.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5031 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Cantu, Rinehart and Roach - 4.

SUBSTITUTE SENATE BILL NO. 5031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:16 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:40 a.m. by President Pritchard.

There being no objection, the President returned the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

February 23, 1995

SB 5616 Prime Sponsor, Senator Gaspard: Establishing a single-application process for watershed restoration projects. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5616 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 24, 1995

SB 5632 Prime Sponsor, Senator A. Anderson: Providing for flood damage reduction. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5632 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Referred to Committee on Ways and Means.

February 23, 1995

SB 5633 Prime Sponsor, Senator Snyder: Attempting to limit the growth and spread of the noxious weed spartina. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5633 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Referred to Committee on Ways and Means.

February 23, 1995

SB 5662 Prime Sponsor, Senator Owen: Clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5662 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the fifth order of business to consider Senate Bill No. 6034, which was held on the desk earlier today.

#### MOTION

Senator Gaspard moved that the rules be suspended and Senate Bill No. 6034 be advanced to second reading and placed on the second reading calendar.

Debate ensued.

#### MOTION WITHDRAWN

On motion of Senator Gaspard and there being no objection, the motion to suspend the rules and advance Senate Bill No. 6034 to second reading was withdrawn.

#### POINT OF INQUIRY

Senator Newhouse: "Senator Gaspard, is it the intent of the majority to fully consider the issues related to the employer mandate-- those of a commission, those of the other parts of the bill passed two years ago?"

Senator Gaspard: "Senator Newhouse, the measure before us is only the measure to repeal the employer mandate. The rest of our commitment, in a bipartisan way with your side of the aisle, is to continue to work the health care improvements that we want to make this session. We will have another measure before us, whether it is a Senate Bill coming out of Senator Quigley's committee or a House bill, a measure dealing with health care will be before this body at a later date. It was only our hope that we could deal with the employer mandate issue and put that aside--put that aside--and have that decided this morning. Unfortunately, that is not able to take place."

#### MOTION

On motion of Senator Spanel, Senate Bill No. 6034 was referred to the Committee on Health and Long-Term Care.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5279, by Senators Prentice, Roach, Prince, Spanel, Hale, Heavey, Kohl, Sellar and C. Anderson

Authorizing fees for certain small loans.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5279 was substituted for Senate Bill No. 5279 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5279.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5279 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Voting nay: Senator Pelz - 1.

SUBSTITUTE SENATE BILL NO. 5279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5119, by Senators Bauer, Long, Winsley, Loveland, Newhouse, Fraser, Gaspard, Haugen, Sutherland and McAuliffe

Modifying the cost of living allowance for retirement purposes.

#### MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5119 was substituted for Senate Bill No. 5119 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5119.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5119 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senators Cantu and Morton - 2.

SUBSTITUTE SENATE BILL NO. 5119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, February 28, 1995.



JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTIETH DAY, FEBRUARY 27, 1995

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**FIFTY-FIRST DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, February 28, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 27, 1995  
SB 5416 Prime Sponsor, Senator Fraser: Creating a state-wide registry of antiharassment and domestic violence restraining orders. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5416 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

February 23, 1995  
SB 5442 Prime Sponsor, Senator Rasmussen: Directing the state weeds board to study weed control on state lands. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5442 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 24, 1995  
SB 5499 Prime Sponsor, Senator McAuliffe: Extending the time for developing essential academic learning requirement Goal 2 assessments. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5499 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 24, 1995  
SB 5503 Prime Sponsor, Senator Prentice: Streamlining temporary worker housing safety and health regulations. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5503 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1995

SB 5529 Prime Sponsor, Senator McAuliffe: Changing school district levy provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Referred to Committee on Education without recommendation. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Gaspard, Hargrove, Johnson, McDonald, Moyer, Pelz, Quigley, Sheldon, Snyder, Strannigan, West and Wojahn.

Referred to Committee on Education.

February 24, 1995

SB 5539 Prime Sponsor, Senator McAuliffe: Authorizing waivers for educational restructuring. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5539 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 27, 1995

SB 5597 Prime Sponsor, Senator Cal Anderson: Copying public records. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5597 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Hargrove, Johnson, Long, McCaslin, Roach and Schow.

MINORITY Recommendation: Do not pass. Signed by Senator Haugen.

Passed to Committee on Rules for second reading.

February 27, 1995

SB 5676 Prime Sponsor, Senator Fraser: Restricting residential time for abusive parents. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5676 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules for second reading.

February 27, 1995

SB 5683 Prime Sponsor, Senator Haugen: Studying the need for and providing a model to meet postsecondary education needs of the Snohomish, Island, and Skagit county area. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Referred to Committee on Ways and Means.

February 27, 1995

SB 5724 Prime Sponsor, Senator Quigley: Simplifying publication and distribution of court reports. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5724 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 27, 1995

SB 5804 Prime Sponsor, Senator Johnson: Clarifying procedures for release of a power of appointment. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5804 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 24, 1995

SB 5878 Prime Sponsor, Senator Gaspard: Providing for a simple majority of voters voting to authorize school district levies and bonds. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Finkbeiner, Hochstatter and Johnson.

Passed to Committee on Rules for second reading.

February 24, 1995

SB 5884 Prime Sponsor, Senator Prentice: Enforcing financing terms by the housing finance commission. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5884 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1995

SB 5888 Prime Sponsor, Senator Sutherland: Revising considerations for charges for sewerage and storm water control systems. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner and Hochstatter.

Passed to Committee on Rules for second reading.

February 27, 1995

SB 5924 Prime Sponsor, Senator Kohl: Creating tuition surcharges. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5924 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Referred to Committee on Ways and Means.

February 24, 1995

SJM 8013 Prime Sponsor, Senator McAuliffe: Requesting that the Governor hold a monthly meeting for the discussion of issues concerning K-12 and higher education cooperation and coordination. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 8013 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter and Rasmussen.

Passed to Committee on Rules for second reading.

February 24, 1995

SJR 8215 Prime Sponsor, Senator Gaspard: Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Finkbeiner, Hochstatter and Johnson.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 27, 1995

GA 9010 JUDITH BUTLER, appointed October 9, 1994, for a term ending March 26, 1995, as a member of the Higher Education Facilities Authority.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9040 GRACE L. LYNCH, reappointed October 24, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9041 ARLAND LYONS, reappointed October 25, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Centralia Community College District No. 12.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9043 ED MAYEDA, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9058 FRANK R. SANCHEZ, reappointed December 19, 1994, for a term ending September 30, 2000, as a member of the Board of Trustees for Central Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9060 DR. DONALD S. SCHWERIN, reappointed October 25, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Walla Walla Community College District No. 20.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9061 DENNIS G. SEINFELD, reappointed October 25, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Tacoma Community College District No. 22.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9067 VIRGINIA SPRENKLE, reappointed October 3, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Everett Community College District No. 5.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9069 BARBARA STEPHENSON, reappointed October 1, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Olympic Community College District No. 3.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9074 DR. RAY TOBIASON, reappointed October 7, 1994, for a term ending March 26, 1998, as a member of the Higher Education Facilities Authority.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9077 CAROL VIPPERMAN, reappointed October 3, 1994, for a term ending September 30, 2000, as a member of the Board of Trustees for The Evergreen State College.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9080 WILLIAM WILEY, reappointed October 3, 1994, for a term ending June 30, 2000, as a member of the Board of Regents for Washington State University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9083 GRACE T. YUAN, reappointed December 27, 1994, for a term ending September 30, 2000, as a member of the Board of Trustees for Western Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9086 GIRARD CLARK, appointed March 8, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9091 PATRICK FAHEY, appointed February 16, 1994, for a term ending March 26, 1997, as a member of the Higher Education Facilities Authority.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9099 PHYLLIS G. KENNEY, reappointed March 8, 1994, for a term ending December 30, 1998, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

February 27, 1995

GA 9124 JEAN BESCHEL, reappointed January 25, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Eastern Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6038 by Senator McCaslin

AN ACT Relating to impact fees; and amending RCW 82.02.050 and 36.70A.130.

Referred to Committee on Government Operations.

SB 6039 by Senators Moyer and Oke

AN ACT Relating to health care liability reform; adding a new section to chapter 4.24 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6040 by Senator Moyer

AN ACT Relating to economic incentives for health care coverage; adding new sections to chapter 48.43 RCW; adding new sections to chapter 51.16 RCW; adding a new section to chapter 82.04 RCW; creating a new section; and recodifying RCW 51.14.010.

Referred to Committee on Health and Long-Term Care.

SB 6041 by Senator Moyer

AN ACT Relating to health care reform; adding new sections to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 44.44 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.36A RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.41 RCW; adding new sections to chapter 48.70 RCW; adding new sections to chapter 48.85 RCW; adding a new section to chapter 70.47 RCW; creating new sections; and repealing RCW 43.72.020.

Referred to Committee on Health and Long-Term Care.

SB 6042 by Senator Moyer

AN ACT Relating to public employee health care coverage; adding new sections to chapter 28A.400 RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 47.64 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6043 by Senator Moyer

AN ACT Relating to quality assurance; adding new sections to chapter 43.70 RCW; creating a new section; repealing RCW 70.170.100, 70.170.110, 70.170.120, 70.170.130, and 70.170.140; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6044 by Senators Owen, Prince and Kohl

AN ACT Relating to transportation systems and facilities; amending RCW 47.46.010, 47.46.030 and 47.46.040; adding a new section to chapter 47.46 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6045 by Senators Bauer, Hochstatter, Gaspard, McAuliffe and Winsley

AN ACT Relating to retired administrators; amending RCW 41.32.570; creating a new section; and declaring an emergency.

Referred to Committee on Education.

SB 6046 by Senators Long, Wood, Haugen, Strannigan, McAuliffe, Quigley, Loveland, Oke and Winsley

AN ACT Relating to tax exemptions for new construction of alternative housing for youth in need; adding a new chapter to Title 82 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6047 by Senators Gaspard, McCaslin, Wojahn, Prentice, C. Anderson, Rinehart, Heavey, Spanel, Smith, Sheldon, Drew, Fraser, Loveland, Fairley, Sutherland, McAuliffe, Snyder, Quigley, Hargrove, Franklin, Kohl, Bauer, Rasmussen, Haugen, Owen, Pelz and Winsley

AN ACT Relating to sales and use tax exemptions for medical care products; amending RCW 82.08.0281, 82.08.0283, 82.12.0275, and 82.12.0277; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

#### MOTION

At 12:02 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, March 1, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate



JOURNAL OF THE SENATE

FIFTY-FIRST DAY, FEBRUARY 28, 1995

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**FIFTY-SECOND DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, March 1, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Pelz and Prentice. On motion of Senator Loveland, Senators Pelz and Prentice were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ellen Long and David Ellingson, presented the Colors. Senator Bob Morton, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5108 Prime Sponsor, Senator Snyder: Concerning the hunter education training program. Reported by Committee on Natural Resources February 28, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Oke, Owen, Snyder and Swecker.

Passed to Committee on Rules for second reading.

SB 5409 Prime Sponsor, Senator Owen: Providing compensation for wildlife agents injured on duty. Reported by Committee on Natural Resources February 28, 1995

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Referred to Committee on Ways and Means.

SB 5477 Prime Sponsor, Senator Spanel: Providing a family health history for children upon the dissolution of a marriage. Reported by Committee on Law and Justice February 28, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5477 be substituted therefor, and the substitute bill do pass. Signed by Senators C. Anderson, Vice Chair; Hargrove, Haugen, Long, McCaslin, Rinehart and Schow.

Passed to Committee on Rules for second reading.

SB 5525 Prime Sponsor, Senator Heavey: Providing for setting salaries of municipal court judges in cities over four hundred thousand. Reported by Committee on Law and Justice February 28, 1995

MAJORITY Recommendation: Do pass. Signed by Senators C. Anderson, Vice Chair; Hargrove, Johnson, Long, Rinehart and Schow.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5605 Prime Sponsor, Senator Owen: Prohibiting drug and alcohol use in state-owned college and university residences. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5605 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Prince, Sheldon, West and Wood.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5693 Prime Sponsor, Senator Haugen: Requiring financial reporting by corporations, associations, societies, and granges. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5693 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Long and Rinehart.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5751 Prime Sponsor, Senator Newhouse: Prohibiting the purchase or consumption of liquor on licensed premises by persons apparently under the influence of liquor. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5751 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5839 Prime Sponsor, Senator Rasmussen: Regulating alternative livestock farming. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5839 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer and Snyder.

MINORITY Recommendation: Do not pass. Signed by Senators A. Anderson and Morton.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5868 Prime Sponsor, Senator Prentice: Providing mobile home relocation assistance. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5868 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5898 Prime Sponsor, Senator Rasmussen: Providing that research studies for alternatives to grass burning be conducted by Washington State University. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5948 Prime Sponsor, Senator Drew: Clarifying the authority of the fish and wildlife commission. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5948 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Haugen, Morton, Oke, Owen and Swecker.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5956 Prime Sponsor, Senator Rasmussen: Collecting unpaid court obligations. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Rinehart, Roach and Schow.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5962 Prime Sponsor, Senator Rasmussen: Changing dairy products regulations. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5964 Prime Sponsor, Senator Prentice: Allowing local excise tax on real estate sales to be used for low-income and special needs housing. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale and Smith.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5975 Prime Sponsor, Senator Prentice: Creating a real estate tax exemption. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 6002 Prime Sponsor, Senator Bauer: Changing community and technical college tuition refund and fee cancellation provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6002 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 6009 Prime Sponsor, Senator Rasmussen: Creating the malt beverage commission. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6009 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton and Snyder.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 6026 Prime Sponsor, Senator Rasmussen: Using "Washington state grown" for agricultural commodities. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6026 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 28, 1995

SJM 8019 Prime Sponsor, Senator Oke: Requesting federal assistance to facilitate the implementation of judicial decisions concerning the harvest of fish and shellfish. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8019 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

#### REPORTS OF SELECT COMMITTEES

February 27, 1995

SB 5486 Prime Sponsor, Senator Rasmussen: Affecting the processing of water rights. Reported by Committee on Senate Select Committee on Water Policy

MAJORITY Recommendation: That Substitute Senate Bill No. 5486 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Fraser, Haugen, Hochstatter, Morton, Newhouse, Oke, Rasmussen, Spanel, Sutherland, Swecker and Winsley.

Referred to Committee on Ways and Means.

February 27, 1995

SB 5579 Prime Sponsor, Senator Swecker: Providing for streamlined permit processing of certain water permits. Reported by Committee on Senate Select Committee on Water Policy

MAJORITY Recommendation: That Substitute Senate Bill No. 5579 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Fraser, Haugen, Hochstatter, Morton, Newhouse, Oke, Rasmussen, Spanel, Sutherland, Swecker and Winsley.

Referred to Committee on Ways and Means.

#### MESSAGES FROM THE GOVERNOR

February 23, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David J. Kjos, appointed February 23, 1995, for a term ending September 30, 1997, as a member of the Spokane Joint Center for Higher Education.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 23, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roberta J. Greene, reappointed February 23, 1995, for a term ending September 30, 1999, as a member of the Spokane Joint Center for Higher Education.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 23, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gerald P. Leahy, reappointed February 23, 1995, for a term ending September 30, 1997, as a member of the Spokane Joint Center for Higher Education.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 23, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Michael Ormsby, reappointed February 23, 1995, for a term ending September 30, 1998, as a member of the Spokane Joint Center for Higher Education.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

#### MESSAGE FROM THE HOUSE

February 27, 1995

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE HOUSE BILL NO. 1027, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6048 by Senators Oke, Schow, Palmer and Kohl

AN ACT Relating to work ethic camps; amending RCW 9.94A.137; and reenacting and amending RCW 9.94A.120.

Referred to Committee on Human Services and Corrections.

SB 6049 by Senators Prentice, Finkbeiner, Snyder and Pelz

AN ACT Relating to financing of public stadiums used by professional sports teams; adding a new section to chapter 36.38 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 67.70 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6050 by Senators Prince, Loveland, McCaslin, Moyer and Morton

AN ACT Relating to the conduct of wagering at satellite locations; and amending RCW 67.16.010 and 67.16.200.

Referred to Committee on Labor, Commerce and Trade.

SB 6051 by Senators Rinehart, West and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to affirming and clarifying the legislative authority to treat nonmedicaid therapy costs as unallowable, insuring that for medical care recipients, only therapy costs, that are not covered by other payers, may be reimbursed in the per patient day rate; and amending RCW 74.46.190.

Referred to Committee on Ways and Means.

SB 6052 by Senators Snyder and Palmer

AN ACT Relating to toll bridge bonds; and adding new sections to chapter 47.56 RCW.

Referred to Committee on Transportation.

SB 6053 by Senators Sheldon, Hale, Winsley and Oke

AN ACT Relating to regulatory reform; amending RCW 43.21A.080, 43.70.040, 82.01.060, 46.01.110, 50.12.040, 76.09.040, 77.04.090, and 48.02.060; adding a new section to chapter 43.12 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.22 RCW; and adding a new section to chapter 43.24 RCW.

Referred to Committee on Government Operations.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

2SHB 1027 by House Committee on Appropriations (originally sponsored by Representatives Brumsickle, Carlson, Cooke, Ballasiotes, B. Thomas, Chandler, Lisk, Horn, Foreman, Dyer, Sehlin, Silver, Sherstad, Benton, Schoesler, Buck, Johnson,

Thompson, Radcliff, Hickel, Backlund, Cairnes, Elliot, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Chappell, Smith, Honeyford, Blanton, D. Schmidt, Mulliken, McMorris, Clements, Fuhrman, Sheldon, Huff, Mielke, Talcott and McMahan)

Redirecting school administrative resources to the classroom.

Referred to Committee on Education.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Laurie Boon, the Washington State Dairy Princess, and the state's Dairy Ambassador; and the Alternate Princesses, Kate Fenn and Cheyenne Paul, who were seated on the rostrum.

The President introduced the Dairy Families of the Year, the Karl Bishop family, the Erick Erickson family, the Dave Moes family, the Henry and Bob Smit families, the Tony Veiga family and the Ray Woodside family, who were seated in the gallery.

With permission of the Senate, business was suspended to permit Princess Laurie to address the Senate.

#### SECOND READING GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9030, Mary Ann Huntington, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

Senators Fraser, Sheldon and Oke spoke to the confirmation of Mary Ann Huntington as a member of the Interagency Committee for Outdoor Recreation.

#### APPOINTMENT OF MARY ANN HUNTINGTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Pelz and Prentice - 2.

##### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9092, William S. Fearn, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

#### APPOINTMENT OF WILLIAM S. FEARN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Prentice - 1.

##### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9103, Donna M. Mason, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

#### APPOINTMENT OF DONNA M. MASON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Prentice - 1.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8000, by Senators Rasmussen, Morton, Snyder, Newhouse, A. Anderson and Hochstatter

Petitioning Congress to introduce legislation on pesticide use for minor crops.

The joint memorial was read the second time.

## MOTIONS

On motion of Senator Rasmussen, and there being no objection, the following Committee on Agriculture and Agricultural Trade and Development was withdrawn:

On page 2, line 20, strike "Food" and insert "federal Fungicide"

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen and Morton was adopted:

On page 2, line 20, after "of the" strike "1984 and 1988 amendments to the Food, Insecticide" and insert "1988 amendments to the Federal Insecticide, Fungicide,"

## MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Joint Memorial No. 8000 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Rasmussen, further consideration of Engrossed Senate Joint Memorial No. 8000 was deferred.

## SECOND READING

SENATE BILL NO. 5120, by Senators Long, Newhouse, Bauer, Winsley, Loveland, Fraser and Haugen

Providing death benefits under LEOFF.

The bill was read the second time.

## MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5120.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5120 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5027, by Senators Smith, McCaslin, Rasmussen, Prentice, Kohl and Schow

Extending the period of time within which a prosecution for homicide by abuse may be commenced.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5027.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5027 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Bauer - 1.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5140, by Senators Kohl, Smith, Winsley, Pelz, Roach, Prentice, Schow, Heavey, McAuliffe, C. Anderson, Fairley, Sheldon, Prince, West, Haugen, Bauer, Oke and Palmer

Authorizing municipalities to declare certain public places drug-free zones.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5140 was substituted for Senate Bill No. 5140 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5140.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5140 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 5140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5052, by Senators Winsley and Haugen

Deleting obsolete provisions relating to the printing and duplicating center.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5052.

#### ROLL CALL



The Secretary called the roll on the final passage of Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5055, by Senators Winsley and Haugen

Revising requirements for filing of instruments.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5055.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5055 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5042, by Senators Winsley and Haugen

Directing cities and towns to deliver copies of new ordinances to the municipal research council.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5042.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5042 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5067, by Senators Snyder and Sellar

Simplifying distribution and pricing of state legal publications.

MOTION

Senator Sheldon moved that Substitute Senate Bill No. 5067 be substituted for Senate Bill No. 5067 and the substitute bill be placed on second reading and read the second time.

OBJECTION TO MOTION TO SUBSTITUTE

Senator West objected to the motion to substitute Senate Bill No. 5067 since no explanation was given as to the difference in Senate Bill No. 5067 and the proposed Substitute Senate Bill No. 5067.

Senator Sheldon explained the proposals in Substitute Senate Bill No. 5067.

The President declared the question before the Senate to be the motion by Senator Sheldon that Substitute Senate Bill No. 5067 be substituted for Senate Bill No. 5067.

The motion by Senator Sheldon carried and Substitute Senate Bill No. 5067 was substituted for Senate Bill No. 5067 and the substitute bill was advanced to second reading and read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5067.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5067 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 5067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5440, by Senators McAuliffe, Pelz, C. Anderson, Smith, Gaspard, Quigley, Fairley, Rasmussen, Bauer and Palmer

Requiring expulsion from school for at least one year for possession of a firearm on elementary or secondary school premises.

MOTION

Senator McAuliffe moved that Substitute Senate Bill No. 5440 be substituted for Senate Bill No. 5440 and the substitute bill be placed on second reading and read the second time.

OBJECTION TO MOTION TO SUBSTITUTE

Senator West objected to the motion to substitute Senate Bill No. 5440 since no explanation was given as to the difference in Senate Bill No. 5440 and the proposed Substitute Senate Bill No. 5440.

Senator McAuliffe explained the proposals in Substitute Senate Bill No. 5440.

The President declared the question before the Senate to be the motion by Senator McAuliffe that Substitute Senate Bill No. 5440 be substituted for Senate Bill No. 5440.

The motion by Senator McAuliffe carried and Substitute Senate Bill No. 5440 was substituted for Senate Bill No. 5440 and the substitute bill was advanced to second reading and read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5440 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Roach: "Senator McAuliffe, this is for elementary schools, does this mean then if a second grader or a first grader or a kindergartner should bring a weapon to school that they would be expelled?"

Senator McAuliffe: "This has a zero gun tolerance, but with the exception for extenuating circumstances the superintendent can take into consideration what actually has happened here. There is the opportunity for students who are displaying guns for a class or a project or for military purposes, they do have the opportunity, still, to display or show a gun, but this does say that if a student accidentally brings a gun to school and they don't understand what this is about, yes, they should fall under this law unless there is extenuating circumstances."

Senator Roach: "And we have existing law that already would require expulsion for what grade levels?"

Senator McAuliffe: "We have existing law that was put into effect and it is for all grade levels--K through 12."

Senator Roach: "Existing law?"

Senator McAuliffe: "Yes, it is. Let me look. Yes, it is."

Senator Roach: "Then, why do we need this bill if we have existing law that requires this?"

Senator McAuliffe: "The reason that we need this bill is that we are not consistent across the state for the time that we expel students. This law states that we will expel them for one year."

Senator Roach: "Is it not true that local school boards, right now, can determine the period of time?"

Senator McAuliffe: "They can, but because the time of expulsion is not consistent and that we are having a lot of variations, it is not as clear to the students that we believe in a state-wide policy of zero tolerance of guns on school grounds and that we find that expelling for a very clear definition of time makes a difference."

Senator Roach: "Okay, so we are then usurping the power and authority vested in local school board members?"

Senator McAuliffe: "I think you have to consider at certain times, Senator Roach, that the state has a responsibility to set state-wide policy and that local districts also have a responsibility for their local control. This bill gives them both."

#### POINT OF INQUIRY

Senator Ann Anderson: "Senator McAuliffe, following up on Senator Roach's conversation about local school boards, was there any testimony from the districts about this concept of local control and local decision making versus this one more thing that we are doing from a state level to tell school boards what they must do?"

Senator McAuliffe: "Was there testimony from school boards? Is that what you asked me?"

Senator Ann Anderson: "The question was, was there any testimony and discussion in committee about local control on this issue versus state-wide control?"

Senator McAuliffe: "Yes, there have been many discussions regarding all the bills in education, about local control versus state-wide control or state-wide requirements and rules. However, we also must consider that this is a federal law that we are also copying and putting into state law. It talks about federal dollars and in order for us to have the opportunity to have approximately two hundred million dollars in the next two years from the federal government, we need to have this law in statute."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5440.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5440 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 5440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Senate Joint Memorial No. 8000, deferred on third reading earlier today.

Senator West requested an explanation of Engrossed Senate Joint Memorial No. 8000 before the vote on final passage.

Senator Rasmussen explained the proposals in Engrossed Senate Joint Memorial No. 8000.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Memorial No. 8000.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8000 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Prentice - 1.  
ENGROSSED SENATE JOINT MEMORIAL NO. 8000, having received the constitutional majority, was declared passed.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8001, by Senators Rasmussen, Morton, Snyder, Newhouse, A. Anderson and Hochstatter

Petitioning Congress to amend the food, drug, and cosmetic act to establish a negligible risk standard for pesticide residue in processed foods.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Joint Memorial No. 8001 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8001.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8001 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Prentice - 1.

SENATE JOINT MEMORIAL NO. 8001, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Spanel, the Senate returned to the second order of business.

#### REPORTS OF SELECT COMMITTEES

February 28, 1995

SB 5517 Prime Sponsor, Senator Haugen: Creating the Washington water resources and water quality commission. Reported by Committee on Senate Select Committee on Water Policy

MAJORITY Recommendation: That Substitute Senate Bill No. 5517 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Hochstatter, Morton, Newhouse, Oke, Rasmussen, Swecker and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Drew, Fraser, Spanel and Sutherland.

Referred to Committee on Ways and Means.

February 27, 1995

SB 5578 Prime Sponsor, Senator Swecker: Providing for certification of exempt small wells. Reported by Committee on Senate Select Committee on Water Policy

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Fraser, Haugen, Hochstatter, Morton, Newhouse, Oke, Rasmussen, Spanel, Sutherland, Swecker and Winsley.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5941 Prime Sponsor, Senator Fraser: Allowing counties to establish coordinated water resources programs. Reported by Committee on Senate Select Committee on Water Policy

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Fraser, Haugen, Rasmussen, Spanel, Sutherland and Winsley.

Referred to Committee on Ways and Means.

February 27, 1995

SB 5949 Prime Sponsor, Senator Fraser: Making changes to water supply regulation. Reported by Committee on Senate Select Committee on Water Policy

MAJORITY Recommendation: That Substitute Senate Bill No. 5949 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Fraser, Haugen, Hochstatter, Morton, Newhouse, Oke, Rasmussen, Spanel, Sutherland, Swecker and Winsley.

Passed to Committee on Rules for second reading.

#### MOTION

At 11:33 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 5:32 p.m. by President Pritchard.

There being no objection the President returned the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

March 1, 1995

SB 5019 Prime Sponsor, Senator Snyder: Relating to industrial developments. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5047 Prime Sponsor, Senator Haugen: Raising the dollar threshold for state purchases and contracts requiring formal sealed bids. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5047 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5058 Prime Sponsor, Senator Haugen: Financing law enforcement and fire protection facilities. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hale, Heavey and McCaslin.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5070 Prime Sponsor, Senator Haugen: Requiring a study of the impact of the growth management act on property values. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5071 Prime Sponsor, Senator Haugen: Changing provisions relating to local voters' pamphlets. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5071 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5072 Prime Sponsor, Senator Haugen: Increasing penalties for violations of the open public meetings act. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5072 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Heavey and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5081 Prime Sponsor, Senator Smith: Revising firearm regulations. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5081 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long and Schow.

Referred to Committee on Ways and Means.

March 1, 1995

SB 5145 Prime Sponsor, Senator McCaslin: Appealing final decisions by growth management hearings boards. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5163 Prime Sponsor, Senator Winsley: Revising election filing dates and procedures. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5163 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5208 Prime Sponsor, Senator Haugen: Allowing premiums, charges, and costs of title insurance and searches regarding foreclosure of liens for charges by sewer and water districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5209 Prime Sponsor, Senator McCaslin: Authorizing the extension of water or sewer service within an approved coordinated water system plan service area. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5209 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5226 Prime Sponsor, Senator C. Anderson: Extending time to certify spring special elections by mail-only-ballot. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5256 Prime Sponsor, Senator Owen: Revising the list of programs to be reviewed by community networks for possible decategorization. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Referred to Committee on Ways and Means.

March 1, 1995

SB 5267 Prime Sponsor, Senator Sheldon: Establishing filing fees and tabulation procedures for write-in candidates. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5329 Prime Sponsor, Senator Haugen: Clarifying which jurisdictions bear the financial responsibility for persons convicted of a misdemeanor. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5329 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5336 Prime Sponsor, Senator McAuliffe: Regulating food industry safety. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5336 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Fairley, Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5361 Prime Sponsor, Senator Smith: Assisting areas impacted by aircraft noise. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5368 Prime Sponsor, Senator Heavey: Limiting voters of a port commissioner district to elect commissioners in districts with populations of one million or more. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5368 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Heavey, McCaslin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Hale.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5375 Prime Sponsor, Senator Wojahn: Suspending various licenses for failure to pay child support. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5375 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Long, McCaslin, Quigley and Rinehart.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5403 Prime Sponsor, Senator Fraser: Establishing the Washington state horse park. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5404 Prime Sponsor, Senator Heavey: Creating a lien for real estate brokers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5404 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5407 Prime Sponsor, Senator Winsley: Allowing voters to protect a portion of metropolitan park district property taxes from prorationing. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5407 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5408 Prime Sponsor, Senator McAuliffe: Changing school bus purchasing procedures. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5408 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Finkbeiner, Hochstatter and Johnson.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5422 Prime Sponsor, Senator Fraser: Requiring individualized education programs to consider communication needs of deaf, deaf-blind, and hard-of-hearing children. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5422 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Hochstatter, Johnson and Rasmussen.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5431 Prime Sponsor, Senator Prentice: Repealing rural health care statutes. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5431 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin, Moyer and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5466 Prime Sponsor, Senator Smith: Protecting children from sexually explicit films, publications, and devices. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5466 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

MINORITY Recommendation: Do not pass. Signed by Senator C. Anderson, Vice Chair.



Passed to Committee on Rules for second reading.

February 28, 1995

SB 5479 Prime Sponsor, Senator Hargrove: Clarifying transfers under the public school open enrollment program with regard to home-schooled and private school students. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5479 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5485 Prime Sponsor, Senator Rasmussen: Authorizing community councils in unincorporated areas of counties. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5489 Prime Sponsor, Senator Sheldon: Revising provisions relating to growth management. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5489 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, Spanel and Swecker.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5497 Prime Sponsor, Senator McAuliffe: Assessing a fee and providing recycling incentive payments on automotive motor oil sold. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5497 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, Spanel and Swecker.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5501 Prime Sponsor, Senator Bauer: Streamlining hospital regulation and inspection. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin, Moyer and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5516 Prime Sponsor, Senator Owen: Providing for drug-free workplaces. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5516 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Deccio, Fraser, Hale, Newhouse and Palmer.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Heavey, Vice Chair.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5529 Prime Sponsor, Senator McAuliffe: Changing school district levy provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5556 Prime Sponsor, Senator C. Anderson: Revoking the license of a massage practitioner who has been convicted of prostitution. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5556 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Fairley, Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5567 Prime Sponsor, Senator Heavey: Providing for preservation of single-family residential neighborhoods. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5567 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5574 Prime Sponsor, Senator Hargrove: Concerning the return of state forest board transfer land. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5574 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Referred to Committee on Ways and Means.

March 1, 1995

SB 5576 Prime Sponsor, Senator Drew: Making changes to the campaign practices law. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5576 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Quigley, Haugen and Rinehart.

MINORITY Recommendation: Do not pass. Signed by Senators Johnson, McCaslin and Schow.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5591 Prime Sponsor, Senator Pelz: Pertaining to longshore and harbor workers' compensation. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5591 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5592 Prime Sponsor, Senator Spanel: Revising qualifications for coastal crab fishing licenses. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5592 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5609 Prime Sponsor, Senator Loveland: Concerning the powers and duties of air pollution control authorities. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5609 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5627 Prime Sponsor, Senator Haugen: Concerning the proper form of certain ballot titles. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5629 Prime Sponsor, Senator Pelz: Updating new motor vehicle warranty provisions. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5629 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Palmer and Wojahn.

Referred to Committee on Ways and Means.

March 1, 1995

SB 5638 Prime Sponsor, Senator Prince: Requiring a study of the role of native Americans in international education and cultural exchanges. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5678 Prime Sponsor, Senator Haugen: Changing whistleblower provisions. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5678 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5684 Prime Sponsor, Senator Smith: Consolidating and revising public disclosure laws. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5684 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, Roach and Schow.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5686 Prime Sponsor, Senator Long: Requiring completion of early release programs. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5686 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5687 Prime Sponsor, Senator Long: Changing provisions relating to instruction in Braille. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5687 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5688 Prime Sponsor, Senator Hargrove: Improving screening for fetal alcohol syndrome. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5688 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow and Smith.

Referred to Committee on Ways and Means.

March 1, 1995

SB 5731 Prime Sponsor, Senator Haugen: Transferring approval of mobile home and factory built housing modifications from department of labor and industries to the appropriate local government agency. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey, Vice Chair.

Referred to Committee on Ways and Means.

March 1, 1995

SB 5735 Prime Sponsor, Senator West: Paying county fees by credit cards. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5735 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5755 Prime Sponsor, Senator Loveland: Concerning the taxation of property donated to a nonprofit entity. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5757 Prime Sponsor, Senator McCaslin: Changing provisions relating to bidding requirements. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5757 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5764 Prime Sponsor, Senator Cantu: Adjusting the procedures of the redistricting commission. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5764 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5767 Prime Sponsor, Senator Deccio: Authorizing consolidation of municipal irrigation assessment districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5782 Prime Sponsor, Senator Sellar: Requiring notification to adoptive parents when a confidential intermediary is attempting contact with birth parents or an adopted person. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5782 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5784 Prime Sponsor, Senator Haugen: Changing the limit on fire protection district benefit charges on public housing authority property. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5784 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5795 Prime Sponsor, Senator Heavey: Authorizing an alternate method for reducing city limits for cities with over fifty thousand population. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5795 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5797 Prime Sponsor, Senator Hargrove: Revising provisions relating to examinations of mental conditions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5797 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Referred to Committee on Ways and Means.

March 1, 1995

SB 5799 Prime Sponsor, Senator McDonald: Modifying adult family homes licensure. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5799 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Schow and Smith.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5802 Prime Sponsor, Senator Fraser: Regulating housing authorities. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5805 Prime Sponsor, Senator McAuliffe: Changing the enrollment count day for the first reporting period of the school year. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5806 Prime Sponsor, Senator Johnson: Allowing the superintendent of public instruction to delay the time at which school district budgets are made public if the state's operating budget is not finally approved before June 1st. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5807 Prime Sponsor, Senator McAuliffe: Allowing school boards to distribute public surveys for limited purposes. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5807 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Finkbeiner, Hochstatter and Johnson.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5817 Prime Sponsor, Senator Sutherland: Establishing a telecommunications and information industries development office. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5819 Prime Sponsor, Senator Spanel: Providing for property tax deferrals for seniors and persons retired because of physical disability. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Long, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1995

SB 5820 Prime Sponsor, Senator Sutherland: Penalizing theft of telecommunication and cable services. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5820 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5837 Prime Sponsor, Senator Snyder: Removing the requirement for senate confirmation of certain gubernatorial appointments. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5841 Prime Sponsor, Senator Pelz: Enacting the personnel system reform act of 1995. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio, Hale and Newhouse.

Referred to Committee on Ways and Means.

March 1, 1995  
SB 5852 Prime Sponsor, Senator Drew: Revising the presidential primary. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995  
SB 5854 Prime Sponsor, Senator Haugen: Requiring that health plans must allow women a choice of primary care providers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5854 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Fairley, Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading

March 1, 1995  
SB 5857 Prime Sponsor, Senator Morton: Revising the procedure for identifying subcontractors for specified public works contracts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995  
SB 5858 Prime Sponsor, Senator Prentice: Providing for prompt payment of industrial insurance awards. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5858 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1995  
SB 5861 Prime Sponsor, Senator Prentice: Regulating membership in the Washington credit union share guaranty association. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1995  
SB 5864 Prime Sponsor, Senator Haugen: Providing a bidding procedure for public works projects in counties. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5864 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 27, 1995  
SB 5869 Prime Sponsor, Senator Smith: Exempting the UTC from administrative law judge requirements. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5869 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

March 1, 1995  
SB 5875 Prime Sponsor, Senator Fraser: Regulating wetlands mitigation banks. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5875 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5876 Prime Sponsor, Senator Haugen: Making population determinations and projections. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5879 Prime Sponsor, Senator Winsley: Authorizing regulation of vegetation height on residential lots along shorelines. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5882 Prime Sponsor, Senator Haugen: Concerning the disposal of surplus property by a governmental entity. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5885 Prime Sponsor, Senator Hargrove: Modifying services to families. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5885 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Schow, Smith and Strannigan.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5889 Prime Sponsor, Senator Fairley: Enacting the frail elderly and vulnerable adult civil protection act. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5889 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Fairley, Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5890 Prime Sponsor, Senator Fraser: Clarifying the liability of lenders under the model toxics control act. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5890 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5895 Prime Sponsor, Senator Snyder: Permitting the exchange of state park lands within the Seashore Conservation Area. Reported by Committee on Ecology and Parks



MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5900 Prime Sponsor, Senator Haugen: Administering the office of the state auditor. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5901 Prime Sponsor, Senator Spanel: Clarifying the authorized uses of the special excise tax on lodging. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5901 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5905 Prime Sponsor, Senator Long: Penalizing persistent prison misbehavior. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5905 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5908 Prime Sponsor, Senator McAuliffe: Authorizing clock hours for teachers participating in internships. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

Referred to Committee on Ways and Means.

March 1, 1995

SB 5911 Prime Sponsor, Senator Drew: Establishing a candidates' pamphlet for the state primary. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5911 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5915 Prime Sponsor, Senator McAuliffe: Addressing problems of truancy. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5916 Prime Sponsor, Senator McAuliffe: Providing for racial equality in school districts. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5916 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Johnson.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5918 Prime Sponsor, Senator Sheldon: Revising provisions for a single system of accountability for the mental health service delivery system. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5918 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5920 Prime Sponsor, Senator Franklin: Authorizing delegation of nursing care tasks in public schools. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio and Moyer.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5931 Prime Sponsor, Senator Prentice: Providing parity among financial institutions. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5932 Prime Sponsor, Senator Drew: Establishing the Washington alliance for manufacturing. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5932 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5935 Prime Sponsor, Senator Quigley: Enacting the consumer protection in the purchase of health care act. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5935 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Fairley, Franklin, Winsley and Wood.

MINORITY Recommendation: That it not be substituted. Signed by Senators Deccio and Moyer.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5938 Prime Sponsor, Senator Bauer: Clarifying physical conditions for determining the output of major energy projects. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5957 Prime Sponsor, Senator Cantu: Amending plats. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5957 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5977 Prime Sponsor, Senator Loveland: Revising administration of forensic investigations. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5977 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Referred to Committee on Ways and Means.

February 28, 1995

SB 5983 Prime Sponsor, Senator Pelz: Acknowledging the diversity of literature for purposes of rules establishing subject area requirements for instruction in English. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5983 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Johnson.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 5986 Prime Sponsor, Senator Gaspard: Issuing school district bonds. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5992 Prime Sponsor, Senator Bauer: Clarifying the role of the work force training and education coordinating board. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5992 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5993 Prime Sponsor, Senator Winsley: Providing for paid leaves of absence for state employees to provide disaster relief services. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5993 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5997 Prime Sponsor, Senator Palmer: Regulating fireworks. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5997 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5998 Prime Sponsor, Senator Sheldon: Authorizing local government waivers from specific requirements of on-site sewage system rules adopted by the board of health. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 6000 Prime Sponsor, Senator Snyder: Providing an exemption to the Washington clean air act for fire training. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6000 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; C. Anderson, McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 6001 Prime Sponsor, Senator McCaslin: Providing for a coordinated uniform school impact fee. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 6004 Prime Sponsor, Senator Sellar: Authorizing joint agreements between cities and counties for criminal justice purposes. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 6010 Prime Sponsor, Senator McAuliffe: Affecting the funding formula for the learning assistance program. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 6011 Prime Sponsor, Senator McAuliffe: Changing provisions relating to the purchase of liability insurance by school districts. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 6020 Prime Sponsor, Senator Prentice: Educating consumers about insurance products. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 6028 Prime Sponsor, Senator Schow: Concerning harassment of a child by a person over age eighteen. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6028 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 6029 Prime Sponsor, Senator Pelz: Revising exemptions from overtime compensation requirements. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6029 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 6033 Prime Sponsor, Senator Deccio: Requiring identification badges for all hospital workers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6033 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995

SB 6034 Prime Sponsor, Senator Quigley: Repealing the health insurance coverage mandate for individuals and employers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Fairley and Franklin.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 6037 Prime Sponsor, Senator Sheldon: Creating the Washington Independent Regulatory Affairs Commission. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey and Winsley.

Referred to Committee on Ways and Means.

February 28, 1995

SB 6045 Prime Sponsor, Senator Bauer: Allowing retired administrators to serve as replacement administrators without a reduction of pension benefits. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter and Rasmussen.

Passed to Committee on Rules for second reading.

March 1, 1995

SJM 8010 Prime Sponsor, Senator Cantu: Postratifying Amendment XXVII. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1995

SJM 8016 Prime Sponsor, Senator McAuliffe: Petitioning Congress to enact H.R. 24, The Community Solvency Act, expeditiously. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8016 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 28, 1995

SJM 8017 Prime Sponsor, Senator Rasmussen: Encouraging schools to provide an elementary gun safety program. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

March 1, 1995

SJM 8020 Prime Sponsor, Senator Loveland: Concerning federal funds for the cleanup of the Hanford waste disposal site. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Joint Memorial No. 8020 be substituted therefor, and the substitute memorial do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 1, 1995

SJR 8201 Prime Sponsor, Senator Haugen: Amending the Constitution to revise the method of altering county boundaries. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Joint Resolution No. 8201 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1995

SCR 8404 Prime Sponsor, Senator Kohl: Establishing a joint select committee on fire suppression. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

#### MOTION

At 5:34 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Thursday, March 2, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SECOND DAY, MARCH 1, 1995

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

**FIFTY-THIRD DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Thursday, March 2, 1995  
The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Hargrove, Heavey, McDonald and Rinehart. On motion of Senator Ann Anderson, Senators Deccio and McDonald were excused.

The Sergeant at Arms Color Guard, consisting of Pages Brandi Mulrony and Matt Raske, presented the Colors. Senator Hochstatter offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 1, 1995

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1115,  
HOUSE BILL NO. 1151,  
HOUSE BILL NO. 1174,  
HOUSE BILL NO. 1225,  
SUBSTITUTE HOUSE BILL NO. 1279,  
SUBSTITUTE HOUSE BILL NO. 1364,  
HOUSE BILL NO. 1407,  
HOUSE BILL NO. 1525,  
HOUSE BILL NO. 1607, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 1, 1995

INTRODUCTION AND FIRST READING

SB 6054 by Senator Hargrove

AN ACT Relating to tax deductions for jointly furnished services; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 6055 by Senators Long and A. Anderson

AN ACT Relating to traffic deaths caused by falling asleep at the wheel; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1115 by Representatives Campbell, Robertson, Smith, Hargrove, Chappell, Sheldon, Kremen, Sheahan, D. Schmidt, Padden, Schoesler, Crouse, Basich and Sherstad

Limiting the authority of local governments to take actions that result in closure of private firearm range training and practice facilities.

Referred to Committee on Government Operations.

HB 1151 by Representatives Pennington, McMorris, Smith, Boldt, Campbell, Sheldon, L. Thomas, Thompson, Foreman, Benton, Robertson, Goldsmith, McMahan, Hargrove, Sherstad, Clements, Mulliken, Schoesler, Johnson, D. Schmidt, B. Thomas, Delvin, Koster, Hymes and Mielke

Modifying licensing requirements for the sale of ammunition.

Referred to Committee on Law and Justice.

ESHB 1165 by House Committee on Finance (originally sponsored by Representatives Sherstad, Dickerson, Van Luven, L. Thomas and Mason) (by request of Department of Revenue)

Making technical corrections to excise and property tax statutes.

Referred to Committee on Ways and Means.

HB 1174 by Representatives Cooke and Brown (by request of Department of Social and Health Services)

Modifying membership and duties of children's services advisory committee.

Referred to Committee on Human Services and Corrections.

HB 1225 by Representatives K. Schmidt, R. Fisher, Johnson and Scott (by request of Department of Licensing)

Regulating vehicle and fuel licensing.

Referred to Committee on Transportation.

SHB 1279 by House Committee on Finance (originally sponsored by Representatives Pennington, Morris, Schoesler, Campbell, Boldt, Carrell, Mielke, Van Luven, Hymes, McMahan, Mulliken, Foreman, Blanton, Sherstad, Elliot, Backlund, Johnson, L. Thomas and Huff)

Providing a sales tax exemption for certain sales of magazines by subscription.

Referred to Committee on Ways and Means.

SHB 1364 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas and Kessler)

Disclosing material transactions.

Referred to Committee on Financial Institutions and Housing.

HB 1407 by Representatives K. Schmidt, R. Fisher, Horn, Chandler and Elliot (by request of Washington State Maritime Commission)

Transferring functions of the Maritime Commission to a nonprofit corporation.

Referred to Committee on Transportation.

HB 1525 by Representatives L. Thomas, Beeksmas, Benton, Smith and McMahan

Lowering the number of items provided by banks for customers' examination of negotiable instruments.

Referred to Committee on Financial Institutions and Housing.

HB 1607 by Representatives Van Luven, Carlson, Sheldon, Wolfe and B. Thomas



Creating opportunities for international education.

Referred to Committee on Higher Education.

SECOND READING  
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9001, Dorothy L. Aiken, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

APPOINTMENT OF DOROTHY L. AIKEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.  
Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Absent: Senators Hargrove, Heavey and Rinehart - 3.

Excused: Senators Deccio and McDonald - 2.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mr. Alexander Kotikov, Deputy Chairman of the Nahodka Free Economic Zone, who was seated in the gallery.

MOTION

On motion of Senator Loveland, Senator Rinehart was excused.

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9002, Debbie Aldrich, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

APPOINTMENT OF DEBBIE ALDRICH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.  
Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senators Owen and Quigley - 2.

Excused: Senator Rinehart - 1.

SECOND READING

SENATE BILL NO. 5012, by Senator Snyder

Revising the fee for transfer of fishery licenses.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5012 was substituted for Senate Bill No. 5012 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5012.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5012 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Sutherland - 1.

Excused: Senator Rinehart - 1.

SUBSTITUTE SENATE BILL NO. 5012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5092, by Senators Haugen, Winsley and Quigley

Authorizing creation of library capital facility areas.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5092 was substituted for Senate Bill No. 5092 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5092.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5092 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Cantu - 1.

Excused: Senator Rinehart - 1.

SUBSTITUTE SENATE BILL NO. 5092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5097, by Senators Swecker, Snyder, Palmer, Haugen and Winsley

Preserving port district debt limits.

#### MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5097 was substituted for Senate Bill No. 5097 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5097.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Rinehart - 1.

SUBSTITUTE SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5294, by Senators Sheldon, Winsley, C. Anderson, Haugen, Palmer and Roach

Paying for fire fighters' retirement provisions.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5294.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5294 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Rinehart - 1.

SENATE BILL NO. 5294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 9:38 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:25 a.m. by President Pritchard.

MOTION

On motion of Senator Ann Anderson, Senator Cantu was excused.

SECOND READING  
GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9071, Mary Swenson, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF MARY SWENSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Rasmussen - 1.

Excused: Senator Cantu - 1.

SECOND READING

SENATE BILL NO. 5925, by Senator Pelz

Modifying the determination of unemployment insurance contribution rates.

The bill was read the second time.

MOTION

Senator Newhouse moved that the following amendment by Senators Newhouse, Hale, Deccio, Snyder, Rasmussen, Hargrove, Owen, Sutherland, Prentice and Sellar be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.29.025 and 1993 c 483 s 21 and 1993 c 226 s 13 are each reenacted and amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year except that during rate year 1995 tax schedule AA shall be in effect. The intervals for determining the effective tax schedule shall be:

Interval of the  
Fund Balance Ratio Effective  
Expressed as a Percentage Tax Schedule

((~~3.90~~) 2.90 and above AA  
 ((~~3.40 to 3.89~~)) 2.50 to 2.89 A  
 ((~~2.90 to 3.39~~)) 2.10 to 2.49 B  
 ((~~2.40 to 2.89~~)) 1.70 to 2.09 C  
 ((~~1.90 to 2.39~~)) 1.30 to 1.69 D  
 ((~~1.40 to 1.89~~)) 1.00 to 1.29 E  
 Less than ((~~1.40~~)) 1.00 F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of  
Cumulative Schedule of Contribution Rates  
Taxable Payrolls for Effective Tax Schedule

((Rate

From To Class AA A B C D E F  
 0.00 5.00 1 0.48 0.36 0.46 0.86 1.36 1.76 2.36  
 5.01 10.00 2 0.48 0.36 0.66 1.06 1.56 1.96 2.56  
 10.01 15.00 3 0.58 0.46 0.86 1.26 1.66 2.16 2.76  
 15.01 20.00 4 0.58 0.66 1.06 1.46 1.86 2.36 2.96  
 20.01 25.00 5 0.78 0.86 1.26 1.66 2.06 2.56 3.06  
 25.01 30.00 6 0.98 1.06 1.46 1.86 2.26 2.66 3.16  
 30.01 35.00 7 1.08 1.26 1.66 2.06 2.46 2.86 3.26  
 35.01 40.00 8 1.28 1.46 1.86 2.26 2.66 3.06 3.46  
 40.01 45.00 9 1.48 1.66 2.06 2.46 2.86 3.26 3.66  
 45.01 50.00 10 1.68 1.86 2.26 2.66 3.06 3.46 3.86  
 50.01 55.00 11 1.98 2.16 2.46 2.86 3.26 3.66 3.96  
 55.01 60.00 12 2.18 2.36 2.66 3.06 3.46 3.86 4.16  
 60.01 65.00 13 2.38 2.56 2.86 3.26 3.66 4.06 4.36  
 65.01 70.00 14 2.58 2.76 3.06 3.46 3.86 4.26 4.56  
 70.01 75.00 15 2.88 2.96 3.26 3.66 4.06 4.46 4.66  
 75.01 80.00 16 3.08 3.16 3.46 3.86 4.26 4.56 4.76  
 80.01 85.00 17 3.28 3.36 3.66 4.06 4.46 4.76 4.86  
 85.01 90.00 18 3.68 3.76 4.06 4.46 4.76 4.86 5.06  
 90.01 95.00 19 4.08 4.16 4.46 4.86 4.96 5.06 5.26  
 95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40 5.40))

Rate

From To Class AA A B C D E F

0.00 5.00 1 0.36 0.36 0.46 0.86 1.36 1.76 2.36  
5.01 10.00 2 0.36 0.36 0.66 1.06 1.56 1.96 2.56  
10.01 15.00 3 0.46 0.46 0.86 1.26 1.66 2.16 2.76  
15.01 20.00 4 0.46 0.66 1.06 1.46 1.86 2.36 2.96  
20.01 25.00 5 0.66 0.86 1.26 1.66 2.06 2.56 3.06  
25.01 30.00 6 0.86 1.06 1.46 1.86 2.26 2.66 3.16  
30.01 35.00 7 0.96 1.26 1.66 2.06 2.46 2.86 3.26  
35.01 40.00 8 1.16 1.46 1.86 2.26 2.66 3.06 3.46  
40.01 45.00 9 1.36 1.66 2.06 2.46 2.86 3.26 3.66  
45.01 50.00 10 1.56 1.86 2.26 2.66 3.06 3.46 3.86  
50.01 55.00 11 1.86 2.16 2.46 2.86 3.26 3.66 3.96  
55.01 60.00 12 2.06 2.36 2.66 3.06 3.46 3.86 4.16  
60.01 65.00 13 2.26 2.56 2.86 3.26 3.66 4.06 4.36  
65.01 70.00 14 2.46 2.76 3.06 3.46 3.86 4.26 4.56  
70.01 75.00 15 2.76 2.96 3.26 3.66 4.06 4.46 4.66  
75.01 80.00 16 2.96 3.16 3.46 3.86 4.26 4.56 4.76  
80.01 85.00 17 3.16 3.36 3.66 4.06 4.46 4.76 4.86  
85.01 90.00 18 3.56 3.76 4.06 4.46 4.76 4.86 5.06  
90.01 95.00 19 3.96 4.16 4.46 4.86 4.96 5.06 5.26  
95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40 5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and six-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and six-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

**Sec. 2.** RCW 50.29.025 and 1993 c 483 s 21 and 1993 c 226 s 14 are each reenacted and amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
--	---------------------------

<del>((3.90))</del> <u>2.90</u> and above	AA
<del>((3.40 to 3.89))</del> <u>2.50 to 2.89</u>	A
<del>((2.90 to 3.39))</del> <u>2.10 to 2.49</u>	B
<del>((2.40 to 2.89))</del> <u>1.70 to 2.09</u>	C
<del>((1.90 to 2.39))</del> <u>1.30 to 1.69</u>	D
<del>((1.40 to 1.89))</del> <u>1.00 to 1.29</u>	E
Less than <del>((1.40))</del> <u>1.00</u>	F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Schedules of Contributions Rates
---

Taxable Payrolls for Effective Tax Schedule

Rate

From To Class AA A B C D E F

	0.00	5.00	1	0.48	0.48	0.58	0.98	1.48	1.88	2.48
	5.01	10.00	2	0.48	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.58	0.98	1.38	1.78	2.28	2.88	
15.01	20.00	4	0.58	0.78	1.18	1.58	1.98	2.48	3.08	
20.01	25.00	5	0.78	0.98	1.38	1.78	2.18	2.68	3.18	
25.01	30.00	6	0.98	1.18	1.58	1.98	2.38	2.78	3.28	
30.01	35.00	7	1.08	1.38	1.78	2.18	2.58	2.98	3.38	
35.01	40.00	8	1.28	1.58	1.98	2.38	2.78	3.18	3.58	
40.01	45.00	9	1.48	1.78	2.18	2.58	2.98	3.38	3.78	
45.01	50.00	10	1.68	1.98	2.38	2.78	3.18	3.58	3.98	
50.01	55.00	11	1.98	2.28	2.58	2.98	3.38	3.78	4.08	
55.01	60.00	12	2.18	2.48	2.78	3.18	3.58	3.98	4.28	
60.01	65.00	13	2.38	2.68	2.98	3.38	3.78	4.18	4.48	
65.01	70.00	14	2.58	2.88	3.18	3.58	3.98	4.38	4.68	
70.01	75.00	15	2.88	3.08	3.38	3.78	4.18	4.58	4.78	
75.01	80.00	16	3.08	3.28	3.58	3.98	4.38	4.68	4.88	
80.01	85.00	17	3.28	3.48	3.78	4.18	4.58	4.88	4.98	
85.01	90.00	18	3.68	3.88	4.18	4.58	4.88	4.98	5.18	
90.01	95.00	19	4.08	4.28	4.58	4.98	5.08	5.18	5.38	
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40	5.40	

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and six-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and six-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

**NEW SECTION. Sec. 3.** (1) The employment security department in consultation with the senate and house of representatives standing committees shall undertake a study of the unemployment insurance trust fund and the financing provisions of the state's unemployment insurance law. The study shall examine:

(a) The historical costs of the state's unemployment program and provide estimates of the expected future costs of the program at average and recession levels;

(b) The ability of the current financing system along with other system models to meet expected average costs for the remainder of this decade and into the next century;

(c) The ability of the system to provide for a trust fund capable of paying benefits during projected future recessions;

(d) The advantages and disadvantages of modifying the existing funding mechanism; and

(e) Any other issues deemed necessary by the commissioner of employment security in consultation with the appropriate chairpersons of the house of representatives and senate standing committees.

(2) The department may contract with a consulting firm in order to perform the study under this section.

(3) The department shall report to the legislature on the findings of its study, including recommendations for changes, if any, in the current financing provisions. The department shall deliver its final report to the legislature by January 1, 1996.

**NEW SECTION. Sec. 4.** (1) Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 2 of this act shall take effect January 1, 1998.

**NEW SECTION. Sec. 5.** Section 1 of this act shall expire January 1, 1998."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Newhouse, Hale, Decchio, Snyder, Rasmussen, Hargrove, Owen, Sutherland, Prentice and Sellar to Senate Bill No. 5925.

The motion by Senator Newhouse carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "rates;" strike the remainder of the title and insert "reenacting and amending RCW 50.29.025 and 50.29.025; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency."

On motion of Senator Pelz, the rules were suspended, Engrossed Senate Bill No. 5925 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5925.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5925 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 44.

Voting nay: Senators Anderson, C., Fairley, Franklin, Pelz and Wojahn - 5.

ENGROSSED SENATE BILL NO. 5925, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Bauer, the following Gubernatorial Appointments of community and technical college trustees were confirmed by a single roll call vote and each name recorded as if voting on each appointment separately:

#### SECOND READING GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9004, Frank Armijo, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

#### APPOINTMENT OF FRANK ARMIJO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9006, Bruce F. Baker, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

#### APPOINTMENT OF BRUCE F. BAKER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9011, Dianne Campbell, as a member of the Board of Trustees for Cascadia Community College District No. 30, was confirmed.

#### APPOINTMENT OF DIANNE CAMPBELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9012, Alberta J. Canada, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

APPOINTMENT OF ALBERTA J. CANADA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9017, James H. Freeman, as a member of the Board of Trustees for Bellingham Technical College District No. 25, was confirmed.

APPOINTMENT OF JAMES H. FREEMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9018, Charles W. Fromhold, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

APPOINTMENT OF CHARLES W. FROMHOLD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9020, Dr. Carver Gayton, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6, was confirmed.

APPOINTMENT OF DR. CARVER GAYTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9022, Lynn Glore, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

APPOINTMENT OF LYNN GLORE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.



MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9025, William L. Hamilton, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF WILLIAM L. HAMILTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9026, Paul Hirai, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

APPOINTMENT OF PAUL HIRAI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9029, James D. Horton, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

APPOINTMENT OF JAMES D. HORTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9033, Sally Jarvis, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

APPOINTMENT OF SALLY JARVIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9034, Charles D. Kee, as a member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

APPOINTMENT OF CHARLES D. KEE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9035, Karen Keiser, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

APPOINTMENT OF KAREN KEISER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9042, Robert J. Margulis, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

APPOINTMENT OF ROBERT J. MARGULIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9044, James V. Medzegian, as a member of the Board of Trustees for Renton Technical College District No. 27, was confirmed.

APPOINTMENT OF JAMES V. MEDZEGIAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9045, Ann Miller, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

APPOINTMENT OF ANN MILLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9046, Gloria Mitchell, as a member of the Board of Trustees for Cascadia Community College District No. 30, was confirmed.

APPOINTMENT OF GLORIA MITCHELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9052, Robert Patterson, as a member of the Board of Trustees for Lake Washington Technical College District No. 26, was confirmed.

APPOINTMENT OF ROBERT PATTERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9054, Sarah Phillips, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

APPOINTMENT OF SARAH PHILLIPS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9056, Donald V. Rhodes, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

APPOINTMENT OF DONALD V. RHODES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9062, Philip E. Sharpe, Jr., as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

APPOINTMENT OF PHILIP E. SHARPE, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9064, Alison Sing, as a member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

APPOINTMENT OF ALISON SING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke,

Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9065, Jack G. Skanes, as a member of the Board of Trustees for Bates Technical College District No. 28, was confirmed.

APPOINTMENT OF JACK G. SKANES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9068, Dennis Stefani, as a member of the Board of Trustees for Cascadia Community College District No. 30, was confirmed.

APPOINTMENT OF DENNIS STEFANI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9072, Robert Tjossem, as a member of the Board of Trustees for Cascadia Community College District No. 30, was confirmed.

APPOINTMENT OF ROBERT TJOSSEM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9117, Guy McMinds, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

APPOINTMENT OF GUY McMINDS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SECOND READING

SENATE BILL NO. 5410, by Senators C. Anderson, Rasmussen, Gaspard, Newhouse, Snyder, Bauer, Kohl, Pelz, Fraser, Sellar, Wood and Roach

Designating the Washington park arboretum as an official state arboretum.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5410 was substituted for Senate Bill No. 5410 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5410.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5410 and the bill passed the Senate by the following vote: Yeas, Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Absent: Senator Pelz - 1.

SUBSTITUTE SENATE BILL NO. 5410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:56 a.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Friday, March 3, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-THIRD DAY, MARCH 2, 1995

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**FIFTY-FOURTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, March 3, 1995

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Drew, Long, Pelz and Sutherland. On motion of Senator Loveland, Senators Cal Anderson, Drew and Pelz were excused. On motion of Senator Ann Anderson, Senator Long was excused.

The Sergeant at Arms Color Guard, consisting of Pages Riley Finnegan and Kirstin Haugen, presented the Colors. Reverend Robert D. Nix, pastor of the St. James Episcopal Church of Kent, and a guest of Senator Stephen Johnson, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5231 Prime Sponsor, Senator Owen: Separating payment of transportation agency tort liabilities. Reported by Committee on Transportation March 1, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5231 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

SB 5542 Prime Sponsor, Senator Smith: Requiring counties to pay for additional judicial positions. Reported by Committee on Ways and Means March 1, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5542 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hochstatter, Johnson, Long, McDonald, Moyer, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

SB 5800 Prime Sponsor, Senator McDonald: Recognizing that financial savings from efficiencies in the developmental disabilities program should be redirected within the program for community-based services. Reported by Committee on Ways and Means March 1, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5800 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Vice Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hochstatter, Long, McDonald, Moyer, Pelz, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

SB 5877 Prime Sponsor, Senator Heavey: Regulating limousines, taxicabs, and other for hire vehicles. Reported by Committee on Transportation March 1, 1995

MAJORITY Recommendation: That Substitute Senate Bill No. 5877 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

SB 5905 Prime Sponsor, Senator Long: Penalizing persistent prison misbehavior. Reported by Committee on Rules March 2, 1995

MAJORITY Recommendation: Refer the bill to Committee on Ways and Means. Signed by Lieutenant Governor Joel Pritchard, Chair; Senators Wojahn, Vice Chair; C. Anderson, Bauer, Cantu, Deccio, Franklin, Gaspard, Heavey, Kohl, Loveland, McDonald, Newhouse, Oke, Schow, Sellar, Sheldon, Snyder and Spanel.

Referred to Committee on Ways and Means.

March 2, 1995

SB 6023 Prime Sponsor, Senator Owen: Revising provision for distribution of surplus balance investment earnings. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 6056 by Senators Fraser, Prince, Bauer, Rasmussen, Pelz, Hale, C. Anderson, Deccio, Kohl and Prentice

AN ACT Relating to international trade education; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SB 6057 by Senator Sellar

AN ACT Relating to property tax exemptions for nonprofit arts, scientific, or historical organizations; and amending RCW 84.36.060.

Referred to Committee on Ways and Means.

SB 6058 by Senator Loveland

AN ACT Relating to local public health governance and financing; amending RCW 82.14.200; reenacting and amending RCW 82.44.110; adding a new section to chapter 70.05 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9028, Robert Helsell, as a member of the Board of Trustees for Western Washington University, was confirmed.

##### APPOINTMENT OF ROBERT HELSELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.

Absent: Senator Sutherland - 1.

Excused: Senators Anderson, C., Drew, Long and Pelz - 4.

##### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9010, Judith Butler, as a member of the Higher Education Facilities Authority.

##### APPOINTMENT OF JUDITH BUTLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.



Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Drew and Pelz - 3.

#### SECOND READING

SENATE BILL NO. 5398, by Senators Franklin, Pelz and Wojahn (by request of Department of Labor and Industries)

Removing the filing requirement for expert witness personal service contracts.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5398 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5398.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5398 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senator Anderson, A. - 1.

Excused: Senators Anderson, C., Drew and Pelz - 3.

SENATE BILL NO. 5398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5222, by Senators Owen, Haugen, Prince, Morton and Winsley

Regulating length of log trucks.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5222 was substituted for Senate Bill No. 5222 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5222 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5222.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5222 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Pelz - 2.

SUBSTITUTE SENATE BILL NO. 5222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5039, by Senator Fairley

Clarifying the elements of the crime of luring.

The bill was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5039.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5039 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5200, by Senators Haugen, Winsley, Spanel, Sheldon, West, Roach and Oke (by request of Governor Lowry)

Exempting from use tax naval equipment transferred due to base closure.

The bill was read the second time.

#### MOTION

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 8, strike "naval aircraft" and insert "military"

On page 1, line 9, strike "naval" and insert "military"

#### POINT OF ORDER

Senator Haugen: "A point of order, Mr. President. I would ask you to rule on scope and object of these amendments. The bill deals with a use tax on navy aircraft carriers. It is pretty specific navy; this broadens it."

Further debate ensued.

There being no objection, the President deferred further consideration of Senate Bill No. 5200.

#### SECOND READING

SENATE BILL NO. 5162, by Senators Bauer, Oke, Snyder, Hargrove, Haugen, Kohl, C. Anderson and Winsley

Changing the Vietnam veterans' tuition exemption.

#### MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5162 was substituted for Senate Bill No. 5162 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5162 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5162.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5162 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Pelz - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5025, by Senators Smith, Rasmussen and Schow

Removing the repealer of the criminal profiteering act.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5025.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5025 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5584, by Senators Newhouse, Deccio, Hale, Palmer, Franklin, Pelz, Fraser, Prentice, Prince and Winsley (by request of Joint Task Force on Unemployment Insurance)

Affecting noncharging of benefits to employers' unemployment insurance experience rating accounts.

The bill was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5584 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5584.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5584 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5469, by Senator McCaslin

Authorizing county ombudsmen.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5469 was substituted for Senate Bill No. 5469 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5469 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5469.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5469 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 47.

Voting nay: Senator West - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5469, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5583, by Senators Newhouse, Heavey, Deccio, Hale, Palmer, Franklin, Pelz, Fraser, Prentice, Prince, A. Anderson and Winsley (by request of Joint Task Force on Unemployment Insurance)

Determining unemployment insurance contribution rates for successor employers.

The bill was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5583.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5583 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5590, by Senators Newhouse, Heavey, Deccio, Hale, Palmer, Franklin, Pelz, Fraser, Prentice, Prince, Winsley and Kohl (by request of Joint Task Force on Unemployment Insurance)

Authorizing voluntary contributions for unemployment insurance.

The bill was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5590 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5590.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5590 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:02 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:19 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Senate Bill No. 5200 and the pending amendments by Senator West on page 1, lines 8 and 9.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Haugen, the President finds that Senate Bill No. 5200 is a measure which establishes a tax exemption for naval aircraft training equipment transferred as part of closures pursuant to the Federal Base Closure Act.

"The amendments proposed by Senator West would change the designation of naval aircraft to 'military' in order to exempt other military training equipment. The exempted equipment must be military and must fall within the base closure program.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and the point of order is not well taken."

The amendments by Senator West on page 1, lines 8 and 9, to Senate Bill No. 5200 were ruled in order.

#### MOTION

On motion of Senator Spanel, and there being no objection, further consideration of Senate Bill No. 5200 was deferred.

#### SECOND READING

SENATE BILL NO. 5653, by Senators Gaspard, McDonald, Smith, Oke, Wojahn, Winsley, Fraser, McAuliffe, Loveland, Kohl, Spanel, Franklin, Snyder, Drew, Haugen, Hargrove, Bauer and Rasmussen

Transferring functions of the certified criminal justice agency within the department of social and health services to the office of the attorney general.

#### MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5653 was substituted for Senate Bill No. 5653 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5653 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5653.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5653 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator McCaslin - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5449, by Senators Snyder, Drew, Oke, Owen and Winsley (by request of Department of Health)

Revising shellfish sanitation requirements to enhance the safety of recreationally and commercially harvested seafood.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5449 was substituted for Senate Bill No. 5449 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5449.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5449 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5465, by Senators Owen, Prince and Haugen (by request of Washington State Maritime Commission)

Transferring functions of the Maritime Commission to a nonprofit corporation.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5465.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5465 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5630, by Senators Cantu and Haugen (by request of Attorney General Gregoire)

Limiting nonconsensual common law liens.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5630 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5630.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5630 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Heavey - 1.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5630, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5443, by Senators Drew, Fairley, Quigley, McAuliffe, Hargrove, Haugen, Owen, Rasmussen, Loveland, Smith, Gaspard and Franklin

Requiring taxing districts to hold hearings about using the authorized amount of property tax.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5443 was substituted for Senate Bill No. 5443 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5443 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5443.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5443 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Anderson, A., Newhouse and Swecker - 3.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:45 a.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Monday, March 6, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FOURTH DAY, MARCH 3, 1995

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**FIFTY-SEVENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, March 6, 1995  
The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Fraser, Pelz and Roach. On motion of Senator Loveland, Senators Bauer and Pelz were excused. On motion of Senator Ann Anderson, Senator Roach was excused.

The Sergeant at Arms Color Guard, consisting of Pages Courtney Gregoire and Micaiah Evans, presented the Colors. Reverend Phil Rue, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1008,  
SUBSTITUTE HOUSE BILL NO. 1100, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1008 by House Committee on Commerce and Labor (originally sponsored by Representatives Carlson, Ogden and Boldt)

Providing wine and beer educator's licenses.

Referred to Committee on Labor, Commerce and Trade.

SHB 1100 by House Committee on Law and Justice (originally sponsored by Representatives Scott, Appelwick, Padden, Honeyford, Brumsickle, Silver, Campbell, Mitchell, Hickel, Costa and Sherstad)

Notifying parents of their children's driver's license suspensions.

Referred to Committee on Law and Justice.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9067, Virginia Sprenkle, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

APPOINTMENT OF VIRGINIA SPRENKLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.



Voting yea: Senators Anderson, A., Anderson, C., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senator Fraser - 1.

Excused: Senators Bauer, Pelz and Roach - 3.

#### MOTION

On motion of Senator Loveland, Senator Fraser was excused.

#### MOTION

On motion of Senator Kohl, Gubernatorial Appointment No. 9099, Phyllis G. Kenney, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6, was confirmed.

#### APPOINTMENT OF PHYLLIS G. KENNEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 45.

Absent: Senators McDonald and West - 2.

Excused: Senators Bauer and Fraser - 2.

#### MOTION

At 9:19 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:51 a.m. by President Pro Tempore Wojahn.

There being no objection, the President Pro Tempore reverted the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

March 2, 1995

SB 5033 Prime Sponsor, Senator Rasmussen: Establishing a commission on pesticide registration. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5033 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1995

SB 5126 Prime Sponsor, Senator Drew: Authorizing retention of specified moneys recovered through forfeitures or court-ordered restitution. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5126, as recommended by Committee on Natural Resources, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5219 Prime Sponsor, Senator Smith: Changing domestic violence provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5219, as recommended by Committee on Law and Justice, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5236 Prime Sponsor, Senator Kohl: Providing a comprehensive treatment project for persons involved in prostitution. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5236 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Gaspard, Hargrove, Long, McDonald, Moyer, Pelz, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5262 Prime Sponsor, Senator Haugen: Creating an ombudsman office for private property rights. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5262 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Fraser, Gaspard, Hochstatter, Long, Pelz, Quigley, Sheldon, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5280 Prime Sponsor, Senator Smith: Providing tax exemptions for a new thoroughbred race track facility. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5280 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1995

SB 5314 Prime Sponsor, Senator Rasmussen: Revising weights and measures provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5314, as recommended by Committee on Agriculture and Agricultural Trade and Development, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Pelz, Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1995

SB 5315 Prime Sponsor, Senator Rasmussen: Modifying agriculture regulations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5315, as recommended by Committee on Agriculture and Agricultural Trade and Development, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Hochstatter, Moyer, Pelz, Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1995

SB 5342 Prime Sponsor, Senator Snyder: Redefining the program to aid rural natural resources impact areas. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5342 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, McDonald, Pelz, Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5474 Prime Sponsor, Senator Fraser: Restoring service credit. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5491 Prime Sponsor, Senator Smith: Modifying juvenile disposition. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5491 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1995

SB 5502 Prime Sponsor, Senator Rinehart: Requiring safety equipment on certain service and delivery vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5502 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Fairley, Haugen, Kohl, Prentice, Prince, Rasmussen, Sellar and Wood.

MINORITY Recommendation: Do not pass. Signed by Senator Morton.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5557 Prime Sponsor, Senator Sutherland: Establishing the Washington assessment of prior experiential learning program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5557 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Long, Pelz, Roach, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1995

SB 5685 Prime Sponsor, Senator Long: Updating regulation of salvaged vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5685 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 2, 1995

SB 5700 Prime Sponsor, Senator Owen: Requiring replacement of old license plates. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5700 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5947 Prime Sponsor, Senator Bauer: Providing a specific funding mechanism for making additional community and technical college faculty salary increment awards. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5947 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Sheldon, Snyder, Spanel, West and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5977 Prime Sponsor, Senator Loveland: Revising administration of forensic investigations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5977, as recommended by Committee on Government Operations, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1995

SB 5990 Prime Sponsor, Senator Long: Requiring public notice regarding excess compensation. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Bauer, Cantu, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5994 Prime Sponsor, Senator West: Restricting the state employee attendance incentive program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5994 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Cantu, Finkbeiner, Hargrove, Hochstatter, Johnson, Long, McDonald, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 6047 Prime Sponsor, Senator Gaspard: Providing sales and use tax exemptions for medical care products. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6047 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1995

SJR 8202 Prime Sponsor, Senator Haugen: Amending the Constitution to authorize the state to collect property tax for the purpose of funding state fire protection services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Joint Resolution No. 8202 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Hochstatter, Long, Moyer, Pelz, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8623

By Senators Rasmussen, Spanel, McAuliffe, Gaspard, A. Anderson, Strannigan, Oke, Newhouse, Wood, Fraser, Prince, Hargrove, Quigley, Snyder, C. Anderson and Kohl

WHEREAS, Congress established the Cooperative Extension System at State Land Grant Universities in 1914; and  
WHEREAS, 4-H Youth Development grew out of that system as an organization dedicated to promoting the education and civic involvement of this nation's young people; and  
WHEREAS, 4-H Youth Development, in conjunction with the Cooperative Extension System, today has more than five million members in eighty-three countries around the world, all fifty states and all thirty-nine counties in Washington State; and

WHEREAS, 4-H Youth Development has expanded its focus in recent years to serve young people from urban areas as well as rural communities; and

WHEREAS, 4-H members can today choose projects in such varied fields as animal sciences, social sciences, mechanical sciences, natural resources, environmental stewardship, plant sciences, family living and the expressive arts; and

WHEREAS, Cooperative extension agents and program assistants from Washington State University, working together with community volunteers, have contributed to the education and personal development of thousands of young people and adults in Washington State; and

WHEREAS, More than two hundred-fifty 4-H members from around the state are currently visiting the State Capitol as part of a statewide education program titled "4-H Know Your Government;"

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby welcome those delegates, along with the extension agents, program assistants and adult volunteers involved in the "Citizenship Project," to Olympia; and

BE IT FURTHER RESOLVED, That the Senate recognizes the value of that project along with all the programs that Washington State University's Cooperative Extension 4-H Youth Development sponsored over the years to prepare young people and adults for the challenges and responsibilities of adult life.

#### MOTION

On motion of Senator Spanel, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5131, by Senators Spanel and Sellar (by request of Interagency Committee for Outdoor Recreation)

Revising account names and accounting procedures of the IAC.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5131 was substituted for Senate Bill No. 5131 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following amendments were considered simultaneously and were adopted:

On page 2, line 33, after "agency)." insert "Moneys in this account are subject to legislative appropriation."

On page 2, line 36, after "committee." strike "Moneys appropriated under chapter 43.98A RCW shall be deposited into this account."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Ann Anderson: "Senator Fraser, I'm looking through the summary on the reorganization of these accounts and in the background there, currently one of six grant programs is the firearms range program. Does that stay the same under the new organization or is that funding changed at all?"

Senator Fraser: "To the best of my knowledge, that has not changed."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5131.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5131 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5760, by Senators Kohl, McAuliffe, Wood, Drew and Prince

Eliminating the number restriction on waivers for foreign students at institutions of higher education.

The bill was read the second time.

#### MOTION

On motion of Senator Kohl, the rules were suspended, Senate Bill No. 5760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5760.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5760 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senators Heavey and Quigley - 2.

SENATE BILL NO. 5760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:07 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 5:47 p.m. by President Pro Tempore Wojahn.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

March 6, 1995

SB 5003 Prime Sponsor, Senator Rasmussen: Providing criteria to be used in determining whether a fund or account receives interest earnings. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5003 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5064 Prime Sponsor, Senator Owen: Revising the regional fisheries enhancement program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5064 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5088 Prime Sponsor, Senator Smith: Revising the law relating to sexual predators. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5088 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Finkbeiner, Gaspard, Hochstatter, Johnson, Long, Moyer, Roach, Snyder, Spanel, Strannigan and Winsley.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5157 Prime Sponsor, Senator Owen: Providing for conspicuous external marking of hatchery produced chinook salmon and coho salmon. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5157 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5201 Prime Sponsor, Senator Bauer: Providing tax exemptions for manufacturing and processing. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5201 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Finkbeiner, Gaspard, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1995

SB 5252 Prime Sponsor, Senator Haugen: Regulating salvage vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5252 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5256 Prime Sponsor, Senator Owen: Revising the list of programs to be reviewed by community networks for possible decategorization. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5282 Prime Sponsor, Senator Fraser: Modifying department of revenue tax information disclosure regulations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5305 Prime Sponsor, Senator Heavey: Using county auditors and subagents by the director of licensing. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5305 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Wood.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5362 Prime Sponsor, Senator Smith: Creating the airport siting council. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5362 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Morton, Oke, Prentice, Prince and Schow.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Kohl, Rasmussen and Wood.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5375 Prime Sponsor, Senator Wojahn: Suspending various licenses for failure to pay child support. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5375, as recommended by Committee on Law and Justice, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Fraser, Gaspard, McDonald, Moyer, Pelz, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5387 Prime Sponsor, Senator Wojahn: Providing tax incentives for multiple-unit housing in urban centers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5387 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Gaspard, Hargrove, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Spanel and Winsley.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5395 Prime Sponsor, Senator Pelz: Revising provisions related to industrial insurance benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5395, as recommended by Committee on Labor, Commerce and Trade, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Gaspard, Hochstatter, Johnson, Long, McDonald, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5409 Prime Sponsor, Senator Owen: Providing compensation for wildlife agents injured on duty. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Johnson, Moyer, Roach, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5439 Prime Sponsor, Senator Hargrove: Revising procedures for nonoffender at-risk youth and their families. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5439 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Finkbeiner, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5448 Prime Sponsor, Senator Fraser: Modifying provisions for public water system regulation. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5448 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Fraser, Gaspard, Hargrove, Pelz, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

MINORITY Recommendation: Do not substitute. Signed by Senators Cantu, Finkbeiner, Hochstatter, Johnson, Long, McDonald, Moyer, Strannigan and West.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5476 Prime Sponsor, Senator Loveland: Sharing leave and personal holiday time. Reported by Committee on Ways and Means



MAJORITY Recommendation: That Second Substitute Senate Bill No. 5476 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5489 Prime Sponsor, Senator Sheldon: Revising provisions relating to growth management. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5489, as recommended by Committee on Ecology and Parks, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Long, McDonald, Moyer, Pelz, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5496 Prime Sponsor, Senator Bauer: Exempting certain employers from additional retirement contributions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5496 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5497 Prime Sponsor, Senator McAuliffe: Assessing a fee and providing recycling incentive payments on automotive motor oil sold. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5497 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Gaspard, Johnson, Long, Moyer, Pelz, Sheldon, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5555 Prime Sponsor, Senator C. Anderson: Modifying taxation of massage services. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5574 Prime Sponsor, Senator Hargrove: Concerning the return of state forest board transfer land. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5574 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Drew, Finkbeiner, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Strannigan, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5576 Prime Sponsor, Senator Drew: Making changes to the campaign practices law. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5576 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Pelz, Sheldon, Snyder, Spanel, Sutherland and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5607 Prime Sponsor, Senator Gaspard: Auditing state government. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5607 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5622 Prime Sponsor, Senator Rinehart: Modifying provision of long-term care services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5622 be substituted therefor, and be referred to Committee on Ways and Means without recommendation. Signed by Senators Quigley, Chair; C. Anderson, Deccio, Fairley, Franklin and Wood.

Referred to Committee on Ways and Means.

March 6, 1995

SB 5629 Prime Sponsor, Senator Pelz: Updating new motor vehicle warranty provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5629, as recommended by Committee on Labor, Commerce and Trade, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, McDonald, Pelz, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5632 Prime Sponsor, Senator A. Anderson: Providing for flood damage reduction. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5632 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Strannigan, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Pelz.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5633 Prime Sponsor, Senator Snyder: Attempting to limit the growth and spread of the noxious weed spartina. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5633 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5660 Prime Sponsor, Senator Prentice: Providing for heating oil liability protection. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5660, as recommended by Committee on Financial Institutions and Housing, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Long, Pelz, Roach, Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5688 Prime Sponsor, Senator Hargrove: Improving screening for fetal alcohol syndrome. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5688, as recommended by Committee on Human Services and Corrections, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5690 Prime Sponsor, Senator Fairley: Seeking input on significant roadside activities. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5690 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Prentice, Prince, Rasmussen, Schow and Wood.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5728 Prime Sponsor, Senator Gaspard: Modifying the business and occupation tax on international investment management companies. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Cantu, Drew, Finkbeiner, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Strannigan, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5797 Prime Sponsor, Senator Hargrove: Revising provisions relating to examinations of mental conditions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5797, as recommended by Committee on Human Services and Corrections, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5818 Prime Sponsor, Senator Winsley: Paying benefits when a member dies before retirement. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5818 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1995

SB 5831 Prime Sponsor, Senator Kohl: Authorizing impoundment and sale of motor vehicles for failure to pay parking ticket violations. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5831 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Rasmussen and Wood.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen and Prince.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5841 Prime Sponsor, Senator Pelz: Enacting the personnel system reform act of 1995. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Pelz, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Cantu, Finkbeiner, Hochstatter, Johnson, McDonald, Moyer and Strannigan.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5880 Prime Sponsor, Senator Haugen: Authorizing retirement to care for a disabled spouse. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5880 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5885 Prime Sponsor, Senator Hargrove: Modifying services to families. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5885, as recommended by Committee on Human Services and Corrections, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 5899 Prime Sponsor, Senator Kohl: Exploring alternative transportation demand management strategies. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5899 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Wood.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5905 Prime Sponsor, Senator Long: Penalizing persistent prison misbehavior. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5905, as recommended by Committee on Law and Justice, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5914 Prime Sponsor, Senator Prentice: Providing for financing of public stadium, convention, performing arts, visual arts, and other tourism facilities. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5914 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Pelz, Sheldon, Snyder, Spanel and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5940 Prime Sponsor, Senator Snyder: Clarifying that use tax is due on certain direct mail advertising. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, McDonald, Pelz, Sheldon, Snyder, Spanel, Sutherland, West and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 5943 Prime Sponsor, Senator Rinehart: Providing for expansion of the Washington state convention and trade center. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5943 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Fraser, Gaspard, Hargrove, Johnson, McDonald, Pelz, Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 6037 Prime Sponsor, Senator Sheldon: Creating the Washington Independent Regulatory Affairs Commission. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1995

SB 6044 Prime Sponsor, Senator Owen: Revising the selection process for transportation systems and facilities demonstration projects. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6044 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 6049 Prime Sponsor, Senator Prentice: Financing public stadiums used by professional sports teams. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6049 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Johnson, McDonald, Pelz, Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1995

SB 6051 Prime Sponsor, Senator Rinehart: Clarifying legislative authority to treat, for nursing home reimbursement purposes, nonmedicaid therapy costs as unallowable. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6051 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

#### MOTION

At 5:48 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Tuesday, March 7, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SEVENTH DAY, MARCH 6, 1995

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

**FIFTY-EIGHTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Tuesday, March 7, 1995  
The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Pelz. On motion of Senator Loveland, Senator Pelz was excused.

The Sergeant at Arms Color Guard, consisting of Pages Joel Swecker and Brent Yamamoto, presented the Colors. Reverend Phil Rue, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

February 27, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

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

Leslie D. Lanksbury, appointed February 27, 1995, for a term ending July 1, 1999, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Education.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
DEPARTMENT OF LABOR AND INDUSTRIES  
INTERIM INTER-AGENCY REPORT ON CHEMICALLY RELATED ILLNESS (CRI)  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2696  
DECEMBER, 1994

EXECUTIVE SUMMARY

Engrossed Substitute House Bill (ESHB) No. 2696 directs the Department of Labor and Industries (L & I) and the Department of Health (DOH) to work together to address the complex issue of chemically related illness.

Chemically Related Illness

The term "chemically related illness" (CRI) refers to illnesses that are known to be or reasonably suspected to be associated with exposures to chemicals in the workplace, in the home and in general environments, through contact with contaminated air, water and food.

A Joint Effort

L & I and DOH are devising strategies for reducing or preventing exposure to chemicals, and aiding care providers in finding solutions to the problems of care and treatment of illness caused by contaminants in the environment. L & I concentrates on the workplace and DOH concentrates on the general public health of Washington residents.

A CRI Claims Unit

L & I established a CRI claims management unit to more efficiently and consistently manage CRI claims. This unit is combined with the Asbestos Fund Section to maximize resources and provide the broadest range of specialized expertise in the handling of complex CRI claims. The CRI unit currently is managing all existing CRI claims filed on or after January 1, 1994, and all claims in which multiple chemical sensitivity

(MCS) is contended, regardless of filing date. The unit reviews self-insured claims in which an adverse decision toward the worker is being considered. The unit is not managing chemical burn claims.

#### CRI Advisory Committee

It is very difficult for people with CRI to find information on resources available to them. Additionally, there are currently few coordinated efforts by agencies to respond to the needs of people with CRI. To assist in the identification of the needs of people with CRI, DOH and L & I are co-leading the CRI Advisory Committee, which was mandated in ESHB No. 2696. This committee has defined goals and objectives, and has an action plan to make recommendations to DOH, L & I and several other agencies regarding services for people with CRI.

#### Centers of Excellence

Some CRIs have fairly clear definitions, treatment modalities and recognition of illness or injury. Others are not so well-defined. The Centers of Excellence, defined in ESHB No. 2696, are to develop new means of evaluation of illness and exposure that go beyond the routine evaluation of occupational illness. The centers will include clinical evaluation and treatment, education for health-care providers and the general public about CRI, and will do data collection for research. Requests for proposals will be issued in February 1995 with contract and implementation of the centers targeted by June 1995.

#### CRI Research

In developing a plan to conduct research on CRI, L & I started with the premise that the research funding process must encourage innovative research, be based on sound scientific criteria, be relevant to the concerns of Washington residents, and provide an unbiased and expert review of the research proposals. Such a funding process takes from 9 months to one year to complete. For this reason, a short-term strategy of funding pilot research projects during this biennium was approved by the Workers' Compensation Advisory Committee.

#### Occupational Disease Reporting on Relevant Data Bases

DOH has the mission of assessing the extent of chemical exposures among state residents. Occupational illness has become an important component of public health concerns. As a large portion of the population is part of the workforce, workplace illness not only affects productivity but is also a significant portion of the total illness reported in the state. A set of criteria has been established to determine which relevant data bases should include occupational information. The criteria are usefulness, quality and feasibility. A more complete picture of the extent of occupational illness will be known when occupational disease is tracked by these data bases.

#### A Plan to Make Occupational Diseases Reportable Conditions

Surveillance is the eyes and ears of public health. It tells us what our problems are, how big they are, where the solutions should be directed and how well or poorly our solutions have worked. Surveillance occurs when health-care professions report diseases to public health authorities. The Board of Health determines which diseases are reportable. For this reason, a plan developed by representatives of DOH and L & I has been presented to the Board of Health to comply with the requirement of ESHB No. 2696. The Board of Health has made no formal recommendations, but supports the goals of the plan and favors a system that requires a minimum of regulatory requirements and burdens.

#### Recommendations

That the Legislature authorize:

1. Re-appropriation of unused \$1.3 million for research for the next biennium to ensure that research can be done to the fullest extent.
2. One FTE within L & I to oversee the Centers of Excellence.
3. One FTE for DOH to set up, collect and analyze occupational information in the relevant data bases.

The Interim Inter-Agency Report on Chemically Related Illness (CRI) is on file in the Office of the Secretary of the Senate.

#### MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH  
1102 SE Quince Street - PO Box 47990  
Olympia, Washington 98504-7990

January 3, 1995

Gordon Golob

Dear Gordon:

E. Coli outbreaks. Sexually transmitted diseases. Contaminated drinking water. Failing septic systems. Pesticide poisonings. Firearm accidents. Automobile crashes. These are public health problems found in communities throughout Washington that policymakers grapple with daily. These are all preventable problems. I am sending you the enclosed Report to show you steps being taken by the state to deal with these public health problems.

Mandated by our Legislature, the Washington 1994 State Public Health Report is prepared for the 1995-97 biennium for use by state agency administrators to develop their budgets and executive request legislation. We trust this 1994 Report will be a useful reference tool and resource document for your upcoming analyses.

Prepared by the Washington State Board of Health, this 1994 Report combines broad citizen input, professional knowledge, and the best available data to produce a common vision of a healthy Washington. As required by statute, the Report outlines Washington's Priority Health Goals for the next two years and recommends specific Action Strategies for making progress toward these Goals. The State Board strongly believes that when translated into specific legislative and programmatic initiatives, the Action Strategies will have significant impact on the health of Washington residents.

In preparing the 1994 Report, the State Board of Health solicited, received, and incorporated input from thousands of Washington citizens through local public forums and focus groups, public testimony, and newspaper and telephone surveys reaching every corner of our State. The Board sought and utilized information, advice, and counsel from hundreds of state and federal agencies, professional and civic organizations, and local and voluntary agencies.

We think you will be able to use the Report as the public health "book of record" for Washington. The 1994 Washington State Public Health Report is a vital tool and should be of interest to you in evaluating future directions for public health activities in our state. We will appreciate receiving comments from you and your colleagues on the Report in coming months. Your suggestions are welcome as we begin developing the 1996 Report. Do contact us at (360) 586-0399 if you would like additional copies of our Report or there is further information we can provide.

Sincerely,  
Sylvia I. Beck, Executive Director

The Washington 1994 State Public Health Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

March 3, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1481, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

E2SHB 1481 by House Committee on Appropriations (originally sponsored by Representatives Cooke, Lambert, Mielke, Van Luven, Elliot, Schoesler, D. Schmidt, Sherstad, Huff, Buck, Clements, McMorris, Johnson, Blanton, Hickel, Boldt, Backlund, Mulliken, Robertson, Goldsmith, L. Thomas, McMahan, Talcott, Cairnes, Thompson, Beeksmas, Benton, Foreman, Sehlin, Sheahan and Mitchell)

Requiring AFDC contracts and making additional changes in public assistance laws.

Referred to Committee on Health and Long-Term Care.

SECOND READING  
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9083, Grace T. Yuan, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF GRACE T. YUAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.  
Excused: Senator Pelz - 1.

MOTION

On motion of Senator Sellar, Gubernatorial Appointment No. 9040, Grace L. Lynch, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

APPOINTMENT OF GRACE L. LYNCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.  
Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

Vice President Pro Tempore Franklin assumed the Chair.

SECOND READING

SENATE BILL NO. 5124, by Senators Wojahn, Sheldon, Prentice, C. Anderson, McAuliffe and Kohl



Revising provisions concerning marriage licenses.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Senate Bill No. 5124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5124.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5124 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McCaslin, Moyer, Oke, Owen, Prentice, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley, Wojahn and Wood - 33.

Voting nay: Senators Anderson, A., Cantu, Finkbeiner, Hochstatter, Johnson, McDonald, Morton, Newhouse, Palmer, Pelz, Prince, Roach, Schow, Strannigan, Swecker and West - 16.

SENATE BILL NO. 5124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5024, by Senators Hargrove, Long, Smith, Winsley, McCaslin, Rasmussen, Bauer, Schow and Oke (by request of Department of Corrections)

Requiring offenders to assist in paying for certain health care services.

#### MOTION

Senator Hargrove moved that Substitute Senate Bill No. 5024 be substituted for Senate Bill No. 5024 and the substitute bill be placed on second reading and read the second time.

#### OBJECTION TO MOTION TO SUBSTITUTE

Senator Ann Anderson objected to the motion to substitute Senate Bill No. 5024 since no explanation was given as to the difference in Senate Bill No. 5024 and the proposed Substitute Senate Bill No. 5024.

#### POINT OF ORDER

Senator Heavey: "A point of order. Shouldn't the explanation of a substitute follow the motion, because we can't discuss anything without a motion in front of us? I've noticed that we always precede the motion with an explanation, but I think it should follow the motion. I think Senator Hargrove is perfectly in order."

\*EDITOR'S NOTE: See Ruling by Vice President Pro Tempore Franklin after the roll call on final passage of Substitute Senate Bill No. 5024.

Senator Hargrove explained the proposals in Substitute Senate Bill No. 5024.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Hargrove that Substitute Senate Bill No. 5024 be substituted for Senate Bill No. 5024.

Debate ensued.

The motion by Senator Hargrove carried and Substitute Senate Bill No. 5024 was substituted for Senate Bill No. 5024 and the substitute bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5024.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5024 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SUBSTITUTE SENATE BILL NO. 5024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Franklin: "In ruling upon the point of order raised by Senator Heavey, the President finds that the objection was in order. The motion to substitute was made and discussion was then requested."

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5691, by Senators Rasmussen, Newhouse, Loveland, Sellar and Hochstatter

Authorizing certain commodity commissions to raise assessments in excess of the fiscal growth factor.

The bill was read the second time.

#### MOTIONS

On motion of Senator Rasmussen, the following Committee on Agriculture, Agriculture and Trade Development amendments were considered simultaneously and were adopted:

On page 2, line 7, after "three dollars" insert "per two hundred pound bale"

On page 2, line 11, after "five cents" insert "per pound"

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 5691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5691.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5691 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

ENGROSSED SENATE BILL NO. 5691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5406, by Senators Prentice, Sellar and C. Anderson

Continuing market interest rates for consumer credit transactions.

#### MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 5406 was substituted for Senate Bill No. 5406 and the substitute bill was placed on second reading and read the second time.

#### POINT OF INQUIRY

Senator Sellar: "Senator Prentice, the 1992 deregulation of interest rates on retail installment sales transactions will expire on June 30, 1995, if we do not take action on this bill. Is it the intent of this legislation to have any effect on the rights and obligations of existing retail installment transactions which were entered into prior to the enactment of this bill?"

Senator Prentice: "No, this bill was drafted in order to permanently deregulate interest rates on retail installment transactions. This bill is not intended to repeal any other protections given to consumers or to retroactively affect any rights or obligations on existing retail installment transactions which were entered into previously. This bill is not intended to affect any litigation currently pending under the Retail Installment Sales Act."

Senator Sellar: "Senator Prentice, is this bill intended to make deregulation expire for retail installment transactions entered into before the effective date of this legislation?"

Senator Prentice: "No, the intent of the bill is not to change the substantive provisions of the 1992 law, but to make the 1992 deregulation apply permanently and continuously from 1992 and on indefinitely into the future."

#### MOTION

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5406.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5406 the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 46.

Voting nay: Senators Cantu, Pelz and Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5142, by Senators Quigley and Sellar

Extending authority to enter into payment agreements.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Senate Bill No. 5142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5142.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5142 the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Voting nay: Senator Hochstatter - 1.

SENATE BILL NO. 5142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5401, by Senators Quigley, Winsley, Moyer and C. Anderson (by request of Department of Labor and Industries)

Extending deadlines for studies of medical benefits for injured workers under a consolidated health care system.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Senate Bill No. 5401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5401.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5401 the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Anderson, A. - 1.

Absent: Senator Rinehart - 1.

SENATE BILL NO. 5401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5739, by Senators Strannigan, Rinehart, Johnson, Quigley, Long, Owen, Cantu, Hale, Finkbeiner, McCaslin, Palmer, Hochstatter, McDonald, Spanel, Schow, Prentice, Moyer, Loveland, Swecker, West, Rasmussen, Smith, Drew, Haugen, Franklin, Fairley, A. Anderson, Wojahn, Heavey, McAuliffe, Kohl, Hargrove, Oke and Bauer

Exempting certain sales by nonprofit organizations from taxation.

#### MOTIONS

On motion of Senator Strannigan, Substitute Senate Bill No. 5739 was substituted for Senate Bill No. 5739 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Strannigan, the rules were suspended, Substitute Senate Bill No. 5739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5739.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5739 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Absent: Senator Rinehart - 1.

SUBSTITUTE SENATE BILL NO. 5739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Strannigan: "Madam President, I would like to make a point of personal privilege. As a point of personal privilege, I would just like to thank the Senate for the support on that bill and, also, understand that you wouldn't give me a hard time if you didn't love me."

#### SECOND READING

SENATE BILL NO. 5286, by Senators Bauer, Wood, Sheldon and Kohl (by request of Higher Education Coordinating Board)

Changing provisions relating to the state educational grant account.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 5286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5286.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5286 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SENATE BILL NO. 5286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5026, by Senator Smith

Separating the duties of coroner and prosecuting attorney.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5026 was substituted for Senate Bill No. 5026 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5026 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5026.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5026 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SUBSTITUTE SENATE BILL NO. 5026, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5040, by Senators Haugen and Winsley

Prescribing the selection process for district court districting committees.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5040 was substituted for Senate Bill No. 5040 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5040.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5040 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SUBSTITUTE SENATE BILL NO. 5040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5078, by Senators Fraser, Prentice, Newhouse and Sellar

Concerning premium finance agreements.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5078.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5078 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SENATE BILL NO. 5078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5098, by Senators Loveland and Winsley

Reenacting sections about county financial functions.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5098.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5098 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SENATE BILL NO. 5098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5118, by Senators Winsley, Long, Bauer, Loveland and Fraser

Calculating excess compensation for retirement purposes.

#### MOTION

Senator Rinehart moved that Substitute Senate Bill No. 5118 be substituted for Senate Bill No. 5118 and the substitute bill be placed on second reading and read the second time.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Rinehart that Substitute Senate Bill No. 5118 be substituted for Senate Bill No. 5118.

The motion by Senator Rinehart carried and Substitute Senate Bill No. 5118 was substituted for Senate Bill No. 5118 and the substitute bill was placed on second reading and read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5118.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5118 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Absent: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 5118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore welcomed and introduced the Consul of Mexico, Vicente Montemayor, who was seated in the gallery. Consul Montemayor has been in the Seattle Consul Office since March, 1994.

#### SECOND READING

SENATE BILL NO. 5163, by Senators Winsley, Haugen and Spanel

Revising election filing dates and procedures.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5163 was substituted for Senate Bill No. 5163 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Snyder, and there being no objection, further consideration of Substitute Senate Bill No. 5163 was deferred.

#### SECOND READING

SENATE BILL NO. 5165, by Senator Smith

Revising the statute of limitations for negotiable instruments.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5165.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5165 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SENATE BILL NO. 5165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5367, by Senators Smith and Roach

Clarifying penalties for failure to obey an officer.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5367 was substituted for Senate Bill No. 5367 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5367.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5367 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SUBSTITUTE SENATE BILL NO. 5367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5369, by Senators Haugen and Winsley

Allowing a majority vote to authorize merger of fire protection districts.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5369.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5369 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SENATE BILL NO. 5369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5374, by Senators Smith and Roach

Establishing registered limited liability partnerships.



## MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5374 was substituted for Senate Bill No. 5374 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5374.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5374 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SUBSTITUTE SENATE BILL NO. 5374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5377, by Senators Quigley and Fairley (by request of Department of Social and Health Services)

Modifying physician self-referral provisions.

## MOTION

Senator Quigley moved that Substitute Senate Bill No. 5377 be substituted for Senate Bill No. 5377 and the substitute bill be placed on second reading and read the second time.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Quigley that Substitute Senate Bill No. 5377 be substituted for Senate Bill No. 5377.

The motion by Senator Quigley carried and Substitute Senate Bill No. 5377 was substituted for Senate Bill No. 5377 and the substitute bill was placed on second reading and read the second time.

## MOTION

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 5377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5377.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5377 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SUBSTITUTE SENATE BILL NO. 5377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 11:04 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:54 a.m. by Vice President Pro Tempore Franklin.

## MOTION

On motion of Senator West, Senator Prince was excused.

## SECOND READING

SENATE BILL NO. 5652, by Senators Gaspard, McDonald, Smith, Quigley, Wojahn, Hargrove, Heavey, Winsley, Sheldon, Fraser, Loveland, Fairley, Oke, McAuliffe, Spanel, Kohl, Franklin, Drew, Haugen, Owen, Bauer, Snyder, Deccio and Rasmussen

Temporarily prohibiting public assistance payments for willful violators of public assistance eligibility provisions.

The bill was read the second time.

## MOTION

On motion of Senator Quigley, the rules were suspended, Senate Bill No. 5652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5652.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5652 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Prince - 1.

SENATE BILL NO. 5652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 12:00 noon, on motion of Senator Spanel, the Senate recessed until 1:45 p.m.

The Senate was called to order at 2:01 p.m. by President Pro Tempore Wojahn.

## SECOND READING GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Hargrove, Gubernatorial Appointment No. 9032, Dr. Jess Jamieson, as a member of the State Hospital, Western Washington Advisory Board, was confirmed.

## APPOINTMENT OF DR. JESS JAMIESON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Wojahn and Wood - 45.

Absent: Senators Anderson, C., Pelz, Rinehart and Winsley - 4.

## MOTION

On motion of Senator Loveland, Senators Cal Anderson and Pelz were excused.

## MOTION

On motion of Senator Hargrove, Gubernatorial Appointment No. 9038, Fran Lewis, as a member of the State Hospital, Western Washington Advisory Board, was confirmed.

## APPOINTMENT OF FRAN LEWIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Pelz - 2.

## SECOND READING

SENATE BILL NO. 5017, by Senator Snyder

Establishing commercial fishery license fee and renewal provisions for years with no fishing season.

## MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5017 was substituted for Senate Bill No. 5017 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5017.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5017 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 48.

Voting nay: Senator Sutherland - 1.

SUBSTITUTE SENATE BILL NO. 5017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6034, by Senators Quigley, Winsley, Gaspard, Wood, Deccio, Snyder, Rinehart, Sheldon, Spanel, Loveland, Bauer, Owen, Haugen, Heavey, Franklin, Kohl, Prentice, Fraser, Drew, Wojahn, Rasmussen, McAuliffe, Hargrove, Oke and Sutherland

Repealing the health insurance coverage mandate for individuals and employers.

The bill was read the second time.

## MOTION

Senator Moyer moved that the following amendment be adopted:

On page 1, after line 4, insert the following:

"**Sec. 1.** RCW 43.72.810 and 1993 c 492 s 474 are each amended to read as follows:

(1) The commission shall determine the state and federal laws that would need to be repealed, amended, or waived to implement chapter 492, Laws of 1993, and report its recommendations, with proposed revisions to the Revised Code of Washington, to the governor, and appropriate committees of the legislature by July 1, 1994.

(2) The governor, in consultation with the commission, shall take the following steps in an effort to receive waivers or exemptions from federal statutes necessary to fully implement chapter 492, Laws of 1993 to include, but not be limited to:

(a) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medical assistance statute, Title XIX of the federal social security act that currently constitute barriers to full implementation of provisions of chapter 492, Laws of 1993 related to access to health services for low-income residents of Washington state. Such waivers shall include any waiver needed to require that: (i) Medical assistance recipients enroll in managed care systems, as defined in chapter 492, Laws of 1993; and (ii) enrollee point of service, cost-sharing levels adopted pursuant to RCW 43.72.130 be applied to medical assistance recipients. In negotiating the waiver, consideration shall be given to the degree to which supplemental benefits should be offered to medicaid recipients, if at all. Waived provisions may include and are not limited to: Categorical eligibility restrictions related to age, disability, blindness, or family structure; income and resource limitations tied to financial eligibility requirements of the federal aid to families with dependent children and supplemental security income programs; administrative requirements regarding single state agencies, choice of providers, and fee for service reimbursement; and other limitations on health services provider payment methods.

(b) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicare statute, Title XVIII of the federal social security act that

currently constitute barriers to full implementation of provisions of chapter 492, Laws of 1993 related to access to health services for elderly and disabled residents of Washington state. Such waivers shall include any waivers needed to implement managed care programs. Waived provisions include and are not limited to: Beneficiary cost-sharing requirements; restrictions on scope of services; and limitations on health services provider payment methods.

(c) Negotiate with the United States congress and the federal department of health and human services to obtain any statutory or regulatory waivers of provisions of the United States public health services act necessary to ensure integration of federally funded community and migrant health clinics and other health services funded through the public health services act into the health services system established pursuant to chapter 492, Laws of 1993. The commission shall request in the waiver that funds from these sources continue to be allocated to federally funded community and migrant health clinics to the extent that such clinics' patients are not yet enrolled in certified health plans.

~~(d) (Negotiate with the United States congress to obtain a statutory exemption from provisions of the employee retirement income security act that limit the state's ability to ensure that all employees and their dependents in the state comply with the requirement to enroll in certified health plans, and have their employers participate in financing their enrollment in such plans.~~

~~(e))~~ Request that the United States congress amend the internal revenue code to treat employee premium contributions to plans, such as the basic health plan or the uniform benefits package offered through a certified health plan, as fully deductible from adjusted gross income.

(3) On or before December 1, 1995, the commission shall report the following to the appropriate committees of the legislature:

(a) The status of its efforts to obtain the waivers provided in subsection (2) of this section;

(b) If all federal statutory or regulatory waivers necessary to fully implement chapter 492, Laws of 1993 have not been obtained:

(i) The extent to which chapter 492, Laws of 1993 can be implemented without receipt of all of such waivers; and

(ii) Changes in chapter 492, Laws of 1993 necessary to implement a residency-based health services system using one or a limited number of sponsors, or an alternative system that will ensure access to care and control health services costs."

Renumber the remaining sections consecutively and correct internal references accordingly.

#### POINT OF ORDER

Senator Quigley: "Thank you, Madam President. I rise to a point of order. The amendment proposed by the distinguished Senator does not meet the scope and object of the bill. The bill itself deals with the repeal of the mandate that the employer pays fifty percent of the cost of the lowest cost health plan. The amendment at issue here today deals with the direction in the Health Services Act to the Health Services Commission and is not even mentioned in the underlying bill. Beyond that it seeks a waiver of a federal law, also not even mentioned in the underlying bill. This amendment expands the scope and object of this act and I would argue that it is out of order."

Further debate ensued.

#### MOTION

Senator Wood moved that the following amendment by Senators Wood and Moyer be adopted:

On page 1, after line 4, insert the following:

"**Sec. 1.** RCW 43.72.010 and 1994 c 4 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Certified health plan" or "plan" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an entity certified in accordance with RCW 48.43.020 through 48.43.120.

(2) "Chair" means the presiding officer of the Washington health services commission.

(3) "Commission" or "health services commission" means the Washington health services commission.

(4) "Community rate" means the rating method used to establish the premium for the uniform benefits package adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region and family size as determined by the commission.

(5) "Continuous quality improvement and total quality management" means a continuous process to improve health services while reducing costs.

~~(6) ("Employee" means a resident who is in the employment of an employer, as defined by chapter 50.04 RCW.~~

~~(7))~~ "Enrollee" means any person who is a Washington resident enrolled in a certified health plan.

~~((8))~~ (7) "Enrollee point of service cost-sharing" means amounts paid to certified health plans directly providing services, health care providers, or health care facilities by enrollees for receipt of specific uniform benefits package services, and may include copayments, coinsurance, or deductibles, that together must be actuarially equivalent across plans and within overall limits established by the commission.

~~((9))~~ (8) "Enrollee premium sharing" means that portion of the premium that is paid by enrollees or their family members.

~~((10))~~ (9) "Federal poverty level" means the federal poverty guidelines determined annually by the United States department of health and human services or successor agency.

~~((11))~~ (10) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts.

~~((12))~~ (11) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW and chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

~~((13))~~ (12) "Health insurance purchasing cooperative" or "cooperative" means a member-owned and governed nonprofit organization certified in accordance with RCW 43.72.080 and 48.43.160.

~~((14))~~ (13) "Long-term care" means institutional, residential, outpatient, or community-based services that meet the individual needs of persons of all ages who are limited in their functional capacities or have disabilities and require assistance with performing two or more activities of daily living for an extended or indefinite period of time. These services include case management, protective supervision, in-home care, nursing services, convalescent, custodial, chronic, and terminally ill care.

~~((15))~~ (14) "Major capital expenditure" means any project or expenditure for capital construction, renovations, or acquisition, including medical technological equipment, as defined by the commission, costing more than one million dollars.

~~((16))~~ (15) "Managed care" means an integrated system of insurance, financing, and health services delivery functions that: (a) Assumes financial risk for delivery of health services and uses a defined network of providers; or (b) assumes financial risk for delivery of health services and promotes the efficient delivery of health services through provider assumption of some financial risk including capitation, prospective payment, resource-based relative value scales, fee schedules, or similar method of limiting payments to health care providers.

~~((17))~~ (16) "Maximum enrollee financial participation" means the income-related total annual payments that may be required of an enrollee per family who chooses one of the three lowest priced uniform benefits packages offered by plans in a geographic region including both premium sharing and enrollee point of service cost-sharing.

~~((18))~~ (17) "Persons of color" means Asians/Pacific Islanders, African, Hispanic, and Native Americans.

~~((19))~~ (18) "Premium" means all sums charged, received, or deposited by a certified health plan as consideration for a uniform benefits package or the continuance of a uniform benefits package. Any assessment, or any "membership," "policy," "contract," "service," or similar fee or charge made by the certified health plan in consideration for the uniform benefits package is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point of service cost-sharing.

~~((20))~~ "Qualified employee" means an employee who is employed at least thirty hours during a week or one hundred twenty hours during a calendar month.

~~(21) "Registered employer health plan" means a health plan established by a private employer of more than seven thousand active employees in this state solely for the benefit of such employees and their dependents and that meets the requirements of RCW 43.72.120. Nothing contained in this subsection shall be deemed to preclude the plan from providing benefits to retirees of the employer.~~

~~((22))~~ (19) "Supplemental benefits" means those appropriate and effective health services that are not included in the uniform benefits package or that expand the type or level of health services available under the uniform benefits package and that are offered to all residents in accordance with the provisions of RCW 43.72.160 and 43.72.170.

~~((23))~~ (20) "Technology" means the drugs, devices, equipment, and medical or surgical procedures used in the delivery of health services, and the organizational or supportive systems within which such services are provided. It also means sophisticated and complicated machinery developed as a result of ongoing research in the basic biological and physical sciences, clinical medicine, electronics, and computer sciences, as well as specialized professionals, medical equipment, procedures, and chemical formulations used for both diagnostic and therapeutic purposes.

~~((24))~~ (21) "Uniform benefits package" or "package" means those appropriate and effective health services, defined by the commission under RCW 43.72.130, that must be offered to all Washington residents through certified health plans.

~~((25))~~ (22) "Washington resident" or "resident" means a person who intends to reside in the state permanently or indefinitely and who did not move to Washington for the primary purpose of securing health services under RCW 43.72.090 through 43.72.240, 43.72.300, 43.72.310, 43.72.800, and chapters 48.43 and 48.85 RCW. "Washington resident" also includes people and their accompanying family members who are residing in the state for the purpose of engaging in employment for at least one month, who did not enter the state for the primary purpose of obtaining health services. The confinement of a person in a nursing home, hospital, or other medical institution in the state shall not by itself be sufficient to qualify such person as a resident."

Renumber the remaining sections consecutively and correct internal references accordingly.

#### POINT OF ORDER

Senator Quigley: "A point of order. I rise to challenge the scope and object of the amendment presented. The scope of the bill before the body repeals the requirement that employers pay fifty percent of the lowest cost plan. The amendment offered by the distinguished Senators actually repeals the notion of a registered employer health plan. Registered employer health plans were devised specifically to address the concerns of the largest businesses in this state and while they are an issue worth debating, they are far outside the scope and object of this bill. The bill does not mention registered employer health plans nor does it deal directly with the issues raised with respect to the employer health plan. I argue then that this amendment falls outside the scope and object of the bill."

Further debate ensued.

#### MOTION

On motion of Senator Gaspard, further consideration of Senate Bill No. 6034 was deferred.

#### MOTION

At 2:24 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:06 p.m. by President Pro Tempore Wojahn.

#### SECOND READING

SENATE BILL NO. 5588, by Senators C. Anderson, Smith, Long, Prince, Haugen and Schow.

Clarifying protection of private communications.

## MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5588 was substituted for Senate Bill No. 5588 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5588 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5588.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5588 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Swecker - 1.

Absent: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 5588, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6034 and the pending amendment by Senator Moyer on page 1, after line 4 and the pending amendment by Senators Wood and Moyer on page 1, after line 4, deferred earlier today.

## RULINGS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "In ruling upon the points of order raised by Senator Quigley, the President finds that Senate Bill No. 6034 is a measure which repeals the requirement that residents of Washington purchase a uniform benefits package from a certified health plan by a date certain and repeals mandatory employer participation in offering health care coverage.

"The amendment by Senator Moyer on page 1, after line 4, would repeal the requirement that the Governor and the Health Care Commission seek a federal waiver so that the repealed sections could take effect.

"The amendment by Senators Wood and Moyer on page 1, after line 4, would repeal definitions of terms which appear in other unrepealed sections of the Health Care Law.

"The President, therefore, finds that the proposed amendment by Senator Moyer on page 1, after line 4, does not change the scope and object of the bill and the point of order is not well taken.

"The President, therefore, finds that the proposed amendment by Senators Wood and Moyer on page 1, after line 4, does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Moyer on page 1, after line 4, to Senate Bill No. 6034 was ruled in order.

The amendment by Senators Wood and Moyer on page 1, after line 4, to Senate Bill No. 6034 was ruled out of order.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Moyer on page 1, after line 4, to Senate Bill No. 6034.

Debate ensued.

The amendment by Senator Moyer on page 1, after line 4, was adopted.

## MOTION

On motion of Senator Spanel, further consideration of Senate Bill No. 6034 was deferred.

## SECOND READING

SENATE BILL NO. 5568, by Senator Heavey

Limiting weight of tire studs.

## MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5568 was substituted for Senate Bill No. 5568 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5568.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5568 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Anderson, A., Loveland, Newhouse and West - 4.

SUBSTITUTE SENATE BILL NO. 5568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5824, by Senators Haugen and Winsley

Changing appointment provisions for the director of a combined city and county health department.

The bill was read the second time

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5824 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5824.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5824 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SENATE BILL NO. 5824, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5350, by Senators Wojahn, Winsley, Haugen, McCaslin, Drew and Kohl

Providing for counties' powers over family day-care providers.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5350 was substituted for Senate Bill No. 5350 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5350 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5350.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5350 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Cantu, Long, Roach and Schow - 4.

SUBSTITUTE SENATE BILL NO. 5350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5235, by Senators Bauer, Sutherland, Palmer and Smith

Adding a superior court judge in Clark county.

#### MOTIONS

On motion of Senator Bauer, Second Substitute Senate Bill No. 5235 was substituted for Senate Bill No. 5235 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Second Substitute Senate Bill No. 5235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5235.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5235 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SECOND SUBSTITUTE SENATE BILL NO. 5235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5819, by Senators Spanel, Rasmussen, Owen, Haugen and Oke

Providing for property tax deferrals for seniors and persons retired because of physical disability.

The bill was read the second time.

#### MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 5819 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5819.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5819 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Voting nay: Senator Cantu - 1.

SENATE BILL NO. 5819, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5957, by Senator Cantu

Amending plats.

#### MOTIONS



On motion of Senator Winsley, Substitute Senate Bill No. 5957 was substituted for Senate Bill No. 5957 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5957.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5957 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SUBSTITUTE SENATE BILL NO. 5957, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6034, deferred earlier today after an amendment by Senator Moyer on page 1, after line 4, was ruled to be in order and then adopted.

#### MOTION

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 7, after "463;" strike "and"

On page 1, line 8, after "464" insert "; and"

(3) RCW 43.72.050 and 1993 c 492 s 407"

On page 1, after line 8, insert the following:

"Sec. 2. RCW 43.72.010 and 1994 c 4 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Certified health plan" or "plan" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an entity certified in accordance with RCW 48.43.020 through 48.43.120.

(2) "Chair" means the presiding officer of the Washington health services commission.

(3) "Commission" or "health services commission" means the Washington health services commission.

(4) ("~~Community rate" means the rating method used to establish the premium for the uniform benefits package adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region and family size as determined by the commission.~~

~~(5)) "Continuous quality improvement and total quality management" means a continuous process to improve health services while reducing costs.~~

~~((6)) (5) "Employee" means a resident who is in the employment of an employer, as defined by chapter 50.04 RCW.~~

~~((7)) (6) "Enrollee" means any person who is a Washington resident enrolled in a certified health plan.~~

~~((8)) (7) "Enrollee point of service cost-sharing" means amounts paid to certified health plans directly providing services, health care providers, or health care facilities by enrollees for receipt of specific uniform benefits package services, and may include copayments, coinsurance, or deductibles, that together must be actuarially equivalent across plans and within overall limits established by the commission.~~

~~((9)) (8) "Enrollee premium sharing" means that portion of the premium that is paid by enrollees or their family members.~~

~~((10)) (9) "Federal poverty level" means the federal poverty guidelines determined annually by the United States department of health and human services or successor agency.~~

~~((11)) (10) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts.~~

~~((12)) (11) "Health care provider" or "provider" means:~~

~~(a) A person regulated under Title 18 RCW and chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or~~

~~(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.~~

~~((13)) (12) "Health insurance purchasing cooperative" or "cooperative" means a member-owned and governed nonprofit organization certified in accordance with RCW 43.72.080 and 48.43.160.~~

~~((14)) (13) "Long-term care" means institutional, residential, outpatient, or community-based services that meet the individual needs of persons of all ages who are limited in their functional capacities or have disabilities and require assistance with performing two or more activities of daily living for an extended or indefinite period of time. These services include case management, protective supervision, in-home care, nursing services, convalescent, custodial, chronic, and terminally ill care.~~

~~((15)) (14) "Major capital expenditure" means any project or expenditure for capital construction, renovations, or acquisition, including medical technological equipment, as defined by the commission, costing more than one million dollars.~~

~~((16))~~ (15) "Managed care" means an integrated system of insurance, financing, and health services delivery functions that: (a) Assumes financial risk for delivery of health services and uses a defined network of providers; or (b) assumes financial risk for delivery of health services and promotes the efficient delivery of health services through provider assumption of some financial risk including capitation, prospective payment, resource-based relative value scales, fee schedules, or similar method of limiting payments to health care providers.

~~((17))~~ ~~Maximum~~ (16) "Enrollee financial participation" means the income-related total annual payments that may be required of an enrollee per family who chooses one of the three lowest priced uniform benefits packages offered by plans in a geographic region including both premium sharing and enrollee point of service cost-sharing.

~~((18))~~ (17) "Persons of color" means Asians/Pacific Islanders, African, Hispanic, and Native Americans.

~~((19))~~ (18) "Premium" means all sums charged, received, or deposited by a certified health plan as consideration for a uniform benefits package or the continuance of a uniform benefits package. Any assessment, or any "membership," "policy," "contract," "service," or similar fee or charge made by the certified health plan in consideration for the uniform benefits package is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point of service cost-sharing.

~~((20))~~ (19) "Qualified employee" means an employee who is employed at least thirty hours during a week or one hundred twenty hours during a calendar month.

~~((21))~~ (20) "Registered employer health plan" means a health plan established by a private employer of more than seven thousand active employees in this state solely for the benefit of such employees and their dependents and that meets the requirements of RCW 43.72.120. Nothing contained in this subsection shall be deemed to preclude the plan from providing benefits to retirees of the employer.

~~((22))~~ (21) "Supplemental benefits" means those appropriate and effective health services that are not included in the uniform benefits package or that expand the type or level of health services available under the uniform benefits package and that are offered to all residents in accordance with the provisions of RCW 43.72.160 and 43.72.170.

~~((23))~~ (22) "Technology" means the drugs, devices, equipment, and medical or surgical procedures used in the delivery of health services, and the organizational or supportive systems within which such services are provided. It also means sophisticated and complicated machinery developed as a result of ongoing research in the basic biological and physical sciences, clinical medicine, electronics, and computer sciences, as well as specialized professionals, medical equipment, procedures, and chemical formulations used for both diagnostic and therapeutic purposes.

~~((24))~~ (23) "Uniform benefits package" or "package" means those appropriate and effective health services, defined by the commission under RCW 43.72.130, that must be offered to all Washington residents through certified health plans.

~~((25))~~ (24) "Washington resident" or "resident" means a person who intends to reside in the state permanently or indefinitely and who did not move to Washington for the primary purpose of securing health services under RCW 43.72.090 through 43.72.240, 43.72.300, 43.72.310, 43.72.800, and chapters 48.43 and 48.85 RCW. "Washington resident" also includes people and their accompanying family members who are residing in the state for the purpose of engaging in employment for at least one month, who did not enter the state for the primary purpose of obtaining health services. The confinement of a person in a nursing home, hospital, or other medical institution in the state shall not by itself be sufficient to qualify such person as a resident.

**Sec. 3.** RCW 43.72.040 and 1994 c 4 s 3 are each amended to read as follows:

The commission has the following powers and duties:

(1) Ensure that all residents of Washington state are enrolled in a certified health plan to receive the uniform benefits package, regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status.

(2) Endeavor to ensure that all residents of Washington state have access to appropriate, timely, confidential, and effective health services, and monitor the degree of access to such services. If the commission finds that individuals or populations lack access to certified health plan services, the commission shall:

(a) Authorize appropriate state agencies, local health departments, community or migrant health clinics, public hospital districts, or other nonprofit health service entities to take actions necessary to assure such access. This includes authority to contract for or directly deliver services described within the uniform benefits package to special populations; or

(b) Notify appropriate certified health plans and the insurance commissioner of such findings. The commission shall adopt by rule standards by which the insurance commissioner may, in such event, require certified health plans in closest proximity to such individuals and populations to extend their catchment areas to those individuals and populations and offer them enrollment.

(3) Adopt necessary rules in accordance with chapter 34.05 RCW to carry out the purposes of chapter 492, Laws of 1993. An initial set of draft rules establishing at least the commission's organization structure, the uniform benefits package, and standards for certified health plan certification, must be submitted in draft form to appropriate committees of the legislature by December 1, 1994.

(4) Establish and modify as necessary, in consultation with the state board of health and the department of health, and coordination with the planning process set forth in RCW 43.70.520 a uniform set of health services based on the recommendations of the health care cost control and access commission established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990.

(5) Establish and modify as necessary the uniform benefits package as provided in RCW 43.72.130, which shall be offered to enrollees of a certified health plan. ~~((The benefit package shall be provided at no more than the maximum premium specified in subsection (6) of this section.~~

~~(6)(a) Establish for each year a community-rated maximum premium for the uniform benefits package that shall operate to control overall health care costs. The maximum premium cost of the uniform benefits package in the base year 1995 shall be established upon an actuarial determination of the costs of providing the uniform benefits package and such other cost impacts as may be deemed relevant by the commission. Beginning in 1996, the growth rate of the premium cost of the uniform benefits package for each certified health plan shall be allowed to increase by a rate no greater than the average growth rate in the cost of the package between 1990 and 1993 as actuarially determined, reduced by two percentage points per year until the growth rate is no greater than the five-year rolling average of growth in Washington per capita personal income, as determined by the office of financial management.~~

~~(b) In establishing the community-rated maximum premium under this subsection, the commission shall review various methods for establishing the community-rated maximum premium and shall recommend such methods to the legislature by December 1, 1994.~~

~~The commission may develop and recommend a rate for employees that provides nominal, if any, variance between the rate for individual employees and employees with dependents to minimize any economic incentive to an employer to discriminate between prospective employees based upon whether or not they have dependents for whom coverage would be required.~~

~~(c) If the commission adds or deletes services or benefits to the uniform benefits package in subsequent years, it may increase or decrease the maximum premium to reflect the actual cost experience of a broad sample of providers of that service in the state, considering the~~

factors enumerated in (a) of this subsection and adjusted actuarially. The addition of services or benefits shall not result in a redetermination of the entire cost of the uniform benefits package.

~~((d))~~ The level of state expenditures for the uniform benefits package shall be limited to the appropriation of funds specifically for this purpose.

~~((7))~~ (6) Determine the need for medical risk adjustment mechanisms to minimize financial incentives for certified health plans to enroll individuals who present lower health risks and avoid enrolling individuals who present higher health risks, and to minimize financial incentives for employer hiring practices that discriminate against individuals who present higher health risks. In the design of medical risk distribution mechanisms under this subsection, the commission shall (a) balance the benefits of price competition with the need to protect certified health plans from any unsustainable negative effects of adverse selection; (b) consider the development of a system that creates a risk profile of each certified health plan's enrollee population that does not create disincentives for a plan to control benefit utilization, that requires contributions from plans that enjoy a low-risk enrollee population to plans that have a high-risk enrollee population, and that does not permit an adjustment of the premium charged for the uniform benefits package or supplemental coverage based upon either receipt or contribution of assessments; and (c) consider whether registered employer health plans should be included in any medical risk adjustment mechanism. Proposed medical risk adjustment mechanisms shall be submitted to the legislature as provided in RCW 43.72.180.

~~((8))~~ (7) Design a mechanism to assure minors have access to confidential health care services as currently provided in RCW 70.24.110 and 71.34.030.

~~((9))~~ (8) Monitor the actual growth in total annual health services costs.

~~((10))~~ (9) Monitor the increased application of technology as required by chapter 492, Laws of 1993 and take necessary action to ensure that such application is made in a cost-effective and efficient manner and consistent with existing laws that protect individual privacy.

~~((11))~~ (10) Establish reporting requirements for certified health plans that own or manage health care facilities, health care facilities, and health care providers to periodically report to the commission regarding major capital expenditures of the plans. The commission shall review and monitor such reports and shall report to the legislature regarding major capital expenditures on at least an annual basis. The Washington health care facilities authority and the commission shall develop standards jointly for evaluating and approving major capital expenditure financing through the Washington health care facilities authority, as authorized pursuant to chapter 70.37 RCW. By December 1, 1994, the commission and the authority shall submit jointly to the legislature such proposed standards. The commission and the authority shall, after legislative review, but no later than June 1, 1995, publish such standards. Upon publication, the authority may not approve financing for major capital expenditures unless approved by the commission.

~~((12))~~ (11) Establish ~~((maximum))~~ enrollee financial participation levels. The levels shall be related to enrollee household income.

~~((13))~~ (12) Establish rules requiring employee enrollee premium sharing, as defined in RCW 43.72.010~~((9))~~ (8), be paid through deductions from wages or earnings.

~~((14))~~ (13) For health services provided under the uniform benefits package and supplemental benefits, adopt standards for enrollment, and standardized billing and claims processing forms. The standards shall ensure that these procedures minimize administrative burdens on health care providers, health care facilities, certified health plans, and consumers. Subject to federal approval or phase-in schedules whenever necessary or appropriate, the standards also shall apply to state-purchased health services, as defined in RCW 41.05.011.

~~((15))~~ (14) Propose that certified health plans adopt certain practice indicators or risk management protocols for quality assurance, utilization review, or provider payment. The commission may consider indicators or protocols recommended according to RCW 43.70.500 for these purposes.

~~((16))~~ (15) Propose other guidelines to certified health plans for utilization management, use of technology and methods of payment, such as diagnosis-related groups and a resource-based relative value scale. Such guidelines shall be voluntary and shall be designed to promote improved management of care, and provide incentives for improved efficiency and effectiveness within the delivery system.

~~((17))~~ (16) Adopt standards and oversee and develop policy for personal health data and information system as provided in chapter 70.170 RCW.

~~((18))~~ (17) Adopt standards that prevent conflict of interest by health care providers as provided in RCW 18.130.320.

~~((19))~~ (18) At the appropriate juncture and in the fullness of time, consider the extent to which medical research and health professions training activities should be included within the health service system set forth in chapter 492, Laws of 1993.

~~((20))~~ (19) Evaluate and monitor the extent to which racial and ethnic minorities have access to and receive health services within the state, and develop strategies to address barriers to access.

~~((21))~~ (20) Develop standards for the certification process to certify health plans and employer health plans to provide the uniform benefits package, according to the provisions for certified health plans and registered employer health plans under chapter 492, Laws of 1993.

~~((22))~~ Develop rules for implementation of individual and employer participation under RCW 43.72.210 and 43.72.220 specifically applicable to persons who work in this state but do not live in the state or persons who live in this state but work outside of the state. The rules shall be designed so that these persons receive coverage and financial requirements that are comparable to that received by persons who both live and work in the state.

~~((23))~~ (21) After receiving advice from the health services effectiveness committee, adopt rules that must be used by certified health plans, disability insurers, health care service contractors, and health maintenance organizations to determine whether a procedure, treatment, drug, or other health service is no longer experimental or investigative.

~~((24))~~ (22) Establish a process for purchase of uniform benefits package services by enrollees when they are out-of-state.

~~((25))~~ (23) Develop recommendations to the legislature as to whether state and school district employees, on whose behalf health benefits are or will be purchased by the health care authority pursuant to chapter 41.05 RCW, should have the option to purchase health benefits through health insurance purchasing cooperatives on and after July 1, 1997. In developing its recommendations, the commission shall consider:

(a) The impact of state or school district employees purchasing through health insurance purchasing cooperatives on the ability of the state to control its health care costs; and

(b) Whether state or school district employees purchasing through health insurance purchasing cooperatives will result in inequities in health benefits between or within groups of state and school district employees.

~~((26))~~ (24) Establish guidelines for providers dealing with terminal or static conditions, taking into consideration the ethics of providers, patient and family wishes, costs, and survival possibilities.

~~((27))~~ (25) Evaluate the extent to which Taft-Hartley health care trusts provide benefits to certain individuals in the state; review the federal laws under which these trusts are organized; and make appropriate recommendations to the governor and the legislature on or before December 1, 1994, as to whether these trusts should be brought under the provisions of chapter 492, Laws of 1993 when it is fully implemented, and if the commission recommends inclusion of the trusts, how to implement such inclusion.

~~((28))~~ (26) Evaluate whether Washington is experiencing a higher percentage in in-migration of residents from other states and territories than would be expected by normal trends as a result of the availability of unsubsidized and subsidized health care benefits for all residents and report to the governor and the legislature their findings.

~~((29))~~ (27) In developing the uniform benefits package and other standards pursuant to this section, consider the likelihood of the establishment of a national health services plan adopted by the federal government and its implications.

~~((30))~~ (28) Evaluate the effect of reforms under chapter 492, Laws of 1993 on access to care and economic development in rural areas.

To the extent that the exercise of any of the powers and duties specified in this section may be inconsistent with the powers and duties of other state agencies, offices, or commissions, the authority of the commission shall supersede that of such other state agency, office, or commission, except in matters of personal health data, where the commission shall have primary data system policy-making authority and the department of health shall have primary responsibility for the maintenance and routine operation of personal health data systems.

**Sec. 4.** RCW 43.72.100 and 1993 c 492 s 428 are each amended to read as follows:

A certified health plan shall:

(1) Provide the benefits included in the uniform benefits package to enrolled Washington residents for a prepaid per capita (~~(community-rated)~~) premium (~~(not to exceed the maximum premium established by the commission)~~) and provide such benefits through managed care in accordance with rules adopted by the commission;

(2) Offer supplemental benefits to enrolled Washington residents for a prepaid per capita (~~(community-rated)~~) premium and provide such benefits through managed care in accordance with rules adopted by the commission;

(3) Accept for enrollment any state resident within the plan's service area and provide or assure the provision of all services within the uniform benefits package and offer supplemental benefits regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a certified health plan, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a certified health plan is required to continue enrollment of additional eligible individuals;

(4) If the plan provides benefits through contracts with, ownership of, or management of health care facilities and contracts with or employs health care providers, demonstrate to the satisfaction of the insurance commissioner in consultation with the department of health and the commission that its facilities and personnel are adequate to provide the benefits prescribed in the uniform benefits package and offer supplemental benefits to enrolled Washington residents, and that it is financially capable of providing such residents with, or has made adequate contractual arrangements with health care providers and facilities to provide enrollees with such benefits;

(5) Comply with portability of benefits requirements prescribed by the commission;

(6) Comply with administrative rules prescribed by the commission, the insurance commissioner, and other state agencies governing certified health plans;

(7) Provide all enrollees with instruction and informational materials to increase individual and family awareness of injury and illness prevention; encourage assumption of personal responsibility for protecting personal health; and stimulate discussion about the use and limits of medical care in improving the health of individuals and communities;

(8) Disclose to enrollees the charity care requirements under chapter 70.170 RCW;

(9) Include in all of its contracts with health care providers and health care facilities a provision prohibiting such providers and facilities from billing enrollees for any amounts in excess of applicable enrollee point of service cost-sharing obligations for services included in the uniform benefits package and supplemental benefits;

(10) Include in all of its contracts issued for uniform benefits package and supplemental benefits coverage a subrogation provision that allows the certified health plan to recover the costs of uniform benefits package and supplemental benefits services incurred to care for an enrollee injured by a negligent third party. The costs recovered shall be limited to:

(a) If the certified health plan has not intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be limited to the excess remaining after the enrollee has been fully compensated for his or her loss minus a proportionate share of the enrollee's costs and fees in bringing the action. The proportionate share shall be determined by:

(i) The fees and costs approved by the court in which the action was initiated; or

(ii) The written agreement between the attorney and client that established fees and costs when fees and costs are not addressed by the court.

When fees and costs have been approved by a court, after notice to the certified health plan, the certified health plan shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share;

(b) If the certified health plan has intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be the excess remaining after the enrollee has been fully compensated for his or her loss or the amount of the plan's incurred costs, whichever is less;

(11) Establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrollees concerning any matter relating to the provision of benefits under the uniform benefits package and supplemental benefits, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within fifteen working days. The insurance commissioner in consultation with the commission shall establish standards for resolution of grievances;

(12) Comply with the provisions of chapter 48.30 RCW prohibiting unfair and deceptive acts and practices to the extent such provisions are not specifically modified or superseded by the provisions of chapter 492, Laws of 1993 and be prohibited from offering or supplying incentives that would have the effect of avoiding the requirements of subsection (3) of this section;

(13) Have culturally sensitive health promotion programs that include approaches that are specifically effective for persons of color and accommodating to different cultural value systems, gender, and age;

(14) Permit to every category of health care provider to provide health services or care for conditions included in the uniform benefits package to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

(i) Provision, utilization review, and cost containment of health services;

(ii) Management and administrative procedures; and

(iii) Provision of cost-effective and clinically efficacious health services;

(15) Establish the geographic boundaries in which they will obligate themselves to deliver the services required under the uniform benefits package and include such information in their application for certification, but the commissioner shall review such boundaries and may disapprove, in conformance with guidelines adopted by the commission, those that have been clearly drawn to be exclusionary within a health care catchment area;

(16) Annually report the names and addresses of all officers, directors, or trustees of the certified health plan during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals;

(17) Annually report the number of residents enrolled and terminated during the previous year. Additional information regarding the enrollment and termination pattern for a certified health plan may be required by the commissioner to determine compliance with the open enrollment and free access requirements of chapter 492, Laws of 1993; and

(18) Disclose any financial interests held by officers and directors in any facilities associated with or operated by the certified health plan.

**Sec. 5.** RCW 43.72.110 and 1993 c 492 s 429 are each amended to read as follows:

(1) For the purposes of this section "limited certified dental plan" or "dental plan" means a limited health ~~((care))~~ care service contractor governed by RCW 48.44.035 offering dental care services only and that complies with all certified health plan requirements for managed care, ~~((community rating,))~~ portability, and nondiscrimination as provided in RCW 43.72.100.

(2) A dental plan may provide coverage for dental services directly to individuals or to employers for the benefit of employees. If an individual or an employer purchases dental care services from a dental plan, the certified health plan covering the individual or the employees need not provide dental services required under the uniform benefits package. A certified health plan may subcontract with a dental plan to provide the dental benefits required under the uniform benefits package.

**Sec. 6.** RCW 43.72.120 and 1993 c 492 s 430 are each amended to read as follows:

~~((Consistent with the provisions of RCW 43.72.220,))~~ A registered employer health plan shall:

(1) Register with the insurance commissioner by filing its plan of management and operation including but not limited to information required by the commissioner sufficient for a determination by the commissioner that such plan meets the requirements of this section and any rules adopted by the health services commission and the insurance commissioner pertaining to such plans.

(2) Provide the benefits included in the uniform benefits package to employees and their dependents for a prepaid ~~((community-rated))~~ premium ~~((not to exceed the maximum premium established by the commission))~~ and provide such benefits through managed care in accordance with rules adopted by the commission.

(3) Offer supplemental benefits to employees and their dependents for a prepaid ~~((community-rated))~~ premium and provide such benefits through managed care in accordance with rules adopted by the commission. Benefits offered by such plan need not comply with the provisions of RCW 43.72.160 and 43.72.170.

(4) Provide or assure the provision of all services within the uniform benefits package and offer supplemental benefits regardless of age, sex, family structure, ethnicity, race, health condition, socioeconomic status, or other condition or situation, or the provisions of RCW 49.60.174(2).

(5) If the plan provides benefits through contracts with, ownership of, or management of health care facilities and contracts with or employs health care providers, demonstrate to the satisfaction of the insurance commissioner in consultation with the department of health and the commission that its facilities and personnel are adequate to provide the uniform benefits package and any supplemental benefits or has made adequate contractual arrangements with health care providers and facilities to provide employees and their dependents with such benefits.

(6) Comply with portability of benefits requirements prescribed by the commission for registered employer health plans.

(7) Comply with administrative rules prescribed by the commission, the insurance commissioner, and other state agencies governing registered employer health plans.

(8) Provide all employees and their dependents enrolled in the plan with instruction and informational materials to increase individual and family awareness of injury and illness prevention; encourage assumption of personal responsibility for protecting personal health; and stimulate discussion about the use and limits of medical care in improving the health of individuals and communities.

(9) Include in all of its contracts with health care providers and health care facilities a provision prohibiting such providers and facilities from billing employees and their dependents enrolled in the plan for any amounts in excess of applicable enrollee point of service, cost-sharing obligations for services included in the uniform benefits package and supplemental benefits.

(10) Include in all of its contracts issued for uniform benefits package and supplemental benefits coverage a subrogation provision that allows the plan to recover the costs of uniform benefits package and supplemental benefit services incurred to care for a plan enrollee injured by a negligent third party. The costs recovered shall be limited to:

(a) If the plan has not intervened in the action by an injured plan enrollee against a negligent third party, then the amount of costs the plan can recover shall be limited to the excess remaining after the plan enrollee has been fully compensated for his or her loss minus a proportionate share of the enrollee's costs and fees in bringing the action. The proportionate share shall be determined by:

(i) The fees and costs approved by the court in which the action was initiated; or

(ii) The written agreement between the attorney and client that established fees and costs when fees and costs are not addressed by the court.

When fees and costs have been approved by a court, after notice to the plan, the plan shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share;

(b) If the plan has intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the plan can recover shall be the excess remaining after the enrollee has been fully compensated for his or her loss or the amount of the plan's incurred costs, whichever is less.

(11) Establish and maintain a grievance procedure approved by the insurance commissioner, to provide a reasonable and effective resolution of complaints initiated by plan enrollees concerning any matter relating to the provision of benefits under the uniform benefits package and supplemental benefits, access to health care services, and quality of services. Each plan shall respond to complaints filed with the insurance commissioner within fifteen working days. The insurance commissioner in consultation with the commission shall establish standards for resolution of grievances by enrollees of registered employer health plans.

(12) Have culturally sensitive health promotion programs that include approaches that are specifically effective for persons of color and accommodating to different cultural value systems, gender, and age.

(13) Permit every category of health care provider to provide health services or care for conditions included in the uniform benefits package to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

- (b) The providers agree to abide by standards related to:
  - (i) Provision, utilization review, and cost containment of health services;
  - (ii) Management and administrative procedures; and
  - (iii) Provision of cost-effective and clinically efficacious health services.

(14) Pay to the state treasurer a tax equivalent to the tax applied to taxpayers under RCW 48.14.0201 in accordance with rules adopted by the department of revenue.

(15) File their uniform benefits package and supplemental benefits with the insurance commissioner who may disapprove and order a modification of such package or benefits if such package or benefits fail to meet any standards or rules adopted by the commission pertaining to maximum premiums, enrollee financial participation, point of service cost-sharing, benefit design, or health service delivery.

(16) Comply with and shall be subject to RCW 48.43.170, 43.72.300, and 43.72.310.

(17) Pay an annual fee to the insurance commissioner's office in an amount established by rule of the commissioner necessary for the performance of the commissioner's responsibilities under this section consistent with and subject to the collection, depositing, and spending provisions applicable to fees collected pursuant to RCW 48.02.190.

(18) File an annual report with the commissioner containing such information as the commissioner may require to determine compliance with this section.

(19) In addition to any other penalties prescribed by law, be subject to the penalties contained in RCW 48.43.010 for violations of this section.

**Sec. 7.** RCW 43.72.170 and 1993 c 492 s 453 are each amended to read as follows:

(1) Premium rates for uniform benefits package and supplemental benefits shall not be excessive or inadequate, and shall not discriminate in a manner prohibited by RCW 43.72.100(3). ~~((Premium rates, enrollee point of service cost-sharing, or maximum enrollee financial participation amounts for a uniform benefits package may not exceed the limits established by the health services commission in accordance with RCW 43.72.040. Premium rates for uniform benefits package and supplemental benefits shall be developed on a community-rated basis as determined by the health services commission.))~~

(2) Prior to using, every certified health plan shall file with the commissioner its enrollee point of service, cost-sharing amounts, enrollee financial participation amounts, rates, its rating plan, and any other information used to determine the specific premium to be charged any enrollee and every modification of any of the foregoing.

(3) Every such filing shall indicate the type and extent of the health services contemplated and must be accompanied by sufficient information to permit the commissioner to determine whether it meets the requirements of this chapter. A plan shall offer in support of any filing:

- (a) Any historical data and actuarial projections used to establish the rate filed;
- (b) An exhibit detailing the major elements of operating expense for the types of health services affected by the filing;
- (c) An explanation of how investment income has been taken into account in the proposed rates;
- (d) Any other information that the plan deems relevant; and
- (e) Any other information that the commissioner requires by rule.

(4) If a plan has insufficient loss experience to support its proposed rates, it may submit loss experience for similar exposures of other plans within the state.

(5) Every filing shall state its proposed effective date.

(6) Actuarial formulas, statistics, and assumptions submitted in support of a rate or form filing by a plan or submitted to the commissioner at the commissioner's request shall be withheld from public inspection in order to preserve trade secrets or prevent unfair competition.

(7) No plan may make or issue a benefits package except in accordance with its filing then in effect.

(8) The commissioner shall review a filing as soon as reasonably possible after made, to determine whether it meets the requirements of this section.

(9)(a) No filing may become effective within thirty days after the date of filing with the commissioner, which period may be extended by the commissioner for an additional period not to exceed fifteen days if the commissioner gives notice within such waiting period to the plan that the commissioner needs additional time to consider the filing.

(b) A filing shall be deemed to meet the requirements of this section unless disapproved by the commissioner within the waiting period or any extension period.

(c) If within the waiting or any extension period, the commissioner finds that a filing does not meet the requirements of this section, the commissioner shall disapprove the filing, shall notify the plan of the grounds for disapproval, and shall prohibit the use of the disapproved filing.

(10) If at any time after the applicable review period provided in this section, the commissioner finds that a filing does not meet the requirements of this section, the commissioner shall, after notice and hearing, issue an order specifying in what respect the commissioner finds that such filing fails to meet the requirements of this section, and stating when, within a reasonable period thereafter, the filings shall be deemed no longer effective.

The order shall not affect any benefits package made or issued prior to the expiration of the period set forth in the order.

**Sec. 8.** RCW 48.43.040 and 1993 c 492 s 435 are each amended to read as follows:

(1) The insurance commissioner shall verify that the certified health plan and its providers are charging no more than the ~~((maximum))~~ premiums and enrollee financial participation amounts as filed during the course of financial and market conduct examinations or more frequently if justified in the opinion of the insurance commissioner or upon request by the health services commission.

(2) The certified health plans shall file the premium schedules including employer contributions, enrollee premium sharing, and enrollee point of service cost-sharing amounts with the insurance commissioner, within thirty days of establishment ~~((by the health services commission))~~.

(3) No certified health plan or its provider may charge any fees, assessments, or charges in addition to the premium amount ~~((or in excess of the maximum enrollee financial participation limits established by the health services commission))~~. The certified health plan that directly provides health care services may charge and collect the enrollee point of service cost-sharing fees as established in the uniform benefits package or other approved benefit plan."

POINT OF ORDER

Senator Quigley: "Madam President, I rise to a point of order. I rise to point out that the amendment before us changes and expands the scope and object of the bill. The amendment before us does three things: First of all, it repeals community ratings which had existed in the original law to prevent big business to cost-shift to small business. This prohibition would need to remain in separate and apart from whether employers have to provide insurance at all, and as the Chair has ruled, the original bill simply repeals the mandate that employers participate in offering health care insurance. Second, this bill repeals the maximum enrollee financial participation provision. This provision was designed to protect those poorest members of our society to give them a maximum out-of-pocket cost, so that they could have health care to afford, but this issue needs to exist and does exist separate and apart from whether or not employers participate in offering health care coverage. Finally, this amendment repeals the premium caps; the premium caps apply to the market, as a whole, and is something that can and should exist separate and apart from the repeal of the employer mandate, which the Chair has ruled is the scope of the bill before us. For those reasons, Madam Chair, I argue that these amendments exceed the scope and object of the bill."

Further debate ensued.

#### MOTION

Senator Deccio moved that the following amendment be adopted:

On page 1, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 18.130.320 and 1993 c 492 s 408 are each amended to read as follows:

The ~~((Washington health services commission established by RCW 43.72.020, in consultation with the))~~ secretary of health(,) and the health care disciplinary authorities under RCW 18.130.040(2)(b), shall establish standards and monetary penalties in rule prohibiting provider investments and referrals that present a conflict of interest resulting from inappropriate financial gain for the provider or his or her immediate family. These standards are not intended to inhibit the efficient operation of managed health care systems or certified health plans. ~~((The commission shall report to the health policy committees of the senate and house of representatives by December 1, 1994, on the development of the standards and any recommended statutory changes necessary to implement the standards.))~~

**Sec. 2.** RCW 28B.125.010 and 1993 c 492 s 270 are each amended to read as follows:

(1) The higher education coordinating board, the state board for community and technical colleges, the superintendent of public instruction, the state department of health, ~~((the Washington health services commission,))~~ and the state department of social and health services, to be known for the purposes of this section as the committee, shall establish a state-wide health personnel resource plan. The governor shall appoint a lead agency from one of the agencies on the committee.

In preparing the state-wide plan the committee shall consult with the training and education institutions affected by this chapter, health care providers, employers of health care providers, insurers, consumers of health care, and other appropriate entities.

Should a successor agency or agencies be authorized or created by the legislature with planning, coordination, or administrative authority over vocational-technical schools, community colleges, or four-year higher education institutions, the governor shall grant membership on the committee to such agency or agencies and remove the member or members it replaces.

The committee shall appoint subcommittees for the purpose of assisting in the development of the institutional plans required under this chapter. Such subcommittees shall at least include those committee members that have statutory responsibility for planning, coordination, or administration of the training and education institutions for which the institutional plans are being developed. In preparing the institutional plans for four-year institutes of higher education, the subcommittee shall be composed of at least the higher education coordinating board and the state's four-year higher education institutions. The appointment of subcommittees to develop portions of the state-wide plan shall not relinquish the committee's responsibility for assuring overall coordination, integration, and consistency of the state-wide plan.

In establishing and implementing the state-wide health personnel resource plan the committee shall, to the extent possible, utilize existing data and information, personnel, equipment, and facilities and shall minimize travel and take such other steps necessary to reduce the administrative costs associated with the preparation and implementation of the plan.

(2) The state-wide health resource plan shall include at least the following:

(a)(i) Identification of the type, number, and location of the health care professional work force necessary to meet health care needs of the state.

(ii) A description and analysis of the composition and numbers of the potential work force available for meeting health care service needs of the population to be used for recruitment purposes. This should include a description of the data, methodology, and process used to make such determinations.

(b) A centralized inventory of the numbers of student applications to higher education and vocational-technical training and education programs, yearly enrollments, yearly degrees awarded, and numbers on waiting lists for all the state's publicly funded health care training and education programs. The committee shall request similar information for incorporation into the inventory from private higher education and vocational-technical training and education programs.

(c) A description of state-wide and local specialized provider training needs to meet the health care needs of target populations and a plan to meet such needs in a cost-effective and accessible manner.

(d) A description of how innovative, cost-effective technologies such as telecommunications can and will be used to provide higher education, vocational-technical, continued competency, and skill maintenance and enhancement education and training to placebound students who need flexible programs and who are unable to attend institutions for training.

(e) A strategy for assuring higher education and vocational-technical educational and training programming is sensitive to the changing work force such as reentry workers, women, minorities, and the disabled.

(f) Strategies to increase the number of persons of color in the health professions. Such strategies shall incorporate, to the extent possible, federal and state assistance programs for health career development, including those for American Indians, economically disadvantaged persons, physically challenged persons, and persons of color.

(g) A strategy and coordinated state-wide policy developed by the subcommittees authorized in subsection (1) of this section for increasing the number of graduates intending to serve in shortage areas after graduation, including such strategies as the establishment of preferential admissions and designated enrollment slots.

(h) Guidelines and policies developed by the subcommittees authorized in subsection (1) of this section for allowing academic credit for on-the-job experience such as internships, volunteer experience, apprenticeships, and community service programs.

(i) A strategy developed by the subcommittees authorized in subsection (1) of this section for making required internships and residency programs available that are geographically accessible and sufficiently diverse to meet both general and specialized training needs as identified in the plan when such programs are required.

(j) A description of the need for multiskilled health care professionals and an implementation plan to restructure educational and training programming to meet these needs.

(k) An analysis of the types and estimated numbers of health care personnel that will need to be recruited from out-of-state to meet the health professional needs not met by in-state trained personnel.

(l) An analysis of the need for educational articulation within the various health care disciplines and a plan for addressing the need.

(m) An analysis of the training needs of those members of the long-term care profession that are not regulated and that have no formal training requirements. Programs to meet these needs should be developed in a cost-effective and a state-wide accessible manner that provide for the basic training needs of these individuals.

(n) A designation of the professions and geographic locations in which loan repayment and scholarships should be available based upon objective data-based forecasts of health professional shortages. A description of the criteria used to select professions and geographic locations shall be included. Designations of professions and geographic locations may be amended by the department of health when circumstances warrant as provided for in RCW 28B.115.070.

(o) A description of needed changes in regulatory laws governing the credentialing of health professionals.

(p) A description of linguistic and cultural training needs of foreign-trained health care professionals to assure safe and effective practice of their health care profession.

(q) A plan to implement the recommendations of the state-wide nursing plan authorized by RCW 74.39.040.

(r) A description of criteria and standards that institutional plans provided for in this section must address in order to meet the requirements of the state-wide health personnel resource plan, including funding requirements to implement the plans. The committee shall also when practical identify specific outcome measures to measure progress in meeting the requirements of this plan. The criteria and standards shall be established in a manner as to provide flexibility to the institutions in meeting state-wide plan requirements. The committee shall establish required submission dates for the institutional plans that permit inclusion of funding requests into the institutions budget requests to the state.

(s) A description of how the higher education coordinating board, state board for community and technical colleges, superintendent of public instruction, department of health, and department of social and health services coordinated in the creation and implementation of the state plan including the areas of responsibility each agency shall assume. The plan should also include a description of the steps taken to assure participation by the groups that are to be consulted with.

(t) A description of the estimated fiscal requirements for implementation of the state-wide health resource plan that include a description of cost saving activities that reduce potential costs by avoiding administrative duplication, coordinating programming activities, and other such actions to control costs.

(3) The committee may call upon other agencies of the state to provide available information to assist the committee in meeting the responsibilities under this chapter. This information shall be supplied as promptly as circumstances permit.

(4) State agencies involved in the development and implementation of the plan shall to the extent possible utilize existing personnel and financial resources in the development and implementation of the state-wide health personnel resource plan.

(5) The state-wide health personnel resource plan shall be submitted to the governor by July 1, 1992, and updated by July 1 of each even-numbered year. The governor, no later than December 1 of that year, shall approve, approve with modifications, or disapprove the state-wide health resource plan.

(6) The approved state-wide health resource plan shall be submitted to the senate and house of representatives committees on health care, higher education, and ways and means or appropriations by December 1 of each even-numbered year.

(7) Implementation of the state-wide plan shall begin by July 1, 1993.

(8) Notwithstanding subsections (5) and (7) of this section, the committee shall prepare and submit to the higher education coordinating board by June 1, 1992, the analysis necessary for the initial implementation of the health professional loan repayment and scholarship program created in chapter 28B.115 RCW.

(9) Each publicly funded two-year and four-year institute of higher education authorized under Title 28B RCW and vocational-technical institution authorized under Title 28A RCW that offers health training and education programs shall biennially prepare and submit an institutional plan to the committee. The institutional plan shall identify specific programming and activities of the institution that meet the requirements of the state-wide health professional resource plan.

The committee shall review and assess whether the institutional plans meet the requirements of the state-wide health personnel resource plan and shall prepare a report with its determination. The report shall become part of the institutional plan and shall be submitted to the governor and the legislature.

The institutional plan shall be included with the institution's biennial budget submission. The institution's budget shall identify proposed spending to meet the requirements of the institutional plan. Each vocational-technical institution, college, or university shall be responsible for implementing its institutional plan.

**Sec. 3.** RCW 41.05.011 and 1994 c 153 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW. On and after ((July 1, 1995)) January 1, 1996, "insuring entity" means a ((certified health plan)) health carrier, as defined in RCW 43.72.010.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county,



city, or town who are elected to office after February 20, 1970. "Employee" also includes (~~(a) By October 1, 1995, all employees of school districts and educational service districts. Between October 1, 1994, and September 30, 1995, "employee" includes employees of those school districts and educational service districts for whom the authority has undertaken the purchase of insurance benefits. The transition to insurance benefits purchasing by the authority may not disrupt existing insurance contracts between school district or educational service district employees and insurers. However, except to the extent provided in RCW 28A.400.200, any such contract that provides for health insurance benefits coverage after October 1, 1995, shall be void as of that date if the contract was entered into, renewed, or extended after July 1, 1993. Prior to October 1, 1994, "employee" includes employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority; (b)) employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205((; (c) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization)), and employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority as provided in RCW 28A.400.350.~~

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32 or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW.

**Sec. 4.** RCW 41.05.021 and 1994 c 309 s 1 are each amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The administrator may delegate any power or duty vested in him or her by this chapter, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to administer state employees' insurance benefits and retired or disabled school employees' insurance benefits, study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care, and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for employees and retired or disabled school employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

(v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150;

(g) To establish billing procedures and collect funds from school districts and educational service districts under RCW 28A.400.400 in a way that minimizes the administrative burden on districts; and

(h) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) (~~(After July 1, 1995,))~~ The public employees' benefits board (~~(shall))~~ may implement strategies to promote (~~(managed))~~ competition among employee health benefit plans (~~(in accordance with the Washington health services commission schedule of employer requirements. Strategies may include))~~ including but (~~(are))~~ not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area. If the state's contribution is less than one hundred percent of the lowest priced qualified bid, employee financial contributions shall be structured on a sliding-scale basis related to household income;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of (~~(managed care))~~ plans state-wide, and quality of health services. (~~(The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans.))~~ The health care authority shall report its findings and recommendations to the legislature by January 1, 1997.

(3) The health care authority shall, no later than July 1, 1996, submit to the appropriate committees of the legislature, proposed methods whereby, through the use of a voucher-type process, state employees may enroll with any health carrier to receive employee benefits. Such methods shall include the employee option of participating in a health care savings account, as set forth in Title 48 RCW.

(4) The joint committee on health systems oversight shall study the necessity and desirability of the health care authority continuing as a self-insuring entity and make recommendations to the appropriate committees of the legislature by December 1, 1996.

**Sec. 5.** RCW 41.05.022 and 1994 c 153 s 3 are each amended to read as follows:

(1) The health care authority is hereby designated as the single state agent for purchasing health services.

(2) On and after January 1, 1995, at least the following state-purchased health services programs shall be merged into a single, community-rated risk pool: Health benefits for employees of school districts and educational service districts that voluntarily purchase health benefits as provided in RCW 41.05.011; health benefits for state employees; health benefits for eligible retired or disabled school employees not eligible for parts A and B of medicare; and health benefits for eligible state retirees not eligible for parts A and B of medicare. Beginning (July 1, 1995) January 1, 1996, the basic health plan shall be included in the risk pool. The administrator may develop mechanisms to ensure that the cost of comparable benefits packages does not vary widely across the risk pools before they are merged. At the earliest opportunity the governor shall seek necessary federal waivers and state legislation to place the medical and acute care components of the medical assistance program, the limited casualty program, and the medical care services program of the department of social and health services in this single risk pool. ((Long-term care services that are provided under the medical assistance program shall not be placed in the single risk pool until such services have been added to the uniform benefits package.)) On or before January 1, 1997, the governor shall submit necessary legislation to place the purchasing of health benefits for persons incarcerated in institutions administered by the department of corrections into the single community-rated risk pool effective on and after July 1, 1997.

(3) At a minimum, and regardless of other legislative enactments, the state health services purchasing agent shall:

(a) Require that a public agency that provides subsidies for a substantial portion of services now covered under the basic health plan or a ((uniform)) standard benefits package ((as adopted by the Washington health services commission)) as provided in RCW 43.72.130, use uniform eligibility processes, insofar as may be possible, and ensure that multiple eligibility determinations are not required;

(b) Require that a health care provider or a health care facility that receives funds from a public program provide care to state residents receiving a state subsidy who may wish to receive care from them consistent with the provisions of chapter 492, Laws of 1993 as amended by chapter . . . . Laws of 1995 (this act), and that a health maintenance organization, health care service contractor, insurer, or ((certified health plan)) health carrier that receives funds from a public program accept enrollment from state residents receiving a state subsidy who may wish to enroll with them under the provisions of chapter 492, Laws of 1993 as amended by chapter . . . . Laws of 1995 (this act);

(c) Strive to integrate purchasing for all publicly sponsored health services in order to maximize the cost control potential and promote the most efficient methods of financing and coordinating services;

(d) Annually suggest changes in state and federal law and rules to bring all publicly funded health programs in compliance with the goals and intent of chapter 492, Laws of 1993 as amended by chapter . . . . Laws of 1995 (this act);

(e) Consult regularly with the governor, the legislature, and state agency directors whose operations are affected by the implementation of this section.

**Sec. 6.** RCW 41.05.050 and 1994 c 309 s 2 and 1994 c 153 s 4 are each reenacted and amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, school district, educational service district, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, school district, educational service district, or other political subdivision for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups. Until October 1, 1995, contributions to be paid by school districts or educational service districts shall be adjusted by the authority to reflect the remittance provided under RCW 28A.400.400.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270 ((until December 31, 1996. On and after January 1, 1997, ferry employees shall enroll with certified health plans under chapter 492, Laws of 1993)).

(3) The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

**Sec. 7.** RCW 41.05.065 and 1994 c 153 s 5 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state, however liability insurance shall not be made available to dependents.

(2) The public employees' benefits board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries ((and second opinions for surgeries)), review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of ((standard)) public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. On and after ((July 1, 1995)) January 1, 1996, the ((uniform)) standard benefits package shall constitute the minimum level of health benefits offered to employees. ((To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria

related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993.)

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria.

(4) ~~((The board shall attempt to achieve enrollment of all employees and retirees in managed health care systems by July 1994.))~~

The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient (~~managed~~) health care systems.

(5) Employees shall choose participation in one of the health care benefit plans developed by the board.

(6) The board shall review plans proposed by insurance carriers that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

**Sec. 8.** RCW 41.05.190 and 1993 c 492 s 221 are each amended to read as follows:

The administrator, in consultation with the public employees' benefits board, shall design a self-insured medicare supplemental insurance plan for retired and disabled employees eligible for medicare. ~~((For the purpose of determining the appropriate scope of the self-funded medicare supplemental plan, the administrator shall consider the differences in the scope of health services available under the uniform benefits package and the medicare program.))~~ The proposed plan shall be submitted to appropriate committees of the legislature by December 1, 1993.

**Sec. 9.** RCW 41.05.200 and 1993 c 492 s 228 are each amended to read as follows:

(1) The Washington state group purchasing association is established for the purpose of coordinating and enhancing the health care purchasing power of the groups identified in subsection (2) of this section. The purchasing association shall be administered by the administrator.

(2) The following organizations or entities may seek the approval of the administrator for membership in the purchasing association:

(a) Private nonprofit human services provider organizations under contract with state agencies, on behalf of their employees and their employees' spouses and dependent children;

(b) Individuals providing in-home long-term care services to persons whose care is financed in whole or in part through the medical assistance personal care or community options program entry system program as provided in chapter 74.09 RCW, or the chore services program, as provided in chapter 74.08 RCW, on behalf of themselves and their spouses and dependent children;

(c) Owners and operators of child day care centers and family child care homes licensed under chapter 74.15 RCW and of preschool or other child care programs exempted from licensing under chapter 74.15 RCW on behalf of themselves and their employees and employees' spouses and dependent children; and

(d) Foster parents contracting with the department of social and health services under chapter 74.13 RCW and licensed under chapter 74.15 RCW on behalf of themselves and their spouses and dependent children.

(3) In administering the purchasing association, the administrator shall:

(a) Negotiate and enter into contracts on behalf of the purchasing association's members in conjunction with its contracting and purchasing activities for employee benefits plans under RCW 41.05.075. In negotiating and contracting with insuring entities on behalf of employees and purchasing association members, two distinct pools shall be maintained.

(b) Review and approve or deny applications from entities seeking membership in the purchasing association:

(i) The administrator may require all or the substantial majority of the employees of the organizations or entities listed in subsection (2) of this section to enroll in the purchasing association.

(ii) The administrator shall require, that as a condition of membership in the purchasing association, an entity or organization listed in subsection (2) of this section that employs individuals pay at least fifty percent of the cost of the health insurance coverage for each employee enrolled in the purchasing association.

(iii) In offering and administering the purchasing association, the administrator may not discriminate against individuals or groups based on age, gender, geographic area, industry, or medical history.

(4) On and after ~~((July 1, 1995))~~ January 1, 1996, the ~~((uniform))~~ standard benefits package and schedule of premiums and point of service cost-sharing adopted and from time to time revised by the health services commission pursuant to chapter 492, Laws of 1993 shall be applicable to the association.

(5) The administrator shall adopt preexisting condition coverage provisions for the association as provided in RCW 48.20.540, 48.21.340, 48.44.480, and 48.46.550.

(6) Premiums charged to purchasing association members shall include the authority's reasonable administrative and marketing costs. Purchasing association members may not receive any subsidy from the state for the purchase of health insurance coverage through the association.

(7)(a) The Washington state group purchasing association account is established in the custody of the state treasurer, to be used by the administrator for the deposit of premium payments from individuals and entities described in subsection (2) of this section, and for payment of premiums for benefit contracts entered into on behalf of the purchasing association's participants and operating expenses incurred by the authority in the administration of benefit contracts under this section. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(b) Disbursements from the account are not subject to appropriations, but shall be subject to the allotment procedure provided under chapter 43.88 RCW.

**Sec. 10.** RCW 41.05.220 and 1993 c 492 s 232 are each amended to read as follows:

(1) State general funds appropriated to the department of health for the purposes of funding community health centers to provide primary health and dental care services, migrant health services, and maternity health care services shall be transferred to the state health care authority. Any related administrative funds expended by the department of health for this purpose shall also be transferred to the health care authority. The health care authority shall exclusively expend these funds through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services. The administrator of the health care authority shall establish requirements necessary to assure community health centers provide quality health care services that are appropriate and effective and are delivered in a cost-efficient manner. The administrator shall further assure that community health centers have appropriate referral arrangements for acute care and medical specialty services not provided by the community health centers.

(2) To further the intent of chapter 492, Laws of 1993, the health care authority, in consultation with the department of health, shall evaluate the organization and operation of the federal and state-funded community health centers and other not-for-profit health care organizations and propose recommendations to the ~~((health services commission and the))~~ health policy committees of the legislature by

November 30, 1994, that identify changes to permit community health centers and other not-for-profit health care organizations to form certified health plans or other innovative health care delivery arrangements that help ensure access to primary health care services consistent with the purposes of chapter 492, Laws of 1993.

(3) The authority, in consultation with the department of health, shall work with community and migrant health clinics and other providers of care to underserved populations, to ensure that the number of people of color and underserved people receiving access to managed care is expanded in proportion to need, based upon demographic data.

**Sec. 11.** RCW 43.70.500 and 1993 c 492 s 410 are each amended to read as follows:

The department of health shall consult with health care providers and facilities, purchasers, health professional regulatory authorities under RCW 18.130.040, appropriate research and clinical experts, and consumers of health care services to identify specific practice areas where practice indicators and risk management protocols have been developed, including those that have been demonstrated to be effective among persons of color. Practice indicators shall be based upon expert consensus and best available scientific evidence. The department shall:

(1) Develop a definition of expert consensus and best available scientific evidence so that practice indicators can serve as a standard for excellence in the provision of health care services.

(2) Establish a process to identify and evaluate practice indicators and risk management protocols as they are developed by the appropriate professional, scientific, and clinical communities.

~~((3) Recommend the use of practice indicators and risk management protocols in quality assurance, utilization review, or provider payment to the health services commission.))~~

**Sec. 12.** RCW 43.70.510 and 1993 c 492 s 417 are each amended to read as follows:

(1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, and professional societies or organizations ~~(and certified health plans approved pursuant to RCW 43.72.100)~~ may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, or certified health plan, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of ten or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) The department of health shall adopt rules as are necessary to implement this section.

**Sec. 13.** RCW 43.70.520 and 1993 c 492 s 467 are each amended to read as follows:

(1) The legislature finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of health reform in Washington state. The legislature further finds that the population-based services provided by state and local health departments are cost-effective and are a critical strategy for the long-term containment of health care costs. The legislature further finds that the public health system in the state lacks the capacity to fulfill these functions consistent with the needs of a reformed health care system.

(2) The department of health shall develop, in consultation with local health departments and districts, the state board of health, ~~(the health services commission,))~~ area Indian health service, and other state agencies, health services providers, and citizens concerned about public health, a public health services improvement plan. The plan shall provide a detailed accounting of deficits in the core functions of assessment, policy development, assurance of the current public health system, how additional public health funding would be used, and describe the benefits expected from expanded expenditures.

(3) The plan shall include:

(a) Definition of minimum standards for public health protection through assessment, policy development, and assurances:

(i) Enumeration of communities not meeting those standards;

(ii) A budget and staffing plan for bringing all communities up to minimum standards;

(iii) An analysis of the costs and benefits expected from adopting minimum public health standards for assessment, policy development, and assurances;

(b) Recommended strategies and a schedule for improving public health programs throughout the state, including~~(~~

(i) Strategies for transferring personal health care services from the public health system, into the uniform benefits package where feasible; and

(ii) timing of increased funding for public health services linked to specific objectives for improving public health; and

(c) A recommended level of dedicated funding for public health services to be expressed in terms of a percentage of total health service expenditures in the state or a set per person amount; such recommendation shall also include methods to ensure that such funding does not supplant existing federal, state, and local funds received by local health departments, and methods of distributing funds among local health departments.

(4) The department shall coordinate this planning process with the study activities required in section 258, chapter 492, Laws of 1993.

(5) By March 1, 1994, the department shall provide initial recommendations of the public health services improvement plan to the legislature regarding minimum public health standards, and public health programs needed to address urgent needs, such as those cited in subsection (7) of this section.

(6) By December 1, 1994, the department shall present the public health services improvement plan to the legislature, with specific recommendations for each element of the plan to be implemented over the period from 1995 through 1997.

(7) Thereafter, the department shall update the public health services improvement plan for presentation to the legislature prior to the beginning of a new biennium.

(8) Among the specific population-based public health activities to be considered in the public health services improvement plan are: Health data assessment and chronic and infectious disease surveillance; rapid response to outbreaks of communicable disease; efforts to prevent and control specific communicable diseases, such as tuberculosis and acquired immune deficiency syndrome; health education to promote healthy behaviors and to reduce the prevalence of chronic disease, such as those linked to the use of tobacco; access to primary care in coordination with existing community and migrant health clinics and other not for profit health care organizations; programs to ensure children are born as healthy as possible and they receive immunizations and adequate nutrition; efforts to prevent intentional and unintentional injury; programs to ensure the safety of drinking water and food supplies; poison control; trauma services; and other activities that have the potential to improve the health of the population or special populations and reduce the need for or cost of health services.

**Sec. 14.** RCW 48.14.0201 and 1993 sp.s. c 25 s 601 are each amended to read as follows:

(1) As used in this section, "taxpayer" means a health maintenance organization, as defined in RCW 48.46.020, or a health care service contractor, as defined in RCW 48.44.010 (~~or a certified health plan certified under RCW 48.43.030~~).

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

(a) On or before June 15, forty-five percent;

(b) On or before September 15, twenty-five percent;

(c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's (~~or~~) or health care service contractor's (~~or certified health plan's~~) prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the general fund through March 31, 1996, and in the health services account under RCW 43.72.900 after March 31, 1996.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act. This exemption shall expire July 1, 1997.

(b) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020. (~~This exemption does not apply to amounts received under a certified health plan certified under RCW 48.43.030.~~)

**Sec. 15.** RCW 70.47.020 and 1995 c 2 s 3 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system. (~~On and after July 1, 1995, "managed health care system" means a certified health plan, as defined in RCW 43.72.010.~~)

(4) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children, not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who the administrator determines shall not have, or shall not have voluntarily relinquished health insurance more comprehensive than that offered by the plan as of the effective date of enrollment, and who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children, not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, who the administrator determines shall not have, or shall not have voluntarily relinquished health insurance more comprehensive than that offered by the plan as of the effective date of enrollment, and who chooses to obtain basic health care coverage from a particular managed health care system, and who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(7) "Premium" means a periodic payment, based upon gross family income which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee or a nonsubsidized enrollee.

(8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized and nonsubsidized enrollees in the plan and in that system.

**Sec. 16.** RCW 70.129.150 and 1994 c 214 s 16 are each amended to read as follows:

(1) Prior to admission, all long-term care facilities or nursing facilities licensed under chapter 18.51 RCW that require payment of an admissions fee, deposit, or a minimum stay fee, by or on behalf of a person seeking ~~((admissions {admission}))~~ admission to the long-term care facility or nursing facility, shall provide the resident, or his or her representative, full disclosure in writing of the long-term care facility or nursing facility's schedule of charges for items and services provided by the facility and the amount of any admissions fees, deposits, or minimum stay fees. In addition, the long-term care facility or nursing facility shall also fully disclose in writing prior to admission what portion of the deposits, admissions fees, or minimum stay fees will be refunded to the resident or his or her representative if the resident leaves the long-term care facility or nursing facility. If a resident, during the first thirty days of residence, dies or is hospitalized and does not return to the facility, the facility shall refund any deposit already paid less the facility's per diem rate for the days the resident actually resided or reserved a bed in the facility notwithstanding any minimum stay policy. All long-term care facilities or nursing facilities covered under this section are required to refund any and all refunds due the resident or their representative within thirty days from the resident's date of discharge from the facility. Nothing in this section applies to provisions in contracts negotiated between a nursing facility or long-term care facility and a ~~((certified health plan,))~~ health or disability insurer, health maintenance organization, managed care organization, or similar entities.

(2) Where a long-term care facility or nursing facility requires the execution of an admission contract by or on behalf of an individual seeking admission to the facility, the terms of the contract shall be consistent with the requirements of this section.

**Sec. 17.** RCW 70.47.060 and 1995 c 2 s 4 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care, which subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. ~~((On and after July 1, 1995, the uniform benefits package adopted and from time to time revised by the Washington health services commission pursuant to RCW 43.72.130 shall be implemented by the administrator as the schedule of covered basic health care services.))~~ However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed the total premiums due from the enrollee.

(3) To design and implement a structure of copayments due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. ~~((On and after July 1, 1995, the administrator shall endeavor to make the copayments structure of the plan consistent with enrollee point of service cost-sharing levels adopted by the Washington health services commission, giving consideration to funding available to the plan.))~~

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become

eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least semiannually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator shall require that a business owner pay at least fifty percent of the nonsubsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

**Sec. 18.** RCW 70.170.100 and 1993 c 492 s 259 are each amended to read as follows:

(1) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993, the department is responsible for the development, implementation, and custody of a state-wide health care data system (~~(with policy direction and oversight to be provided by the Washington health services commission)~~). As part of the design stage for development of the system, the department shall undertake a needs assessment of the types of, and format for, health care data needed by consumers, purchasers, health care payers, providers, and state government as consistent with the intent of chapter 492, Laws of 1993. The department shall identify a set of health care data elements and report specifications which satisfy these needs (~~(The Washington health services commission, created by RCW 43.72.020, shall review the design of the data system)~~) and may establish a technical advisory committee on health data and may, if deemed cost-effective and efficient, (~~(recommend that the department)~~) contract with a private vendor for assistance in the design of the data system or for any part of the work to be performed under this section. The data elements, specifications, and other distinguishing features of this data system shall be made available for public review and comment and shall be published, with comments, as the department's first data plan by July 1, 1994.

(2) Subsequent to the initial development of the data system as published as the department's first data plan, revisions to the data system shall be considered with the oversight and policy guidance of the (~~Washington health services commission or its~~) technical advisory committee and funded by the legislature through the biennial appropriations process with funds appropriated to the health services account.

In designing the state-wide health care data system and any data plans, the department shall identify health care data elements relating to health care costs, the quality of health care services, the outcomes of health care services, and use of health care by consumers. Data elements shall be reported as the (~~Washington health services commission~~) department directs by reporters in conformance with a uniform reporting system established by the department, which shall be adopted by reporters. "Reporter" means an individual, hospital, or business entity, required to be registered with the department of revenue for payment of taxes imposed under chapter 82.04 RCW or Title 48 RCW, that is primarily engaged in furnishing or insuring for medical, surgical, and other health services to persons. In the case of hospitals this includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of chapter 492, Laws of 1993, for hospital activities as a whole and, as feasible and appropriate, for specified classes of hospital purchasers and payers. Data elements relating to use of hospital services by patients shall, at least initially, be the same as those currently compiled by hospitals through inpatient discharge abstracts. The commission and the department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(3) The state-wide health care data system shall be uniform in its identification of reporting requirements for reporters across the state to the extent that such uniformity is useful to fulfill the purposes of chapter 492, Laws of 1993. Data reporting requirements may reflect differences that involve pertinent distinguishing features as determined by the (~~Washington health services commission~~) department by rule. So far as is practical, the data system shall be coordinated with any requirements of the trauma care data registry as authorized in RCW 70.168.090,

the federal department of health and human services in its administration of the medicare program, the state in its role of gathering public health statistics, or any other payer program of consequence so as to minimize any unduly burdensome reporting requirements imposed on reporters.

(4) In identifying financial reporting requirements under the state-wide health care data system, the department may require both annual reports and condensed quarterly reports from reporters, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of reporters.

(5) The health care data collected, maintained, and studied by the department (~~(or the Washington health services commission)~~) shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department which reflects the direct cost of retrieving the data or study in the requested form.

(6) All persons subject to chapter 492, Laws of 1993 shall comply with departmental (~~(or commission)~~) requirements established by rule in the acquisition of data.

**Sec. 19.** RCW 70.170.110 and 1993 c 492 s 260 are each amended to read as follows:

The department shall provide, or may contract with a private entity to provide, analyses and reports or any studies it chooses to conduct consistent with the purposes of chapter 492, Laws of 1993, subject to the availability of funds (~~(and any policy direction that may be given by the Washington health services commission)~~). These studies, analyses, or reports shall include:

(1) (~~Consumer guides on purchasing or consuming health care and publications providing verifiable and useful aggregate comparative information to the public on health care services, their cost, and the quality of health care providers who participate in certified health plans;~~

(2)) Reports for use by classes of purchasers, who purchase from (~~(certified)~~) health plans, health care payers, and providers as specified for content and format in the state-wide data system and data plan; and

(~~(3)~~) (2) Reports on relevant health care policy including the distribution of hospital charity care obligations among hospitals; absolute and relative rankings of Washington and other states, regions, and the nation with respect to expenses, net revenues, and other key indicators; provider efficiencies; and the effect of medicare, medicaid, and other public health care programs on rates paid by other purchasers of health care(; ~~and~~

(4) ~~Any other reports the commission or department deems useful to assist the public or purchasers of certified health plans in understanding the prudent and cost-effective use of certified health plan services).~~

**Sec. 20.** RCW 70.170.120 and 1993 c 492 s 261 are each amended to read as follows:

(1) Notwithstanding the provisions of chapter 42.17 RCW, any material contained within the state-wide health care data system or in the files of either the department (~~(or the Washington health services commission)~~) shall be subject to the following limitation(~~(s)~~): (~~(a)~~) Records obtained, reviewed by, or on file that contain information concerning medical treatment of individuals shall be exempt from public inspection and copying(~~(; and (b) any actuarial formulas, statistics, and assumptions submitted by a certified health plan to the commission or department upon request shall be exempt from public inspection and copying in order to preserve trade secrets or prevent unfair competition)~~).

(2) All persons and any public or private agencies or entities whatsoever subject to this chapter shall comply with any requirements established by rule relating to the acquisition or use of health services data and maintain the confidentiality of any information that may, in any manner, identify individual persons.

(3) Data collected pursuant to RCW 70.170.130 and 70.170.140 shall be used solely for the health care reform provisions of chapter 492, Laws of 1993. The department shall ensure that the enrollee identifier used will employ the highest available standards for accuracy and uniqueness.

(4) Nothing in this section shall impede an enrollee's access to her or his health care records as provided in chapter 70.02 RCW.

**Sec. 21.** RCW 70.170.130 and 1993 c 492 s 262 are each amended to read as follows:

(~~The Washington health services commission shall have access to all health data available to the secretary of health. To the extent possible, the commission shall use existing data systems and coordinate among existing agencies.~~) The department of health shall be the designated depository agency for all health data collected pursuant to chapter 492, Laws of 1993. The following data sources shall be developed or made available:

(1) The (~~(commission shall coordinate with the)~~) secretary of health (~~(to)~~) shall utilize data collected by the state center for health statistics, including hospital charity care and related data, rural health data, epidemiological data, ethnicity data, social and economic status data, and other data relevant to the (~~(commission's)~~) department's responsibilities.

(2) (~~The commission, in coordination with the department of health and the health science programs of the state universities shall develop procedures to analyze clinical and other health services outcome data, and conduct other research necessary for the specific purpose of assisting in the design of the uniform benefits package under chapter 492, Laws of 1993.~~

(3) ~~The commission shall establish cost data sources and shall require each certified health plan to provide the commission and the department of health with enrollee care and cost information, to include, but not be limited to: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health care services or procedures provided; (e) provider charges, if any; and (f) amount paid. The department shall establish by rule confidentiality standards to safeguard the information from inappropriate use or release.~~

(4)) The (~~(commission)~~) department shall coordinate with the area Indian health service, reservation Indian health service units, tribal clinics, and any urban Indian health service organizations the design, development, implementation, and maintenance of an American Indian-specific health data, statistics information system. (~~The commission~~) Rules regarding the confidentiality to safeguard the information from inappropriate use or release shall apply.

**Sec. 22.** RCW 70.170.140 and 1993 c 492 s 263 are each amended to read as follows:

(1) The department is responsible for the implementation and custody of a state-wide personal health services data and information system. (~~The data elements, specifications, and other design features of this data system shall be consistent with criteria adopted by the Washington health services commission. The department shall provide the commission with reasonable assistance in the development of these criteria, and shall provide the commission with periodic progress reports related to the implementation of the system or systems related to those criteria.~~)

(2) The department shall coordinate the development and implementation of the personal health services data and information system with related private activities and with the implementation activities of the data sources identified by the commission. Data shall include: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health services or procedures provided; (e) provider charges, if any; and (f) amount paid. The (~~(commission)~~) department shall establish by rule, confidentiality standards to safeguard the



information from inappropriate use or release. The department shall (~~assist the commission in establishing~~) establish reasonable time frames for the completion of the system development and system implementation.

**Sec. 23.** RCW 70.180.040 and 1994 c 103 s 3 are each amended to read as follows:

(1) Requests for a temporary substitute health care professional may be made to the department by the (~~certified health plan~~) local rural hospital, public health department or district, community health clinic, local practicing physician, physician assistant, pharmacist, or advanced registered nurse practitioner, or local city or county government.

(2) The department may provide directly or contract for services to:

(a) Establish a manner and form for receiving requests;

(b) Minimize paperwork and compliance requirements for participant health care professionals and entities requesting assistance; and

(c) Respond promptly to all requests for assistance.

(3) The department may apply for, receive, and accept gifts and other payments, including property and services, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts to operate the pool. The department shall make available upon request to the appropriate legislative committees information concerning the source, amount, and use of such gifts or payments.

**Sec. 24.** RCW 82.04.322 and 1993 c 492 s 303 are each amended to read as follows:

This chapter does not apply to any health maintenance organization(~~(s)~~) or health care service contractor(~~(-or certified health plan)~~) in respect to premiums or prepayments that are taxable under RCW 48.14.0201.

**NEW SECTION. Sec. 25.** The following acts or parts of acts are each repealed:

(1) RCW 18.130.330 and 1994 c 102 s 1 & 1993 c 492 s 412;

(2) RCW 43.72.005 and 1993 c 492 s 401;

(3) RCW 43.72.010 and 1994 c 4 s 1, 1993 c 494 s 1, & 1993 c 492 s 402;

(4) RCW 43.72.020 and 1994 c 154 s 311 & 1993 c 492 s 403;

(5) RCW 43.72.030 and 1993 c 492 s 405;

(6) RCW 43.72.040 and 1994 c 4 s 3, 1993 c 494 s 2, & 1993 c 492 s 406;

(7) RCW 43.72.050 and 1993 c 492 s 407;

(8) RCW 43.72.060 and 1994 c 4 s 2 & 1993 c 492 s 404;

(9) RCW 43.72.070 and 1993 c 492 s 409;

(10) RCW 43.72.080 and 1993 c 492 s 425;

(11) RCW 43.72.090 and 1993 c 492 s 427;

(12) RCW 43.72.100 and 1993 c 492 s 428;

(13) RCW 43.72.110 and 1993 c 492 s 429;

(14) RCW 43.72.120 and 1993 c 492 s 430;

(15) RCW 43.72.130 and 1993 c 492 s 449;

(16) RCW 43.72.140 and 1993 c 492 s 450;

(17) RCW 43.72.150 and 1993 c 492 s 451;

(18) RCW 43.72.160 and 1993 c 492 s 452;

(19) RCW 43.72.170 and 1993 c 492 s 453;

(20) RCW 43.72.180 and 1993 c 492 s 454;

(21) RCW 43.72.190 and 1993 c 492 s 455;

(22) RCW 43.72.200 and 1993 c 492 s 456;

(23) RCW 43.72.210 and 1993 c 492 s 463;

(24) RCW 43.72.220 and 1993 c 494 s 3 & 1993 c 492 s 464;

(25) RCW 43.72.225 and 1994 c 4 s 4;

(26) RCW 43.72.230 and 1993 c 492 s 465;

(27) RCW 43.72.240 and 1993 c 494 s 4 & 1993 c 492 s 466;

(28) RCW 43.72.300 and 1993 c 492 s 447;

(29) RCW 43.72.310 and 1993 c 492 s 448;

(30) RCW 43.72.800 and 1993 c 492 s 457;

(31) RCW 43.72.810 and 1993 c 492 s 474;

(32) RCW 43.72.820 and 1993 c 492 s 475;

(33) RCW 43.72.840 and 1993 c 492 s 478;

(34) RCW 43.72.850 and 1993 c 492 s 485;

(35) RCW 43.72.860 and 1993 c 492 s 486;

(36) RCW 48.20.540 and 1993 c 492 s 283;

(37) RCW 48.21.340 and 1993 c 492 s 284;

(38) RCW 48.22.080 and 1994 c 102 s 2 & 1993 c 492 s 413;

(39) RCW 48.43.010 and 1993 c 492 s 432;

(40) RCW 48.43.020 and 1993 c 492 s 433;

(41) RCW 48.43.030 and 1993 c 492 s 434;

(42) RCW 48.43.040 and 1993 c 492 s 435;

(43) RCW 48.43.050 and 1993 c 492 s 436;

(44) RCW 48.43.060 and 1993 c 492 s 437;

(45) RCW 48.43.070 and 1993 c 492 s 438;

(46) RCW 48.43.080 and 1993 c 492 s 439;

(47) RCW 48.43.090 and 1993 c 492 s 440;

(48) RCW 48.43.100 and 1993 c 492 s 441;

(49) RCW 48.43.110 and 1993 c 492 s 442;

(50) RCW 48.43.120 and 1993 c 492 s 443;

(51) RCW 48.43.130 and 1993 c 492 s 444;

(52) RCW 48.43.140 and 1993 c 492 s 445;

(53) RCW 48.43.150 and 1993 c 492 s 446;  
(54) RCW 48.43.160 and 1993 c 492 s 426; and  
(55) RCW 48.43.170 and 1993 c 492 s 431."  
Renumber the remaining section consecutively.

#### POINT OF ORDER

Senator Quigley: "Thank you, Madam President. I rise to a point of order. I rise to argue that the amendment before us expands the scope and object of the bill beyond its original intent. Among other things, it repeals community rating. Again, these were provisions which permit cost-shifting from big business to small business. They can and should exist, notwithstanding a repeal of the employer mandate. It repeals maximum enrollee financial participation provisions. Again, these are provisions designed to protect the poor that can and should exist regardless of whether the employer mandate goes forward. It repeals the premium caps which were designed to control rising health care costs--things that can and should exist without the employer mandate. It eliminates the Health Services Commission, a commission that has expansive duties under the existing law beyond its limited duties in the bill, even the bill as amended. This amendment before us weakens the insurance reforms, insurance reforms that can and should go on without regard to whether or not we repeal the employer mandate. It limits portability of insurance plans, portability being a concept that can and should go on. I could go on, in fact I could go on through fifty-five repealers, Madam Chair, that are included in this act, but I don't think it is necessary. Clearly, this expands the scope and object of this bill. Thank you, Madam President."

Further debate ensued.

There being no objection, the President Pro Tempore deferred further consideration of Senate Bill No. 6034.

Vice President Pro Tempore Franklin assumed the Chair.

#### MOTIONS

On motion of Senator Loveland, Senator Wojahn was excused.

On motion of Senator Wood, Senator Roach was excused.

#### SECOND READING

SENATE BILL NO. 5575, by Senators Sheldon, Gaspard, Moyer, Wood, Finkbeiner and Winsley (by request of Governor Lowry)

Allowing persons at least sixteen years of age to make anatomical gifts if a parent or guardian signs the document of gift.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5575 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5575.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5575 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 47.

Excused: Senators Roach and Wojahn - 2.

SENATE BILL NO. 5575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5121, by Senators Rasmussen, Morton, Snyder, Newhouse, Loveland, A. Anderson, Hochstatter, Haugen and Deccio

Reviewing agricultural safety standards.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5121 was substituted for Senate Bill No. 5121 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Ann Anderson, the following amendments by Senators Ann Anderson, Morton, Rasmussen and Loveland were considered simultaneously and were adopted:

On page 2, line 1, strike "December 15, 1995" and insert "January 15, 1996"

On page 2, line 15, strike "December 15, 1995" and insert "January 15, 1996"

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5121.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 6034 and the pending amendments by Senator McDonald on page 1, lines 7 and 8, and the pending striking amendment by Senator Deccio, deferred earlier today.

#### RULINGS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "In ruling upon the points of order raised by Senator Quigley, the President finds that Senate Bill No. 6034, as amended, is a measure which repeals the requirement that residents of Washington purchase a uniform benefits package from a certified health plan by a date certain and repeals mandatory employer participation in offering health care coverage, and repeals the requirement to seek federal waivers for these activities.

"The amendments by Senator McDonald on page 1, lines 7 and 8, among other changes to the health care laws, removes the provisions providing for community rated maximum premiums for the uniform benefits package.

"The striking amendment by Senator Deccio abolishes the Washington Health Services Commission and makes various other changes to the health care laws.

"The President, therefore, finds that the proposed amendments by Senator McDonald on page 1, lines 7 and 8, do change the scope and object of the bill and the point of order is well taken.

"The President, therefore, finds that the proposed striking amendment by Senator Deccio does change the scope and object of the bill and the point of order is well taken."

The amendments by Senator McDonald on page 1, lines 7 and 8, to Senate Bill No. 6034 were ruled out of order.

The striking amendment by Senator Deccio to Senate Bill No. 6034 was ruled out of order.

#### MOTIONS

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 2 of the title, after "employers;" insert "amending RCW 43.72.810;"

On motion of Senator Quigley, the rules were suspended, Engrossed Senate Bill No. 6034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF ORDER

Senator Heavey: "A point of order. Madam President, I think that the gentleman from Spokane is impugning the sponsors of this bill and I would ask Madam President to rule on that. Thank you."

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "Senator West, it would be good if you would keep your remarks a little bit lower key."

Further debate ensued.

#### POINT OF ORDER

Senator McCaslin: "A point of order, Madam President. Did you say we were under a two minute rule?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "No, we are not."

Senator McCaslin: "Did you say something to that effect?"

President Pro Tempore Wojahn: "I said it was unfortunate that we were not."

Senator McCaslin: "I'm sorry I didn't hear you."

President Pro Tempore Wojahn: "I said we were not."

Senator McCaslin: "You are going to have to speak up for us older folks. We can't hear you up front here. Thank you."

Further debate ensued.

#### POINT OF INQUIRY

Senator McDonald: "Senator Gaspard, if we pass this piece of legislation, will there be, in this session, a bill that will come on the floor that will expand the basic health care plan, protect the insurance reforms that we have passed, expand the consumer choices for doctors and health care plans beyond what is in the 1993 act and repeal a number of sections, a considerable amount of the 1993 Health Services Act?"

Senator Gaspard: "Thank you, Senator McDonald. The purpose of putting this measure before us was really to realize that we have a lot more in common about how to approach health care than we have in differences at this point, so I am a little bit surprised about some of the tone of the debate, because we are trying to take the politics out of the employer mandate. Yes, Senator McDonald, I responded to a question by Senator Newhouse last week that it is our intention to bring forward to this body, the bill that was referred out of committee, Senator Quigley's committee, so that we can have a fuller debate on improvements to health care. As you have outlined it, it sounds as if we do have a good bipartisan support, because those are all the measures that we are trying to incorporate as we improve health care in the state of Washington."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6034.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6034 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McCaslin, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Winsley, Wojahn and Wood - 37.

Voting nay: Senators Anderson, A., Cantu, Finkbeiner, Hochstatter, Johnson, McDonald, Morton, Moyer, Prince, Schow, Strannigan and West - 12.

ENGROSSED SENATE BILL NO. 6034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Franklin assumed the Chair.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8019, by Senators Oke, Owen, Snyder, A. Anderson, Haugen, Bauer, Gaspard, McDonald, Swecker, Roach, Strannigan, Palmer, Hochstatter, Morton, West, Rasmussen and Spanel

Requesting federal assistance to facilitate the implementation of judicial decisions concerning the harvest of fish and shellfish.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Joint Memorial No. 8019 was substituted for Senate Joint Memorial No. 8019 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Joint Memorial No. 8019 was advanced to third reading, the second reading considered the third and the substitute joint memorial was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8019.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8019 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 48.

Absent: Senator Wojahn - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8019, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5799, by Senators McDonald, Wojahn, Cantu and West

Modifying adult family homes licensure.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5799 was substituted for Senate Bill No. 5799 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5799 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5799.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5799 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Voting nay: Senator Cantu - 1.

SUBSTITUTE SENATE BILL NO. 5799, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5551, by Senators Sellar and Snyder

Authorizing special taxation of lodging.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5551 was substituted for Senate Bill No. 5551 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sellar, the rules were suspended, Substitute Senate Bill No. 5551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5551.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5551 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SUBSTITUTE SENATE BILL NO. 5551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, Senator Loveland was excused.

#### SECOND READING

SENATE BILL NO. 5463, by Senators Newhouse, Prentice and Franklin

Requiring alcohol servers to have alcohol servers permits.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5463 was substituted for Senate Bill No. 5463 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5463.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5463 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator McCaslin - 1.

Excused: Senator Loveland - 1.

SUBSTITUTE SENATE BILL NO. 5463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5281, by Senators Heavey, Pelz, Deccio, Kohl, West, Drew and Rasmussen

Promoting horse racing.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5281 was substituted for Senate Bill No. 5281 and the substitute bill was placed on second reading and read the second time.

Senator Prince moved that the following amendment by Senators Prince, McCaslin, Moyer, Hochstatter and Morton be adopted:

On page 1, after line 9, insert the following:

"Sec. 2. RCW 67.16.010 and 1991 c 270 s 1 are each amended to read as follows:

Unless the context otherwise requires, words and phrases as used herein shall mean:

"Commission" shall mean the Washington horse racing commission, hereinafter created.

"Operating race tracks" shall mean racing associations conducting parimutuel horse racing at the same time of day, such as afternoon against afternoon or nighttime against nighttime, as the racing association conducting the horse racing that is the subject of the in-state and/or out-of-state satellite wagering.

"Parimutuel machine" shall mean and include both machines at the track and machines at the satellite locations, that record parimutuel bets and compute the payoff.

"Person" shall mean and include individuals, firms, corporations and associations.

"Race meet" shall mean and include any exhibition of thoroughbred, quarter horse, paint horse, appaloosa horse racing, arabian horse racing, or standard bred harness horse racing, where the parimutuel system is used.

"Racing day" shall mean a full program of races at a specified operating race track on a specified day.

Singular shall include the plural, and the plural shall include the singular; and words importing one gender shall be regarded as including all other genders."

Renumber the remaining sections consecutively and correct internal references accordingly.

#### POINT OF ORDER

Senator Heavey: "Thank you, Madam President. Article 2, Section 19, of the State Constitution says, 'No bill shall embrace more than one subject, and that shall be expressed in the title.' Article 2, Section 38, says 'No amendment to any bill shall be allowed which shall

change the scope and object of the bill.' I would ask for a ruling on the scope and object of the amendment. The amendment amends a different section; it deals with a different matter of duel car racing and the underlying bill merely, essentially, removes a sunset date."

#### MOTION

On motion of Senator Spanel, further consideration of Substitute Senate Bill No. 5281 was deferred.

#### MOTION

On motion of Senator Spanel, Senator Franklin was excused.

#### SECOND READING

SENATE BILL NO. 5355, by Senators Drew, Morton and Rasmussen

Providing for payment of claims for damages caused by deer or elk.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5355.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Bauer - 1.

Excused: Senator Franklin - 1.

SENATE BILL NO. 5355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5351, by Senators Wojahn, Winsley, Haugen, McCaslin and Drew

Allowing cities to require family day-care provider's home facilities loading areas to be certified by the office of child care policy licenser.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Ann Anderson, Senator Moyer was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5351.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5351 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Moyer - 1.

SENATE BILL NO. 5351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5343, by Senators Fairley, Swecker, Pelz, Fraser, Prentice, Kohl, Winsley and Franklin

Promoting the recycled content of products and buildings.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5343 was substituted for Senate Bill No. 5343 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5343.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Moyer - 1.

SUBSTITUTE SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5335, by Senators Smith, Long and Johnson

Updating uniform commercial code provisions on investment securities.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5335 was substituted for Senate Bill No. 5335 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5335 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5335.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5335 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Moyer - 1.

SUBSTITUTE SENATE BILL NO. 5335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5333, by Senators Smith, Long and Johnson

Revising regulations for the investment of trust funds.

#### MOTIONS



On motion of Senator Smith, Substitute Senate Bill No. 5333 was substituted for Senate Bill No. 5333 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5333.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5333 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Moyer - 1.

SUBSTITUTE SENATE BILL NO. 5333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Franklin assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5332, by Senators Prentice, Hale, Fraser and Winsley (by request of Department of Financial Institutions)

Regulating securities.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Wojahn was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5332.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5332 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 47.

Excused: Senators Moyer and Wojahn - 2.

SENATE BILL NO. 5332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5330, by Senators Smith and Franklin (by request of Washington State Patrol)

Regulating background checks.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5330.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5330 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 47.

Excused: Senators Moyer and Wojahn - 2.

SENATE BILL NO. 5330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6047, by Senators Gaspard, McCaslin, Wojahn, Prentice, C. Anderson, Rinehart, Heavey, Spanel, Smith, Sheldon, Drew, Fraser, Loveland, Fairley, Sutherland, McAuliffe, Snyder, Quigley, Hargrove, Franklin, Kohl, Bauer, Rasmussen, Haugen, Owen, Pelz and Winsley

Providing sales and use tax exemptions for medical care products.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6047 was substituted for Senate Bill No. 6047 and the substitute bill was placed on second reading and read the second time.

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 2, beginning on line 20, after "appliances," strike "and convalescent aids" and insert "convalescent aids, tissues, toilet paper, toothpaste, and toothbrushes"

On page 4, line 4, after "appliances," strike "and convalescent aids" and insert "convalescent aids, tissues, toilet paper, toothpaste, and toothbrushes"

#### POINT OF ORDER

Senator Rinehart: "I rise to raise a question that the amendments expand the scope and object of the bill. The bill before us is specifically directed to remove the sales tax from medical care products bought by consumers. The amendments before us would expand the bill to include hygienic products which do not come under the definition of medical care products and, therefore, would expand the scope and object of the bill."

Further debate ensued.

#### MOTION

On motion of Senator Gaspard, further consideration of the amendments by Senator West was deferred and the Senate will consider the next amendments by Senator Wood.

#### MOTION

Senator Ann Anderson moved that the following amendments by Senator Wood be considered simultaneously and be adopted:

On page 2, after line 21, insert the following:

"(4) The tax levied by RCW 82.08.020 shall not apply to sales of products, substances, or devices used for feminine hygiene including, but not limited to, sanitary napkins.

(5) The tax levied by RCW 82.08.020 shall not apply to sales of diapers. As used in this section, "diaper" includes adult diapers, children's diapers, disposable diapers, diapers obtained through a commercial diaper service, and reusable diapers."

On page 4, after line 4, insert the following:

(4) The provisions of this chapter shall not apply in respect to the use of products, substances, or devices for feminine hygiene including, but not limited to, sanitary napkins.

(5) The provisions of this chapter shall not apply in respect to the use of diapers. As used in this section, "diaper" includes adult diapers, children's diapers, disposable diapers, diapers obtained through a commercial diaper service, and reusable diapers."

#### POINT OF ORDER

Senator Rinehart: "I raise the question that the amendments expand the scope and object of the bill. Again, the bill is directed, with a very specific intent, to remove the sales tax from consumer purchased medical care products. The list incorporated in these amendments, once again, are directed toward hygiene and not toward medical care."

Further debate ensued.

#### MOTION

On motion of Senator Gaspard, further consideration of the amendments by Senator Wood was deferred and the Senate will consider the next amendments by Senators Ann Anderson and Winsley.

#### MOTION

Senator Ann Anderson moved that the following amendments by Senators Ann Anderson and Winsley be considered simultaneously and be adopted:

On page 2, line 28, after "18.35 RCW;" insert "medicines of mineral, animal, and botanical origin prescribed, administered, dispensed, or used in the treatment of an individual by a person licensed under chapter 18.36A RCW;"

On page 4, line 11, after "18.35 RCW;" insert "medicines of mineral, animal, and botanical origin prescribed, administered, dispensed, or used in the treatment of an individual by a person licensed under chapter 18.36A RCW;"

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Ann Anderson and Winsley on page 2, line 28, and page 4, line 11, to Substitute Senate Bill No. 6047.

The motion by Senator Ann Anderson carried and the amendments were adopted.

#### MOTION

Senator Wojahn moved that the following amendment by Senators Wojahn, McDonald, Hale, Wood, Prentice, Winsley, West and Cal Anderson be adopted:

On page 4, after line 27, insert the following:

"**Sec. 5.** RCW 82.08.0293 and 1988 c 103 s 1 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products including livestock sold for personal consumption, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, bottled water, and other beverages except (~~bottled water~~) spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen. Bottled water means bottled water, as defined in RCW 69.07.170, sold in containers of at least one gallon, and includes artesian water, distilled water, drinking water, mineral water, natural water, and spring water.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

(2) The exemption of "food products" provided for in subsection (1) of this section shall not apply: (a) When the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (b) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments, or (c) to a food product, when sold by the retail vendor, which by law must be handled on the vendor's premises by a person with a food and beverage service worker's permit under RCW 69.06.010, including but not be limited to sandwiches prepared or chicken cooked on the premises, deli trays, home-delivered pizzas or meals, and salad bars but excluding:

(i) Raw meat prepared by persons who slaughter animals, including fish and fowl, or dress or wrap slaughtered raw meat such as fish mongers, butchers, or meat wrappers;

(ii) Meat and cheese sliced and/or wrapped, in any quantity determined by the buyer, sold by vendors such as meat markets, delicatessens, and grocery stores;

(iii) Bakeries which only sell baked goods;

(iv) Combination bakery businesses, as prescribed by rule of the department, to the extent that sales of baked goods are separately accounted for and the baked goods claimed for exemption are not sold as part of meals or with beverages in unsealed containers; or

(v) Bulk food products sold from bins or barrels, including but not limited to flour, fruits, vegetables, sugar, salt, candy, chips, and cocoa.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food products" provided in this section shall apply to food products which are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6); or

(b) Which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW.

(4) Subsection (1) of this section notwithstanding, the retail sale of food products is subject to sales tax under RCW 82.08.020 if the food products are sold through a vending machine, and in this case the selling price for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

This subsection does not apply to hot prepared food products, other than food products which are heated after they have been dispensed from the vending machine.

For tax collected under this subsection, the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

**Sec. 6.** RCW 82.12.0293 and 1988 c 103 s 2 are each amended to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products including livestock sold for personal consumption, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, bottled water, and other beverages except ~~((bottled water,))~~ spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen. Bottled water means bottled water, as defined in RCW 69.07.170, sold in containers of at least one gallon, and includes artesian water, distilled water, drinking water, mineral water, natural water, and spring water.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

(2) The exemption of "food products" provided for in subsection (1) of this section shall not apply: (a) When the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (b) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments, or (c) to a food product, when sold by the retail vendor, which by law must be handled on the vendor's premises by a person with a food and beverage service worker's permit under RCW 69.06.010, including but not be limited to sandwiches prepared or chicken cooked on the premises, deli trays, home-delivered pizzas or meals, and salad bars but excluding:

(i) Raw meat prepared by persons who slaughter animals, including fish and fowl, or dress or wrap slaughtered raw meat such as fish mongers, butchers, or meat wrappers;

(ii) Meat and cheese sliced and/or wrapped, in any quantity determined by the buyer, sold by vendors such as meat markets, delicatessens, and grocery stores;

(iii) Bakeries which only sell baked goods;

(iv) Combination bakery businesses, as prescribed by rule of the department, to the extent that sales of baked goods are separately accounted for and the baked goods claimed for exemption are not sold as part of meals or with beverages in unsealed containers; or

(v) Bulk food products sold from bins or barrels, including but not limited to flour, fruits, vegetables, sugar, salt, candy, chips, and cocoa.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food products" provided in this section shall apply to food products which are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6); or

(b) Which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW."

Renumber the remaining section.

#### POINT OF ORDER

Senator Rinehart: "Rising with some trepidation to suggest that this amendment also expands the scope and object of the bill, because water is designed as a food, not as a medical product."

Further debate ensued.

#### MOTION

On motion of Senator Gaspard, further consideration of the amendment by Senators Wojahn, McDonald, Hale, Wood, Prentice, Winsley, West and Cal Anderson was deferred.

#### MOTION

Senator Deccio moved that the following amendment by Senators Deccio, Long, Palmer, Hale, Swecker, Finkbeiner, Wood, Johnson, Strannigan and Schow be adopted:

On page 4, after line 27, insert the following:

"**Sec. 5.** RCW 82.04.255 and 1993 sp.s. c 25 s 202 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((2.0))~~ 1.5 percent.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

**Sec. 6.** RCW 82.04.290 and 1993 sp.s. c 25 s 203 are each amended to read as follows:

~~((1) Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 2.5 percent.~~

~~((2) Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of 1.70 percent.~~

(3)) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280(~~and subsections (1) and (2) of this section~~); as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((2.0))~~ 1.5 percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) RCW 82.04.055 and 1993 sp.s. c 25 s 201; and

(2) RCW 82.04.2201 and 1994 sp.s. c 10 s 1 & 1993 sp.s. c 25 s 204."

Renumber the remaining section consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator Rinehart: "I rise to question the scope and object of the amendment. It is directed toward the Business and Occupation Tax. The tax before us is the sales tax on medical care products purchased by consumers. This is clearly expanding by four hundred and fifty million dollars the scope of the bill."

#### MOTION TO WITHDRAW AMENDMENT

On motion of Senator Deccio, and there being no objection, the amendment by Senators Deccio, Long, Palmer, Hale, Swecker, Finkbeiner, Wood, Johnson, Strannigan and Schow on page 4, after line 27, to Substitute Senate Bill No. 6047 was withdrawn.

#### MOTION

On motion of Senator Gaspard, further consideration of Substitute Senate Bill No. 6047 was deferred.

President Pro Tempore Wojahn assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5281 and the pending amendment by Senators Prince, McCaslin, Moyer, Johnson and Morton on page 1, after line 9, deferred earlier today.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "In ruling upon the point of order raised by Senator Heavey, the President finds that Substitute Senate Bill No. 5281 is a measure which extends the retention and dedication of specified amounts from the daily gross receipts of parimutuel machines for certain purposes and directs the procedure for subsequent expenditure of these funds.

"The amendment by Senators Prince, McCaslin, Moyer, Johnson and Morton on page 1, after line 9, would create new definitions establishing limits on the meaning of operating race tracks and racing days.

"The President, therefore, finds that the proposed amendment by Senators Prince, McCaslin, Moyer, Johnson and Morton on page 1, after line 9, does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Prince, McCaslin, Moyer, Johnson and Morton on page 1, after line 9, to Substitute Senate Bill No. 5281 was ruled out of order.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5281 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5281.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5281 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Prince - 1.

Excused: Senator Moyer - 1.

SUBSTITUTE SENATE BILL NO. 5281, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Ann Anderson, Senator Prince was excused.

SECOND READING

SENATE BILL NO. 5130, by Senators Fraser, Oke, Owen, Heavey, Prince, Morton, Rasmussen, Sellar, Franklin, Spanel, Snyder, Fairley, Kohl and Drew

Freeing the base for transfers of marine and nonhighway fuel taxes.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5130.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5130 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senator Loveland - 1.

Excused: Senators Moyer and Prince - 2.

SENATE BILL NO. 5130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, Senate Bill No. 5365, Senate Bill No. 5524, Senate Bill No. 5525, Senate Bill No. 5698, Senate Bill No. 5837 and Senate Bill No. 5848, which were on the consent calendar, were referred to the regular calendar.

SECOND READING

SENATE BILL NO. 5326, by Senators Long, Fairley, Roach, Hargrove, West, Oke and Winsley

Revising provision for registration of sex offenders.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5326 was substituted for Senate Bill No. 5326 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5326 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5326.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5326 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Moyer and Prince - 2.

SUBSTITUTE SENATE BILL NO. 5326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5433, by Senators Prentice, Hale and Fraser (by request of Insurance Commissioner Senn)

Regulating investments by insurers.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5433.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5433 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Franklin - 1.

Excused: Senators Moyer and Prince - 2.

SENATE BILL NO. 5433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Franklin was excused.

SECOND READING

SENATE BILL NO. 5432, by Senators Prentice and Hale (by request of Insurance Commissioner Senn)

Regulating unearned premium, loss, and loss expense reserves.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5432.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5432 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Franklin, Moyer and Prince - 3.

SENATE BILL NO. 5432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5431, by Senators Prentice and Hale (by request of Insurance Commissioner Senn)

Repealing rural health care statutes.

MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 5431 was substituted for Senate Bill No. 5431 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 5431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5431.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5431 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Franklin, Moyer and Prince - 3.

SUBSTITUTE SENATE BILL NO. 5431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5419, by Senators Fairley and Quigley (by request of Department of Social and Health Services)

Modifying federal financial participation related to health insurer's and children's health care.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5419 was substituted for Senate Bill No. 5419 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5419.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5419 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Franklin, Moyer and Prince - 3.

SUBSTITUTE SENATE BILL NO. 5419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5308, by Senators Fairley, Moyer, Franklin and Deccio (by request of Department of Health)

Changing certain health professional examination procedures.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5308 was substituted for Senate Bill No. 5308 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5308.

#### ROLL CALL



The Secretary called the roll on the final passage of Substitute Senate Bill No. 5308 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Franklin, Moyer and Prince - 3.

SUBSTITUTE SENATE BILL NO. 5308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5292, by Senators Sutherland and Finkbeiner

Revising the level of civil penalties for violation of gas pipeline safety regulations.

The bill was read the second time.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Bill No. 5292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5292.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5292 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Fairley - 1.

Excused: Senators Moyer and Prince - 2.

SENATE BILL NO. 5292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Cal Anderson, Senator Fairley was excused.

#### SECOND READING

SENATE BILL NO. 5274, by Senators Haugen, McCaslin, Winsley, Wood and Palmer

Clarifying the funding formula for the municipal research council.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5274.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Fairley, Moyer and Prince - 3.

SENATE BILL NO. 5274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5209, by Senators McCaslin, Haugen, Swecker, Drew, Schow, Heavey and Winsley

Authorizing the extension of water or sewer service within an approved coordinated water system plan service area.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5209 was substituted for Senate Bill No. 5209 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5209 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5209.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5209 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Fairley, Moyer and Prince - 3.

SUBSTITUTE SENATE BILL NO. 5209 having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5273, by Senators Hale, Haugen, Winsley and Franklin (by request of Secretary of State Munro)

Avoiding conflicts of interest on election canvassing boards.

The bill was read the second time.

#### MOTION

On motion of Senator Hale, the rules were suspended, Senate Bill No. 5273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5273.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5273 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Fairley, Moyer and Prince - 3.

SENATE BILL NO. 5273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Franklin assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6047 and the pending amendments by Senator West on page 2, beginning on line 20, and page 4, line 4; the pending amendments by Senator Wood on page 2, after line 21, and page 4, after line 4; and the pending amendment by Senators Wojahn, McDonald, Hale, Wood, Prentice, Winsley, West and Cal Anderson on page 4, after line 27, deferred earlier today.

## RULINGS BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Franklin: "In ruling upon the points of order raised by Senator Rinehart, the President finds that Substitute Senate Bill No. 6047 is a measure which creates sales and use tax exemptions for specified medial products and equipment, health-aid appliances and convalescent aids, and the repair of certain medical items.

"The amendments by Senator West on page 2, beginning on line 20, and page 4, line 4, would add tissues, toilet paper, toothpaste, and toothbrushes to the list of exempted items.

"The amendments by Senator Wood on page 2, after line 21, and page 4, after line 4, would, among other things, add diapers and diaper services to the list of exempted items.

"The amendment by Senators Wojahn, McDonald, Hale, Wood, Prentice, Winsley, West and Cal Anderson on page 4, after line 27, would add bottled water to the list of food products exempted from sales tax.

"The President, therefore, finds that the proposed amendments by Senator West on page 2, line 20, and page 4, line 4, do change the scope and object of the bill and the point of order is well taken.

"The President, therefore, finds that the proposed amendments on by Senator Wood on page 2, after line 21, and page 4, after line 4, do change the scope and object of the bill and the point of order is well taken.

"The President, therefore, finds that the amendment by Senators Wojahn, McDonald, Hale, Wood, Prentice, Winsley, West and Cal Anderson on page 4, after line 27, does change the scope and object of the bill and the point is order is well taken."

The amendments by Senator West on page 2, line 20. and page 4, line 4, to Senate Bill No. 6034 were ruled out of order.

The amendments by Senator Wood on page 2, after line 21, and page 4, after line 4, to Senate Bill No. 6034 were ruled out of order.

The amendment by Senators Wojahn, McDonald, Hale, Wood, Prentice, Winsley, West and Cal Anderson on page 4, after line 27, to Senate Bill No. 6034 was ruled out of order.

### MOTION

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 2, after line 21, insert the following:

"(4) The tax levied by RCW 82.08.020 shall not apply to sales of adult incontinent pads and pants."

On page 4, after line 4, insert the following:

"(4) The provisions of this chapter shall not apply with respect to the use of adult incontinent pads and pants."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator West on page 2, after line 21, and page 4, after line 4, to Substitute Senate Bill No. 6047.

The motion by Senator West carried and the amendments were adopted.

### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 6047 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6047.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6047 the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senator Sutherland - 1.

Excused: Senators Moyer and Prince - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### MOTION

At 8:12 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Wednesday, March 8, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-EIGHTH DAY, MARCH 7, 1995

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**FIFTY-NINTH DAY**

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 8, 1995

The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Cal Anderson, Cantu, Deccio, Drew, McAuliffe and Pelz. On motion of Senator Loveland, Senators Cal Anderson, Drew, McAuliffe and Pelz were excused. On motion of Senator Ann Anderson, Senators Cantu and Deccio were excused.

The Sergeant at Arms Color Guard, consisting of Pages Katie Chamberlin and Drew Henderson, presented the Colors. Reverend Vickie Morse, associate pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 7, 1995

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1113,  
SUBSTITUTE HOUSE BILL NO. 1140,  
SUBSTITUTE HOUSE BILL NO. 1178,  
SUBSTITUTE HOUSE BILL NO. 1187, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk  
March 7, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1057,  
SUBSTITUTE HOUSE BILL NO. 1067,  
HOUSE BILL NO. 1280,  
SUBSTITUTE HOUSE BILL NO. 1336,  
HOUSE BILL NO. 1532, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1995

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4405, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1995

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1099, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6059 by Senators Sutherland and Bauer

AN ACT Relating to reimbursement contracts with local governments; and amending RCW 35.91.020, 56.22.040, and 57.22.040.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6060 by Senators Finkbeiner, Owen and McDonald

AN ACT Relating to transportation appropriations; amending 1994 c 303 s 20 (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1057 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler, Morris, B. Thomas, Delvin, Carlson, Hankins, Dyer, Sheldon, Casada, Chandler, L. Thomas, Fuhrman, Mulliken, Lisk, Cooke, Sheahan and Mastin)

Lowering the tax rate on canola.

Referred to Committee on Ways and Means.

SHB 1067 by House Committee on Finance (originally sponsored by Representatives Schoesler, Grant, Hankins, Delvin, Mastin and Sheldon)

Reforming the property taxation of short-rotation hardwoods.

Referred to Committee on Ways and Means.

EHB 1099 by Representatives Scott, Appelwick, Padden, Campbell, Sherstad and Benton

Requiring HIV testing for persons arrested for being involved with prostitution.

Referred to Committee on Law and Justice.

HB 1113 by Representatives Campbell, Hargrove, Smith, Chappell, D. Schmidt, Schoesler and Ballasiotes

Revising time limits for filing initiatives petitions.

Referred to Committee on Government Operations.

SHB 1140 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Horn, Blanton, Costa and Honeyford)

Revising procedures for using criminal history in sentencing of offenders.

Referred to Committee on Law and Justice.

SHB 1178 by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Lisk, Mulliken, Chandler, L. Thomas, Thompson, Boldt, Mastin, Goldsmith, Stevens, Schoesler, Honeyford, Johnson, Koster, Mielke and Sheahan)

Exempting persons under age twenty-one employed on the family farm from industrial insurance coverage.

Referred to Committee on Labor, Commerce and Trade.

SHB 1187 by House Committee on Government Operations (originally sponsored by Representatives Reams, Fuhrman, Van Luven, Stevens, Carrell, Campbell, Thompson, Blanton, Boldt, Koster, Sheahan and Huff)

Dividing the department of social and health services into five agencies.

Referred to Committee on Government Operations.

HB 1280 by Representatives Sherstad, Radcliff, Ballasiotes, Blanton, Cole, Tokuda and Dickerson (by request of Department of Corrections)

Revising procedures for offenders who violate conditions or requirements of sentences.

Referred to Committee on Human Services and Corrections.

SHB 1336 by House Committee on Higher Education (originally sponsored by Representatives Jacobsen, Carlson, Mastin and Basich)

Requiring institutions of higher education to report on precollege class enrollments.

Referred to Committee on Higher Education.

HB 1532 by Representatives Dyer, Dellwo, Ballasiotes, Cody, Cooke and Thibaudeau

Modifying certification of mental health counselors.

Referred to Committee on Human Services and Corrections.

HCR 4405 by Representative Foreman

Calling for a joint session to recognize Medal of Merit recipients.

#### MOTIONS

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4405 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage and adopted.

HOUSE CONCURRENT RESOLUTION NO. 4405 was adopted by voice vote.

#### SECOND READING GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9041, Arland Lyons, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

#### APPOINTMENT OF ARLAND LYONS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Cantu, Deccio, Drew, McAuliffe and Pelz - 6.

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9043, Edward Mayeda, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

#### APPOINTMENT OF EDWARD MAYEDA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Cantu, Deccio, Drew, McAuliffe and Pelz - 6.

#### SECOND READING

SENATE BILL NO. 5430, by Senators Prentice and Hale (by request of Insurance Commissioner Senn)

Regulating the capital and surplus requirements of insurance companies.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5430.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5430 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., McAuliffe and Pelz - 3.

SENATE BILL NO. 5430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5421, by Senator Fraser

Modifying the definition of "vulnerable adult" for background check purposes.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5421 was substituted for Senate Bill No. 5421 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5421.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5421 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Pelz - 2.

SUBSTITUTE SENATE BILL NO. 5421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5429, by Senator Haugen (by request of Insurance Commissioner Senn)

Authorizing a deputy to vote on behalf of the insurance commissioner.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5429 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5429.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5429 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Anderson, A. - 1.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5429, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5268, by Senators Owen, Wood and Prince

Restricting use of the department of licensing services account.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5268 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5268.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5268 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Deccio - 1.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5251, by Senators Rasmussen, Fraser, Oke, Wojahn, Franklin, Winsley, Schow, Swecker and Gaspard

Affecting the transportation authority of first class cities.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5251.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5251 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING



SENATE BILL NO. 5269, by Senators Rasmussen, Pelz, Heavey, Winsley, Franklin, Oke and Deccio

Raising the maximum cost for raffle tickets to ten dollars.

The bill was read the second time.

#### MOTION

Senator West moved that the following amendment be adopted:

On page 1, line 6, after "~~(five)~~" strike "ten" and insert "twenty-five"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 1, line 6, to Senate Bill No. 5269.

The motion by Senator West carried and the amendment was adopted.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 5269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5269.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5269 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 43.

Voting nay: Senators Hochstatter, Newhouse, Prince, Roach and Wojahn - 5.

Excused: Senator Anderson, C. - 1.

ENGROSSED SENATE BILL NO. 5269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5182, by Senators Haugen, Winsley, Hale, Deccio and Palmer

Allowing county fiscal biennium budgets.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5182 was substituted for Senate Bill No. 5182 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5182.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5182 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5202, by Senators Prentice and Hale

Lowering the number of items provided by banks for customers' examination of negotiable instruments.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5202.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5202 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 45.

Voting nay: Senators Cantu, Quigley and Wojahn - 3.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5378, by Senators Haugen, Morton and Winsley (by request of Department of Community, Trade, and Economic Development)

Modifying border area fund distribution.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5378.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator McAuliffe, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8625

By Senators McAuliffe, Gaspard, Johnson, Rasmussen, Roach, Pelz, Sellar, Deccio, Winsley, Hochstatter, Spanel, Snyder, Wojahn, Haugen, Kohl

WHEREAS, A significant number of public education staff serving the needs of the children of this state are classified school employees; and

WHEREAS, Classified school employees are an important part of the educational team working to fulfill the state's paramount duty to educate children in Washington's public schools; and

WHEREAS, Classified school employees perform a wide variety of essential services such as safely transporting children, providing quality breakfast and lunch meals, assisting in classroom instruction and administrative services, and maintaining, repairing and cleaning school facilities; and

WHEREAS, These dedicated individuals deserve recognition and thanks for the excellent work they are doing in their communities for students in Washington's public schools;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors the state's classified school employees and recognizes their outstanding efforts to serve the state's public school students and their communities; and

BE IT FURTHER RESOLVED, That the Washington State Senate conveys its heartfelt thanks to the state's classified school employees during the week designated as Classified School Employee Week.

Senators McAuliffe, Johnson, Sellar and Deccio spoke to Senate Resolution 1995-8625.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced groups of classified school employees who were seated in the gallery.

#### MOTION

On motion of Senator Kohl, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8626

By Senators Kohl, Winsley, Spanel, Wood, Long, Wojahn, Prentice, Sheldon, Gaspard, C. Anderson, Snyder, Loveland, Pelz, Rinehart, Bauer, Franklin, Quigley, McAuliffe, Fairley, Sutherland, Drew, Fraser, Smith, Heavey, Prince, A. Anderson, Hale, Johnson, Roach, Haugen and Rasmussen

WHEREAS, Women of every age, race, religion, creed, ethnicity, economic status, and degree of ability and disability have immeasurably enriched our homes, our state, our country, and every nation on earth; and

WHEREAS, American women played and continue to play a critical economic, cultural, and social role in every sphere of life by constituting a significant portion of the labor force whether working inside or outside of the home, whether paid or volunteer; and

WHEREAS, American women of every age, race, religion, creed, ethnicity, economic status, and degree of ability and disability served as early leaders of every major progressive, social change movement; and

WHEREAS, American women were leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and especially the peace movement, to create a more fair and just society for all; and

WHEREAS, The recent State Department Annual Report on Human Rights abundantly illustrates that day-to-day discrimination against women remains a fact of life around the globe; and

WHEREAS, Women continue to lead efforts in working against violence committed against women and children, promoting equity, and eliminating discrimination; and

WHEREAS, The Senate has always been a champion of women's rights and a national leader in progress for women, and for the first time in any majority caucus of any State Legislature in history, women are a majority in the Senate's majority caucus; and

WHEREAS, Washington State now has more women legislators than any state in the history of the United States; and

WHEREAS, 1995 is the eighty-fifth anniversary of women's suffrage in Washington State and the seventy-fifth anniversary of women's suffrage in the United States; and

WHEREAS, March is Women's History Month and the United Nations has declared March 8th to be International Women's Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor, thank, and celebrate the women of our state, country, and the world and recognize March 8th as International Women's Day.

Senators Kohl, McDonald, Prentice, Long, Wojahn and Winsley spoke to Senate Resolution 1995-8626.

#### MOTION

On motion of Senator Spanel, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 8, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5925, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5925.

MOTION

At 10:20 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:47 a.m. by President Pro Tempore Wojahn.

MESSAGE FROM THE HOUSE

March 8, 1995

MR. PRESIDENT:

The Speaker has signed ENGROSSED SENATE BILL NO. 5925, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Wood, Senator Ann Anderson was excused.

SECOND READING

SENATE BILL NO. 5445, by Senators Owen, Sellar and Winsley

Clarifying responsibility for abandoned vehicles.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5445.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Morton - 1.

Excused: Senators Anderson, A. and Anderson, C. - 2.

SENATE BILL NO. 5445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5488, by Senators Smith, Oke, Wood, Winsley, Long, Hale, Moyer, Deccio, Palmer, Roach, Schow, Sellar and Snyder (by request of Governor Lowry)

Making domestic violence an aggravating circumstance for purposes of sentencing decisions.

The bill was read the second time.

MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5488.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, A. and Anderson, C. - 2.

SENATE BILL NO. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5513, by Senators Rasmussen, McAuliffe, Bauer, Morton, Snyder, Fairley, Swecker, Drew, Wood, Haugen and Roach

Implementing a procedure for determining ownership of lost horses.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5513 was substituted for Senate Bill No. 5513 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5513.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5513 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Newhouse - 1.

Excused: Senators Anderson, A. and Anderson, C. - 2.

SUBSTITUTE SENATE BILL NO. 5513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 12:02 p.m., on motion of Senator Spanel, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:17 p.m. by President Pro Tempore Wojahn.

## SECOND READING GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Loveland, Gubernatorial Appointment No. 9060, Dr. Donald S. Schwerin, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

## APPOINTMENT OF DR. DONALD S. SCHWERIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 45.

Absent: Senators Pelz, Rinehart and West - 3.

Excused: Senator Anderson, C. - 1.

## SECOND READING

SENATE BILL NO. 5093, by Senators Haugen, Winsley, Rasmussen and Drew

Changing provisions relating to fire protection.

### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5093 was substituted for Senate Bill No. 5093 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendment was adopted:

On page 46, line 4, after "The" insert "state fire protection policy board, with the cooperation and assistance of the"

### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

### MOTION

On motion of Senator Loveland, Senator Rinehart was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5093.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5093 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senator Cantu - 1.

Excused: Senators Anderson, C. and Rinehart - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5592, by Senators Spanel and Swecker

Revising qualifications for coastal crab fishing licenses.

### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5592 was substituted for Senate Bill No. 5592 and the substitute bill was placed on second reading and read the second time.

Senator Spanel moved that the following amendment by Senators Spanel and Snyder be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 75.30.350 and 1994 c 260 s 2 are each amended to read as follows:

(1) Effective January 1, 1995, it is unlawful to fish for coastal crab in Washington state waters without a Dungeness crab—coastal or a Dungeness crab—coastal class B fishery license. Gear used must consist of one buoy attached to each crab pot. Each crab pot must be fished individually.

(2) A Dungeness crab—coastal fishery license is transferable. Such a license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel or a replacement vessel on the qualifying license that singly or in combination meets the following criteria:

(a) Made a minimum of eight coastal crab landings totaling a minimum of five thousand pounds per season in at least two of the four qualifying seasons identified in subsection (4) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held one of the following licenses or their equivalents each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held one of the following licenses in 1994:

(i) Crab pot—Non-Puget Sound license, issued under RCW 75.28.130(1)(b);

(ii) Nonsalmon delivery license, issued under RCW 75.28.125;

(iii) Salmon troll license, issued under RCW 75.28.110;

(iv) Salmon delivery license, issued under RCW 75.28.113;

(v) Food fish trawl license, issued under RCW 75.28.120; or

(vi) Shrimp trawl license, issued under RCW 75.28.130; or

(b) Made a minimum of four landings of coastal crab totaling two thousand pounds during the period from December 1, 1991, to March 20, 1992, and made a minimum of eight crab landings totaling a minimum of five thousand pounds of coastal crab during each of the following periods: December 1, 1991, to September 15, 1992; December 1, 1992, to September 15, 1993; and December 1, 1993, to September 15, 1994. For landings made after December 31, 1993, the vessel shall have been designated on the qualifying license of the person making the landings.

(3) A Dungeness crab—coastal class B fishery license is not transferable. Such a license shall be issued to persons who do not meet the qualification criteria for a Dungeness crab—coastal fishery license, if the person has designated on a qualifying license after December 31, 1993, a vessel or replacement vessel that, singly or in combination, made a minimum of four landings totaling a minimum of two thousand pounds of coastal crab, documented by valid Washington state shellfish receiving tickets, during at least one of the four qualifying seasons, and if the person has participated continuously in the coastal crab fishery by having held or by having owned a vessel that held one or more of the licenses listed in subsection (2) of this section in each calendar year subsequent to the qualifying season in which qualifying landings were made through 1994. Dungeness crab—coastal class B fishery licenses cease to exist after December 31, 1999, and the continuing license provisions of RCW 34.05.422(3) are not applicable.

(4) The four qualifying seasons for purposes of this section are:

- (a) December 1, 1988, through September 15, 1989;
- (b) December 1, 1989, through September 15, 1990;
- (c) December 1, 1990, through September 15, 1991; and
- (d) December 1, 1991, through September 15, 1992.

(5) For purposes of this section and RCW 75.30.420, "coastal crab" means Dungeness crab (cancer magister) taken in all Washington territorial and offshore waters south of the United States-Canada boundary and west of the Bonilla-Tatoosh line (a line from the western end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

(6) For purposes of this section, "replacement vessel" means a vessel used in the coastal crab fishery in 1994, and that replaces a vessel used in the coastal crab fishery during any period from 1988 through 1993, and which vessel's licensing and catch history, together with the licensing and catch history of the vessel it replaces, qualifies a single applicant for a Dungeness crab—coastal or Dungeness crab—coastal class B fishery license. A Dungeness crab—coastal or Dungeness crab—coastal class B fishery license may only be issued to a person who designated a vessel in the 1994 coastal crab fishery and who designated the same vessel in 1995."

#### MOTION

Senator Ann Anderson moved that the following amendment by Senators Ann Anderson, Swecker and Strannigan to the striking amendment by Senators Spanel and Snyder be adopted:

On page 2, line 6 of the amendment, after "landings" insert ";

(c) Made any number of coastal crab landings totaling a minimum of twenty thousand pounds per season in at least two of the four qualifying seasons identified in subsection (4) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held a crab pot—non-Puget Sound license each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held that license in 1994; or

(d) If a person can demonstrate prior historical involvement in the Washington crab fishery, had a vessel under construction during part of the qualifying landing period of December 1, 1988, to September 15, 1992, and had any number of coastal crab landings totaling a minimum of five thousand pounds in calendar years 1992 and 1993, then such person shall also qualify for a license"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Ann Anderson, Swecker and Strannigan on page 2, line 6, to the striking amendment by Senators Spanel and Snyder to Substitute Senate Bill No. 5592.

The motion by Senator Ann Anderson failed and the amendment to the striking amendment was not adopted.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Spanel and Snyder to Substitute Senate Bill No. 5592.

The motion by Senator Spanel carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "and amending RCW 75.30.350."

On motion of Senator Drew, the rules were suspended, Engrossed Substitute Senate Bill No. 5592 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5592.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5592 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5537, by Senators McAuliffe, Pelz, Rasmussen, Kohl and Wojahn (by request of Board of Education)

Changing teacher preparation provisions.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5537 was substituted for Senate Bill No. 5537 and the substitute bill was placed on second reading and read the second time.

Senator Pelz moved that the following amendment be adopted:

On page 4, after line 13, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 28A.410 RCW to read as follows:

In adopting rules establishing subject area requirements for certificated instructional staff to provide instruction in English, in addition to requiring course work in American literature, the state board of education shall recognize the rich diversity of literature throughout the world written or translated into the English language and not require that college level courses taken in literature represent the literature of any other particular nationality."

Renumber the remaining sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator Johnson: "I rise to a point of order. My point is that the amendment by Senator Pelz changes the scope and object of Substitute Senate Bill No. 5537. The scope of this substitute senate bill is fairly narrow and it relates to the preparation for teachers preparing to be in programs as students to become teachers. It deals with the requirements for admission to those programs. The object of the bill is to give the State Board authority to grant waivers when, heretofore, the waivers had been statutory. This proposed amendment, however, goes into the curriculum and the requirements--substantive requirements--in order to teach specific courses and, therefore, is beyond the scope and object of this substitute bill. Thank you."

Further debate ensued.

#### MOTION

On motion of Senator Spanel, further consideration of Substitute Senate Bill No. 5537 was deferred.

#### SECOND READING

SENATE BILL NO. 5370, by Senators Hale, Winsley, Haugen and Wood

Authorizing use of credit cards by local governments.

#### MOTIONS

On motion of Senator Hale, Substitute Senate Bill No. 5370 was substituted for Senate Bill No. 5370 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hale, the rules were suspended, Substitute Senate Bill No. 5370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5370.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5370 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Gaspard, Hargrove, Loveland and McAuliffe - 4.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.



## SECOND READING

SENATE BILL NO. 5001, by Senators Sheldon, Snyder, Haugen, Winsley, Quigley, Franklin, Rasmussen and Prentice

Affecting senior citizens' and persons retired because of physical disabilities property taxation.

### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5001 was substituted for Senate Bill No. 5001 and the substitute bill was placed on second reading and read the second time.

Senator Moyer moved that the following amendments by Senators Sheldon, Palmer, Prentice, McAuliffe, Roach, McDonald, Kohl, Moyer, Hochstatter, Finkbeiner, Snyder, Rinehart, Drew, Morton, Prince, Winsley, Schow, Heavey and Sellar be considered simultaneously and be adopted:

On page 3, after line 37, insert the following:

**"Sec. 4.** RCW 84.36.383 and 1991 c 213 s 4 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080(2) or 84.04.090 (~~(or 84.40.250)~~), such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities: PROVIDED, That a mobile home located on land leased by the owner of the mobile home shall be subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

(5) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the preceding calendar year, less amounts paid by the person claiming the exemption or his or her spouse during the previous year for:

(a) Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions; and

(b) The treatment or care of either person received in the home or in a nursing home.

(6) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(7) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

**Sec. 5.** RCW 84.36.383 and 1994 sp.s. c 8 s 2 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities: PROVIDED, That a mobile home located on land leased by the owner of the mobile home shall be subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) "Department" shall mean the state department of revenue.

(4) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the assessment year, less amounts paid by the person claiming the exemption or his or her spouse during the assessment year for:

(a) Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions; and

(b) The treatment or care of either person received in the home or in a nursing home.

(5) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(6) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

**NEW SECTION. Sec. 6.** Section 4 of this act applies to taxes levied in 1995 for collection in 1996 and thereafter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 6, beginning on line 32, strike all of section 7 and insert the following:

**NEW SECTION. Sec. 10.** (1) Sections 1 through 3 and 7 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995, except sections 7 through 9 of this act shall take effect only if specific funding for the administrative costs of section 7 of this act, referencing this act by bill number, is provided by June 30, 1995, in the omnibus appropriations act. If such funding is not provided, sections 7 through 9 of this act shall be null and void.

(2) Section 5 of this act shall take effect on the effective date of chapter 8, Laws of 1994 sp. sess. and shall apply to taxes levied for collection in the following year and thereafter.

**NEW SECTION. Sec. 11.** Part headings as used in this act constitute no part of the law.

**NEW SECTION. Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Sheldon, Palmer, Prentice, McAuliffe, Roach, McDonald, Kohl, Moyer, Hochstatter, Finkbeiner, Snyder, Rinehart, Drew, Morton, Prince, Winsley, Schow, Heavey and Sellar on page 3, after line 37, and page 6, beginning on line 32, to Substitute Senate Bill No. 5001.

The motion by Senator Moyer carried and the amendments were adopted.

#### MOTIONS

On motion of Senator Moyer, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "84.36.381" insert ", 84.36.383, 84.36.383,"

On page 1, beginning on line 3 of the title, after "creating" strike "a new section" and insert "new sections"

On page 1, line 4 of the title, after "providing" insert "an effective date; providing contingent"

On motion of Senator Sheldon, the rules were suspended, Engrossed Substitute Senate Bill No. 5001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Hochstatter: "Senator Sheldon, what is the impact of this on taxpayers? What is the shift from seniors to others in dollars? Can you give me that?"

Senator Sheldon: "I can't give it to you in dollars, Senator, as it would depend on the county and how many seniors do qualify,"

Senator Hochstatter: "Thank you."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5001.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5001 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 40.

Voting nay: Senators Cantu, Fairley, Hochstatter, Loveland, Morton, Pelz, Spanel and Strannigan - 8.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5211, by Senators Winsley, Haugen, McCaslin, Sheldon, Drew and C. Anderson

Revising guidelines for receipt and expenditure of federal and private funds by local governments.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5211 was substituted for Senate Bill No. 5211 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5211.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5211 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5567, by Senator Heavey

Providing for preservation of single-family residential neighborhoods.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5567 was substituted for Senate Bill No. 5567 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5567 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Winsley: "Senator Heavey, there has been some concern about day-care centers in residential areas and some people have some concerns that maybe this will nullify the use of day-care centers and I wanted to ask you, did you have any intentions in this bill?"

Senator Heavey: "Absolutely not and I don't believe the bill even touches in that area at all. If you want to hold it up for a statement of legislation intent--"

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5567.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5567 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senators Cantu and McCaslin - 2.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5567, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5404, by Senators Heavey, Deccio, Fraser, Newhouse, Kohl, Hale, Franklin, McCaslin, Palmer and Wojahn

Creating a lien for real estate brokers.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5404 was substituted for Senate Bill No. 5404 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5404.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5404 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senators Haugen and Rinehart - 2.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 3:38 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:36 p.m. by President Pro Tempore Wojahn.

#### SECOND READING

SENATE BILL NO. 5743, by Senators Rasmussen, Hochstatter and Loveland

Establishing a pilot program to develop an integrated vocational agricultural educational program.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5743 was substituted for Senate Bill No. 5743 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5743 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5743.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5743 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senators Deccio, Heavey and Roach - 3.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5156, by Senators Sutherland, Gaspard, Sellar, Hochstatter and Loveland

Promoting competition for long distance telecommunications.

#### MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5156 was substituted for Senate Bill No. 5156 and the substitute bill was placed on second reading and read the second time.

Senator Gaspard moved that the following amendment by Senators Gaspard, Hochstatter, Sutherland, Long and Loveland be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) It is the declared policy of the state of Washington in RCW 80.36.300(5) to promote diversity in the supply of telecommunications services and products in telecommunications markets throughout the state.

(2) In 1984, a federal court ordered the divestiture of the Bell System separating the system into: (a) Local service companies, limited to service within defined geographic areas called local access transport areas, known as LATAs; and (b) an interexchange or inter-LATA company, which is free to provide any lawful service, but cannot purchase the operations of its divested operating companies. The local service companies expected to be permitted to compete for inter-LATA services as soon as interexchange providers could legally compete with intra-LATA dialing parity.

(3) It has been lawful in Washington since 1985 for any company to provide any telecommunications service so long as the company is properly registered with the Washington utilities and transportation commission. Two exceptions to this freedom to compete in all markets exist. The carrier that serves most of the state's citizens and the largest geographic area is prohibited from providing inter-LATA telecommunications services. The second largest exchange company in the state may only provide inter-LATA services through a separate subsidiary.

(4) Competition in the telecommunications services industry has intensified with the fast pace of changes in telecommunications technology in recent years. The effect of increased competition for customers on the affordability of service for consumers cannot be determined without further review by the utilities and transportation commission.

**NEW SECTION. Sec. 2.** A new section is added to chapter 80.36 RCW to read as follows:

In order to promote diversity of supply and competition in the provision of all services in the state:

(1) The commission shall require all carriers registered to provide service in this state to allow their customers to individually choose an authorized carrier to provide one plus dialed service;

(2) The commission shall not require any change in intra-LATA one plus dialing patterns existing on January 1, 1995, under subsection (1) of this section until all carriers are permitted to provide inter-LATA service on an integrated basis, or June 30, 1998, whichever is earlier; and

(3) Nothing in this section shall preclude the commission from engaging in a fact-finding investigation in anticipation of the requirement that all carriers provide one plus presubscription.

**NEW SECTION. Sec. 3.** The commission shall submit to the legislature no later than December 1, 1997, a study of the intra-LATA telephone market in the state of Washington as it exists at that time. This study shall analyze the nature and extent of competition in the intra-LATA and inter-LATA markets, including local exchange operators' market power in the inter-LATA market and long distance carriers' market power in the intra-LATA market; the impact of proposed changes in intra-LATA dialing patterns on local business and residential basic rates; the ability of telecommunications companies to meet universal service obligations in light of proposed changes in intra-LATA one plus dialing patterns; all relevant state and federal enactments and court and regulatory decisions made after the effective date of this act which affect intra-LATA services by telecommunications companies in the state of Washington. This study shall objectively set forth policy options regarding intra-LATA dialing patterns, and shall make recommendations based upon those options. Nothing in this section shall prohibit the commission from engaging in an inquiry proceeding or other fact-finding investigation in anticipation of issuing orders regarding intra-LATA one plus dialing.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

#### MOTION

Senator Long moved that the following amendments by Senators Long, Sutherland, Finkbeiner and Hochstatter to the striking amendment by Senators Gaspard, Hochstatter, Sutherland, Long and Loveland be considered simultaneously and be adopted:

On page 2, line 5, after "carriers", insert "that provide local service"

On page 2, line 7, after "choose", delete "an authorized carrier" and insert "a carrier"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Long, Sutherland, Finkbeiner and Hochstatter on page 2, lines 5 and 7, to the striking amendment by Senators Gaspard, Hochstatter, Sutherland, Long and Loveland to Substitute Senate Bill No. 5156.

The motion by Senator Long carried and the amendments to the striking amendment were adopted.

#### MOTION

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner, McCaslin and Johnson to the striking amendment by Senators Gaspard, Hochstatter, Sutherland, Long and Loveland be adopted:

On page 2, line 11 of the striking amendment, after "or" strike "June 30, 1998" and insert "June 30, 1996"

#### POINT OF INQUIRY

Senator Finkbeiner: "I'd like to, previous to discussing this amendment, I would like to ask a question of the sponsor of the striking amendment to this bill. Senator Gaspard, on page 2, line 11, in subsection (2) of Section 2 on that page, you state that June 30, 1998, will be the date by which the Utilities and Transportation Commission shall be able to require a change in intra-LATA one plus dialing patterns. Does that language allow them to make the order or does that set an implementation date or is that actually a completion date at which time people will be able to pick up their phones and have competition in that marketplace?"

Senator Gaspard: "That would be the date in which they would be authorized at that point to consider requests for intra-LATA--at that point--if Congress does not act before and allows all carries to participate in intra-LATA."

Senator Finkbeiner: "Thank you."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Finkbeiner, McCaslin and Johnson on page 2, line 11, to the striking amendment by Senators Gaspard, Hochstatter, Sutherland, Long and Loveland to Substitute Senate Bill No. 5156.

The motion by Senator Finkbeiner failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner, McCaslin and Johnson to the striking amendment by Senators Gaspard, Hochstatter, Sutherland, Long and Loveland be adopted:

On page 2, line 11 of the striking amendment, after "or" strike "June 30, 1998" and insert "January 1, 1997"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Finkbeiner, McCaslin and Johnson on page 2, line 11, to the striking amendment by Senators Gaspard, Hochstatter, Sutherland, Long and Loveland to Substitute Senate Bill No. 5156.

The motion by Senator Finkbeiner failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, by Senators Gaspard, Hochstatter, Sutherland, Long and Loveland to Substitute Senate Bill No. 5156.

Debate ensued.

The motion by Senator Gaspard carried and the striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 2 of the title, after "telecommunications;" strike the remainder of the title and insert "adding a new section to chapter 80.36 RCW; creating new sections; providing an effective date; and declaring an emergency."

On motion of Senator Sutherland, the rules were suspended, Engrossed Substitute Senate Bill No. 5156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5156.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5156 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 41.

Voting nay: Senators Finkbeiner, Johnson, McCaslin, McDonald, Newhouse, Snyder and Wojahn - 7.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, Senate Bill No. 5610, Senate Bill No. 5751, Senate Bill No. 5879, Senate Bill No. 5975, Senate Bill No. 6011 and Senate Bill No. 6028 were moved from the consent calendar to the regular calendar.

#### MOTION

On motion of Senator Spanel, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 8, 1995

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4405, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:  
HOUSE CONCURRENT RESOLUTION NO. 4405.

MOTION

At 5:06 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Thursday, March 9, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate



JOURNAL OF THE SENATE

FIFTY-NINTH DAY, MARCH 8, 1995

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**SIXTIETH DAY**

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 9, 1995

The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Cal Anderson, Deccio, Fraser and Pelz. On motion of Senator Loveland, Senators Cal Anderson, Drew and Fraser were excused.

The Sergeant at Arms Color Guard, consisting of Pages Erin Sandor and Pat Schindler, presented the Colors. Reverend Phil Rue, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 7, 1995

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080,  
HOUSE BILL NO. 1142,  
ENGROSSED HOUSE BILL NO. 1322,  
SUBSTITUTE HOUSE BILL NO. 1329,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1574, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1035,  
HOUSE BILL NO. 1059,  
SUBSTITUTE HOUSE BILL NO. 1129,  
HOUSE BILL NO. 1136,  
HOUSE BILL NO. 1163,  
HOUSE BILL NO. 1213,  
HOUSE BILL NO. 1223,  
HOUSE BILL NO. 1226,  
HOUSE BILL NO. 1228,  
SUBSTITUTE HOUSE BILL NO. 1230,  
SUBSTITUTE HOUSE BILL NO. 1233,  
SUBSTITUTE HOUSE BILL NO. 1246,  
SUBSTITUTE HOUSE BILL NO. 1250,  
HOUSE BILL NO. 1275,  
SUBSTITUTE HOUSE BILL NO. 1289,  
ENGROSSED HOUSE BILL NO. 1323,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,  
ENGROSSED HOUSE BILL NO. 1619,  
HOUSE BILL NO. 1702,  
ENGROSSED HOUSE BILL NO. 1710,  
HOUSE BILL NO. 1712, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1248,  
HOUSE BILL NO. 1256,  
SUBSTITUTE HOUSE BILL NO. 1272,  
HOUSE BILL NO. 1282,  
HOUSE BILL NO. 1349,  
SUBSTITUTE HOUSE BILL NO. 1350,  
HOUSE BILL NO. 1456,  
SUBSTITUTE HOUSE BILL NO. 1548,  
SUBSTITUTE HOUSE BILL NO. 1573, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1995

MR. PRESIDENT:

The House has passed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1021,  
SUBSTITUTE HOUSE BILL NO. 1776,  
HOUSE BILL NO. 1792, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1009 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Skinner, Kremen, Delvin, Schoesler, Mastin, Chappell, Grant, Foreman, D. Schmidt, Boldt, Clements and Stevens)

Establishing a commission on pesticide registration.

Referred to Committee on Agriculture and Agricultural Trade and Development.

E2SHB 1021 by House Committee on Appropriations (originally sponsored by Representatives Delvin, Hickel, Robertson, Smith, Padden, Sherstad, Dyer, Skinner, Kremen, Hargrove, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Chandler, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, K. Schmidt, Chappell, Basich, Grant, Sehlin, Honeyford, Van Luven, Ballasiotes, Pelesky, Blanton, Hankins, Lambert, D. Schmidt, Mulliken, McMorris, Clements, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Casada)

Granting to adult court jurisdiction over juveniles who use a firearm while committing a violent offense.

Referred to Committee on Law and Justice.

SHB 1035 by House Committee on Children and Family Services (originally sponsored by Representatives Thibaudeau, Morris, Scott, Tokuda, Costa, Mason, Brown, Ogden, Basich, Wolfe, Patterson and Chopp)

Establishing notification and referral procedures for deaths occurring in children's residential facilities and in facilities serving developmentally disabled persons.

Referred to Committee on Health and Long-Term Care.

HB 1059 by Representatives Lisk and Sheldon (by request of Liquor Control Board)

Improving the enforcement provisions of the Washington state liquor act.

Referred to Committee on Labor, Commerce and Trade.

ESHB 1080 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Pennington, Chappell, McMorris, Carlson, Benton, McMahan, B. Thomas, Clements, Brumsickle, Boldt, Hatfield, Buck, Campbell, Delvin, Johnson, Sheldon, Mulliken, Kessler, Basich, Fuhrman, Morris, Huff, Honeyford, Chandler, Elliot, Schoesler and Sheahan)

Establishing an exemption to the outdoor burning permit program for certain nonurban areas.

Referred to Committee on Ecology and Parks.

SHB 1129 by House Committee on Finance (originally sponsored by Representatives Schoesler, Brown, Mulliken, Sheahan, Robertson, Buck, Dyer, Delvin, Skinner, Cooke, McMorris, Talcott, Fuhrman, Brumsickle, Sheldon, Campbell, Boldt, Elliot, Koster, Chandler, Van Luven, K. Schmidt, L. Thomas, Casada, Carlson, Backlund, Basich, Huff, Mitchell, Kremen and Benton)

Modifying tax exemptions for nonprofit organizations.

Referred to Committee on Ways and Means.

HB 1136 by Representatives Ballasiotes, Kessler, Campbell, Costa, Padden, Delvin, Hargrove, Basich, Tokuda, Lisk, Dyer, Mastin, Schoesler, Blanton, Sheldon, Lambert, L. Thomas, Backlund, Van Luven, Benton, Buck, Crouse, Chappell, Wolfe, Huff, Mitchell, Hickel, Thompson, Foreman, Sherstad, Chandler, Clements, Patterson, Mulliken, Honeyford, Cooke, Johnson, D. Schmidt, Pennington, Hymes, Kremen, Carrell, Mielke and Sheahan

Requiring twenty-five percent of inmate welfare accounts to be used for victims' compensation.

Referred to Committee on Human Services and Corrections.

HB 1142 by Representatives Lambert, Tokuda, Hymes, Carrell, Robertson, Quall, Mitchell, Smith, B. Thomas, L. Thomas, Backlund, Dyer, Thompson, Boldt, Chappell, Basich, Huff, Stevens, Sherstad, Schoesler, Casada and Padden

Prohibiting testing students regarding personal beliefs.

Referred to Committee on Education.

HB 1163 by Representatives Kremen, Goldsmith, Kessler, McMorris, Campbell, Basich, Thompson, Foreman, McMahan, Buck, Cooke, Mielke and Sheahan

Providing a tax exemption for property used by nonprofit organizations for camping and recreational purposes.

Referred to Committee on Ways and Means.

HB 1213 by Representatives Brumsickle, Grant, Cody, Basich and McMahan

Revising provisions relating to liability in training of emergency service medical personnel.

Referred to Committee on Health and Long-Term Care.

HB 1223 by Representatives Brumsickle, Cole, B. Thomas, Silver and Carlson (by request of Board of Education and Superintendent of Public Instruction Billings)

Changing state board of education staff provisions.

Referred to Committee on Education.

HB 1226 by Representatives Buck, Basich, Fuhrman and Kessler (by request of Department of Fish and Wildlife)

Authorizing shellfish to be taken under a salmon charter license.

Referred to Committee on Natural Resources.

HB 1228 by Representatives L. Thomas, Basich and Fuhrman (by request of Department of Fish and Wildlife)

Authorizing the director of fish and wildlife to administer game fish catch record cards.

Referred to Committee on Natural Resources.

SHB 1230 by House Committee on Education (originally sponsored by Representatives Brumsickle, Cole, Silver and Scott) (by request of Board of Education)

Changing teacher preparation provisions.

Referred to Committee on Education.

SHB 1233 by House Committee on Government Operations (originally sponsored by Representatives L. Thomas, R. Fisher and Wolfe) (by request of Secretary of State Munro)

Avoiding conflicts of interest on election canvassing boards.

Referred to Committee on Government Operations.

SHB 1246 by House Committee on Transportation (originally sponsored by Representatives Kremen, Goldsmith, Mastin, Kessler, Van Luven, Dyer, Sheldon, Hymes, Quall, Basich, Morris, Chandler, Backlund, Talcott and Sheahan)

Regulating private school buses.

Referred to Committee on Transportation.

SHB 1248 by House Committee on Trade and Economic Development (originally sponsored by Representatives Van Luven, G. Fisher, Boldt, Carrell, Campbell, Mason, Ebersole, B. Thomas, Cairnes, Radcliff, Cooke, Chandler, Mielke, Ballasiotes, Robertson, Mitchell, Schoesler, Appelwick, Sheldon, Costa, Morris, Basich and Conway)

Providing tax deferrals for a new thoroughbred race track facility.

Referred to Committee on Labor, Commerce and Trade.

SHB 1250 by House Committee on Commerce and Labor (originally sponsored by Representatives Cole, Cody, Conway, Basich, Scott, Costa and Chopp)

Providing for prompt payment of industrial insurance awards.

Referred to Committee on Labor, Commerce and Trade.

HB 1256 by Representatives Schoesler, Sheldon, Thompson, Johnson, Clements, Hickel, Huff, Boldt, Sheahan and Basich

Preempting the field of landlord-tenant regulation.

Referred to Committee on Financial Institutions and Housing.

SHB 1272 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, Blanton, Johnson, Kremen, Sherstad, Elliot and Backlund)

Recovering gasoline vapors.

Referred to Committee on Ecology and Parks.

HB 1275 by Representatives McMorris, Morris, Kessler, Buck, Foreman and Basich

Extending existing employer workers' compensation group self-insurance.

Referred to Committee on Labor, Commerce and Trade.

HB 1282 by Representatives Fuhrman, Mastin, Buck, Goldsmith, Koster, Padden, Mulliken, Lambert, Crouse, Thompson, Basich, Hargrove, Sheldon, McMahan, Pelesky, Sheahan, Boldt and Elliot

Authorizing landowners to kill coyotes and Columbian ground squirrels.

Referred to Committee on Natural Resources.

SHB 1289 by House Committee on Law and Justice (originally sponsored by Representatives Ballasiotes, Costa, Sheahan, Van Luven, Lambert, Mason, Mielke, Reams, Delvin, Foreman and Scott)

Specifying the duties of an operator of a vessel involved in an accident.

Referred to Committee on Law and Justice.

EHB 1322 by Representatives Van Luven, G. Fisher, Hatfield, Ballasiotes, Mitchell, Hymes, Johnson, L. Thomas, Campbell, Kremen and Basich

Affecting the property taxation of senior citizens and persons retired because of physical disabilities.

Referred to Committee on Ways and Means.

EHB 1323 by Representatives Cairnes, Hargrove and Sherstad

Exempting new construction from seller's disclosure requirements.

Referred to Committee on Government Operations.

SHB 1329 by House Committee on Health Care (originally sponsored by Representatives Dyer, Dellwo, Cody and Conway) (by request of Department of Health)

Regulating food industry safety.

Referred to Committee on Health and Long-Term Care.

ESHB 1331 by House Committee on Health Care (originally sponsored by Representatives Dyer, Dellwo, Skinner and Backlund) (by request of Department of Health)

Changing certain health professional examination procedures.

Referred to Committee on Health and Long-Term Care.

HB 1349 by Representatives Lisk, Chandler and Veloria (by request of Joint Task Force on Unemployment Insurance)

Affecting noncharging of benefits to employers' unemployment insurance experience rating accounts.

Referred to Committee on Labor, Commerce and Trade.

SHB 1350 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Chandler and Veloria) (by request of Joint Task Force on Unemployment Insurance)

Authorizing voluntary contributions for unemployment insurance.

Referred to Committee on Labor, Commerce and Trade.

HB 1456 by Representatives Dyer, Regala, D. Schmidt, Huff, Mielke, Johnson and Backlund (by request of Governor Lowry)

Allowing persons at least sixteen years of age to make anatomical gifts if a parent or guardian signs the document of gift.

Referred to Committee on Health and Long-Term Care.

ESHB 1512 by House Committee on Transportation (originally sponsored by Representatives Romero, Chandler, Patterson, Quall, Tokuda, D. Schmidt, Skinner, Chopp, Elliot, Johnson, Ogden, Scott, Blanton, Brown, Hatfield, R. Fisher, Basich, Sheldon, Appelwick, Dellwo, Wolfe, Rust, Regala, Chappell, Kremen, Dickerson, Kessler, Costa, Poulsen and Cody)

Expanding the adopt-a-highway program.

Referred to Committee on Transportation.

SHB 1548 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Dellwo, Goldsmith, Rust, Wolfe, B. Thomas, Backlund, Kessler, Kremen, Robertson, Thompson, Huff, Elliot, McMorris, D. Schmidt, McMahan, Hickel, Schoesler, Clements, Cooke and Brumsickle) (by request of State Treasurer Grimm)

Auditing the state investment board.

Referred to Committee on Ways and Means.

SHB 1573 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Mielke, Blanton, Wolfe, Rust, Horn and Dellwo)

Providing for heating oil liability protection.

Referred to Committee on Financial Institutions and Housing.

ESHB 1574 by House Committee on Natural Resources (originally sponsored by Representatives Elliot, Sheldon, Fuhrman, Valle, McMorris, Schoesler and Radcliff)

Clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations.

Referred to Committee on Natural Resources.

EHB 1619 by Representative Appelwick

Revising child support provision for day care expenses.

Referred to Committee on Law and Justice.

HB 1702 by Representatives Horn, Romero, Cole, Carlson, Cody, Cooke, Rust, Poulsen, Voloria, Mitchell, Reams, Jacobsen, Fuhrman and Costa

Regulating wheelchair warranties.

Referred to Committee on Labor, Commerce and Trade.

EHB 1710 by Representatives Sheahan, Appelwick, Padden and McMahan

Changing provisions relating to dissolution of marriage.

Referred to Committee on Law and Justice.

HB 1712 by Representatives Lambert, Cooke, Padden, Crouse, Hargrove and Elliot

Prescribing procedures for pretrial release.

Referred to Committee on Law and Justice.

SHB 1776 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Benton and L. Thomas) (by request of State Treasurer Grimm)

Extending authority to enter into payment agreements.

Referred to Committee on Government Operations.

HB 1792 by Representatives Padden, Carrell, Beeksma, McMahan, Costa, Stevens, Blanton and Thompson

Prescribing procedures for release of offenders.

Referred to Committee on Law and Justice.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9058, Frank R. Sanchez, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF FRANK R. SANCHEZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senator Pelz - 1.

Excused: Senators Anderson, C., Drew and Fraser - 3.

#### MOTION

On motion of Senator Smith, Senator Pelz was excused.

#### MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9061, Dennis G. Seinfeld, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

#### APPOINTMENT OF DENNIS G. SEINFELD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Fraser and Pelz - 3.

Vice President Pro Tempore Franklin assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5742, by Senators Rasmussen, Hochstatter, McAuliffe and Loveland

Establishing the Washington state vocational agriculture teacher recruitment program.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5742 was substituted for Senate Bill No. 5742 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5742 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5742.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5742 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Kohl - 1.

Excused: Senators Anderson, C. and Fraser - 2.

SUBSTITUTE SENATE BILL NO. 5742, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5895, by Senator Snyder

Permitting the exchange of state park lands within the Seashore Conservation Area.

The bill was read the second time.

#### MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 5895 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5895.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5895 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Fraser - 2.

SENATE BILL NO. 5895, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5898, by Senators Rasmussen, West, Loveland, Newhouse, Bauer and Morton

Providing that research studies for alternatives to grass burning be conducted by Washington State University.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5898.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5898 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Fraser - 2.

SENATE BILL NO. 5898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5931, by Senators Prentice and Hale

Providing parity among financial institutions.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5931 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5931.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5931 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.



Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Fraser - 2.

SENATE BILL NO. 5931, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5947, by Senators Bauer, Kohl, Moyer, Palmer, Prince, Sheldon, Gaspard, Snyder, Drew, Sutherland and Winsley (by request of State Board for Community and Technical Colleges)

Providing a specific funding mechanism for making additional community and technical college faculty salary increment awards.

## MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5947 was substituted for Senate Bill No. 5947 and the substitute bill was placed on second reading and read the second time.

Senator West moved that the following amendment be adopted:

On page 1, after line 15, strike everything through and including "funds." on page 2, line 21, and insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) Community and technical college boards of trustees shall award faculty salary increments based on local agreements developed under chapter 28B.52 RCW. Each biennium, the state board for community and technical colleges shall submit in its biennial budget request an amount of funds, which together with faculty turnover savings, is sufficient to cover the projected costs of increments for the community and technical college system. The legislature shall fund the annual cost of salary increments under this subsection, exclusive of turnover savings, not to exceed one and one-half percent of the faculty salary base. The state board for community and technical colleges shall distribute the funds to the college districts in a fair and equitable manner. Allocation from the state board for community and technical colleges shall recognize turnover savings.

(2) The state board for community and technical colleges shall convene a task force comprised of representatives from the state board, the presidents' organization, the trustees' organization, and the faculties' organization as defined by RCW 28B.52.020(7), to advise the state board on guidelines for the fair and equitable distribution of increment funds."

Debate ensued.

Senator West demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator West on page 1, after line 15, to Substitute Senate Bill No. 5947.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Roach, Schow, Sellar, Strannigan, Swecker, West and Winsley - 22.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Wojahn and Wood - 25.

Excused: Senators Anderson, C. and Fraser - 2.

## MOTION

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5947 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5947.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5947 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Cantu and Swecker - 2.

Excused: Senators Anderson, C. and Fraser - 2.

SUBSTITUTE SENATE BILL NO. 5947, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5278, by Senators Wojahn, Oke, Gaspard, Winsley, Franklin, Long, Rasmussen and Wood

Revising provisions relating to awards to persons found not guilty by reason of self defense.

## MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5278 was substituted for Senate Bill No. 5278 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5278.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5278 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Fraser - 2.

SUBSTITUTE SENATE BILL NO. 5278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5275, by Senators Haugen, McCaslin and Winsley

Affecting the consolidation of cities and towns.

The bill was read the second time.

## MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5275.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Fraser - 2.

SENATE BILL NO. 5275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8012, by Senators Newhouse, Heavey, Deccio, Hale, Palmer, Franklin, Fraser, Prentice, Prince and Oke (by request of Joint Task Force on Unemployment Insurance)

Requesting that unemployment benefits be removed from the IRS definition of taxable income.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Joint Memorial No. 8012 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8012.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8012 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Fraser - 2.

SENATE JOINT MEMORIAL NO. 8012, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5837, by Senators Snyder, Gaspard, Haugen and Spanel

Removing the requirement for senate confirmation of certain gubernatorial appointments.

The bill was read the second time.

#### MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Ann Anderson, Fraser, Spanel and Snyder be adopted: On page 19, beginning on line 13, strike all material through "matter." on page 20, line 14.

Renumber the remaining sections consecutively.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Ann Anderson, Fraser, Spanel and Snyder on page 19, beginning on line 13, to Senate Bill No. 5837.

The motion by Senator Hargrove carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 4 of the title after "75.40.040," strike "76.09.210,"

On motion of Senator Snyder, the rules were suspended, Engrossed Senate Bill No. 5837 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5837.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5837 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Winsley, Wojahn and Wood - 42.

Voting nay: Senators Deccio, Finkbeiner, Newhouse, Strannigan and West - 5.

Excused: Senators Anderson, C. and Fraser - 2.

ENGROSSED SENATE BILL NO. 5837, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5537 and the pending amendment by Senator Pelz on page 4, after line 13, deferred March 8, 1995.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "In ruling upon the point of order raised by Senator Johnson, the President finds that Substitute Senate Bill No. 5537 is a measure which changes the requirements for admission to teacher preparation programs, including elimination of the

requirement that applicants achieve a particular score on a general achievement test. The bill also repeals sections of law dealing with State Board of Education directives to encourage or require certain elements in teacher preparation programs, including child abuse issues and the participation of higher education faculty in K-12 instruction.

"The amendment proposed by Senator Pelz would also address teacher preparation program requirements by preventing the State Board of Education from adopting a requirement which specifies a literature course in any particular nationality.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Pelz on page 4, after line 13, to Substitute Senate Bill No. 5537 was ruled in order.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Pelz on page 4, after line 13, to Substitute Senate Bill No. 5537.

Debate ensued.

The motion by Senator Pelz failed and the amendment was not adopted on a rising vote.

#### MOTION

Senator Ann Anderson moved that the following amendments be considered simultaneously and be adopted:

Beginning on page 1, line 5, strike all the material down to and including "schools." on page 4, line 13.

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 4, line 20, after "226;" strike all the material down to and including "1997 c 525 s 202;" on page 4, line 22

Renumber the remaining subsections consecutively and correct any internal references accordingly.

#### MOTION

On motion of Senator McAuliffe, and there being no objection, further consideration of Substitute Senate Bill No. 5537 was deferred.

#### MOTION

At 10:31 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:38 p.m. by President Pro Tempore Wojahn.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8020, by Senators Loveland, Hale, Rasmussen, A. Anderson, Newhouse, Bauer, Snyder, Morton, Sutherland, Finkbeiner, Hochstatter, Owen, Hargrove, Rinehart, Spanel, Drew, Sheldon, Fraser, Sellar and McDonald

Concerning federal funds for the cleanup of the Hanford waste disposal site.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Joint Memorial No. 8020 was substituted for Senate Joint Memorial No. 8020 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Joint Memorial No. 8020 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Ann Anderson, Senators Finkbeiner and McDonald were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8020.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8020 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Finkbeiner and McDonald - 3.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8020, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 5510, by Senators Smith, Roach and Quigley

Revising provisions relating to food stamp crimes.

The bill was read the second time.

## MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5510.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Finkbeiner - 2.

SENATE BILL NO. 5510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Franklin assumed the Chair.

## MOTION

On motion of Senator Loveland, Senators Drew and Quigley were excused.

## SECOND READING

SENATE BILL NO. 5520, by Senators Hargrove, Long and Franklin

Modifying placement of juveniles, specifically addressing independent living.

The bill was read the second time.

## MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5520 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5520.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5520 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 45.

Absent: Senator Wojahn - 1.

Excused: Senators Anderson, C., Drew and Quigley - 3.

SENATE BILL NO. 5521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5521, by Senators Kohl and Quigley (by request of Department of Social and Health Services)

Modifying availability of child care subsidy programs.

#### MOTIONS

On motion of Senator Kohl, Substitute Senate Bill No. 5521 was substituted for Senate Bill No. 5521 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl, the rules were suspended, Substitute Senate Bill No. 5521 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5521.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5521 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Drew - 2.

SUBSTITUTE SENATE BILL NO. 5521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### MOTION

On motion of Senator Heavey, the Senate commenced consideration of Senate Bill No. 5514.

#### SECOND READING

SENATE BILL NO. 5514, by Senators Schow, Roach, Prince, Morton, Wood, Rasmussen, Long, Oke, Finkbeiner, Smith, Hargrove, Johnson, McCaslin and Owen

Posting fuel tax rates.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5514 was substituted for Senate Bill No. 5514 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schow, the following amendment was adopted:

On page 1, line 11, after "apparatus." insert "Operators violating this section shall receive a warning for a first offense followed by a twenty-five dollar fine for each subsequent offense."

#### MOTION

On motion of Senator Schow, the rules were suspended, Engrossed Substitute Senate Bill No. 5514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5514.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5514 and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Deccio, Fairley, Finkbeiner, Gaspard, Hargrove, Heavey, Hochstatter, Kohl, Long, McCaslin, McDonald, Owen, Prentice, Prince, Quigley, Roach, Schow, Smith, Spanel, Strannigan and Wood - 22.

Voting nay: Senators Anderson, A., Cantu, Drew, Franklin, Fraser, Hale, Haugen, Johnson, Loveland, McAuliffe, Morton, Moyer, Newhouse, Oke, Palmer, Pelz, Rasmussen, Rinehart, Sellar, Sheldon, Snyder, Sutherland, Swecker, West, Winsley and Wojahn - 26.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5514, having failed to receive the constitutional majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 6004, by Senators Sellar and Oke

Authorizing joint agreements between cities and counties for criminal justice purposes.

The bill was read the second time.

#### MOTION

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 6004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6004.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6004 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Loveland - 1.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 6004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6020, by Senators Prentice, Fraser, Sellar and Sutherland

Educating consumers about insurance products.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6020.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6020 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, Morton, Moyer, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Winsley, Wojahn and Wood - 40.

Voting nay: Senators Johnson, McCaslin, McDonald, Newhouse, Oke, Roach, Strannigan and West - 8.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 6020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6026, by Senators Rasmussen, Loveland, A. Anderson, Morton, Bauer, Snyder, Newhouse, Winsley and Kohl

Using "Washington state grown" for agricultural commodities.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6026 was substituted for Senate Bill No. 6026 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6026 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

6026. The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6026 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 6026, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5628, by Senators Smith, McCaslin and Wojahn (by request of Attorney General Gregoire)

Regulating consumer leases of automobiles.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5628 was substituted for Senate Bill No. 5628 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Rinehart was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5628.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5628 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5627, by Senators Haugen and Winsley (by request of Attorney General Gregoire)

Concerning the proper form of certain ballot titles.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5627 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5627.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5627 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.



Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Rinehart - 2.

SENATE BILL NO. 5627, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5626, by Senators Winsley and Haugen (by request of Department of Community, Trade, and Economic Development)

Modifying advisory council on historic preservation representation.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5626.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5626 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Rinehart - 2.

SENATE BILL NO. 5626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 2:36 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:23 p.m. by President Pro Tempore Wojahn.

#### SECOND READING

SENATE BILL NO. 5342, by Senators Snyder, Swecker, Hargrove, Owen, Spanel and Rasmussen (by request of Governor Lowry)

Redefining the program to aid rural natural resources impact areas.

#### MOTIONS

On motion of Senator Snyder, Second Substitute Senate Bill No. 5342 was substituted for Senate Bill No. 5342 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the following amendment was adopted:

On page 9, beginning on line 17, after "after" strike all material through "act" on line 18 and insert "January 1, 1994"

#### MOTION

On motion of Senator Snyder, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5342.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5342 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5219, by Senators Smith, Roach, C. Anderson, Long, Haugen, McCaslin, Spanel, Drew, Winsley, Kohl and Sheldon

Changing domestic violence provisions.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5219 was substituted for Senate Bill No. 5219 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the following amendments were considered simultaneously and were adopted:

On page 17, line 7, after "10.99.050," strike "26.09.060," and insert "26.09.050, 26.09.060, 26.10.040, 26.10.115,"

On page 17, line 10, after "residence" insert ", workplace, school, or day care"

#### MOTIONS

On motion of Senator Smith, the following amendments were considered simultaneously and were adopted:

On page 26, beginning on line 2, after "develop" strike all material through "cases" on line 4, and insert "an educational manual and a training curriculum for prosecutors in Washington state regarding domestic violence"

On page 26, line 4, after "The" strike "model" and insert "manual and curriculum"

On page 26, beginning on line 15, after "the" strike all material through "commission" on line 19, and insert "commission shall distribute a copy of the manual and curriculum specified in subsection (1) of this section to the prosecuting attorney for each county and unit of government for their use in education and training"

On page 26, beginning on line 20, after "(3)" strike all material through "(2)" on line 21, and insert "The manual and curriculum specified in subsection (1)"

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5219.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5219 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5365, by Senators Fairley, Deccio, Wojahn and Winsley (by request of Department of Health)

Revising the uniform disciplinary act.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5365 was substituted for Senate Bill No. 5365 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5365 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.  
The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5365.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5365 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Deccio - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5365, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Wood, Senators Deccio and Schow were excused.

#### SECOND READING

SENATE BILL NO. 5476, by Senators Loveland, Winsley, Fraser, Haugen, Kohl, Wood, Drew, Bauer, Pelz, Prentice, Quigley, McAuliffe, Roach, Fairley, Franklin, Prince and Long

Sharing leave and personal holiday time.

#### MOTIONS

On motion of Senator Loveland, Second Substitute Senate Bill No. 5476 was substituted for Senate Bill No. 5476 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Second Substitute Senate Bill No. 5476 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5476.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5476 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Finkbeiner and Johnson - 2.

Excused: Senators Anderson, C., Deccio and Schow - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5236, by Senators Kohl, Hargrove, Long, Franklin, Prentice, Spanel and Fraser

Providing a comprehensive treatment project for persons involved in prostitution.

#### MOTIONS

On motion of Senator Kohl, Second Substitute Senate Bill No. 5236 was substituted for Senate Bill No. 5236 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl, the rules were suspended, Second Substitute Senate Bill No. 5236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5236.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senator McCaslin - 1.

Excused: Senators Anderson, C. and Schow - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5557, by Senators Sutherland, Bauer, Wood, Palmer and Kohl

Establishing the Washington assessment of prior experiential learning program.

#### MOTIONS

On motion of Senator Bauer, Second Substitute Senate Bill No. 5557 was substituted for Senate Bill No. 5557 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Second Substitute Senate Bill No. 5557 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5557.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5557 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Pelz - 1.

Excused: Senators Anderson, C. and Schow - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5905, by Senators Long, Hargrove, Roach, Smith, Winsley, Schow, Swecker, Haugen, Quigley, Hale, Strannigan, McCaslin, Finkbeiner, West, Bauer, Rasmussen and Oke

Penalizing persistent prison misbehavior.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5905 was substituted for Senate Bill No. 5905 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5905 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5905.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5905 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen,

Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Schow - 2.

SUBSTITUTE SENATE BILL NO. 5905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5003, by Senators Rasmussen, Newhouse, Loveland, Sellar, Snyder, Hochstatter, Prince, Bauer, Morton, Haugen, Winsley and A. Anderson

Providing criteria to be used in determining whether a fund or account receives interest earnings.

#### MOTIONS

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 5003 was substituted for Senate Bill No. 5003 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Second Substitute Senate Bill No. 5003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5003.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5003 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Schow - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5129, by Senators Sheldon, McCaslin, West and Snyder (by request of Department of Revenue)

Excluding utility line clearing from the definition of retail sale.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5129 was substituted for Senate Bill No. 5129 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5129 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5129.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5129 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senator Fraser - 1.

Excused: Senators Anderson, C. and Schow - 2.

SUBSTITUTE SENATE BILL NO. 5129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5479, by Senators Hargrove, Hochstatter and Oke

Clarifying transfers under the public school open enrollment program with regard to home-schooled and private school students.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5479 was substituted for Senate Bill No. 5479 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Snyder: "Senator Hargrove, I wonder if you would identify the influential constituent in your district for us?"

Senator Hargrove: "My son."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5479.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5479 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Schow - 2.

SUBSTITUTE SENATE BILL NO. 5479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5755, by Senators Loveland, Newhouse, Spanel, Rasmussen and Haugen

Concerning the taxation of property donated to a nonprofit entity.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Senate Bill No. 5755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5755.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5755 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Schow - 2.

SENATE BILL NO. 5755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5804, by Senators Johnson and Long (by request of Secretary of State Munro)

Clarifying procedures for release of a power of appointment.

#### MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5804 was substituted for Senate Bill No. 5804 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5804 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5804.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5804 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Schow - 2.

SUBSTITUTE SENATE BILL NO. 5804, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5334, by Senators Smith, Long and Johnson

Amending the corporations act.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5334 was substituted for Senate Bill No. 5334 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5334.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5334 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Palmer - 1.

Excused: Senators Anderson, C. and Schow - 2.

SUBSTITUTE SENATE BILL NO. 5334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Franklin assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5166, by Senator Smith

Regarding the renewal of judgments and the extension of judgment liens.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5166 was substituted for Senate Bill No. 5166 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5166.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5166 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Schow - 2.

SUBSTITUTE SENATE BILL NO. 5166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5647, by Senators Bauer, Wood, Kohl, Drew, Haugen and Winsley (by request of State Board for Community and Technical Colleges)

Changing retention of leave provisions for employees of community and technical colleges.

#### MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5647 was substituted for Senate Bill No. 5647 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5647 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5647.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5647 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Schow - 2.

SUBSTITUTE SENATE BILL NO. 5647, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8008, by Senators Wojahn, Sellar, Snyder, Newhouse, Gaspard, Fairley, Swecker, Deccio, Palmer, Drew, McDonald, Oke, Sutherland and Schow

Requesting the United States to advocate for the admission of Taiwan to the United Nations.

#### MOTIONS

On motion of Senator Wojahn, Substitute Senate Joint Memorial No. 8008 was substituted for Senate Joint Memorial No. 8008 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Joint Memorial No. 8008 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Loveland, Senators Bauer and Sheldon were excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8008.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8008 and the joint memorial passed the Senate by the following vote: Yeas, 39; Nays, 3; Absent, 3; Excused, 4.



Voting yea: Senators Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Roach, Sellar, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 39.

Voting nay: Senators Anderson, A., McCaslin and Strannigan - 3.

Absent: Senators Newhouse, Prince and Rinehart - 3.

Excused: Senators Anderson, C., Bauer, Schow and Sheldon - 4.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8008, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 5141, by Senators Smith, Rasmussen, Quigley, C. Anderson and Bauer

Revising provisions relating to offenses involving alcohol or drugs.

## MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5141 was substituted for Senate Bill No. 5141 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5141.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senator Heavey - 1.

Excused: Senators Anderson, C. and Schow - 2.

SUBSTITUTE SENATE BILL NO. 5141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5019, by Senator Snyder

Relating to industrial developments.

The bill was read the second time.

## MOTIONS

On motion of Senator Haugen, the following amendment by Senators Snyder and Haugen was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows:

A county required or choosing to plan under RCW 36.70A.040 may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for reviewing and approving proposals to authorize siting of specific major industrial developments outside urban growth areas.

(1) "Major industrial development" means a master planned location for a specific manufacturing, industrial, or commercial business that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multitenant office parks.

(2) A major industrial development may be approved outside an urban growth area in a county planning under this chapter if criteria including, but not limited to the following, are met:

- (a) New infrastructure is provided for and impact fees are established consistent with the requirements of RCW 82.02.060;
- (b) Transit-oriented site planning and traffic demand management programs are implemented;
- (c) Buffers are provided between the major industrial development and adjacent nonurban areas;
- (d) Environmental protection including air and water quality has been addressed and provided for;
- (e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;
- (f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;

(g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and

(h) An inventory of developable land has been conducted and the county has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth area.

(3) Final approval of an application for a major industrial development shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070 designating the major industrial development site on the land use map as an urban growth area. Final approval of an application for a major industrial development shall not be considered an amendment to the comprehensive plan for the purposes of RCW 36.70A.130(2) and may be considered at any time.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "developments;" strike the remainder of the title and insert "adding a new section to chapter 36.70A RCW; and declaring an emergency."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5019.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5019 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Schow - 2.

ENGROSSED SENATE BILL NO. 5019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5764, by Senator Cantu

Adjusting the procedures of the redistricting commission.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5764 was substituted for Senate Bill No. 5764 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5764 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Loveland, Senators Fairley and Prentice were excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5764.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5764 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Fairley, Prentice and Schow - 4.

SUBSTITUTE SENATE BILL NO. 5764, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5610, by Senators Smith, Deccio, Oke, Winsley, Roach and Schow

Penalizing false accusations of child abuse or neglect.

The bill was read the second time.

#### MOTION

Senator Swecker moved that the following amendment be adopted:

On page 1, line 9, after "making" insert "or the person enticing another to make"

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 1, line 9, to Senate Bill No. 5610.

The motion by Senator Swecker carried and the amendment was adopted.

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Senate Bill No. 5610 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5610.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5610 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Fairley, Prentice and Schow - 4.

ENGROSSED SENATE BILL NO. 5610, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### MOTION

On motion of Senator Spanel, the Senate commenced consideration of Senate Bill No. 5386.

#### SECOND READING

SENATE BILL NO. 5386, by Senators Quigley, C. Anderson and Wojahn (by request of Health Care Authority)

Modifying provision of the basic health plan.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 5386 was substituted for Senate Bill No. 5386 and the substitute bill was placed on second reading and read the second time.

Senator Moyer moved that the following amendment by Senators Moyer, Wood, Winsley, Quigley and Fairley be adopted:

On page 1, after line 4, insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 70.47 RCW to read as follows:

(1) The legislature finds that the basic health plan has been an effective program in providing health coverage for uninsured residents. Further, since 1993, substantial amounts of public funds have been allocated for subsidized basic health plan enrollment.

(2) It is the intent of the legislature that the basic health plan enrollment be expanded expeditiously, consistent with funds available in the health services account, with the goal of two hundred fifty thousand adult subsidized basic health plan enrollees and two hundred fifty

thousand children covered through expanded medical assistance services by June 30, 1997, with the priority of providing needed health services to children in conjunction with other public programs."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Moyer, Wood, Winsley, Quigley and Fairley on page 1, after line 4, to Substitute Senate Bill No. 5386.

The motion by Senator Moyer carried and the amendment was adopted.

#### MOTION

Senator Moyer moved that the following amendment by Senators Moyer, Wood, Winsley, Quigley and Fairley be adopted:

On page 6, after line 11, insert the following:

"(16) No later than July 1, 1996, the administrator shall implement procedures whereby hospitals licensed under chapters 70.41 and 71.12 RCW, rural health care facilities regulated under chapter 70.175 RCW, and community and migrant health centers funded under RCW 41.05.220, may, at no remuneration, expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of social and health services. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process."

Debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator Moyer, this is a very good amendment, but I have a couple of concerns. It's the unfunded mandate--do you perceive or see that this would cause any extra costs to those facilities then who will be enrolling and providing the application and sending it on to Olympia? That is one question, because there is no money that goes with this and there is time involvement. Do you see this as an unfunded mandate, because we are trying to get away from that?"

Senator Moyer: "Number one, there should be no cost and number two, it is an opportunity to do it, but it is not a mandate."

#### POINT OF INQUIRY

Senator Deccio: "Senator Moyer, I have a question on both this amendment and the next one. There are some details that are going to have to be worked out in connection with both of these amendments. Who is responsible for the premiums and what about the renewals and so on? Who will make these rules--the Health Care Authority?"

Senator Moyer: "The Health Care Authority."

Senator Deccio: "There are some details that might be a real problem and they would have to be worked out to the satisfaction of both the entities that do these at no commission and those who do them with a commission."

Senator Moyer: "We called the Health Care Authority and they are willing to do this."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Moyer, Wood, Winsley, Quigley and Fairley on page 6, after line 11, to Substitute Senate Bill No. 5386.

The motion by Senator Moyer carried and the amendment was adopted.

#### MOTION

Senator Moyer moved that the following amendment by Senators Moyer, Wood, Winsley, and Quigley be adopted:

On page 6, after line 11, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 70.47 RCW to read as follows:

Insurance brokers and agents who hold the proper license pursuant to chapter 43.17 RCW shall be entitled to sell the basic health plan and shall receive from the health care authority a three percent commission for each individual sale of the basic health plan to anyone not previously signed up and a one percent commission for each group sale of the basic health plan. No commission shall be provided upon a renewal. Commissions shall be determined based on the estimated annual cost of the basic health plan. The health care authority shall use moneys in the basic health plan trust account for this purpose."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Moyer, Wood, Winsley and Quigley on page 6, after line 11, to Substitute Senate Bill No. 5386.

The motion by Senator Moyer carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 2 of the title, after "70.47.020;" insert "adding a new section to chapter 70.47 RCW:"

On motion of Senator Quigley, the rules were suspended, Engrossed Substitute Senate Bill No. 5386 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5386.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5386 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Schow - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5537 and the pending amendments by Senator Ann Anderson on page 1, line 5, and page 4, line 20, deferred earlier today.

Debate ensued.

Senator Ann Anderson demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Ann Anderson on page 1, line 5, and page 4, line 20, to Substitute Senate Bill No. 5537.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Sellar, Strannigan, Swecker, West, Winsley and Wood - 23.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 24.

Excused: Senators Anderson, C. and Schow - 2.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5537.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5537 and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Spanel, Sutherland and Wojahn - 23.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Sellar, Snyder, Strannigan, Swecker, West, Winsley and Wood - 24.

Excused: Senators Anderson, C. and Schow - 2.

SUBSTITUTE SENATE BILL NO. 5537, having failed to receive the constitutional majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Snyder served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5537 failed to pass the Senate.

There being no objection, the Senate resumed consideration of Senate Bill No. 5200 and the pending amendments by Senator West on page 1, lines 8 and 9, deferred after being ruled in order March 3, 1995.

Debate ensued.

Senator West demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator West on page 1, lines 8 and 9, to Senate Bill No. 5200.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Sellar, Strannigan, Swecker, West, Winsley and Wood - 23.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 24.

Excused: Senators Anderson, C. and Schow - 2.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5200.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5200 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senator Fraser - 1.

Absent: Senator Deccio - 1.

Excused: Senators Anderson, C. and Schow - 2.

SENATE BILL NO. 5200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5216, by Senators Fraser, Swecker, C. Anderson, Spanel, McAuliffe, Oke, Drew, Owen, Winsley, Haugen and Kohl (by request of Parks and Recreation Commission)

Creating the parks renewal and stewardship account.

#### MOTIONS

On motion of Senator Fraser, Second Substitute Senate Bill No. 5216 was substituted for Senate Bill No. 5216 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Second Substitute Senate Bill No. 5216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Ann Anderson: "Senator Fraser, I am trying to figure out the mechanism in this bill and I am on Section 2. It references that the revenue derived from timber sales shall be deposited in the--and it deletes the 'trust land' and inserts 'parks renewal and stewardship account.' Is that the historical school/university county trust land or is this a parks trust land account?"

Senator Fraser: "This is the account that has been used for the purchase of DNR lands that go to state parks where we appropriate money--it is the two-step process--we appropriate money to purchase the lands--then purchase replacement lands and then the state parks system has a new or expanded--"

Senator Ann Anderson: "So, for further clarification, the trading of land has been done, but the money has been going into the trust fund account and now it will go into a parks account?"

Senator Fraser: "There is only one parcel left of the listed parcels that the Legislature authorized to be purchased through this program and so there is a lot of language deleted in here for those parcels that have already been purchased. The one left will go through the park lands trust revolving fund, which is a nonappropriated account which is used for those purchases, generally and historically by the Department of Natural Resources."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5216.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5216 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senator Morton - 1.

Absent: Senators Johnson and Moyer - 2.

Excused: Senators Anderson, C. and Schow - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Moyer was excused.

SECOND READING

SENATE BILL NO. 5997, by Senators Palmer, Bauer, Owen and Newhouse

Regulating fireworks.

MOTIONS

On motion of Senator Palmer, Substitute Senate Bill No. 5997 was substituted for Senate Bill No. 5997 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Palmer, the rules were suspended, Substitute Senate Bill No. 5997 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Heavey: "Senator Palmer, as prime sponsor of Substitute Senate Bill No. 5997, is it your intent that local jurisdictions shall continue to have statutory emergency authority to further restrict fireworks usage because of adverse weather conditions and that that emergency authority is not limited by the provisions of this bill?"

Senator Palmer: "Yes."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5997.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5997 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Roach, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 38.

Voting nay: Senators Fairley, Haugen, Heavey, Kohl, Rasmussen, Rinehart, Sheldon and Wojahn - 8.

Excused: Senators Anderson, C., Moyer and Schow - 3.

SUBSTITUTE SENATE BILL NO. 5997, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Palmer: "Madam President, a point of personal privilege. I just want to thank everybody here for the votes for my first bill. I don't know whether to feel offended because Gary Strannigan felt that he was loved when you all voted against his, so I want to thank the eight people and I feel loved by you."

SECOND READING

SENATE BILL NO. 5524, by Senators Smith, Johnson and C. Anderson

Decriminalizing certain traffic offenses.

The bill was read the second time.

MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5524 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5524.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5524 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Winsley, Wojahn and Wood - 40.

Voting nay: Senators Cantu, Long, Roach, Sellar, Swecker and West - 6.

Excused: Senators Anderson, C., Moyer and Schow - 3.

SENATE BILL NO. 5524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8210, by Senators Smith, McCaslin, Gaspard, Deccio, Wojahn, Snyder, Haugen, Morton, Long, Hale, Rinehart, Newhouse, Loveland, McDonald, Palmer, Bauer, Oke and Winsley (by request of Supreme Court)

Revising size and leadership of the state supreme court.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Joint Resolution No. 8210 was substituted for Senate Joint Resolution No. 8210 and the substitute joint resolution was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Joint Resolution No. 8210 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Resolution No. 8210.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 8210 and the joint resolution passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Wojahn and Wood - 40.

Voting nay: Senators Anderson, A., Franklin, Heavey, Roach, Sellar and Winsley - 6.

Excused: Senators Anderson, C., Moyer and Schow - 3.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8210, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5467, by Senators Smith, McCaslin, Gaspard, Deccio, Wojahn, Snyder, Haugen, Morton, Long, Hale, Rinehart, Newhouse, Loveland, McDonald, Bauer, Oke and Winsley (by request of Supreme Court)

Reducing the size of the state supreme court.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5467 was substituted for Senate Bill No. 5467 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5467.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5467 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Wojahn and Wood - 42.

Voting nay: Senators Anderson, A., Franklin, Rasmussen and Winsley - 4.

Excused: Senators Anderson, C., Moyer and Schow - 3.

SUBSTITUTE SENATE BILL NO. 5467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION



At 8:09 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Friday, March 10, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTIETH DAY, MARCH 9, 1995

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

**SIXTY-FIRST DAY**

MORNING SESSION

Senate Chamber, Olympia, Friday, March 10, 1995

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Ann Anderson, Cal Anderson, Moyer, Pelz and Roach. On motion of Senator Loveland, Senator Cal Anderson was excused. On motion of Senator Wood, Senators Ann Anderson, Moyer and Roach were excused.

The Sergeant at Arms Color Guard, consisting of Pages Megan Hanell and Heidi Raedel, presented the Colors. Reverend Phil Rue, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

March 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Hugh Spitzer, reappointed March 7, 1995, for a term ending July 5, 1997, as a member of the Puget Sound Water Quality Authority.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

MESSAGES FROM THE HOUSE

March 8, 1995

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1024,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1036,

SECOND SUBSTITUTE HOUSE BILL NO. 1044,

HOUSE BILL NO. 1052,

HOUSE BILL NO. 1058,

HOUSE BILL NO. 1060,

SUBSTITUTE HOUSE BILL NO. 1062,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1065,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076,

SECOND SUBSTITUTE HOUSE BILL NO. 1078,

SUBSTITUTE HOUSE BILL NO. 1093,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107,

SUBSTITUTE HOUSE BILL NO. 1133,

HOUSE BILL NO. 1157,

HOUSE BILL NO. 1189,

SECOND SUBSTITUTE HOUSE BILL NO. 1214,

HOUSE BILL NO. 1224,

HOUSE BILL NO. 1249,

SUBSTITUTE HOUSE BILL NO. 1287,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,

ENGROSSED HOUSE BILL NO. 1603,

ENGROSSED HOUSE BILL NO. 2033,

HOUSE JOINT MEMORIAL NO. 4008,

HOUSE JOINT MEMORIAL NO. 4009,  
HOUSE JOINT MEMORIAL NO. 4010, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 8, 1995

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1203,  
HOUSE BILL NO. 1351,  
SUBSTITUTE HOUSE BILL NO. 1354,  
SUBSTITUTE HOUSE BILL NO. 1404,  
SUBSTITUTE HOUSE BILL NO. 1414,  
HOUSE BILL NO. 1425,  
SUBSTITUTE HOUSE BILL NO. 1427,  
HOUSE BILL NO. 1445,  
SUBSTITUTE HOUSE BILL NO. 1446,  
SUBSTITUTE HOUSE BILL NO. 1491,  
HOUSE BILL NO. 1501,  
HOUSE BILL NO. 1534,  
SUBSTITUTE HOUSE BILL NO. 1547,  
HOUSE BILL NO. 1562,  
SUBSTITUTE HOUSE BILL NO. 1634,  
SUBSTITUTE HOUSE BILL NO. 1649,  
SUBSTITUTE HOUSE BILL NO. 1658,  
HOUSE BILL NO. 1662,  
SUBSTITUTE HOUSE BILL NO. 1692,  
HOUSE BILL NO. 1706,  
SUBSTITUTE HOUSE BILL NO. 1750,  
SUBSTITUTE HOUSE BILL NO. 1756,  
ENGROSSED HOUSE BILL NO. 1835,  
SUBSTITUTE HOUSE BILL NO. 1856,  
SUBSTITUTE HOUSE BILL NO. 1865,  
SUBSTITUTE HOUSE BILL NO. 1873,  
SUBSTITUTE HOUSE BILL NO. 1929,  
SUBSTITUTE HOUSE BILL NO. 1939, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 8, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1648,  
SUBSTITUTE HOUSE BILL NO. 1654,  
SUBSTITUTE HOUSE BILL NO. 1669,  
SUBSTITUTE HOUSE BILL NO. 1677,  
SUBSTITUTE HOUSE BILL NO. 1680,  
SUBSTITUTE HOUSE BILL NO. 1722,  
HOUSE BILL NO. 1725,  
HOUSE BILL NO. 1790,  
SUBSTITUTE HOUSE BILL NO. 1809,  
SUBSTITUTE HOUSE BILL NO. 1853, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 8, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1082,  
SUBSTITUTE HOUSE BILL NO. 1084,  
HOUSE BILL NO. 1112,  
SUBSTITUTE HOUSE BILL NO. 1259,  
HOUSE BILL NO. 1295,  
HOUSE BILL NO. 1296,  
HOUSE BILL NO. 1297,  
HOUSE BILL NO. 1343,  
SUBSTITUTE HOUSE BILL NO. 1383,  
HOUSE BILL NO. 1583,  
HOUSE BILL NO. 1624,  
SUBSTITUTE HOUSE BILL NO. 1857,  
HOUSE BILL NO. 1893, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1024 by House Committee on Finance (originally sponsored by Representatives Van Luven, Foreman, B. Thomas, Lisk, Horn, Chandler, Casada, Dyer, Ballasiotes, Silver, Cooke, Brumsickle, Carlson, Sehlin, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Costa, Delvin, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Mitchell, Conway, Quall, Ogden, Chappell, Regala, G. Fisher, Basich, Grant, Campbell, Smith, Robertson, Honeyford, Pelesky, Hankins, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Fuhrman, Sheldon, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens, Morris and Hymes)

Providing tax exemptions for manufacturing and processing.

Referred to Committee on Ways and Means.

E2SHB 1036 by House Committee on Appropriations (originally sponsored by Representatives Backlund, Brumsickle, Sherstad, Carlson, Dyer, Kremen, Horn, Schoesler, Buck, Johnson, Thompson, Radcliff, Hickel, Elliot, Pennington, Carrell, Robertson, Foreman, Van Luven, Koster, D. Schmidt, Mulliken, Fuhrman, Campbell, L. Thomas, Huff, Mielke, Talcott, Silver, McMahan and Casada)

Requiring a performance audit of the office of the superintendent of public instruction.

Referred to Committee on Ways and Means.

2SHB 1044 by House Committee on Appropriations (originally sponsored by Representatives Hickel, Delvin, Smith, Crouse, Padden, Dyer, Costa, Schoesler, Johnson, Thompson, Beeksma, Radcliff, Cairnes, Mastin, Carrell, Chappell, Foreman, Fuhrman, Campbell, Morris and Casada)

Providing of payment of attorneys' fees, costs, and expenses in actions against governmental units.

Referred to Committee on Government Operations.

HB 1052 by Representatives Horn and Silver

Reviewing nonappropriated funds.

Referred to Committee on Ways and Means.

HB 1058 by Representatives Horn and Sheldon (by request of Liquor Control Board)

Affecting the repeal of liquor vendors' appeals as authorized by RCW 41.06.150.

Referred to Committee on Labor, Commerce and Trade.

HB 1060 by Representatives Lisk and Sheldon (by request of Liquor Control Board)

Improving the licensing sections of the Washington state liquor act.

Referred to Committee on Labor, Commerce and Trade.

SHB 1062 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Koster, Cooke, Costa, Schoesler, Morris, Boldt, Benton, Foreman, Sheldon, Kremen, Mastin, Lisk, Chandler and Carlson)

Using juvenile serious violent offenses as criminal history for adult sentencing.

Referred to Committee on Law and Justice.

ESHB 1065 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Lisk, Mastin, Schoesler, McMorris, Robertson, Chappell, Delvin, Honeyford, Koster, Clements, Boldt, Foreman and Kremen)

Providing that safety and health standards for agriculture shall be those in effect on January 1, 1993.

Referred to Committee on Labor, Commerce and Trade.

ESHB 1076 by House Committee on Capital Budget (originally sponsored by Representatives Sehlin and Ogden) (by request of Interagency Committee for Outdoor Recreation)

Revising account names and accounting procedures of the IAC.

Referred to Committee on Ecology and Parks.

2SHB 1078 by House Committee on Appropriations (originally sponsored by Representatives Ogden, Carlson, Casada, Cole, Quall, Benton, Pennington, Thibaudeau, Cooke, Boldt and Huff)

Changing provisions relating to instruction in Braille.

Referred to Committee on Education.

SHB 1082 by House Committee on Appropriations (originally sponsored by Representatives Cooke, Sommers, Carlson, Dellwo, Sehlin, Kessler, Valle, Romero, Cody and Basich)

Calculating excess compensation for retirement purposes.

Referred to Committee on Ways and Means.

SHB 1084 by House Committee on Appropriations (originally sponsored by Representatives Sehlin, Carlson, Sommers, Cooke, Dellwo, Campbell, L. Thomas, Kessler, Valle, Costa, Cody, Voloria, Mastin, Thibaudeau, Kremen, Mason, Scott, Morris, Honeyford and Appelwick)

Providing death benefits under LEOFF.

Referred to Committee on Ways and Means.

SHB 1093 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Johnson, Romero and Wolfe) (by request of Department of General Administration)

Revising bidding procedures for public agencies.

Referred to Committee on Government Operations.

ESHB 1107 by House Committee on Government Operations (originally sponsored by Representatives Reams, Rust, Goldsmith, Kremen, Wolfe, R. Fisher and Chopp) (by request of Governor Lowry)

Eliminating and consolidating boards and commissions.

Referred to Committee on Government Operations.

HB 1112 by Representatives Silver, Sommers, Romero, Wolfe, Huff, Stevens, Johnson, Brumsickle and Mason (by request of Department of General Administration)

Clarifying and streamlining the use of funds within the department of general administration.

Referred to Committee on Government Operations.

SHB 1133 by House Committee on Law and Justice (originally sponsored by Representatives Campbell, Stevens, Padden, Benton, Sheldon, Crouse, Carlson and Sherstad)

Revising provisions relating to firearm dealers' licenses.

Referred to Committee on Law and Justice.

HB 1157 by Representatives Van Luven and Sheldon (by request of Department of Revenue)

Modifying sales and use tax exemptions regarding motor vehicles and trailers used for transporting persons or property for hire.

Referred to Committee on Ways and Means.

HB 1189 by Representatives Robertson, Chappell, Padden, Thompson, Blanton, Sheahan, Basich, McMahan and Dickerson (by request of Washington State Patrol)

Revising provisions relating to dissemination of criminal history information by the Washington state patrol.

Referred to Committee on Law and Justice.

ESHB 1203 by House Committee on Law and Justice (originally sponsored by Representatives Chappell and Robertson)

Prohibiting the purchase or consumption of liquor on licensed premises by persons under the influence of liquor.

Referred to Committee on Law and Justice.

2SHB 1214 by House Committee on Appropriations (originally sponsored by Representatives Mitchell, Carrell, Lambert, Sheahan, McMahan, Huff, Buck, Hickel, Padden, Elliot, Delvin, Kremen, Johnson, Casada, Thompson, Backlund, Honeyford, Mulliken, Boldt and Van Luven)

Revising provision for registration of sex offenders.

Referred to Committee on Human Services and Corrections.

HB 1224 by Representatives Brumsickle, Cole, Silver and Carlson (by request of Board of Education and Superintendent of Public Instruction Billings)

Authorizing waivers for educational restructuring.

Referred to Committee on Education.

HB 1249 by Representatives Brumsickle and Cole (by request of Office of Financial Management and Superintendent of Public Instruction Billings)

Extending the time for developing essential academic learning requirement Goal 2 assessments.

Referred to Committee on Education.

SHB 1259 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk and Horn)

Limiting administration and enforcement of chapter 49.78 RCW.

Referred to Committee on Labor, Commerce and Trade.

SHB 1287 by House Committee on Agriculture and Ecology (originally sponsored by Representatives McMorris, Horn, Chandler, Regala, Mastin, Clements, Koster, Robertson, Johnson, Boldt, Chappell, Schoesler and Rust)

Authorizing silvicultural burning to correct a forest health problem under certain circumstances.

Referred to Committee on Ecology and Parks.

HB 1295 by Representatives Carlson, Sommers, Sehlin and Basich (by request of Department of Retirement Systems)

Providing retirement system benefits upon death of member or retiree.

Referred to Committee on Ways and Means.

HB 1296 by Representatives Sommers, Carlson and Sehlin (by request of Department of Retirement Systems)

Making retirement contributions and payments.

Referred to Committee on Ways and Means.

HB 1297 by Representatives Sehlin, Sommers and Carlson (by request of Department of Retirement Systems)

Calculating retiree benefits.

Referred to Committee on Ways and Means.

HB 1343 by Representatives Casada, Kessler and Basich (by request of Utilities and Transportation Commission)

Removing the requirement that a schedule of port rates and charges be filed with the utilities and transportation commission.

Referred to Committee on Transportation.

HB 1351 by Representatives Lisk, Chandler and Veloria (by request of Joint Task Force on Unemployment Insurance)

Determining unemployment insurance contribution rates for successor employers.

Referred to Committee on Labor, Commerce and Trade.

SHB 1354 by House Committee on Natural Resources (originally sponsored by Representatives Fuhrman, Basich, Cairnes and McMorris)

Allowing only Washington residents to purchase hound permits.

Referred to Committee on Natural Resources.

SHB 1383 by House Committee on Government Operations (originally sponsored by Representatives Reams, Scott, Rust and Hargrove)

Clarifying annexation authority by municipal corporations providing sewer or water service of unincorporated territory.

Referred to Committee on Government Operations.

ESHB 1389 by House Committee on Health Care (originally sponsored by Representatives Dyer and Morris)

Concerning the supervision of apprentice opticians.

Referred to Committee on Health and Long-Term Care.

SHB 1404 by House Committee on Natural Resources (originally sponsored by Representatives Fuhrman, Buck and Basich) (by request of Department of Health)

Revising shellfish sanitation requirements to enhance the safety of recreationally and commercially harvested seafood.

Referred to Committee on Natural Resources.

SHB 1414 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Lisk, Chandler, Fuhrman, Goldsmith, Cole and Romero)

Defining "acting in the course of employment."

Referred to Committee on Labor, Commerce and Trade.

HB 1425 by Representatives Scott, Padden, Appelwick, Costa, Sheldon, Dickerson, Chappell, Hatfield, Brown and Basich

Protecting privileged communication.

Referred to Committee on Law and Justice.

SHB 1427 by House Committee on Health Care (originally sponsored by Representatives Dyer, Dellwo, Backlund, Thibaudeau and Skinner)

Modifying provisions for emergency medical service professionals.

Referred to Committee on Health and Long-Term Care.

HB 1445 by Representatives Silver, Valle, Sommers, Ogden, Fuhrman and Kremen (by request of Legislative Budget Committee)

Streamlining hospital regulation and inspection.

Referred to Committee on Health and Long-Term Care.

SHB 1446 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Romero, Fuhrman, Horn and Quall)

Requiring alcohol servers to have alcohol servers permits.

Referred to Committee on Labor, Commerce and Trade.

SHB 1491 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Costa, K. Schmidt, Delvin, Kessler, Sheldon, Tokuda, Mitchell, Dickerson, Kremen, Robertson, Hymes, Schoesler, Mastin, Benton, Basich, Foreman, Dyer, Lisk, Pelesky, Sherstad, Chandler, Smith, Boldt, Hankins, Carrell, Beeksma, Quall, Stevens, Horn, Van Luven, L. Thomas, Goldsmith, Hickel, Cole, Fuhrman, Radcliff, Blanton, Thompson, Honeyford, Clements, Cooke, Brumsickle, Mielke, Padden, Sheahan, Chopp, Campbell, Conway, McMorris, Scott, Mulliken, D. Schmidt, Koster, Ebersole, Backlund, Dellwo, Wolfe, Rust, Johnson, Jacobsen, Lambert, Patterson, Poulsen, Brown, Huff, McMahan and Morris)

Restricting work release eligibility.

Referred to Committee on Human Services and Corrections.

HB 1501 by Representatives L. Thomas, Wolfe, Huff, Dellwo and Kessler (by request of Law Revision Commission)

Correcting double amendments related to insurance examination expenses.

Referred to Committee on Financial Institutions and Housing.

HB 1534 by Representatives Cairnes, Romero, Lisk and Cody

Changing the registration requirements relating to professional land surveyors and engineers.

Referred to Committee on Labor, Commerce and Trade.

SHB 1547 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Dellwo, Kessler, Dickerson, Basich and Costa)

Pertaining to longshore and harbor workers' compensation.

Referred to Committee on Financial Institutions and Housing.

HB 1562 by Representatives Huff, Chappell, Chandler, Carrell and Costa

Modifying the requirements for fund raising events.

Referred to Committee on Labor, Commerce and Trade.

HB 1583 by Representatives L. Thomas, Backlund, Huff, Chappell, Wolfe, Buck and Kessler (by request of State Auditor Sonntag)

Changing whistleblower provisions.

Referred to Committee on Government Operations.

EHB 1603 by Representatives L. Thomas, Morris, Huff, Campbell, Smith, Beeksma and Kessler

Disclosing deposit account information.

Referred to Committee on Financial Institutions and Housing.

HB 1624 by Representatives Hymes, Carlson, Brumsickle, Hargrove, Morris, Casada, Buck, Radcliff, Benton, Grant, Reams and Thompson



Increasing to five years the time after a preliminary plat is approved before a final plat must be submitted for approval.

Referred to Committee on Government Operations.

SHB 1634 by House Committee on Natural Resources (originally sponsored by Representatives Sheldon, Cairnes, Elliot, Fuhrman and Stevens)

Restricting the state parks and recreation commission authority to regulate metal detectors.

Referred to Committee on Ecology and Parks.

SHB 1648 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Romero, Goldsmith and Thompson) (by request of Employment Security Department)

Revising provision relating to charges against industrial insurance awards.

Referred to Committee on Labor, Commerce and Trade.

SHB 1649 by House Committee on Commerce and Labor (originally sponsored by Representatives Goldsmith, Romero, Lisk, Schoesler and Elliot) ( by request of Employment Security Department)

Providing for disqualification from unemployment compensation for certain felonies or gross misdemeanors.

Referred to Committee on Labor, Commerce and Trade.

SHB 1654 by House Committee on Education (originally sponsored by Representatives Lambert, Stevens, Beeksma, Elliot, Crouse, Carlson, Pelesky, Hargrove, Clements, Backlund, Thompson, Huff and Smith)

Revising advisement regulations for AIDS education.

Referred to Committee on Education.

SHB 1658 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Pennington, Hatfield, Morris, Basich, Boldt, Chandler and Benton)

Providing that filled or altered wetlands shall not be considered or treated as wetlands.

Referred to Committee on Ecology and Parks.

HB 1662 by Representatives B. Thomas, Foreman, Ebersole, Carrell, Dyer, Campbell, Conway, Pelesky, R. Fisher, Talcott, McMahan, Huff, Casada, Smith, Mielke, Schoesler, Van Luven, Beeksma, Johnson, D. Schmidt, Thompson, Brumsickle, Cooke, Horn and Kessler

Modifying the business and occupation tax on international investment management companies.

Referred to Committee on Ways and Means.

SHB 1669 by House Committee on Finance (originally sponsored by Representatives Beeksma, Sehlín, Quall, Hargrove, Hymes and Costa)

Extending hotel/motel tax authorization for tourist promotional structures in cities located in counties composed of islands.

Referred to Committee on Government Operations.

SHB 1677 by House Committee on Education (originally sponsored by Representatives Koster, Campbell, Radcliff, Sheldon, Brumsickle, Stevens, McMahan, Smith, Clements, McMorris, Sherstad and Robertson)

Requiring school districts to obtain an appraisal before purchasing real property.

Referred to Committee on Education.

SHB 1680 by House Committee on Law and Justice (originally sponsored by Representatives Hickel, Appelwick and Padden) (by request of Administrator for the Courts)

Revising the distribution of interest on court fines.

Referred to Committee on Law and Justice.

SHB 1692 by House Committee on Law and Justice (originally sponsored by Representatives Padden, Costa, Scott and Appelwick)

Clarifying clerks' fees.

Referred to Committee on Law and Justice.

HB 1706 by Representatives Koster, Chandler, Johnson, McMorris, Honeyford, Mastin, Boldt, Clements, Benton, McMahan, Smith, Kremen and Robertson

Extending the dairy inspection program assessment.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SHB 1722 by House Committee on Law and Justice (originally sponsored by Representatives Padden, Appelwick and Mastin) (by request of Utilities and Transportation Commission)

Exempting the UTC from administrative law judge requirements.

Referred to Committee on Energy, Telecommunications and Utilities.

HB 1725 by Representatives Brumsickle, Wolfe and Conway

Regulating housing authorities.

Referred to Committee on Government Operations.

SHB 1750 by House Committee on Law and Justice (originally sponsored by Representatives Hickel, Appelwick, Padden, Robertson and Delvin)

Authorizing additional administrative penalties relating to the driving privilege.

Referred to Committee on Law and Justice.

SHB 1756 by House Committee on Children and Family Services (originally sponsored by Representatives Veloria, Cooke, Cody, Lambert, Thibaudeau, Patterson and Costa)

Changing provisions relating to dependent children.

Referred to Committee on Human Services and Corrections.

HB 1790 by Representatives Reams, R. Fisher, Sommers and Dyer

Changing appointment provisions for the director of a combined city and county health department.

Referred to Committee on Government Operations.

SHB 1809 by House Committee on Health Care (originally sponsored by Representatives Dyer and Dickerson)

Authorizing naturopaths to give direction to registered nurses.

Referred to Committee on Health and Long-Term Care.

EHB 1835 by Representatives Schoesler, Basich, Kremen, Mitchell and Beeksma

Revising standards relating to manufactured homes.

Referred to Committee on Government Operations.

SHB 1853 by House Committee on Law and Justice (originally sponsored by Representatives Smith, Padden, Campbell, Koster, Johnson, Blanton, Silver, Benton and Thompson)

Requiring juvenile offenders to post a probation bond in specified cases.

Referred to Committee on Law and Justice.

SHB 1856 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Blanton, Costa, Dickerson, D. Schmidt, Thompson, Radcliff, Sherstad, Beeksma and Romero)

Clarifying the liability of lenders under the model toxics control act.

Referred to Committee on Financial Institutions and Housing.

SHB 1857 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Pelesky, Carrell, L. Thomas, Hargrove and B. Thomas)

Defining terms that relate to title insurers.

Referred to Committee on Financial Institutions and Housing.

SHB 1865 by House Committee on Law and Justice (originally sponsored by Representatives Mitchell and Tokuda)

Clarifying numerous miscellaneous guardianship provisions.

Referred to Committee on Law and Justice.

SHB 1873 by House Committee on Law and Justice (originally sponsored by Representatives Padden, Costa and Hickel) (by request of Attorney General Gregoire)

Regulating consumer leases.

Referred to Committee on Law and Justice.

HB 1893 by Representatives Ballasiotes and Blanton

Authorizing the secretary of corrections to delegate authority to certify records and documents.

Referred to Committee on Human Services and Corrections.

SHB 1929 by House Committee on Corrections (originally sponsored by Representatives Brumsickle and Morris)

Concerning the employment of inmates.

Referred to Committee on Human Services and Corrections.

SHB 1939 by House Committee on Natural Resources (originally sponsored by Representatives Fuhrman, Beeksma, Chappell, Smith, Campbell, Kremen, Cairnes, Buck, Thompson and Hargrove)

Requiring an appeal of the decision regarding tribal shellfish rights.

Referred to Committee on Natural Resources.

EHB 2033 by Representatives D. Schmidt and Scott

Providing an exemption to the Washington clean air act for fire training.

Referred to Committee on Ecology and Parks.

HJM 4008 by Representatives Basich, Pennington, Johnson, Quall, Kremen, Fuhrman, Chappell, Hatfield, Backlund and Sheldon

Requesting modification of the federal Marine Mammal Protection Act.

Referred to Committee on Natural Resources.

HJM 4009 by Representatives Mastin, Ballasiotes, Patterson, Backlund, Campbell, Sherstad, Elliot, Robertson and Costa

Asking Congress to consider various options regarding alien offenders.

Referred to Committee on Human Services and Corrections.

HJM 4010 by Representatives Lisk, Chandler, Veloria, Wolfe and Conway (by request of Joint Task Force on Unemployment Insurance)

Requesting that unemployment benefits be removed from the IRS definition of taxable income.

Referred to Committee on Labor, Commerce and Trade.

SECOND READING  
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Sheldon, Gubernatorial Appointment No. 9069, Barbara Stephenson, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

APPOINTMENT OF BARBARA STEPHENSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.  
Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Absent: Senator Pelz - 1.

Excused: Senators Anderson, A., Anderson, C., Moyer and Roach - 4.

MOTION

On motion of Senator Loveland, Senator Pelz was excused.

MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9074, Dr. Ray Tobiason, as a member of the Higher Education Facilities Authority, was confirmed.

APPOINTMENT OF DR. RAY TOBIASON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.  
Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, A., Anderson, C., Moyer, Pelz and Roach - 5.

SECOND READING

SENATE BILL NO. 5648, by Senators Smith and Owen (by request of Attorney General Gregoire)

Penalizing fuel tax evasion.

MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5648 was substituted for Senate Bill No. 5648 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5648 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5648.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5648 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senator Swecker - 1.

Excused: Senators Anderson, A., Anderson, C., Moyer, Pelz and Roach - 5.

SUBSTITUTE SENATE BILL NO. 5648, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5718, by Senators Drew and Haugen

Authorizing fund-raising on state property to benefit public fish and wildlife programs.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 5718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5718.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5718 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, A., Anderson, C., Moyer, Pelz and Roach - 5.

SENATE BILL NO. 5718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5787, by Senator Sutherland

Providing a comprehensive public drinking water system assistance program.

The bill was read the second time.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Bill No. 5787 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5787.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5787 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince,

Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Moyer and Roach - 4.

SENATE BILL NO. 5787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8014, by Senators Fraser, Morton, Winsley and Rasmussen

Petitioning Congress regarding water adjudication.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Joint Memorial No. 8014 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8014.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8014 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Moyer and Roach - 4.

SENATE JOINT MEMORIAL NO. 8014, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5986, by Senator Gaspard

Issuing school district bonds.

The bill was read the second time.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5986 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5986.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5986 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Moyer and Roach - 4.

SENATE BILL NO. 5986, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6028, by Senators Schow and Roach

Concerning harassment of a child by a person over age eighteen.

## MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 6028 was substituted for Senate Bill No. 6028 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schow, the rules were suspended, Substitute Senate Bill No. 6028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6028.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6028 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 42.

Voting nay: Senators Pelz, Rinehart and Wojahn - 3.

Excused: Senators Anderson, A., Anderson, C., Moyer and Roach - 4.

SUBSTITUTE SENATE BILL NO. 6028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5253, by Senators Quigley, Moyer, Hargrove and C. Anderson (by request of Department of Health)

Implementing the public health improvement plan.

## MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 5253 was substituted for Senate Bill No. 5253 and the substitute bill was placed on second reading and read the second time.

Senator Quigley moved that the following amendment by Senators Quigley and Hale be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature declares its intent to implement the recommendations of the public health improvement plan by initiating a program to provide the public health system with the necessary capacity to improve the health outcomes of the population of Washington state and establishing the methodology by which improvement in the health outcomes and delivery of public health activities will be assessed.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 3 of this act.

(1) "Capacity" means actions that public health jurisdictions must do as part of ongoing daily operations to adequately protect and promote health and prevent disease, injury, and premature death. The public health improvement plan identifies capacity necessary for assessment, policy development, administration, prevention, including promotion and protection, and access and quality.

(2) "Department" means the department of health.

(3) "Local health jurisdiction" means the local health agency, either county or multicounty, operated by local government, with oversight and direction from a local board of health, that provides public health services throughout a defined geographic area.

(4) "Health outcomes" means long-term objectives that define optimal, measurable, future levels of health status, maximum acceptable levels of disease, injury, or dysfunction, or prevalence of risk factors in areas such as improving the rate of immunizations for infants and children to ninety percent and controlling and reducing the spread of tuberculosis and that are stated in the public health improvement plan.

(5) "Public health improvement plan," also known as the public health services improvement plan, means the public health services improvement plan established under RCW 43.70.520, developed by the department, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health services, and other state agencies, health services providers, and residents concerned about public health, to provide a detailed accounting of deficits in the core functions of assessment, policy development, and assurance of the current public health system, how additional public health funding would be used, and to describe the benefits expected from expanded expenditures.

(6) "Public health" means activities that society does collectively to assure the conditions in which people can be healthy. This includes organized community efforts to prevent, identify, preempt, and counter threats to the public's health.

(7) "Public health system" means the department, the state board of health, and local health jurisdictions.

**NEW SECTION. Sec. 3.** The primary responsibility of the public health system, is to take those actions necessary to protect, promote, and improve the health of the population. In order to accomplish this, the department shall:

(1) Identify, as part of the public health improvement plan, the key health outcomes sought for the population and the capacity needed by the public health system to fulfill its responsibilities in improving health outcomes.

(2)(a) Distribute state funds that, in conjunction with local revenues, are intended to improve the capacity of the public health system. The distribution methodology shall encourage system-wide effectiveness and efficiency and provide local health jurisdictions with the flexibility both to determine governance structures and address their unique needs.

(b) Enter into with each local health jurisdiction performance-based contracts that establish clear measures of the degree to which the local health jurisdiction is attaining the capacity necessary to improve health outcomes. The contracts negotiated between the local health jurisdictions and the department of health must identify the specific measurable progress that local health jurisdictions will make toward achieving health outcomes. A community assessment conducted by the local health jurisdiction according to the public health improvement plan, which shall include the results of the comprehensive plan prepared according to RCW 70.190.130, will be used as the basis for identifying the

health outcomes. The contracts shall include provisions to encourage collaboration among local health jurisdictions. State funds shall be used solely to expand and complement, but not to supplant city and county government support for public health programs.

(3) Develop criteria to assess the degree to which capacity is being achieved and ensure compliance by public health jurisdictions.

(4) Adopt rules necessary to carry out the purposes of chapter . . . , Laws of 1995 (this act).

(5) Biennially, within the public health improvement plan, evaluate the effectiveness of the public health system, assess the degree to which the public health system is attaining the capacity to improve the status of the public's health, and report progress made by each local health jurisdiction toward improving health outcomes.

**Sec. 4.** RCW 41.05.240 and 1993 c 492 s 468 are each amended to read as follows:

Consistent with funds appropriated specifically for this purpose, the ((authority)) department shall establish in conjunction with the area Indian health services system and providers an advisory group comprised of Indian and non-Indian health care facilities and providers to formulate an American Indian health care delivery plan. The plan shall include:

(1) Recommendations to providers and facilities methods for coordinating and joint venturing with the Indian health services for service delivery;

(2) Methods to improve American Indian-specific health programming; and

(3) Creation of co-funding recommendations and opportunities for the unmet health services programming needs of American Indians.

**NEW SECTION. Sec. 5.** RCW 41.05.240 shall be recodified as a new section in chapter 43.70 RCW.

**Sec. 6.** RCW 70.05.030 and 1993 c 492 s 235 are each amended to read as follows:

In counties without a home rule charter, the board of county commissioners shall constitute the local board of health, unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of said county. The board of county commissioners may, at its discretion, adopt an ordinance expanding the size and composition of the board of health to include elected officials from cities and towns and persons other than elected officials as members so long as persons other than elected officials do not constitute a majority. An ordinance adopted under this section shall include provisions for the appointment, term, and compensation, or reimbursement of expenses.

**Sec. 7.** RCW 70.05.035 and 1993 c 492 s 237 are each amended to read as follows:

In counties with a home rule charter, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The county legislative authority may appoint to the board of health elected officials from cities and towns and persons other than elected officials as members so long as persons other than elected officials do not constitute a majority. The county legislative authority shall specify the appointment, term, and compensation or reimbursement of expenses. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county. The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

**Sec. 8.** RCW 70.05.050 and 1993 c 492 s 238 are each amended to read as follows:

The local health officer shall be an experienced physician licensed to practice medicine and surgery or osteopathy and surgery in this state and who is qualified or provisionally qualified in accordance with the standards prescribed in RCW 70.05.051 through 70.05.055 to hold the office of local health officer. No term of office shall be established for the local health officer but the local health officer shall not be removed until after notice is given, and an opportunity for a hearing before the board or official responsible for his or her appointment under this section as to the reason for his or her removal. The local health officer shall act as executive secretary to, and administrative officer for the local board of health and shall also be empowered to employ such technical and other personnel as approved by the local board of health except where the local board of health has appointed an administrative officer under RCW 70.05.040. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health. In home rule counties that are part of a health district under this chapter and chapter 70.46 RCW the local health officer and administrative officer shall be appointed by the local board of health.

**Sec. 9.** RCW 70.08.040 and 1985 c 124 s 4 are each amended to read as follows:

Notwithstanding any provisions to the contrary contained in any city or county charter, where a combined department is established under this chapter, the director of public health under this chapter shall be appointed by the county executive of the county and the mayor of the city ~~((for a term of four years and until a successor is appointed and confirmed. The director of public health may be reappointed by the county executive of the county and the mayor of the city for additional four-year terms)).~~ The appointment shall be effective only upon a majority vote confirmation of the legislative authority of the county and the legislative authority of the city. The director may be removed by the county executive of the county, after consultation with the mayor of the city, upon filing a statement of reasons therefor with the legislative authorities of the county and the city.

**Sec. 10.** RCW 70.46.020 and 1993 c 492 s 247 are each amended to read as follows:

Health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties. The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and shall have a jurisdiction coextensive with the combined boundaries. The boards of county commissioners may by resolution or ordinance provide for elected officials from cities and towns and persons other than elected officials as members of the district board of health so long as persons other than elected officials do not constitute a majority. A resolution or ordinance adopted under this section must specify the provisions for the appointment, term, and compensation, or reimbursement of expenses. Any multicounty health district existing on the effective date of this act shall continue in existence unless and until changed by affirmative action of all boards of county commissioners or one or more counties withdraws pursuant to RCW 70.46.090.

At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

**NEW SECTION. Sec. 11.** A new section is added to chapter 70.46 RCW to read as follows:

A health district to consist of one county may be created whenever the county legislative authority of the county shall pass a resolution or ordinance to organize such a health district under chapter 70.05 RCW and this chapter.

The resolution or ordinance may specify the membership, representation on the district health board, or other matters relative to the formation or operation of the health district. The county legislative authority may appoint elected officials from cities and towns and persons other than elected officials as members of the health district board so long as persons other than elected officials do not constitute a majority.

Any single county health district existing on the effective date of this act shall continue in existence unless and until changed by affirmative action of the county legislative authority.

**Sec. 12.** RCW 43.72.902 and 1993 c 492 s 470 are each amended to read as follows:



The public health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and improving the health of Washington residents through the public health system. For purposes of this section, the public health system shall consist of the state board of health, the state department of health, and local health departments and districts. (~~Funds appropriated from this account to local health departments and districts shall be distributed ratably based on county population as last determined by the office of financial management.~~)

**NEW SECTION. Sec. 13.** Sections 1 through 3 of this act are each added to chapter 43.70 RCW.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**Sec. 15.** RCW 43.72.915 and 1993 sp.s. c 25 s 603 are each amended to read as follows:

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for:

(1) Sections 234 through 243, 245 through 254, and 257 of this act, which shall take effect (~~(July 1, 1995)~~) January 1, 1996 or January 1, 1998, if funding is not provided as set forth in section 17(4) of this act; and

(2) Sections 301 through 303 of this act, which shall take effect January 1, 1994.

**NEW SECTION. Sec. 16.** The following acts or parts of acts are each repealed, effective June 30, 1995:

(1) 1993 c 492 s 244;

(2) 1993 c 492 s 256 (uncodified); and

(3) 1993 c 492 s 255.

**NEW SECTION. Sec. 17.** (1) Sections 15 and 16 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 30, 1995.

(2) Sections 1 through 5, 12, and 13 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

(3) Section 9 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(4) Sections 6 through 8, 10, and 11 of this act take effect January 1, 1996, if funding of at least two million two hundred fifty thousand dollars, is provided by June 30, 1995, in the 1995 omnibus appropriations act or as a result of the passage of Senate Bill No. 6058, to implement the changes in public health governance as outlined in this act. If such funding is not provided, sections 6 through 8, 10, and 11 of this act shall take effect January 1, 1998."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Quigley and Hale to Substitute Senate Bill No. 5253.

The motion by Senator Quigley carried and the striking amendment was adopted:

#### MOTIONS

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 2 of the title, after "plan;" strike the remainder of the title and insert "amending RCW 41.05.240, 70.05.030, 70.05.035, 70.05.050, 70.08.040, 70.46.020, 43.72.902, and 43.72.915; adding a new section to chapter 70.46 RCW; adding new sections to chapter 43.70 RCW; recodifying RCW 41.05.240; repealing 1993 c 492 s 244; repealing 1993 c 492 s 255; repealing 1993 c 492 s 256 (uncodified); providing effective dates; and declaring an emergency."

On motion of Senator Quigley, the rules were suspended, Engrossed Substitute Senate Bill No. 5253 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5253.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5253 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Moyer and Roach - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5848, by Senator Smith

Providing for retrocession of criminal jurisdiction by the Tulalip Tribe.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5848 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5848.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5848 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 40.

Voting nay: Senators Cantu, McDonald, Newhouse, Oke and Strannigan - 5.

Excused: Senators Anderson, A., Anderson, C., Moyer and Roach - 4.

SENATE BILL NO. 5848, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 9:58 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:11 a.m. by President Pritchard..

#### SECOND READING

SENATE BILL NO. 5082, by Senators Haugen, Owen and Loveland

Providing for death investigations systems.

#### MOTIONS

On motion of Senator Haugen, Second Substitute Senate Bill No. 5082 was substituted for Senate Bill No. 5082 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Second Substitute Senate Bill No. 5082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5082.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5082 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Absent: Senator Rinehart - 1.

Excused: Senators Anderson, A., Anderson, C., Moyer and Roach - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5204, by Senators Hargrove, Long, Franklin, Kohl, Oke and Winsley (by request of Department of Corrections)

Revising provisions relating to work ethic camps.

The bill was read the second time.

#### MOTION

Senator Oke moved that the following amendments by Senators Oke, Hargrove, Long and Rinehart be considered simultaneously and be adopted:

On page 2, beginning on line 21, after "confinement." strike all material through "confinement." on line 23, and insert "~~((The court shall also provide that upon completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement.))~~ In sentencing an offender to the work ethic camp, the court shall specify: (a) That upon completion of the work ethic

camp program, the offender shall be released on community custody for any remaining time of total confinement; (b) the applicable conditions of supervision on community custody status as authorized by RCW 9.94A.120(8)(b) and (c); and (c) which conditions, if violated, may result in a return to total confinement for the balance of the offender's remaining time of confinement."

On page 3, after line 9, insert the following:

"**Sec. 2.** RCW 9.94A.120 and 1994 c 1 s 2 (Initiative Measure No. 593) and 1993 c 31 s 3 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(A) Frequency and type of contact between offender and therapist;

(B) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community supervision for the length of the suspended sentence or three years, whichever is greater; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) Except as provided in (a)(vii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(vii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (7) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (7) and the rules adopted by the department of health.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the

offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after July 1, 1990.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(8)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW

9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) An offender in community custody shall not unlawfully possess controlled substances;
- (v) The offender shall pay supervision fees as determined by the department of corrections; and
- (vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period

of community placement.

(c) The court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol; or
- (v) The offender shall comply with any crime-related prohibitions.

(d) As a part of any sentence providing for conversion from total confinement to community custody pursuant to RCW 9.94A.137(3) after successful completion of a work ethic camp program, the court shall impose and enforce the conditions enumerated in (b) of this subsection and may order any of the special conditions enumerated in (c) of this subsection, including a prohibition against new felony convictions. The court shall specify which of the conditions, if violated, may result in a return to total confinement for the balance of the offender's remaining term of confinement.

(e) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(10) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(12) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment. The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(13) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive

possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(14) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(15) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(16) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(17) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(18) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(19) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Oke, Hargrove, Long and Rinehart on page 2, beginning on page 21, and page 3, after line 9, to Senate Bill No. 5204.

The motion by Senator Oke carried and the amendments were adopted.

#### MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "9.94A.137;" insert "reenacting and amending RCW 9.94A.120;"

On motion of Senator Hargrove, the rules were suspended, Engrossed Senate Bill No. 5204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5204.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5204 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Moyer and Roach - 4.

ENGROSSED SENATE BILL NO. 5204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5516, by Senators Owen, Prentice, Deccio, Palmer, Sutherland, McDonald, Rinehart, Haugen, Sheldon, Heavey, Fraser, Franklin, Bauer, Roach and Rasmussen

Providing for drug-free workplaces.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5516 was substituted for Senate Bill No. 5516 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5516.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5516 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Moyer and Roach - 4.

SUBSTITUTE SENATE BILL NO. 5516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5885, by Senators Hargrove, Long, Owen, Kohl, Haugen, Rasmussen, Franklin, Bauer and Winsley

Modifying services to families.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5885 was substituted for Senate Bill No. 5885 and the substitute bill was placed on second reading and read the second time.

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Hargrove be adopted:

On page 40, line 34, after "transmitted" strike everything down to and including "request." on line 36 and insert "within two school days after receiving the request and the records shall be sent as soon as possible. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Hargrove on page 40, line 34, to Substitute Senate Bill No. 5885.

The motion by Senator McAuliffe carried and the amendment was adopted.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5885 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5885.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5885 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.



Excused: Senators Anderson, A., Anderson, C., Moyer and Roach - 4.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5885, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5662, by Senators Owen, Swecker and Morton

Clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5662 was substituted for Senate Bill No. 5662 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendments by Senators Owen, Swecker, Morton, Drew and Sellar were considered simultaneously and were adopted:

On page 3, after line 19, insert the following:

"(8) The performance security deposit obligations of subsection (1) of this section do not apply to the extraction of dolomite, sand, gravel, aggregate, limestone, magnesite, silica rock, zeolite, or other nonmetallic minerals; placer mining; and the smelting of aluminum, as such activities are not metals mining and milling operations for purposes of this chapter."

On page 6, after line 18, insert the following:

"(11) The performance security deposit obligations of RCW 78.56.110(1) do not apply to the extraction of dolomite, sand, gravel, aggregate, limestone, magnesite, silica rock, zeolite, or other nonmetallic minerals; placer mining; and the smelting of aluminum, as such activities are not metals mining and milling operations for purposes of chapter 78.56 RCW."

#### MOTION

On motion of Senator Drew, the rules were suspended, Engrossed Substitute Senate Bill No. 5662 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5662.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5662 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, A., Anderson, C. and Moyer - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5053, by Senators Haugen and Winsley

Modifying real estate disclosure provisions.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5053 was substituted for Senate Bill No. 5053 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5053.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5053 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, A., Anderson, C. and Moyer - 3.

SUBSTITUTE SENATE BILL NO. 5053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5074, by Senator Fraser

Changing the limitations on the use of wood stoves.

The bill was read the second time.

#### MOTIONS

On motion of Senator Morton, the following amendment by Senators Morton, Fraser and McDonald was adopted:

On page 3, after line 36, insert the following:

"**Sec. 3.** RCW 70.94.457 and 1991 c 199 s 501 are each amended to read as follows:

The department of ecology shall establish by rule under chapter 34.05 RCW:

(1) State-wide emission performance standards for new solid fuel burning devices. Notwithstanding any other provision of this chapter which allows an authority to adopt more stringent emission standards, no authority shall adopt any emission standard for new solid fuel burning devices other than the state-wide standard adopted by the department under this section.

(a) After January 1, 1995, no solid fuel burning device shall be offered for sale in this state to residents of this state that does not meet the following particulate air contaminant emission standards under the test methodology of the United States environmental protection agency in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by the United States environmental protection agency subsequent to such date: (i) Two and one-half grams per hour for catalytic wood stoves; and (ii) four and one-half grams per hour for all other solid fuel burning devices. For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection multiplied by a statistically reliable conversion factor determined by the department that compares the difference between the emission test methodology established by the United States environmental protection agency prior to May 15, 1991, with the test methodology adopted subsequently by the agency. Subsection (a) of this subsection does not apply to fireplaces.

(b) After January 1, 1997, no fireplace, except masonry fireplaces, shall be offered for sale unless such fireplace meets the 1990 United States environmental protection agency standards for wood stoves or equivalent standard that may be established by the state building code council by rule. Prior to January 1, 1997, the state building code council shall establish by rule a methodology for the testing of factory-built fireplaces. The methodology shall be designed to achieve a particulate air emission standard equivalent to the 1990 United States environmental protection agency standard for wood stoves. In developing the rules, the council shall include on the technical advisory committee at least one representative from the masonry fireplace builders and at least one representative of the factory-built fireplace manufacturers.

(c) Prior to January 1, 1997, the state building code council shall establish by rule design standards for the construction of new masonry fireplaces in Washington state. In developing the rules, the council shall include on the technical advisory committee at least one representative from the masonry fireplace builders and at least one representative of the factory-built fireplace manufacturers. It shall be the goal of the council to develop design standards that generally achieve reductions in particulate air contaminant emissions commensurate with the reductions being achieved by factory-built fireplaces at the time the standard is established.

(d) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by this act.

(e) Subsection (1)(a) of this section shall not apply to fireplaces.

(f) Notwithstanding (a) of this subsection, the department is authorized to adopt, by rule, emission standards adopted by the United States environmental protection agency for new wood stoves sold at retail. For solid fuel burning devices for which the United States environmental protection agency has not established emission standards, the department may exempt or establish, by rule, state-wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves and fireplaces regulated under this subsection.

(2) A program to:

(a) Determine whether a new solid fuel burning device complies with the state-wide emission performance standards established in subsection (1) of this section; and

(b) Approve the sale of devices that comply with the state-wide emission performance standards.

**Sec. 4.** RCW 70.94.460 and 1987 c 405 s 7 are each amended to read as follows:

After July 1, 1988, no person shall sell, offer to sell, or knowingly advertise to sell a new wood stove in this state to a resident of this state unless the wood stove has been approved by the department under the program established under RCW 70.94.457."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "RCW" strike the remainder of the title and insert "70.94.473, 70.94.477, 70.94.457, and 70.94.460."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 5074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5074.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5074 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, A., Anderson, C. and Moyer - 3.

ENGROSSED SENATE BILL NO. 5074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5609, by Senators Loveland, Rasmussen, Prince, Snyder, Morton, West and A. Anderson

Concerning the powers and duties of air pollution control authorities.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5609 was substituted for Senate Bill No. 5609 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 5609 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Kohl, Senator Smith was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5609.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5609 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Absent: Senator Pelz - 1.

Excused: Senators Anderson, A., Anderson, C., Moyer and Smith - 4.

SUBSTITUTE SENATE BILL NO. 5609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5698, by Senators Roach, Spanel and Smith

Providing for retrocession of criminal jurisdiction by the Muckleshoot Tribe.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5698 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5698.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5698 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Cantu and Strannigan - 2.

Excused: Senators Anderson, A., Anderson, C., Moyer and Smith - 4.

SENATE BILL NO. 5698, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:07 p.m., on motion of Senator Spanel, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:26 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5992, by Senators Bauer, Pelz, Wood, Prince, Kohl, Deccio, Heavey and Rasmussen

Clarifying the role of the work force training and education coordinating board.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5992 was substituted for Senate Bill No. 5992 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5992 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Loveland, Senator Haugen was excused.

On motion of Senator Wood, Senators Deccio and McDonald were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5992.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5992 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Wojahn and Wood - 42.

Absent: Senators Rinehart and Winsley - 2.

Excused: Senators Anderson, C., Deccio, Haugen, McDonald and Moyer - 5.

SUBSTITUTE SENATE BILL NO. 5992, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Loveland, Senator Kohl was excused.

#### SECOND READING

SENATE BILL NO. 5065, by Senators Smith, Winsley and Schow (by request of Department of Corrections)

Specifying sentencing conditions for felons who commit additional felonies.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5065.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5065 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Deccio, Haugen, Kohl, McDonald and Moyer - 6.

SENATE BILL NO. 5065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5757, by Senators McCaslin, Haugen, Winsley, Heavey and Sheldon

Changing provisions relating to bidding requirements.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5757 was substituted for Senate Bill No. 5757 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon the rules were suspended, Substitute Senate Bill No. 5757 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5757.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5757 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Deccio, Haugen, McDonald and Moyer - 5.

SUBSTITUTE SENATE BILL NO. 5757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act. .

#### SECOND READING

SENATE BILL NO. 5877, by Senators Heavey, Haugen, Wood, Deccio and Rasmussen

Regulating limousines, taxicabs, and other for hire vehicles.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5877 was substituted for Senate Bill No. 5877 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the following amendment was adopted:

On page 4, line 1, after "RCW." insert "vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels and rental offices."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 5877 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5877.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5877 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 41.

Voting nay: Senators Cantu and Finkbeiner - 2.

Absent: Senator McAuliffe - 1.

Excused: Senators Anderson, C., Deccio, Haugen, McDonald and Moyer - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5877, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5899, by Senators Kohl, Owen, Prentice and Prince

Exploring alternative transportation demand management strategies.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5899 was substituted for Senate Bill No. 5899 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5899 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5899.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5899 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Deccio, Haugen, McDonald and Moyer - 5.

SUBSTITUTE SENATE BILL NO. 5899, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5818, by Senators Winsley, Ann Anderson, Cal Anderson and McAuliffe

Paying benefits when a member dies before retirement.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5818 was substituted for Senate Bill No. 5818 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5818 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5818.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5818 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Deccio, Haugen, McDonald and Moyer - 5.

SUBSTITUTE SENATE BILL NO. 5818, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5157, by Senators Owen, Drew, Sutherland, Hargrove, Oke and Haugen

Providing for conspicuous external marking of hatchery produced chinook salmon and coho salmon.

#### MOTIONS

On motion of Senator Drew, Second Substitute Senate Bill No. 5157 was substituted for Senate Bill No. 5157 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Second Substitute Senate Bill No. 5157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5157.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5157 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senator Snyder - 1.

Excused: Senators Anderson, C., Deccio, Haugen, McDonald and Moyer - 5.

SECOND SUBSTITUTE SENATE BILL NO. 5157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act .

#### MOTION

At 3:05 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:30 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5875, by Senators Fraser and Fairley

Regulating wetlands mitigation banks.

#### MOTIONS



On motion of Senator Fraser, Substitute Senate Bill No. 5875 was substituted for Senate Bill No. 5875 and the substitute bill was placed on second reading and read the second time.

Senator Morton moved that the following amendment by Senators Morton, Snyder, Hargrove and Oke be adopted:

On page 3, line 20, after "values" insert ", provided that no agency shall develop or implement a wetland program that uses a delineation process which is more stringent than that adopted by the United States army corps of engineers"

#### POINT OF ORDER

Senator Fraser: "Mr. President, I would like to raise a point of order. I feel that this amendment exceeds the scope and object of the bill. As the proponent stated, the purpose of the amendment is to be regulatory. The bill itself is not regulatory; the bill deals with a voluntary cooperative process. It does not address wetland standards at all, but the amendment does address regulatory standards."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5875.

#### SECOND READING

SENATE BILL NO. 5918, by Senators Sheldon, Hargrove, Quigley, Prentice, Rasmussen and Kohl

Revising provisions for a single system of accountability for the mental health service delivery system.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5918 was substituted for Senate Bill No. 5918 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5918 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Bauer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5918.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5918 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Bauer, Haugen and Moyer - 4.

SUBSTITUTE SENATE BILL NO. 5918, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5873, by Senators Fairley, Owen, Fraser, Smith, Prentice, Kohl and Oke

Raising the fine for parking in places reserved for physically handicapped persons.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5873 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Spanel, the rules were suspended and Senate Bill No. 5873 was returned to second reading and read the second time.

There being no objection, the President deferred further consideration of Senate Bill No. 5873.

#### SECOND READING

SENATE BILL NO. 5655, by Senators Rasmussen and Sellar

Revising state freight rail service programs.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5655 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5655.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5655 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Bauer and Moyer - 3.

SENATE BILL NO. 5655, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5956, by Senators Rasmussen, Strannigan, Rinehart, Hargrove, Smith, Schow, Prentice, Hochstatter, Wojahn, Haugen, Sheldon, Gaspard, Deccio, Spanel, Morton, Pelz, Franklin, Bauer, Kohl, Sutherland, Palmer, McDonald, Wood, A. Anderson, Owen, McAuliffe, Fraser, Long, West, Oke and Winsley

Collecting unpaid court obligations.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5956 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5956.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5956 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Bauer and Moyer - 3.

SENATE BILL NO. 5956, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5993, by Senators Winsley, Finkbeiner, Swecker and Wood

Providing for paid leaves of absence for state employees to provide disaster relief services.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5993 was substituted for Senate Bill No. 5993 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5993 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5993.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5993 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 42.

Voting nay: Senators Anderson, A., Cantu, Hochstatter and Johnson - 4.

Excused: Senators Anderson, C., Bauer and Moyer - 3.

SUBSTITUTE SENATE BILL NO. 5993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5606, by Senators Fraser, Haugen, Owen, McCaslin, Swecker, Newhouse, Oke, Rasmussen, Winsley, Morton and Schow

Providing for use of reclaimed water.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5606 was substituted for Senate Bill No. 5606 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5606.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5606 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Bauer and Moyer - 3.

SUBSTITUTE SENATE BILL NO. 5606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5625, by Senators Haugen, Drew, Oke and Rasmussen

Clarifying hunting license requirements.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 5625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5625.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5625 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Bauer and Moyer - 3.

SENATE BILL NO. 5625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5581, by Senators Fraser, Sellar, Prentice, Roach, Snyder, Sutherland, Smith, Hale, Spanel, C. Anderson and Winsley

Extending the expiration date for the pollution liability insurance program.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5581.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5581 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senator Fairley - 1.

Excused: Senators Anderson, C., Bauer and Moyer - 3.

SENATE BILL NO. 5581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5563, by Senators West, Pelz and McCaslin

Relating to class H liquor licenses issued to hotels operating conference or convention centers or having banquet facilities on property owned or through leasehold interest by the licensed hotel.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5563 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5563.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5563 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Bauer and Moyer - 3.

SENATE BILL NO. 5563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5556, by Senators C. Anderson, Long, Kohl, A. Anderson, Fairley, Sheldon, Prentice, Moyer and Haugen

Revoking the license of a massage practitioner who has been convicted of prostitution.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 5556 was substituted for Senate Bill No. 5556 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 5556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5556.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5556 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Bauer and Moyer - 3.

SUBSTITUTE SENATE BILL NO. 5556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5873, which was returned to second reading after the rules were suspended earlier today.

#### MOTION

On motion of Senator McAuliffe, the following amendment by Senators McAuliffe and Fairley was adopted:

On page 4, after line 13, insert the following:

"**Sec. 2.** RCW 46.08.150 and 1961 c 12 s 46.08.150 are each amended to read as follows:

The director of general administration shall have power to devise and promulgate rules and regulations for the control of vehicular and pedestrian traffic and the parking of motor vehicles on the state capitol grounds. However, the monetary penalty for parking a motor vehicle without a valid special license plate or placard in a parking place reserved for physically disabled persons shall be the same as provided in RCW 46.16.381. Such rules and regulations shall be promulgated by publication in one issue of a newspaper published at the state capitol and shall be given such further publicity as the director may deem proper."

#### MOTIONS

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "46.16.381" insert "and 46.08.150"

On motion of Senator Smith, the rules were suspended, Engrossed Senate Bill No. 5873, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5873, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5873 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Bauer and Moyer - 3.

ENGROSSED SENATE BILL NO. 5873, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5344, by Senators Wojahn, Smith, Haugen and Kohl

Changing provisions relating to child support enforcement.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

On page 4, line 8, after "(2)", strike all material through "services." on line 12, and insert "Make available to the mother and putative father written information, that the department of social and health services shall furnish, regarding paternity establishment."

On motion of Senator Hochstatter, the following amendments by Senators Hochstatter and Wojahn were considered simultaneously and were adopted:

On page 3, after line 35, insert the following:

**"NEW SECTION. Sec. 2.** (1) The office of support enforcement shall establish a pilot project to enter into contracts with collection agencies for collection of accounts that the office of support enforcement is unsuccessful in collecting after twelve months. The listing collection agency shall not assess the department any fee. All fees collected shall be in addition to the amount of the debt owed by the delinquent party and shall be assessed to the delinquent party not to exceed twenty percent of the amount owed. All child support collected by the collection agency shall be paid to the state.

(2) The department shall monitor each case that it refers to a collection agency.

(3) The department shall evaluate the effectiveness of entering into contracts for services under this section.

(4) The pilot project shall begin July 1, 1995, and end July 1, 1997.

(5) The department shall report to the legislature on the results of its analysis under subsections (2) and (3) of this section by December 1, 1998."

Renumber the remaining sections consecutively.

On page 5, after line 2, insert the following:

**"NEW SECTION. Sec. 4.** The governor and the department of social and health services shall seek all necessary exemptions and waivers from and amendments to federal statutes, rules, and regulations and shall report to the appropriate committees in the house of representatives and senate quarterly on the efforts to secure the federal changes to permit full implementation of section 2 of this act at the earliest possible date.

**NEW SECTION. Sec. 5.** In the event that the department of social and health services is not able to obtain the necessary exemptions, waivers, or amendments referred to in section 4 of this act before January 1, 1998, this act shall expire on that date and shall have no further force or effect.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

#### MOTIONS

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "67.70.255;" strike "and" and on line 3, after "RCW" insert "; creating new sections; providing a contingent expiration date; and declaring an emergency"

On motion of Senator Smith, the rules were suspended, Engrossed Senate Bill No. 5344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5344.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5344 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Bauer and Moyer - 3.

ENGROSSED SENATE BILL NO. 5344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5529, by Senators McAuliffe, Rinehart, Moyer, McDonald, Wojahn and Winsley (by request of Office of Financial Management)

Changing school district levy provisions.

The bill was read the second time.

#### MOTION

Senator McAuliffe moved that the following Committee on Education amendments be considered simultaneously and be adopted:

On page 1, beginning on line 5, strike all material through "1997." on page 3, line 3

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 5, beginning on line 31, strike all material through "1997." on line 32

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Education amendments on page 1, beginning on line 5, and page 5, beginning on line 31, to Senate Bill No. 5529.

The motion by Senator McAuliffe carried and the committee amendments were adopted.

#### MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "levies;" strike the remainder of the title and insert "and amending RCW 84.52.0531."

On motion of Senator McAuliffe, the rules were suspended, Engrossed Senate Bill No. 5529 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5529.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5529 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 37.

Voting nay: Senators Bauer, Cantu, Hargrove, Haugen, Loveland, Newhouse, Rasmussen, Schow, Sellar and Snyder - 10.

Excused: Senators Anderson, C. and Moyer - 2.

ENGROSSED SENATE BILL NO. 5529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5540, by Senators Smith, Roach, C. Anderson, Schow, Franklin, Kohl and Winsley

Authorizing drug-free zones around public housing authority facilities.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5540 was substituted for Senate Bill No. 5540 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5540.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5540 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.



Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

SUBSTITUTE SENATE BILL NO. 5540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, Senator Wojahn was excused.

#### SECOND READING

SENATE BILL NO. 5538, by Senators McAuliffe, Pelz and Rasmussen (by request of Board of Education and Superintendent of Public Instruction Billings)

Changing state board of education staff provisions.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5538.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5538 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 46.

Excused: Senators Anderson, C., Moyer and Wojahn - 3.

SENATE BILL NO. 5538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5523, by Senators Smith and Johnson

Regulating payment of criminal defendants' costs.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5523.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5523 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 46.

Excused: Senators Anderson, C., Moyer and Wojahn - 3.

SENATE BILL NO. 5523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5522, by Senators Smith, Roach, C. Anderson and Johnson

Regulating the use of pro tempore judges and court commissioners.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5522 was substituted for Senate Bill No. 5522 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5522.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 46.

Excused: Senators Anderson, C., Moyer and Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5407, by Senators Winsley, Haugen, Oke and Wojahn

Allowing voters to protect a portion of metropolitan park district property taxes from prorationing.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5407 was substituted for Senate Bill No. 5407 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5407.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5407 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 45.

Voting nay: Senator Loveland - 1.

Excused: Senators Anderson, C., Moyer and Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5501, by Senators Bauer, Rinehart, Oke, Prince and Wojahn (by request of Legislative Budget Committee)

Streamlining hospital regulation and inspection.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Senate Bill No. 5501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Fairley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5501.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5501 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 45.

Excused: Senators Anderson, C., Fairley, Moyer and Wojahn - 4.

SENATE BILL NO. 5501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5802, by Senators Fraser and Sellar

Regulating housing authorities.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5802.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5802 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 44.

Absent: Senator Smith - 1.

Excused: Senators Anderson, C., Fairley, Moyer and Wojahn - 4.

SENATE BILL NO. 5802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5771, by Senators Pelz, Newhouse and Deccio (by request of Employment Security Department)

Establishing unemployment insurance liability for third party employers.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5771 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Smith was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5771.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5771 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 44.

Excused: Senators Anderson, C., Fairley, Moyer, Smith and Wojahn - 5.

SENATE BILL NO. 5771, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5767, by Senators Deccio and McCaslin

Authorizing consolidation of municipal irrigation assessment districts.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5767 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5767.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5767 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Fairley, Moyer and Smith - 4.

SENATE BILL NO. 5767, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5748, by Senators Prentice, Fraser, Sellar, Rinehart, Prince, Smith, C. Anderson, Franklin, Kohl, Heavey, Pelz and Wojahn (by request of Human Rights Commission)

Expanding the state law against discrimination.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5748.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5748 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Fairley and Moyer - 3.

SENATE BILL NO. 5748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5633, by Senators Snyder, Swecker, Hargrove, Haugen, Morton, Hochstatter, Owen and Rasmussen

Attempting to limit the growth and spread of the noxious weed spartina.

#### MOTIONS

On motion of Senator Snyder, Second Substitute Senate Bill No. 5633 was substituted for Senate Bill No. 5633 and the second substitute bill was placed on second reading and read the second time.

Senator Snyder moved that the following amendment by Senators Snyder, Fraser and Morton be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that:

(1) *Spartina alterniflora*, *Spartina anglica*, and *Spartina patens* which are collectively called spartina are not native to the state of Washington nor to the west coast of North America. This noxious weed was inadvertently introduced into the wetlands of the state and is now aggressively invading new areas to the detriment of native ecosystems and aquatic habitat.

(2) The spread of spartina threatens to permanently convert and displace native freshwater and saltwater wetlands and intertidal zones, including critical habitat for migratory birds, many fish species, bivalves, invertebrates, marine mammals, and other animals. The continued spread of spartina will permanently reduce the diversity and the quantity of these species and will have a significant negative environmental impact.

(3) *Spartina* poses a significant hydrological threat. Clumps and meadows of spartina are dense environments that bind sediments and lift the intertidal gradient up out of the intertidal zone through time. This process reduces flows during flood conditions, raises flood levels, and significantly alters the hydrological regime of estuarine areas.

(4) *Spartina* spreads by rhizomes and seed production. Through lateral growth by rhizomes, spartina establishes a dense monotypic meadow. Through seed production and the spread of seed through the air and by water, spartina is currently being spread to other states and to Canadian provinces.

(5) Current laws and rules designed to protect the environment and preserve the wetland habitats, fish, and wildlife of the state are not designed to respond to an ecosystem-wide threat of this kind. State and federal agencies, local governments, weed boards, concerned individuals, and property owners attempting to deal with this emergency have been frustrated by interagency disagreements, demands for an undue amount of procedural and scientific process and information, dilatory appeals, and the improper application of laws and regulations by agencies that have in fact undermined the legislative purposes of those same laws while ignoring the long-term implications of delay and inaction. There is a compelling need for strong leadership, coordination, and reporting by a single state agency to respond appropriately to this urgent environmental challenge.

(6) Any further delay of control efforts will significantly increase the cost of spartina control and reduce the likelihood of long-term success. Control efforts must be coordinated across political and ownership boundaries in order to be effective.

(7) In destroying the biodiversity of tidelands and elevating tidelands, spartina places an undue financial burden upon private citizens, local governments, and taxing districts and has had a negative impact upon local economies dependent on a healthy estuarine ecosystem.

(8) The presence of noxious weeds on public lands constitutes a public nuisance and negatively impacts public and private lands. The legislature finds that control and eradication of noxious weeds on private lands is in the public interest.

**NEW SECTION. Sec. 2.** This state is facing an environmental disaster that will affect other states as well as other nations. The legislature finds that six years is sufficient time for state agencies to debate solutions to the spartina problem that is occurring in state waters. The purpose of this act is to focus agency action on control and future eradication of spartina. It is the mandate of the legislature that one state agency be responsible for a unified effort to eliminate spartina, with the advice of the state noxious weed control board, and that state agency shall be directly accountable to the legislature on the progress of the spartina eradication program.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.48 RCW to read as follows:

The director shall approve water quality permits to federal, state, and local agencies, and licensed applicators for the purpose of utilizing surfactants and federally approved herbicides for aquatic noxious weed control subject only to compliance with federal labeling requirements, the federal insecticide, fungicide, and rodenticide act, the noxious weed control board act, the Washington pesticide control act, the Washington pesticide application act, the state environmental policy act, and applicable environmental impact statements. The director shall not utilize this permit authority to otherwise condition or burden weed control efforts. The director's authority to issue water quality permits for activities other than the application of surfactants and approved herbicides, to control aquatic noxious weeds, is unaffected by this section.

**NEW SECTION. Sec. 4.** (1) All activities solely for the removal and control of *Spartina alterniflora*, *Spartina anglica*, and *Spartina patens* shall not require hydraulic project approval.

(2) All activities solely for removal and control of purple loosestrife that are performed with hand-held tools or hand-held equipment shall not require a hydraulic project approval.

(3) By June 30, 1997, the department of fish and wildlife shall develop a pamphlet for other aquatic noxious weed removal and control projects that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Following adoption of the pamphlet by rule, the pamphlet shall serve as a hydraulic project approval for aquatic noxious weed control for most control activities.

(4) Nothing in this section shall prohibit the department of fish and wildlife from requiring a hydraulic project approval for those parts of hydraulic projects that are not specifically for aquatic noxious weed control or removal.

**Sec. 5.** RCW 90.58.030 and 1987 c 474 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and

(E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology: PROVIDED, That any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge;

(xii) The process of removal or control of aquatic noxious weeds, listed as such under RCW 17.10.080 or 17.10.090, such as spartina, through the use of an herbicide or other treatment methods that are consistent with an applicable environmental impact statement.

**Sec. 6.** RCW 17.10.010 and 1987 c 438 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Noxious weed" means any plant which when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.

(2) "State noxious weed list" means a list of noxious weeds adopted by the state noxious weed control board which list is divided into three classes:

(a) Class A shall consist of those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state;

(b) Class B shall consist of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region;

(c) Class C shall consist of any other noxious weeds.

(3) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.



(4) "Owner" means the person in actual control of property, or his agent, whether such control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of such easement shall be deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of such easement.

(5) As pertains to the duty of an owner, the words "control", "contain", "eradicate", and the term "prevent the spread of noxious weeds" shall mean conforming to the standards of noxious weed control or prevention adopted by rule or regulation by the state noxious weed control board and an activated county noxious weed control board.

(6) "Agent" means any occupant or any other person acting for the owner and working or in charge of the land.

(7) "Agricultural purposes" are those which are intended to provide for the growth and harvest of food and fiber.

(8) "Director" means the director of the department of agriculture or the director's appointed representative.

(9) "Weed district" means a weed district as defined in chapters 17.04 and 17.06 RCW.

(10) "Aquatic noxious weed" means an aquatic plant species that is listed on the state weed list under RCW 17.10.080.

**Sec. 7.** RCW 90.48.020 and 1987 c 109 s 122 are each amended to read as follows:

Whenever the word "person" is used in this chapter, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever.

Wherever the words "waters of the state" shall be used in this chapter, they shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Whenever the word "pollution" is used in this chapter, it shall be construed to mean such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Wherever the word "department" is used in this chapter it shall mean the department of ecology.

Wherever the word "director" is used in this chapter it shall mean the director of ecology.

Whenever the words "aquatic noxious weed" are used in this chapter, they mean aquatic plant species that are listed on the state weed list under RCW 17.10.080.

**NEW SECTION. Sec. 8.** State agencies and local governments may not use any other local, state, or federal permitting requirement, regulatory authority, or legal mechanism to override the legislative intent and statutory mandates of this act.

**NEW SECTION. Sec. 9.** Spartina removal shall include restoration to return intertidal land and other infested lands to the condition found on adjacent unaffected lands in the same tidal elevation. The department of fish and wildlife, the department of ecology, the department of agriculture, and the department of natural resources shall develop a restoration plan in cooperation with owners of spartina infested lands and shall submit the plan to the legislature by December 31, 1995.

**NEW SECTION. Sec. 10.** (1) The state department of agriculture is the lead agency for the control of spartina with the advice of the state noxious weed control board.

(2) Responsibilities of the lead agency include:

(a) Coordination of the control program including memorandums of understanding, contracts, and agreements with local, state, federal, and tribal governmental entities and private parties;

(b) Preparation of a state-wide spartina management plan utilizing integrated vegetation management strategies that encompass all of Washington's tidelands. The plan shall be developed in cooperation with local, state, federal, and tribal governments, private landowners, and concerned citizens. The plan shall prioritize areas for control, including directing on the ground control efforts that include, but are not limited to: (i) Control work and contracts; (ii) spartina survey; (iii) collection and maintenance of spartina location data; (iv) purchasing equipment, goods, and services; (v) survey of threatened and endangered species; and (vi) site-specific environmental information and documents; and

(c) Evaluating the effectiveness of the control efforts.

The lead agency shall report no later than May 15th and December 15th of each year on the progress of the program, the number of acres treated by various methods of control, and on the funds spent.

**NEW SECTION. Sec. 11.** The department of agriculture shall work in close conjunction with the state weed board. The department of agriculture may grant funds to other state agencies, local governments, and nonprofit corporations for eradication purposes and may use those moneys itself. The department of agriculture may match private funds for eradication programs on private property on a fifty-fifty matching basis. The accounting and supervision of the funds at the local level shall be conducted by the department of agriculture.

**NEW SECTION. Sec. 12.** The department of natural resources is responsible for spartina control on state-owned aquatic lands managed by the department of natural resources.

**NEW SECTION. Sec. 13.** Facilitating the control of spartina is a high priority for all state agencies.

NEW SECTION. Sec. 14. The department of fish and wildlife is responsible for spartina control on state-owned aquatic lands managed by the department of fish and wildlife.

NEW SECTION. Sec. 15. The state parks and recreation commission is responsible for spartina control on state-owned aquatic lands managed by the state parks and recreation commission.

NEW SECTION. Sec. 16. Sections 1, 2, 4, and 8 through 15 of this act shall constitute a new chapter in Title 17 RCW.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

#### POINT OF INQUIRY

Senator Ann Anderson: "Senator Snyder, I am just trying to quickly look over the striking amendment, because it is the first time that I have seen it. I know that we put a lot of work in on committee on this particular bill. As far as I can tell, the striking amendment really pretty closely tracks the bill that was passed out of committee. Can you just point out any pertinent differences--why we have the striking amendment versus the substitute bill that we passed out of committee?"

Senator Snyder: "I think, primarily, it is the permitting process on the hydraulic permit. Now, for spartina there is none. As long as you follow the EIS, which there is an EIS for the removal of spartina and also this latest version for milfoil and purple loosestrife. There is going to be a pamphlet developed by the Department of Fisheries and Wildlife to allow people, instead of going in and getting a hydraulics permit, the pamphlet will tell them at which times of the year, they can remove or use mechanical means of going in and eradicating milfoil and purple loosestrife. I think--Senator Morton looked this over and I think he was in full agreement with what this does."

Senator Ann Anderson: "Senator Snyder, I think I see the difference in Section 4 on the hydraulics permit. Is that the section that you have changed and as I read it, in Section 4, you have separated spartina from the purple loosestrife problems. In the substitute bill, we handled all of those the same, and this has two different methods of dealing with those?"

Senator Snyder: "Yes, that is correct."

Senator Ann Anderson: "Okay."

Vice President Pro Tempore Franklin assumed the Chair.

#### POINT OF INQUIRY

Senator Heavey: "Senator Snyder, there are a lot of weeds out there. Obviously, you have mentioned purple loosestrife and milfoil also, but this essentially addresses spartina. There are a lot of good projects out there that shouldn't, in my opinion, require a hydraulics project approval. I was wondering why, just take in spartina, why not expand this bill to take in more activities?"

Senator Snyder: "I think we made a pretty good step forward and maybe we can take care of some of the other problems in future legislation, but this does, I think, a good job for spartina, purple loosestrife and milfoil."

#### POINT OF INQUIRY

Senator Hochstatter: "Senator Snyder, it seems like objections to your bill are growing up like weeds. Would you yield to a question? In Section 4, my concern is loosestrife and the ability to spray. Can loosestrife be treated with chemicals in the second substitute?"

Senator Snyder: "Yes, the only restriction will be for--you are able to spray, you are able to use hand-held mechanical devices. The only thing you will have to get a hydraulics permit for is to use the larger devices like the mowing machines, and so forth for purple loosestrife. After two years, after the Fisheries and Wildlife develops a pamphlet, then all you have to do is to follow the requirements that are in the pamphlet and you won't have to go in and get a hydraulics permit from time to time."

Senator Hochstatter: "Thank you."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Snyder, Fraser and Morton to Second Substitute Senate Bill No. 5633.

The motion by Senator Snyder carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Snyder, the following title amendment was adopted:

On page 1, line 1 of the title, after "control;" strike the remainder of the title and insert "amending RCW 90.58.030, 17.10.010, and 90.48.020; adding a new section to chapter 90.48 RCW; adding a new chapter to Title 17 RCW; and declaring an emergency."

On motion of Senator Snyder, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5633 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5633.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5633 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senator Heavey - 1.

Excused: Senators Anderson, C., Fairley and Moyer - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5633, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5199, by Senators Quigley, Winsley, Haugen, Snyder, Sheldon, McAuliffe, Franklin and Drew (by request of Governor Lowry)

Eliminating and consolidating boards and commissions.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 5199 was substituted for Senate Bill No. 5199 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendment by Senators Haugen and Winsley was adopted:

On page 7, beginning on line 16, strike all of sections 401 and 402 and insert the following:

**"NEW SECTION. Sec. 401.** The legislature finds that the economic opportunities for cosmetologists, barbers, estheticians, and manicurists have deteriorated in this state as a result of the lack of skilled practitioners, inadequate licensing controls, and inadequate enforcement of health standards. To increase the opportunities for individuals to earn viable incomes in these professions and to protect the general health of the public, the state cosmetology, barbering, esthetics, and manicuring advisory board should be reconstituted and given a new charge to develop appropriate responses to this situation, including legislative proposals.

**Sec. 402.** RCW 18.16.050 and 1991 c 324 s 3 are each amended to read as follows:

(1) There is created a state cosmetology, barbering, esthetics, and manicuring advisory board consisting of ~~((five))~~ seven members appointed by the ~~((governor who shall advise the director concerning the administration of this chapter))~~ director. ~~((Four))~~ These seven members of the board shall include ~~((a minimum of two instructors))~~ a representative of a private cosmetology school and a representative of a public vocational technical school involved in cosmetology training, with the balance made up of currently practicing licensees who have been engaged in the practice of manicuring, esthetics, barbering, or cosmetology for at least three years. One member of the board shall be a consumer who is unaffiliated with the cosmetology, barbering, esthetics, or manicuring industry. The term of office for all board members ~~((is three years))~~ serving as of the effective date of this section expires June 30, 1995. On June 30, 1995, the director shall appoint seven new members to the board. These new members shall serve a term of two years, at the conclusion of which the board shall cease to exist. Any members serving on the advisory board as of the effective date of this act are eligible to be reappointed. Any board member may be removed for just cause. The director may appoint a new member to fill any vacancy on the ~~((committee))~~ board for the remainder of the unexpired term. ~~((No board member may serve more than two consecutive terms, whether full or partial.))~~

(2) The board appointed on June 30, 1995, together with the director or the director's designee, shall conduct a thorough review of educational requirements, licensing requirements, and enforcement and health standards for persons engaged in cosmetology, barbering, esthetics, or manicuring and shall prepare a report to be delivered to the governor, the director, and the chairpersons of the governmental operations

committees of the house of representatives and the senate. The report must summarize their findings and make recommendations, including, if appropriate, recommendations for legislation reforming and restructuring the regulation of cosmetology, barbering, esthetics, and manicuring.

(3) Board members shall be entitled to compensation pursuant to RCW 43.03.240 for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060."

#### MOTIONS

On motion of Senator Owen, the following amendment by Senators Owen and Quigley was adopted:

On page 33, after line 9, insert the following:

"(4) The director shall establish an advisory committee to develop new and review existing technical provisions for hydraulic project permit conditions that would commonly apply to bulkhead construction. The purpose of the advisory committee shall be to develop recommendations for legislative and rule changes that (1) protect against the loss of property of waterfront shoreline owners; (2) facilitate the timely issuance of hydraulic permits and the prompt completion of projects; (3) reduce subjective project approval decisions by the department; and (4) foster better working relationships between bulkhead contractors, landowners, and the department. These recommendations shall be based on scientific evidence that demonstrates the association of project activities with impacts on fish life. The advisory committee shall be comprised of technical experts in the field of bulkhead construction, civil engineering, hydrology, and fish biology. By January 1, 1996 the committee shall submit recommendations to the director and the natural resources committees of the House and Senate. The advisory committee shall expire on December 31, 1996."

On motion of Senator Haugen, the following amendment was adopted:

On page 51, line 9, after "~~same,))~~" insert "after conducting a hearing"

#### MOTION

On motion of Senator Quigley, the rules were suspended, Engrossed Substitute Senate Bill No. 5199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5199.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5199 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5442, by Senators Rasmussen, Morton, Loveland, Prince, Snyder and Newhouse

Directing the state weeds board to study weed control on state lands.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5442 was substituted for Senate Bill No. 5442 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Franklin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5442.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5442 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Franklin and Moyer - 3.

SUBSTITUTE SENATE BILL NO. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5437, by Senator Prentice (by request of Insurance Commissioner Senn)

Disclosing material transactions.

The bill was read the second time.

#### MOTIONS

On motion of Senator Prentice, the following amendment was adopted:

On page 4, line 2, after "more" strike "authorized" and insert "unauthorized"

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 5437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5437.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5437 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

ENGROSSED SENATE BILL NO. 5437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5434, by Senators Prentice, Hale and Fraser (by request of Insurance Commissioner Senn)

Amending licensing requirements of general agents.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5434.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5434 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

SENATE BILL NO. 5434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5207, by Senators Winsley, Haugen and Rasmussen

Clarifying annexation authority by municipal corporations providing sewer or water service of unincorporated territory.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5207 was substituted for Senate Bill No. 5207 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Loveland, Senator Prentice was excused.

On motion of Senator Heavey, Senator Franklin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5207.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5207 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Franklin, Moyer and Prentice - 4.

SUBSTITUTE SENATE BILL NO. 5207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5548, by Senators Fraser, Heavey, Hale, Newhouse, Deccio and Haugen

Changing the registration requirements relating to professional land surveyors and engineers.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5548.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5548 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Franklin, Moyer and Prentice - 4.

SENATE BILL NO. 5548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5727, by Senators Drew, Haugen, C. Anderson, Sheldon, Swecker, Winsley and Kohl (by request of Secretary of State Munro)

Updating accessibility requirements for polling and registration places.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5727 was substituted for Senate Bill No. 5727 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5727 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5727.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5727 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senator Palmer - 1.

Excused: Senators Anderson, C., Franklin, Moyer and Prentice - 4.

SUBSTITUTE SENATE BILL NO. 5727, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5724, by Senators Quigley, Long and Haugen (by request of State Law Library)

Simplifying publication and distribution of court reports.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5724 was substituted for Senate Bill No. 5724 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5724.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5724 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Moyer and Prentice - 3.

SUBSTITUTE SENATE BILL NO. 5724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5705, by Senators Newhouse, Prentice, Pelz, Wojahn, Hale, Heavey, Deccio, Palmer, Prince and Winsley (by request of Joint Task Force on Unemployment Insurance)

Establishing requirements for work force development programs in the employment security department.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Kohl, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5705.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5705 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Loveland and Moyer - 3.

SENATE BILL NO. 5705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5699, by Senators Fraser, Prince and Rasmussen (by request of Secretary of State Munro)

Revising provisions relating to international student exchange visitor placement organizations.



The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Sheldon, Senator Fairley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5699.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5699 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senator Anderson, A. - 1.

Excused: Senators Anderson, C., Fairley, Loveland and Moyer - 4.

SENATE BILL NO. 5699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5759, by Senators Pelz, Smith, Prince, Rinehart, Winsley, Heavey, Quigley, Drew, Prentice, Finkbeiner, Fairley, Fraser, Spanel, C. Anderson, Kohl and Wojahn

Including crimes committed to obstruct or hinder legal abortions on the list of aggravating circumstances for the purposes of imposing exceptional sentences.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5759.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5759 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Kohl, Loveland, McAuliffe, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 29.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Oke, Palmer, Roach, Schow, Strannigan, Swecker, West and Wood - 18.

Excused: Senators Anderson, C. and Moyer - 2.

SENATE BILL NO. 5759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6011, by Senator McAuliffe

Changing provisions relating to the purchase of liability insurance by school districts.

The bill was read the second time.

## MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6011.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6011 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

SENATE BILL NO. 6011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5387, by Senators Wojahn, Winsley, Franklin, Haugen, Rasmussen, McCaslin and West

Providing tax incentives for multiple-unit housing in urban centers.

## MOTIONS

On motion of Senator Prentice, Second Substitute Senate Bill No. 5387 was substituted for Senate Bill No. 5387 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Second Substitute Senate Bill No. 5387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5387.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5387 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Cantu, Hochstatter and Loveland - 3.

Excused: Senators Anderson, C. and Moyer - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 7:37 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Saturday, March 11, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FIRST DAY, MARCH 10, 1995

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**SIXTY-SECOND DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Saturday, March 11, 1995

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Finkbeiner, Moyer and Rinehart. On motion of Senator Loveland, Senator Cal Anderson was excused. On motion of Senator Ann Anderson, Senators Finkbeiner and Moyer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Catherine Frerichs and Jamie Kline, presented the Colors. President Pritchard offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 9, 1995

MR. PRESIDENT:

The House has passed:  
SECOND ENGROSSED HOUSE BILL NO. 1130,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1775,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2036, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 9, 1995

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1104,  
SUBSTITUTE HOUSE BILL NO. 1231,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1527,  
SUBSTITUTE HOUSE BILL NO. 1540,  
HOUSE BILL NO. 1542,  
HOUSE BILL NO. 1553,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1555,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1556,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594,  
SUBSTITUTE HOUSE BILL NO. 1625,  
SUBSTITUTE HOUSE BILL NO. 1639,  
HOUSE BILL NO. 1663,  
SUBSTITUTE HOUSE BILL NO. 1665,  
SUBSTITUTE HOUSE BILL NO. 1673,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1704,  
SUBSTITUTE HOUSE BILL NO. 1705,  
HOUSE BILL NO. 1707,  
HOUSE BILL NO. 1709,  
SUBSTITUTE HOUSE BILL NO. 1739,  
SUBSTITUTE HOUSE BILL NO. 1741,  
HOUSE BILL NO. 1742,  
SUBSTITUTE HOUSE BILL NO. 1758,  
HOUSE BILL NO. 1761,  
SECOND SUBSTITUTE HOUSE BILL NO. 1814,  
HOUSE BILL NO. 1843,  
SUBSTITUTE HOUSE BILL NO. 1862,  
SUBSTITUTE HOUSE BILL NO. 1871,  
SUBSTITUTE HOUSE BILL NO. 1910,

SUBSTITUTE HOUSE BILL NO. 1938,  
SUBSTITUTE HOUSE BILL NO. 1977,  
HOUSE BILL NO. 1991,  
HOUSE BILL NO. 2022,  
HOUSE BILL NO. 2032, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk  
March 9, 1995

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,  
SECOND SUBSTITUTE HOUSE BILL NO. 1318,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1330,  
SUBSTITUTE HOUSE BILL NO. 1430,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431,  
SUBSTITUTE HOUSE BILL NO. 1432,  
SUBSTITUTE HOUSE BILL NO. 1437,  
SUBSTITUTE HOUSE BILL NO. 1459,  
HOUSE BILL NO. 1465,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,  
SUBSTITUTE HOUSE BILL NO. 1476,  
SUBSTITUTE HOUSE BILL NO. 1483,  
SUBSTITUTE HOUSE BILL NO. 1507,  
SECOND SUBSTITUTE HOUSE BILL NO. 1524,  
SUBSTITUTE HOUSE BILL NO. 1536,  
SUBSTITUTE HOUSE BILL NO. 1632,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1903,  
HOUSE JOINT MEMORIAL NO. 4001,  
HOUSE JOINT MEMORIAL NO. 4020, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 9, 1995

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1866,  
HOUSE BILL NO. 1872,  
HOUSE BILL NO. 1891,  
SUBSTITUTE HOUSE BILL NO. 1964,  
SUBSTITUTE HOUSE BILL NO. 1995,  
SUBSTITUTE HOUSE BILL NO. 2034,  
HOUSE BILL NO. 2039,  
HOUSE JOINT MEMORIAL NO. 4017,  
HOUSE JOINT MEMORIAL NO. 4018,  
HOUSE JOINT MEMORIAL NO. 4030, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1104 by Representatives McMorris, Campbell, Pennington, Mulliken, Koster, Sheldon, Padden, Kremen, Smith, Chandler, Honeyford, Hargrove, McMahan, Benton, D. Schmidt, Chappell, Thompson, Fuhrman, Delvin, Schoesler, Casada, Blanton, Stevens, Johnson, Huff, Foreman, Hymes, Sherstad, Robertson, Backlund, L. Thomas, Mielke, Cairnes, Elliot, Goldsmith and Buck

Removing requirements relating to carrying firearms unloaded and enclosed in an opaque case or wrapper.

Referred to Committee on Law and Justice.

2EHB 1130 by Representatives Crouse, Dellwo, Padden, Brown, Silver, Johnson, McMorris, Elliot, Stevens, Koster and Schoesler

Restricting the ringing of bells or sounding of whistles on locomotives.

Referred to Committee on Transportation.

ESHB 1209 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Mielke, Johnson, Quall, Mitchell, Buck, Romero, Horn and Huff)

Regulating commercial vehicle safety.

Referred to Committee on Transportation.

SHB 1231 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Rust, Chandler, Valle, Cole, Mastin and Chopp)

Promoting the recycled content of products and buildings.

Referred to Committee on Ecology and Parks.

ESHB 1317 by House Committee on Transportation (originally sponsored by Representatives Robertson, Cairnes, B. Thomas, Mitchell, Van Luven, Dyer, Lambert, Radcliff, D. Schmidt, Backlund, Cooke, Reams, Campbell, Stevens, L. Thomas and Koster)

Revising the selection process for transportation systems and facilities demonstration projects.

Referred to Committee on Transportation.

2SHB 1318 by House Committee on Appropriations (originally sponsored by Representatives Carlson, Mulliken and Mastin) (by request of Higher Education Coordinating Board)

Revising provisions for the Washington scholars program.

Referred to Committee on Higher Education.

E2SHB 1330 by House Committee on Appropriations (originally sponsored by Representatives Dyer, Dellwo and Backlund) (by request of Department of Health)

Modifying health facility and services provisions.

Referred to Committee on Health and Long-Term Care.

SHB 1430 by House Committee on Appropriations (originally sponsored by Representatives Carlson, Sehlin, Cooke, Sommers, Dellwo and Basich) (by request of Joint Committee on Pension Policy)

Exempting certain employers from additional retirement contributions.

Referred to Committee on Ways and Means.

ESHB 1431 by House Committee on Appropriations (originally sponsored by Representative Silver) (by request of Department of Retirement Systems)

Paying for department of retirement system expenses.

Referred to Committee on Ways and Means.

SHB 1432 by House Committee on Finance (originally sponsored by Representatives Brumsickle and Reams)

Providing for notice statements regarding county financial matters.

Referred to Committee on Government Operations.

SHB 1437 by House Committee on Natural Resources (originally sponsored by Representatives Foreman, Chandler, Mastin and B. Thomas)

Revising lease rates for amateur radio electronic repeater sites.

Referred to Committee on Natural Resources.

SHB 1459 by House Committee on Finance (originally sponsored by Representatives Van Luven and Sheldon)

Exempting from business and occupation tax reimbursements and advances received by property management companies for the payment of wages and benefits to on-site employees.

Referred to Committee on Ways and Means.

HB 1465 by Representatives Silver and Sommers (by request of Secretary of State Munro)

Concerning the employee suggestion program.

Referred to Committee on Government Operations.

ESHB 1471 by House Committee on Law and Justice (originally sponsored by Representatives Padden and Appelwick)

Regulating homeowners' associations.

Referred to Committee on Law and Justice.

SHB 1476 by House Committee on Health Care (originally sponsored by Representative Dyer) (by request of Department of Social and Health Services)

Modifying federal financial participation related to health insurer's and children's health care.

Referred to Committee on Health and Long-Term Care.

SHB 1483 by House Committee on Natural Resources (originally sponsored by Representatives Pennington, Elliot, Stevens, Huff, Mielke, Johnson, L. Thomas, McMahan and Sheahan)

Revising provisions on the prevention and suppression of forest wild fires.

Referred to Committee on Natural Resources.

SHB 1507 by House Committee on Capital Budget (originally sponsored by Representatives Ogden, Radcliff, Jacobsen, Brumsickle, Chopp and Dickerson) (by request of Washington State Historical Society)

Requiring a process to solicit proposals for and prioritize heritage capital projects.

Referred to Committee on Government Operations.

2SHB 1524 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Mastin and McMorris)

Changing weights and measures regulations.

Referred to Committee on Agriculture and Agricultural Trade and Development.

ESHB 1527 by House Committee on Appropriations (originally sponsored by Representatives Benton, Clements, Koster, Dellwo, Campbell, Boldt, Kessler, Wolfe, Mielke, Thompson, Delvin, Carlson, Pelesky, D. Schmidt, Chopp, Van Luven, R. Fisher, Hickel, Sehlin, Costa, Ballasiotes, Pennington, Radcliff, Carrell, Hatfield, Romero, B. Thomas, Beeksma, Cody, Cooke, Dickerson, Conway, Jacobsen, Basich, Hargrove, L. Thomas, Chandler, Kremen, Robertson, Johnson, K. Schmidt, Smith, Dyer, Elliot, Blanton, Goldsmith, Mulliken, Schoesler and Brumsickle)

Recognizing veterans of World War II.

Referred to Committee on Government Operations.

SHB 1536 by House Committee on Health Care (originally sponsored by Representative Dyer)

Revising the Washington long-term care partnership.

Referred to Committee on Health and Long-Term Care.

SHB 1540 by House Committee on Natural Resources (originally sponsored by Representatives Fuhrman, Jacobsen, Buck, Campbell, Basich, Hargrove, L. Thomas, Chandler, Robertson, Honeyford, Johnson, Thompson, Dyer, Delvin, Elliot, Mielke, Blanton, McMorris, McMahan, Mulliken, Clements, Cooke, Brumsickle and Stevens)

Expanding the authority of the fish and wildlife commission.

Referred to Committee on Natural Resources.

HB 1542 by Representatives Brown, Cooke, Dickerson and Costa (by request of Department of Social and Health Services)

Modifying placement of juveniles, specifically addressing independent living.

Referred to Committee on Human Services and Corrections.

HB 1553 by Representative L. Thomas (by request of Attorney General Gregoire)

Concerning the proper form of certain ballot titles.

Referred to Committee on Government Operations.

ESHB 1555 by House Committee on Agriculture and Ecology (originally sponsored by Representatives McMorris, Foreman, Mastin, Chandler, Chappell, Koster, Boldt, Schoesler, Johnson, Honeyford, Clements, Regala, Basich, Hargrove, L. Thomas, Thompson, Delvin, Elliot, Goldsmith, McMahan, Mulliken, Fuhrman, Stevens and Lisk)

Revising department of ecology entry authority for water quality complaints caused by agricultural activity.

Referred to Committee on Ecology and Parks.

ESHB 1556 by House Committee on Law and Justice (originally sponsored by Representatives Wolfe, Boldt, Scott, Romero, B. Thomas, Johnson, Talcott, Delvin, Carrell, Campbell, Van Luven, Cooke, Dickerson, Kessler, Basich, Conway, Smith and Costa)

Revising procedures for determining visitation rights for persons other than a parent.

Referred to Committee on Law and Justice.

ESHB 1594 by House Committee on Law and Justice (originally sponsored by Representatives Foreman, Sherstad, Campbell, Benton, McMahan, Elliot, Chandler and Hargrove)

Requiring blood tests of injured persons if persons rendering aid came in contact with their blood.

Referred to Committee on Law and Justice.

SHB 1625 by House Committee on Government Operations (originally sponsored by Representatives Reams, Brumsickle, Casada, Morris, Hargrove, Buck, Radcliff, Benton, Grant, Talcott, Hymes, Thompson, Elliot and Huff)

Regulating payment of impact fees.

Referred to Committee on Government Operations.

SHB 1632 by House Committee on Natural Resources (originally sponsored by Representatives Horn, Basich and Fuhrman)

Exchanging certain public lands.

Referred to Committee on Natural Resources.

SHB 1639 by House Committee on Finance (originally sponsored by Representatives B. Thomas, Van Luven, Morris, Horn, Campbell, Kremen and Sheldon)

Exempting vessel manufacturers and dealers from the use tax.

Referred to Committee on Ways and Means.

HB 1663 by Representatives Schoesler, Carlson, Brumsickle, Morris, Chopp, Tokuda, Dickerson, Campbell, Costa, Benton, Robertson, D. Schmidt, Thompson, Cooke, Mason and Dyer

Concerning the taxation of property donated to a nonprofit entity.

Referred to Committee on Ways and Means.



SHB 1665 by House Committee on Agriculture and Ecology (originally sponsored by Representatives McMorris, Campbell, Honeyford, Koster, Johnson, Huff, Cairnes, Fuhrman, D. Schmidt, Padden and Thompson)

Limiting review or approval of on-site sewage disposal systems by the department of ecology.

Referred to Committee on Ecology and Parks.

SHB 1673 by House Committee on Finance (originally sponsored by Representatives Dickerson, Mason, Morris, Chappell, Wolfe, Kessler, Hatfield, Conway, Benton, Kremen, Cody and Mastin)

Expanding property tax deferrals for senior citizens and persons retired by reason of physical disability.

Referred to Committee on Ways and Means.

ESHB 1704 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, L. Thomas, Ballasiotes, Kremen, Chappell, Cooke, Goldsmith, Padden, Radcliff, Mulliken, Pennington, McMorris, Smith, Delvin, Hickel, Mastin, Sehlin, Beeksma, Robertson, Cairnes, Koster, Brumsickle, D. Schmidt, Horn, Reams, Campbell, Chandler, Backlund, McMahan and Elliot)

Eliminating registration requirements for sellers of travel.

Referred to Committee on Labor, Commerce and Trade.

SHB 1705 by House Committee on Energy and Utilities (originally sponsored by Representatives Huff, Casada, Kremen, Patterson, Grant, Kessler, G. Fisher, Mielke, Crouse, Chandler, Hankins, Mitchell, Hatfield, Campbell, Smith, L. Thomas, Horn and Benton)

Excluding utility line clearing from the definition of retail sale.

Referred to Committee on Ways and Means.

HB 1707 by Representatives Hargrove, Sheahan and Pelesky

Correcting references to classification of cities and towns.

Referred to Committee on Government Operations.

HB 1709 by Representatives Carrell, Padden, Campbell, Backlund, Costa, Conway, Delvin, Robertson, Thompson, McMahan, Benton and Elliot

Limiting certain offenses to no more than fifteen percent good time credits.

Referred to Committee on Human Services and Corrections.

SHB 1739 by House Committee on Government Operations (originally sponsored by Representatives Hymes, L. Thomas, Mielke, Fuhrman, G. Fisher, Grant and Reams)

Delegating to local municipal jurisdictions of hydraulic project approval authority.

Referred to Committee on Ecology and Parks.

SHB 1741 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and Mastin)

Providing moneys for wine and wine grape research.

Referred to Committee on Agriculture and Agricultural Trade and Development.

HB 1742 by Representatives Mitchell, Casada and K. Schmidt

Providing that the department of community, trade, and economic development provide support for the energy facility site evaluation council.

Referred to Committee on Government Operations.

SHB 1758 by House Committee on Health Care (originally sponsored by Representatives Backlund, Sherstad, Dyer, Morris and Cody)

Creating the health professional data information system.

Referred to Committee on Health and Long-Term Care.

HB 1761 by Representatives Casada, Hankins, Patterson, Crouse, Huff, Carlson, Morris, Mielke, Mitchell and Kessler

Clarifying physical conditions for determining the output of major energy projects.

Referred to Committee on Energy, Telecommunications and Utilities.

ESHB 1775 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mulliken, Mastin, Schoesler, Chandler, McMorris, Robertson, Honeyford and Elliot)

Specifying how surplus water may be spread to contiguous lands.

Referred to Committee on Senate Select Committee on Water Policy.

2SHB 1814 by House Committee on Appropriations (originally sponsored by Representative Carlson)

Changing provisions relating to the Washington award for vocational excellence.

Referred to Committee on Higher Education.

HB 1843 by Representatives Lisk, Cole, Hargrove, Romero, Horn and Conway

Clarifying the terms of the members of the advisory board of plumbers.

Referred to Committee on Labor, Commerce and Trade.

SHB 1862 by House Committee on Appropriations (originally sponsored by Representatives Reams, K. Schmidt, Horn, Hankins and Blanton)

Promoting the development of model home-matching programs.

Referred to Committee on Financial Institutions and Housing.

HB 1866 by Representatives Elliot, K. Schmidt and Benton

Revising certain aeronautics statutes.

Referred to Committee on Transportation.

SHB 1871 by House Committee on Transportation (originally sponsored by Representatives Sheahan and Schoesler)

Providing equalization for transit systems imposing an utility tax.

Referred to Committee on Transportation.

HB 1872 by Representatives Crouse, Dyer, Dellwo, Wolfe, Morris, Sherstad, Conway, Cody and Padden

Modifying the authority of the board of physical therapy.

Referred to Committee on Health and Long-Term Care.

HB 1891 by Representatives Smith, Wolfe and L. Thomas

Providing parity among financial institutions.

Referred to Committee on Financial Institutions and Housing.

ESHB 1903 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Clements, Casada, Chandler and Schoesler)

Establishing new procedures for rule adoption by administrative agencies.

Referred to Committee on Government Operations.

SHB 1910 by House Committee on Commerce and Labor (originally sponsored by Representatives Goldsmith, Cairnes, Hargrove and Lisk)

Providing for industrial insurance self-insurers to determine benefits for permanent disability.

Referred to Committee on Labor, Commerce and Trade.

SHB 1938 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Mielke, Horn and Reams)

Modifying the administration of the responsibilities of self-insurers.

Referred to Committee on Labor, Commerce and Trade.

SHB 1964 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher, Robertson, Cairnes, Ogden, Hankins, Elliot, Johnson, Chandler, Scott, Tokuda, Quall, Backlund, Chopp, Horn, Koster, McMahan, Mitchell, Skinner, Benton, D. Schmidt and Stevens)

Simplifying accident report record-keeping.

Referred to Committee on Transportation.

SHB 1977 by House Committee on Energy and Utilities (originally sponsored by Representatives Mielke, Casada, Grant, Appelwick, Basich, Smith and L. Thomas)

Penalizing theft of telecommunication and cable services.

Referred to Committee on Energy, Telecommunications and Utilities.

HB 1991 by Representatives Silver, Ogden, Sommers, Valle, Chandler, Stevens and Fuhrman (by request of Legislative Budget Committee)

Reimbursing the legislative budget committee.

Referred to Committee on Ways and Means.

SHB 1995 by House Committee on Health Care (originally sponsored by Representatives Mielke, Morris and Dyer)

Providing an exemption and an offset for insurance premium and prepayment obligations for the high risk pool.

Referred to Committee on Health and Long-Term Care.

HB 2022 by Representative Fuhrman

Making mining claims.

Referred to Committee on Natural Resources.

HB 2032 by Representatives K. Schmidt, R. Fisher, Hatfield, Cairnes, Brown, Backlund, Romero, Johnson, D. Schmidt, Elliot, Benton and Blanton

Depositing certain sales or use tax revenue into the transportation fund.

Referred to Committee on Transportation.

SHB 2034 by House Committee on Higher Education (originally sponsored by Representatives Silver, Quall, Sommers and Basich) (by request of State Board for Community and Technical Colleges)

Changing community and technical college tuition refund and fee cancellation provisions.

Referred to Committee on Higher Education.

ESHB 2036 by House Committee on Financial Institutions and Insurance (originally sponsored by Representative L. Thomas)

Concerning the sale of consumer credit unemployment insurance.

Referred to Committee on Financial Institutions and Housing.

HB 2039 by Representative Kremen and Chandler

Prescribing rights for certain applications for water rights or water transfers.

Referred to Committee on Senate Select Committee on Water Policy

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

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

Referred to Committee on Government Operations.

HJM 4017 by Representatives Thompson, Fuhrman, Stevens, G. Fisher, Elliot, Sheldon, Cairnes, B. Thomas, Beeksma, Schoesler and Horn

Requesting Congress to control or eradicate nonnative noxious weeds.

Referred to Committee on Agriculture and Agricultural Trade and Development.

HJM 4018 by Representatives Casada, Chappell, Brumsickle, Kessler, Huff, Hankins, Kremen, Grant, L. Thomas and Mastin

Requesting a variance in order to preserve man-made wetlands.

Referred to Committee on Ecology and Parks.

HJM 4020 by Representatives Campbell, Hatfield, Wolfe, B. Thomas, McMorris, Brumsickle, Morris, Radcliff, Elliot, Beeksma, Kessler, Carrell and L. Thomas

Encouraging schools to provide an elementary gun safety program.

Referred to Committee on Education.

HJM 4030 by Representatives Hankins, Honeyford, Delvin, Grant and Kessler

Concerning federal funds for the cleanup of the Hanford waste disposal site.

Referred to Committee on Ecology and Parks.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9077, Carol Vipperman, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

CONFIRMATION OF CAROL VIPPERMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senator Rinehart - 1.

Excused: Senators Anderson, C., Finkbeiner and Moyer - 3.

#### MOTION

On motion of Senator Loveland, Senator Rinehart was excused.

#### SECOND READING

SENATE BILL NO. 5871, by Senators Pelz, Hale, Fraser, Newhouse and Deccio

Clarifying the terms of the members of the advisory board of plumbers.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5871 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5871.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5871 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senator Deccio - 1.

Excused: Senators Anderson, C., Moyer and Rinehart - 3.

SENATE BILL NO. 5871, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 9:21 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:30 a.m. by President Pritchard.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the ninth order of business.

#### MOTIONS

On motion of Senator Spanel, the Committee on Law and Justice was relieved of House Bill No. 1081.

On motion of Senator Spanel, House Bill No. 1081 was referred to the Committee on Human Services and Corrections.

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Snyder moved to now reconsider the vote by which Substitute Senate Bill No 5537 failed to pass the Senate March 9, 1995.

The President declared the question before the Senate to be the motion by Senator Snyder to reconsider the vote by which Substitute Senate Bill No. 5537 failed to pass the Senate.

The motion by Senator Snyder carried on a rising vote and the Senate will reconsider the vote by which Substitute Senate Bill No. 5537 failed to pass the Senate.

#### MOTION

On motion of Senator Spanel, the Senate reverted to the seventh order of business.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5537, on reconsideration.  
Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5537, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 26.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Wood - 22.

Excused: Senator Moyer - 1.

SUBSTITUTE SENATE BILL NO. 5537, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5126, by Senators Drew, Oke and Owen (by request of Department of Fish and Wildlife)

Authorizing retention of specified moneys recovered through forfeitures or court-ordered restitution.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5126 was substituted for Senate Bill No. 5126 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5126.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5126 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 37.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hale, Hochstatter, Johnson, Morton, Newhouse, Palmer, Roach and Schow - 11.

Excused: Senator Moyer - 1.

SUBSTITUTE SENATE BILL NO. 5126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5175, by Senators Pelz and Deccio (by request of Liquor Control Board)

Permitting certain retail liquor licensees to be licensed as manufacturers.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5175 was substituted for Senate Bill No. 5175 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5175.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5175 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen,

Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Moyer - 1.

SUBSTITUTE SENATE BILL NO. 5175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5229, by Senators Owen, Prince and Haugen (by request of Department of Transportation)

Authorizing tuition waivers for ferry employees.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 5229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5229.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5229 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 35.

Voting nay: Senators Cantu, Deccio, Hale, Hochstatter, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Schow and Strannigan - 13.

Excused: Senator Moyer - 1.

SENATE BILL NO. 5229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5920, by Senators Franklin, Pelz, McAuliffe, Rasmussen, Snyder, Winsley, Fairley and C. Anderson

Authorizing delegation of nursing care tasks in public schools.

The bill was read the second time.

#### MOTIONS

Senator Franklin moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that many students in the K-12 setting need appropriate nursing service support to actively and fully participate in their educational program. It is not the intent of the legislature to replace the role of school nurses, but to increase their ability to delegate specific tasks safely to school employees for students needing routine health care services. The opportunity to delegate to registered and certified nursing assistants could enhance the viability and quality of care and learning in the common schools of this state. It is not the intent of the legislature to require school employees to be certified nursing assistants. Only those employees who carry out delegated nursing tasks as delineated pursuant to sections 1, 2, and 4 through 7 of this act are required to be registered or certified nurse assistants.

(1) Registered nurses shall have the option to delegate to certified and registered nursing assistants the following tasks: Oral and topical medications and ointments; nose, ear, and eye drops and ointments; catheterization using only clean technique as provided by RCW 18.79.290; suppositories; and gastrostomy feedings in established, wound-healed gastrostomies.

(2) The following procedures shall not be delegated: Sterile procedures; crossing the barrier of the skin; and management, manipulation, or care for intravenous devices, intravenous lines, infusion of intravenous substances, enemas, colostomy care, or dressing changes.

(3) Delegation shall only occur for students with a "stable and predictable" condition as defined by the Washington state nursing care quality assurance commission. In addition to this section and sections 4 through 7 of this act, nurse delegation in common schools is subject to applicable provisions of law.

(4) In order to protect the public health and safety, at the beginning of the school year public school districts and private schools that provide for delegation of nursing tasks under this section shall designate as delegates one certificated employee or one classified employee and one alternate at each school. Any delegatee shall:

(a) Show proof of training in infection control, developed and provided by the school district;

(b) Register with the department of health and be subject to the uniform disciplinary act, chapter 18.130 RCW, for purposes of tasks performed as a delegatee; and

(c) Meet all training requirements provided by the delegating nurse in accordance with protocols set by the nursing care quality assurance commission.

(5) Sections 1, 2, and 4 through 7 of this act do not apply to emergency first aid situations.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 and 4 through 7 of this act.

(1) "Registered nurse" means school district nursing personnel who are licensed pursuant to chapter 18.79 RCW and may in addition hold state board of education certification as a school nurse.

(2) "Delegating nurse" means a registered nurse as defined in this section.

(3) "Delegatee" means a certified or registered nursing assistant.

**Sec. 3.** RCW 18.79.260 and 1994 sp.s. c 9 s 426 are each amended to read as follows:

A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof, she or he may do the following things that shall not be done by a person not so licensed, except as provided in RCW 18.79.270:

(1) At or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner acting within the scope of his or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required except as provided in sections 4 through 7 of this act;

(2) Delegate to other persons engaged in nursing, the functions outlined in subsection (1) of this section;

(3) Delegate to certified and registered nursing assistants credentialed under chapter 18.130 RCW the functions outlined in sections 1 and 4 through 7 of this act;

(4) Instruct nurses in technical subjects pertaining to nursing;

~~((4))~~ (5) Hold herself or himself out to the public or designate herself or himself as a registered nurse.

**NEW SECTION. Sec. 4.** (1) The Washington state nursing care quality assurance commission, as provided by chapter 18.79 RCW, shall:

(a) Define "stable and predictable" conditions as used in section 1 of this act;

(b) Develop a clear and readable model informed consent form that substantially complies with chapter 7.70 RCW for nurses to use to provide consumers, delegatees, and the delegating nurse information regarding the delegation process, the rights of refusal by the delegatee and the consumer and/or the parents or guardian, and agreement by all parties of the delegation of the nursing task; and

(c) Develop delegation protocols that shall be available to schools by June 1, 1996, that include the following requirements:

(i) Thorough student assessment by the registered nurse before consideration of delegation;

(ii) The registered nurse obtaining written consent signed by the student and/or parent or guardian and the delegatee agreeing to the provision of delegated nursing tasks;

(iii) The registered nurse analyzing the complexity of the nursing task that is considered for delegation;

(iv) The registered nurse evaluating the ability of the delegatee to perform the delegated nursing task in the absence of direct nurse supervision;

(v) The registered nurse training the delegatee the specific delegated nursing task for each student. The training requirements may vary depending upon the degree of complexity of the delegated task;

(vi) The registered nurse informing the delegatee that the delegated nursing task is specific to a student and is not transferable;

(vii) The registered nurse initially observing the delegatee performing the delegated task;

(viii) The registered nurse providing written instructions to the delegatee on delegated nursing tasks;

(ix) The registered nurse informing the delegatee to be alert to any changes observed in student status that could require reassessment by the registered nurse;

(x) The registered nurse providing documentation of compliance or barriers to compliance in carrying out nurse delegation tasks and a written plan for nursing supervision and reevaluation of nursing tasks; and

(xi) The registered nurse having proof that the delegatee has received infection control training from the school district.

**NEW SECTION. Sec. 5.** No one may coerce a registered nurse into compromising student safety by requiring the registered nurse to delegate if the registered nurse determines it is inappropriate to do so. The registered nurse shall have total discretion and final decision making in determining the appropriateness of delegation.

(1) The registered nurse, delegatee, and student and/or student's parent or guardian must sign an informed consent form regarding the delegation process, rights of refusal, and agreement to delegation of nursing tasks.

(2) Registered nurses shall not be subject to any employer reprisal or commission disciplinary action for refusing to delegate tasks or refusing to provide the required training for delegation if the registered nurse determines delegation may compromise student safety.

(3) The delegatee shall have the right to refuse the assignment of a delegated task and the student and/or the parent or guardian shall have the right to refuse the delegation of nursing tasks.

(4) Delegatees shall not be subject to any employer reprisal or commission disciplinary action for refusing to accept delegation of a nursing task.

**NEW SECTION. Sec. 6.** (1) The delegating nurse and delegatee shall be held accountable for their own actions in the delegation process.

(2) Registered nurses acting within the protocols of their delegation authority are immune from suit in any action, civil or criminal, performed in the course of their delegation duties.

(3) Delegatees are immune from suit in any civil or criminal action, when following written delegation instructions from registered nurses, and performed in the course of their duties.

**NEW SECTION. Sec. 7.** Public and private schools are subject to nurse delegation protocols under RCW 18.79.260 and 18.79.290 and sections 5 through 7 of this act, excluding those tasks under RCW 28A.210.260 and 28A.210.270.

**NEW SECTION. Sec. 8.** A new section is added to chapter 18.79 RCW to read as follows:

Nurse delegation in public and private schools is governed by sections 1, 2, and 4 through 7 of this act.

**NEW SECTION. Sec. 9.** By June 1, 1996, the nursing care quality assurance commission shall adopt rules incorporating the requirements of sections 1, 2, and 4 through 7 of this act for the delegation of clean catheterization by registered nurses to delegatees in schools.



NEW SECTION. Sec. 10. The department of health in consultation with the nursing care quality assurance commission, office of the superintendent of public instruction, and other interested parties shall submit a report on nurse delegation in public schools to the legislative health committees by December 1997. The office of the superintendent of public instruction shall also implement communication strategies to assure that students, parents and/or guardians, the delegating nurse, and the delegatee have a complete understanding of the delegation process and the implications of current or revised statutes and rules. The commission shall provide data on incidence of harm to the public due to the delegation of nursing tasks, reports of registered nurses being coerced to delegate, coercion of delegates to accept delegated nursing tasks, the number of students who received delegation, and the accumulated time involved in the delegation of nursing tasks. The report should include relevant information on serving health care needs to students before and after nurse delegation.

NEW SECTION. Sec. 11. Sections 1, 2, and 4 through 7 of this act are each added to chapter 28A.210 RCW.

NEW SECTION. Sec. 12. Sections 1 through 3 and 5 through 7 of this act shall take effect September 1, 1996."

Senator Franklin moved that the following amendment by Senators Franklin, Gaspard, Rasmussen, Deccio, Wood, McAuliffe, Quigley, Fairley, Winsley, Owen and Oke to the striking amendment be adopted:

On page 5, after line 35 of the amendment, insert the following:

"NEW SECTION. Sec. 11. The legislative budget committee shall study possible funding sources for adding more registered nurses to public and private schools in Washington state. The committee shall use data on the number of school nurses in each district and the number of children needing nursing care in schools during the school year 1995-96, as compiled by the superintendent of public instruction. The committee shall report to appropriate committees of the legislature by December 1996."

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Franklin, Gaspard, Rasmussen, Deccio, Wood, McAuliffe, Quigley, Fairley, Winsley, Owen and Oke on page 5, after line 35, to the striking amendment by Senator Franklin to Senate Bill No. 5920.

The motion by Senator Franklin carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, by Senator Franklin to Senate Bill No. 5920.

The motion by Senator Franklin carried and the striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Franklin, the following title amendment was adopted:

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 18.79.260; adding new sections to chapter 28A.210 RCW; adding a new section to chapter 18.79 RCW; creating new sections; and providing an effective date."

On motion of Senator Franklin, the rules were suspended, Engrossed Senate Bill No. 5920 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5920.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5920 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Moyer - 1.

ENGROSSED SENATE BILL NO. 5920, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5000, by Senators Loveland, Snyder, Wojahn, Sheldon, Gaspard, Franklin, Haugen, Rasmussen, Quigley, Owen, McAuliffe, Winsley, McCaslin, Drew, Morton, Prentice, Bauer, Spanel, Hale and Deccio

Reducing property taxes.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5000 was substituted for Senate Bill No. 5000 and the substitute bill was placed on second reading and read the second time.

Senator Cantu moved that the following amendment by Senators Cantu and Oke be adopted:

On page 1, after line 5, insert the following:

"**Sec. 1.** RCW 84.55.010 and 1979 ex.s. c 218 s 2 are each amended to read as follows:

(1) Except as provided in this chapter, the levy for a taxing district in any year shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent or one hundred percent plus inflation, whichever is lower, of the amount of regular

property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction, improvements to property, and any increase in the assessed value of state-assessed property by the regular property tax levy rate of that district for the preceding year.

(2) For the purposes of this section, "inflation" means the percentage change in the implicit price deflator for the United States, as published by the federal department of commerce, for the fiscal year ending June 30th of the year preceding the year in which the taxes are due.

**Sec. 2.** RCW 84.55.020 and 1971 ex.s. c 288 s 21 are each amended to read as follows:

(1) Notwithstanding the limitation set forth in RCW 84.55.010, the first levy for a taxing district created from consolidation of similar taxing districts shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent or one hundred percent plus inflation, whichever is lower, of the sum of the amount of regular property taxes lawfully levied for each component taxing district in the highest of the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the increase in assessed value in each component district resulting from new construction and improvements to property by the regular property tax rate of each component district for the preceding year.

(2) For the purposes of this section, "inflation" means the percentage change in the implicit price deflator for the United States, as published by the federal department of commerce, for the fiscal year ending June 30th of the year preceding the year in which the taxes are due.

**Sec. 3.** RCW 35.61.210 and 1990 c 234 s 3 are each amended to read as follows:

The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed fifty cents per thousand dollars of assessed value of the property in such park district. In addition, the board of park commissioners may levy or cause to be levied a general tax on all property located in said park district each year not to exceed twenty-five cents per thousand dollars of assessed valuation. Although park districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the ~~((one hundred six percent))~~ limitation provided for in chapter 84.55 RCW.

The board is hereby authorized to levy a general tax in excess of its regular property tax levy or levies when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns.

The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and paid out on warrants.

**Sec. 4.** RCW 70.44.060 and 1990 c 234 s 2 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: **PROVIDED**, That no public hospital district shall have the right of eminent domain and the power of condemnation against any health care facility.

(3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: **PROVIDED**, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2) of this section.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue and sell: (a) Revenue bonds, revenue warrants, or other revenue obligations therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended; (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 and 70.44.130, as may hereafter be amended; or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in the best interest of the district; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse. General obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW. Revenue bonds, revenue warrants, or other revenue obligations may be issued and sold in accordance with chapter 39.46 RCW.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed fifty cents per thousand dollars of assessed value, and an additional annual tax on all taxable property within such public hospital district not to exceed twenty-five cents per thousand dollars of assessed value, or such further amount as has been or shall be authorized by a vote of the people. Although public hospital districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the ((one hundred six percent)) limitation provided for in chapter 84.55 RCW. Public hospital districts are authorized to levy such a general tax in excess of their regular property taxes when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition or propositions to levy taxes in excess of its regular property taxes. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

(10) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter.

**Sec. 5.** RCW 84.08.115 and 1991 c 218 s 2 are each amended to read as follows:

(1) The department shall prepare a clear and succinct explanation of the property tax system, including but not limited to:

(a) The standard of true and fair value as the basis of the property tax.

(b) How the assessed value for particular parcels is determined.

(c) The procedures and timing of the assessment process.

(d) How district levy rates are determined, including the ((one hundred six percent)) limit under chapter 84.55 RCW.

(e) How the composite tax rate is determined.

(f) How the amount of tax is calculated.

(g) How a taxpayer may appeal an assessment, and what issues are appropriate as a basis of appeal.

(h) A summary of tax exemption and relief programs, along with the eligibility standards and application processes.

(2) Each county assessor shall provide copies of the explanation to taxpayers on request, free of charge. Each revaluation notice shall include information regarding the availability of the explanation."

Renumber the remaining sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator Loveland: "I call for a point of order. The amendment by Senators Cantu and Oke should be scoped. The underlying bill, Substitute Senate Bill No. 5000 relates only to the state levy and does not have anything to do with local government regular levies being artificially scaled back. The Cantu/Oke amendment places a lid on all regular levies. This is beyond my underlying bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5000.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5875 and the pending amendment by Senators Morton, Snyder, Hargrove and Oke on page 3, line 20, deferred March 10, 1995.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Fraser, the President finds that Substitute Senate Bill No. 5875 is a measure which provides a process for interagency agreements among local, state and federal governments for the operation of wetland mitigation banks and establishes issues which must be considered in the agreements.

"The amendment proposed by Senators Morton, Snyder, Hargrove and Oke on page 3, line 20, would prohibit the agencies involved in interagency agreements on wetland mitigation banks from using a delineation process in the agreement which is more stringent than that adopted by the Army Corps of Engineers.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Morton, Snyder, Hargrove and Oke on page 3, line 20, to Substitute Senate Bill No. 5875 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Morton, Snyder, Hargrove and Oke on page 3, line 20, to Substitute Senate Bill No. 5875.

Debate ensued.

Senator McCaslin demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Morton, Snyder, Hargrove and Oke on page 3, line 20, to Substitute Senate Bill No. 5875.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Hale, Hargrove, Heavey, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prince, Roach, Schow, Sellar, Snyder, Strannigan, Swecker, West, Winsley and Wood - 29.

Voting nay: Senators Anderson, C., Drew, Fairley, Franklin, Fraser, Gaspard, Haugen, Kohl, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Spanel, Sutherland and Wojahn - 19.

Excused: Senator Moyer - 1.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5875 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5875.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5875 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Moyer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5875, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5282, by Senators Fraser and Newhouse (by request of Department of Revenue)

Modifying department of revenue tax information disclosure regulations.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5282.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5282 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Moyer - 1.

SENATE BILL NO. 5282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5336, by Senators McAuliffe, Moyer, Fairley and Winsley (by request of Department of Health)

Regulating food industry safety.

MOTION

On motion of Senator Quigley, Substitute Senate Bill No. 5336 was substituted for Senate Bill No. 5336 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

MOTION

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 5336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5336.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5336 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Hargrove, Haugen, Owen and Snyder - 4.

Absent: Senator Newhouse - 1.

Excused: Senator Moyer - 1.

SUBSTITUTE SENATE BILL NO. 5336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5680, by Senators Hargrove, Long, Franklin, Kohl and Winsley (by request of Department of Social and Health Services)

Modifying licensing enforcement for child care agencies.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5680 was substituted for Senate Bill No. 5680 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Cal Anderson, Senators Fairley and Wojahn were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5680.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5680 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 45.

Absent: Senator Pelz - 1.

Excused: Senators Fairley, Moyer and Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5084, by Senators Drew, Prince, Haugen, Wood, Fairley, Franklin, Deccio and Sheldon (by request of Department of General Administration)

Reducing commute trips.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5084 was substituted for Senate Bill No. 5084 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Prentice: "Senator Drew, does Substitute Senate Bill No. 5084 prohibit labor/management negotiations on commute trip reduction issues, including parking fees at individual state agencies?"

Senator Drew: "No, nothing in Substitute Senate Bill No. 5084, including Section 4, is intended to change or supersede any labor/management rights and obligations under existing law."

Senator Prentice: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5084.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5084 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West and Winsley - 44.

Voting nay: Senator Anderson, A. - 1.

Absent: Senator Wood - 1.

Excused: Senators Fairley, Moyer and Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5685, by Senators Long, Haugen, Wood, Kohl, Prince, Fraser, Owen, Schow, Sellar, Heavey, Rasmussen, Winsley and Sheldon

Updating regulation of salvaged vehicles.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5685 was substituted for Senate Bill No. 5685 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendment by Senators Owen and Haugen was adopted:

On page 12, after line 9, insert the following:

**NEW SECTION. Sec. 22.** (1) The legislature recognizes that currently the state patrol inspects rebuilt vehicles for stolen parts. However, they are not authorized to perform complete safety inspections.

(2) The state patrol shall assemble a study group and complete a study, to be submitted to the legislative transportation committee no later than January 1, 1996, on the feasibility of implementing safety inspections for vehicles that are rebuilt after surrender of the certificate of ownership to the department of licensing under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss. The study shall include, but is not limited to:

- (a) An examination of safety inspection systems in other states;
- (b) A determination of how a safety inspection program might be implemented in Washington state;
- (c) An analysis of the cost of conducting a safety inspection and who should be responsible for bearing those costs; and
- (d) An evaluation of whether state agencies or private business might most effectively and efficiently conduct safety inspections.

(3) The study group prescribed in subsection (2) of this section must include representatives of the state patrol, the department of licensing, the Washington traffic safety commission, the insurance industry, the autobody industry, and other appropriate groups.

(4) Section 24 of this act and RCW 46.12.050 require notification on the certificates of ownership and registration as to whether a vehicle has previously been destroyed or declared a total loss. The department of licensing, in consultation with the study group members prescribed in subsection (3) of this section, shall study the feasibility of expanding the notification requirement to apply to all vehicles, regardless of age. The study group shall also develop a recommendation regarding the feasibility of differentiating on the certificates of ownership and

registration whether the vehicle has sustained cosmetic damage or structural damage. The department shall report its findings to the legislative transportation committee no later than January 1, 1996.

**Sec. 23.** RCW 46.12.030 and 1990 c 238 s 1 are each amended to read as follows:

The application for certificate of ownership shall be upon a blank form to be furnished by the department and shall contain:

(1) A full description of the vehicle, which shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(3) Such other information as the department may require. The department may in any instance, in addition to the information required on the application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either. A physical examination of the vehicle is mandatory if it previously was registered in any other state or country or if it has been rebuilt after surrender of the certificate of ownership to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the foreign title and registration certificate. If the vehicle is from a jurisdiction that does not issue titles, the inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the registration certificate. The inspection must also confirm that the license plates on the vehicle are those assigned to the vehicle by the jurisdiction in which the vehicle was previously licensed. The inspection must be made by a member of the Washington state patrol or other person authorized by the department to make such inspections.

The application shall be subscribed by the registered owner and be sworn to by that applicant in the manner described by RCW 9A.72.085. The department shall retain the application in either the original, computer, or photostatic form.

**NEW SECTION. Sec. 24.** A new section is added to chapter 46.12 RCW to read as follows:

(1) Effective January 1, 1997, the department shall issue a unique certificate of ownership and certificate of license registration, as required by chapter 46.16 RCW, for vehicles less than four years old that are rebuilt after surrender of the certificate of ownership to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss. Each certificate shall conspicuously display across its front, a word indicating that the vehicle was rebuilt.

(2) Beginning January 1, 1997, upon inspection of a vehicle that has been rebuilt under RCW 46.12.030, the state patrol shall securely affix or inscribe a marking at the driver's door latch indicating that the vehicle has previously been destroyed or declared a total loss.

(3) It is unlawful for a person to remove the marking prescribed in subsection (2) of this section. Upon conviction, the person is guilty of a class C felony.

(4) The department may adopt rules as necessary to implement this section.

**Sec. 25.** RCW 46.63.020 and 1994 c 275 s 33 and 1994 c 141 s 2 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381 (6) or (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(16) RCW 46.25.170 relating to commercial driver's licenses;

(17) Chapter 46.29 RCW relating to financial responsibility;

(18) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(19) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(21) RCW 46.48.175 relating to the transportation of dangerous articles;

(22) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(28) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

(30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(31) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;  
(33) RCW 46.61.500 relating to reckless driving;  
(34) RCW 46.61.502, 46.61.504, 46.61.5051, 46.61.5052, and 46.61.5053 relating to persons under the influence of intoxicating liquor or drugs;

(35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
(36) RCW 46.61.522 relating to vehicular assault;  
(37) RCW 46.61.525 relating to negligent driving;  
(38) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;  
(39) RCW 46.61.530 relating to racing of vehicles on highways;  
(40) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;  
(41) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;  
(42) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;  
(43) Chapter 46.65 RCW relating to habitual traffic offenders;  
(44) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;  
(45) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;  
(46) Chapter 46.80 RCW relating to motor vehicle wreckers;  
(47) Chapter 46.82 RCW relating to driver's training schools;  
(48) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(49) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

**Sec. 26.** RCW 46.70.180 and 1994 c 284 s 13 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer, or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ownership has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 and section 24 of this act; and

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such



instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, gratuity, or reward in connection with the purchase or sale of a new motor vehicle.

(12) For a buyer's agent acting directly or through a subsidiary to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase or sale of a new motor vehicle.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050."

Renumber the section following consecutively.

#### MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On line 4 of the title, after "46.80.170," strike the remainder of the title and insert "46.80.900, 46.12.030, and 46.70.180; reenacting and amending RCW 46.63.020; adding new sections to chapter 46.12 RCW; adding new sections to chapter 46.80 RCW; creating a new section; repealing RCW 46.80.055; and prescribing penalties."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 5685 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Ann Anderson, Senator Wood was excused.

On motion of Senator Loveland, Senator Prentice was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5685.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5685 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wojahn - 45.

Excused: Senators Fairley, Moyer, Prentice and Wood - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5685, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 6002, by Senators Bauer, Wood, Rinehart and Kohl (by request of State Board for Community and Technical Colleges)

Changing community and technical college tuition refund and fee cancellation provisions.

#### MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 6002 was substituted for Senate Bill No. 6002 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 6002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Ann Anderson, Senator Roach was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6002.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6002 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Moyer, Prentice and Roach - 3.

SUBSTITUTE SENATE BILL NO. 6002 having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5773, by Senators Pelz, Newhouse and Deccio (by request of Employment Security Department)

Revising provision relating to charges against industrial insurance awards.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5773 was substituted for Senate Bill No. 5773 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5773 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Ann Anderson, Senator Long was excused.

On motion of Senator Loveland, Senator Spanel was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5773.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5773 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Absent: Senator Deccio - 1.

Excused: Senators Long, Moyer, Prentice, Roach and Spanel - 5.

SUBSTITUTE SENATE BILL NO. 5773, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5769, by Senator Deccio (by request of Employment Security Department)

Revising provision on recovery of unemployment insurance overpayments.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5769 was substituted for Senate Bill No. 5769 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5769 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5769.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5769 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Absent: Senator McCaslin - 1.

Excused: Senators Long, Moyer, Prentice, Roach and Spanel - 5.

SUBSTITUTE SENATE BILL NO. 5769, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5497, by Senators McAuliffe, Fraser, Spanel, C. Anderson and Kohl

Assessing a fee and providing recycling incentive payments on automotive motor oil sold.

#### MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5497 was substituted for Senate Bill No. 5497 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 5497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5497.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5497 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, C., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Johnson, Kohl, Loveland, McAuliffe, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 35.

Voting nay: Senators Anderson, A., Cantu, Hale, Hochstatter, McCaslin, McDonald, Morton, Newhouse, Palmer, Prince and Schow - 11.

Excused: Senators Long, Moyer and Roach - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5990, by Senators Long, Bauer, Cantu, Rinehart, Newhouse, Winsley, Wood, Deccio, Johnson, Finkbeiner, Loveland and Hochstatter

Requiring public notice regarding excess compensation.

The bill was read the second time.

## MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 5990 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5990.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5990 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Moyer and Roach - 2.

SENATE BILL NO. 5990, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5747, by Senators Sheldon, Roach, Sellar and Fraser

Regulating housing authorities.

## MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5747 was substituted for Senate Bill No. 5747 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5747 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5747.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5747 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, West, Winsley, Wojahn and Wood - 37.

Voting nay: Senators Cantu, Deccio, Finkbeiner, Hale, Johnson, Morton, Palmer, Schow, Strannigan and Swecker - 10.

Excused: Senators Moyer and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5916, by Senators McAuliffe, Kohl and Pelz

Providing for racial equality in school districts.

## MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5916 was substituted for Senate Bill No. 5916 and the substitute bill was placed on second reading and read the second time.

Senator Johnson moved that the following amendments by Senators Johnson, Hochstatter and McAuliffe be considered simultaneously and be adopted:

On page 1, after line 3, insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that discrimination and harassment based on race, color, or national origin should not be tolerated in the public schools of the state. The legislature finds that each local school district can make the best decisions about which actions or policies are necessary to prevent discrimination and harassment from occurring in their district."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, after line 14 after "(b)", strike all material down to and including "policy" on page 2, line 11, and insert "School districts may adopt and implement written policies concerning racial harassment. The policies may apply to all school district employees, volunteers, parents, and students, including, but not limited to, conduct between students."

Renumber the subsections consecutively and correct any internal references accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator McAuliffe, I appreciate and I think that within our society that there should be no discrimination against race, creed, color, gender. Constitutionally, this is quite true and I think schools are the place where we learn. Do you commit yourself, as one who is a strong supporter of schools--and so am I--that we will work on this issue to see that racial discrimination is wiped out in our schools?"

Senator McAuliffe: "Thank you, Senator Franklin, and yes, I will commit myself to continue this process. As we see SPI develop their rules, I will be a part of those also, so I thank you for committing me to that."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Johnson, Hochstatter and McAuliffe on page 1, after line 3, and after line 14, to Substitute Senate Bill No. 5916.

The motion by Senator Johnson carried and the amendments were adopted.

President Pritchard assumed the Chair.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute Senate Bill No. 5916 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5916.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5916 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Moyer and Roach - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5916, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5043, by Senators Winsley and Haugen

Revising procedures for adoption of codes and statutes by reference by code cities.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5043 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5043.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5043 and the bill passed the Senate by the following vote:  
Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Moyer and Roach - 2.

SENATE BILL NO. 5043, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5000 and the pending amendment by Senators Cantu and Oke on page 1, after line 5, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Loveland, the President finds that Substitute Senate Bill No. 5000 is a measure which reduces the property tax that would be levied by the state and creates a funding mechanism using funds in excess of the general fund-state expenditure limit established by Initiative 601.

"The amendment proposed by Senators Cantu and Oke on page 1, after line 5, would change the 106 percent levy limitation on various local taxing districts.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Cantu and Oke on page 1, after line 5, to Substitute Senate Bill No. 5000 was ruled out of order.

#### MOTION BY SENATOR WEST

Senator West: "Thank you, Mr. President I move that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.48.080 and 1994 c 301 s 43 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law(~~(= PROVIDED, That)~~). The amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money. The amount levied in any year shall be reduced by the amount that general fund--state revenues are forecast to be in excess of the state expenditure limit for the following fiscal year under chapter 43.135 RCW.

The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

In addition to computing a levy under this subsection that is reduced by the amount that general fund--state revenues are forecast to be in excess of the state expenditure limit, the department shall compute a hypothetical levy without regard to the reduction. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010.

(3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

(4) After the completion of the duties (~~(hereinafter)~~) prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

**Sec. 2.** RCW 84.52.010 and 1994 c 124 s 36 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, (~~as now or hereafter amended,~~) exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010; however, if as a result of the levies imposed under RCW 84.52.069, 84.34.230, and 84.52.105, the combined rates of regular property tax levies exceed one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230 and 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis or eliminated until the combined rates of regular property tax levies no longer exceed one percent of the true and fair value of any property; and

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction in the levy for the amount that general fund--state revenues are forecast to be in excess of the state expenditure limit.

**Sec. 3.** RCW 84.55.092 and 1988 c 274 s 4 are each amended to read as follows:

The regular property tax levy for each taxing district (~~other than the state~~) may be set at the amount which would be allowed otherwise under this chapter if the regular property tax levy for the district for taxes due in prior years beginning with 1986 had been set at the full amount allowed under this chapter.

The purpose of this section is to remove the incentive for a taxing district to maintain its tax levy at the maximum level permitted under this chapter, and to protect the future levy capacity of a taxing district that reduces its tax levy below the level that it otherwise could impose under this chapter, by removing the adverse consequences to future levy capacities resulting from such levy reductions.

**NEW SECTION. Sec. 4.** This act applies to taxes levied in 1995 for collection in 1996 and thereafter."

#### FURTHER REMARKS BY SENATOR WEST

Senator West: "Thank you, Mr. President and members of the Senate. The underlying bill, Substitute Senate Bill No. 5000 is an excellent bill; it is an excellent concept. The problem is, though, unless we fix it, it is a hollow promise. The underlying bill will amend 601 and it will put a new catch-basin, so to speak, under the revenue. So, the way 601 works now, this cup is like 601. This is all the revenue that the state can spend. Anything that spills over the top of the rim of this cup, the state can't spend, so the sponsor of the bill suggested that anything that spills over the rim--or under 601 currently--anything that spills over the rim, goes into the emergency fund.

"What the sponsor of this bill suggests is that anything that spills over the rim goes into a new fund called, 'The property tax reduction fund.' Then, as that fund fills up, as we eliminate the property tax, which is three dollars and sixty cents, as we eliminate the state's share of the property tax, once that occurs, then the excess revenue will spill over and fill up the emergency reserve fund. If the emergency reserve fund ever fills up, the money spills off the plate and stays for school construction. The emergency reserve fund would have to be five percent of the value that is cut and that requires us to amend 601.

"What my amendment says is instead of waiting until the end of the year and seeing how much spills over the top, the Revenue Forecast Council will tell us, as they do every year, how much revenue we expect and how much will go over the top of this cup. Then, the Department of Revenue will have to take the excess out and put it in this property tax before it starts filling up. If you don't do that, what happens is, as it starts filling up, the Legislature will grab a hundred forty seven million dollars and give it away as relief to big business in the form of a sales tax exemption and then the Legislature will reach in and grab one hundred million and give it back to the people in the form of sales tax relief on over-the-counter drugs, and then the Legislature will reach in and grab some more to give back to the B & O tax fund and then they will reach in and grab some more and it never gets to the rim.

"So, the bill as it stands, the people will have been frauded--a fraud will have been committed on the people, because the revenue will never reach the rim. It will never spill over into this property tax relief. Failure to pass this amendment would cause that to happen. If you pass this amendment, again, the Department of Revenue, the first scoop out of the cup would be into the property tax reduction fund--before you did the one hundred forty seven million for big business--before you did the hundred million for the people through this drug tax relief--before you did the B & O tax relief--before you did the Frank Russell relief--before you did anybody else's tax relief, the people would get their property tax back.

"I ask you not to perpetuate a hollow property tax relief, but pass this amendment. This amendment will not cost one cent to administer. This amendment will not affect the five hundred million dollar surplus that is projected this year. This amendment will not affect schools negatively. This amendment provides a three hundred and sixty dollar per hundred thousand dollar of assessed dollar reductions when the state tax levies eliminate it. With this amendment, revenue projections indicate that in five years, the property tax levy will be totally eliminated. Without it, it may happen or it may not. With this amendment, it will happen. With this amendment, local government will not be able to backfill. As we lower the state rates, they will not be able to backfill. With this amendment, it only affects the future revenue forecast and this amendment--this amendment--not this bill without this amendment--but this amendment is the only true property tax relief that we will probably see out of this Legislature. Failure to pass this amendment is a hollow promise. It is a--maybe if there is any money left over that gets up as high as the rim, you will get your property tax back.

"When you go back to your districts and say, 'I voted to give you property tax relief,' and your voters next year get nothing back, they are going to be mad. They are going to be real mad. If you remember what happened to Danny Rostenkowski after he tricked the little old people into passing his OBRA bill back in 1989, that is what is going to happen to us. They are going to chase us down the street, because we are going to go home and say, 'We passed property tax relief,' but guess what, the budget that will come out of the Senate, the budget that will come out of the House, there will be nothing that spills over the rim--absolutely nothing. Even if it does in the budget that comes out of the Senate, I will guarantee you--the Conference Committee Report--there will be not a dime that flows into the property tax relief unless this amendment passes. Thank you very much. Please pass this amendment."

#### REMARKS BY SENATOR LOVELAND

Senator Loveland: "Thank you, Mr. President. I rise to oppose the amendment. That was pretty good, Senator West. I like the cup and the saucer; I should have thought of that. However, there are a few things that the striking amendment does not do. One, it does not protect the school levy where Substitute Senate Bill No. 5000 directs the money to go into an account and be directly credited to schools. Your striker does not take care of that. In addition to that, your striker talks about revenue projections. I came here three years ago and revenue projections said that we were one point two billion dollars short and I voted to increase taxes and I am here today and there is a five hundred million dollar ending-fund balance.

"I'm not willing to put this body and the body across from us in a position of taking revenue projections and reducing the state's levy when those projections are so inaccurate. It would put the Legislature in a position of guessing how much money was there and if it wasn't there, require the Legislature to cut below the expenditure limit, fund the reduction of the property tax levy and cut other programs in order to do that. I chose a responsible way to have true property tax reduction. Everyone equally shares in the amount of money and I will give you my one, two, three, and I compliment Senator West for using most of my points of what my bill does to explain his. Remember, the striker does not protect schools; it's based on a guess of how much money is going to be there instead of an actual amount. I urge you to vote against the amendment."

#### REMARKS BY SENATOR BAUER

Senator Bauer: "Thank you, Mr. President and members of the Senate. I promised the Governor it would be a little short one, but I can remember a couple three weeks ago Senator West criticized us, because we had a formula by which we would require the Legislature or, you know, give the Legislature a little fund to put real money into higher education as opposed to some other gimmick. He criticized the tuition and tied the tuition to the state corporation and to personal income and said, 'Why don't we just put real money into that?' Well, this is the real money he is talking about. You know, you take three or four hundred million out of that cup that he has there, below the lid, and you have taken it out of higher ed. K-12 is pretty well guaranteed its funding by the court decision in seventy-seven, but what do we have left? Well, we have left about half of the biennial budget that we can bargain with and higher education comes into that piece. So, if you are taking that money out underneath that lid of that cup he had there, it is taking it out of higher ed and other programs. You can't have it both ways; you can't spend it and still have it. I think this amendment here has to be taken in light of 'what are you going to do to have to pass a budget and properly fund higher education?' You can't do both."

#### FURTHER REMARKS BY SENATOR WEST

Senator West: "Thank you, Mr. President. Well, the good Senator from Vancouver makes my point. He is not going to vote for the final passage, I guess, or if he does, it is because it really doesn't give back any tax money. That is exactly what 5000, without this amendment, is. It is a false hope; it is a false promise. You are telling people that you are going to give back a tax relief, the property tax relief, and you are not. Frankly, the revenue forecast was not wrong. What was wrong was your guesstimate about how much money you would get off your taxes and that was based on fiscal notes, that wasn't the Revenue Forecasting Council. The Revenue Forecasting Council actually is very accurate, you know, and predicts very well. I would ask for your support on the amendment and Mr. President, I would like for this to be a recorded vote."

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "All right, do one-sixth of the members sustain the demand? All right, a recorded vote is ordered. The clerk will call the roll on the striking amendment offered by Senator West."

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.  
Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Prince, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 22.  
Voting nay: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 25.  
Excused: Senators Moyer and Roach - 2.



MOTION BY SENATOR ANN ANDERSON

Senator Ann Anderson: Thank you, Mr. President, I move that Senator West's remarks be spread upon the Journal."

REPLY BY THE PRESIDENT

President Pritchard: "All right, hearing no objection. Is it just the remarks on the amendment?"

MOTION BY SENATOR SNYDER

Senator Snyder: "As long as we are spreading on the Journal, we might as well put all the remarks in the Journal, I think."

REPLY BY THE PRESIDENT

President Pritchard: "All right, if there is no objection, we will put the remarks in the Journal."

MOTION BY SENATOR LOVELAND

Senator Loveland: "Thank you, Mr. President. I move that the rules be suspended and Substitute Senate Bill No. 5000 be advanced to third reading, the second reading considered the third and the bill be placed on final passage."

REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "Senator Loveland moves the bill to third reading and final passage. Hearing no objection, so ordered."

POINT OF ORDER

Senator West: "A point of order. Would the President rule on whether or not this requires a super majority to pass, because it is an amendment of 601?"

RULING BY THE PRESIDENT

President Pritchard: "You will have to wait a minute. We'll be just a few minutes. The President's position is that it does affect 601, yes. Do you have any argument with that Senator Loveland? We are all in agreement, just for once. That is amazing. We are in our cups; that is the problem. All right, it takes thirty-three votes to pass the bill."

REMARKS BY SENATOR LOVELAND

Senator Loveland: "Thank you, Mr. President. I hope that everybody appreciates the fact that I was trying to do something that made a difference for everybody in this state where property taxes were concerned. My background, as most of you know, is I collected property taxes for thirty years. I've heard every excuse; I've seen every sad story; I've seen those who would cheat the system if they possibly could and I believe in the property tax system of this state. People pay taxes based on the value of their property, but we all know that a lot of things have occurred over the years and those occurrences are not within the control of the people who live in their homes or try to run their businesses and that increased property values. You must remember that most people love to have the value of their property increased at all times, except when they have to pay taxes on that value.

"Having said that, I would like for you to know that I bared my soul, I've provided each one of you a copy of my 1995 property tax statement as an illustration of what Substitute Senate Bill No. 5000 would do if all of us have the courage to actually do tax reform in property taxes in this session. If you will look at the tax statement that I provided you, where it says 'state schools,' five hundred and eighty-three dollars and ninety cents is the share when I pay my property taxes that come to the state to pay state schools. If Substitute Senate Bill No. 5000 isn't enacted and if the Legislature allows those surpluses, in future years, to be put toward state schools to reduce the state levy and if all of this occurs within five years, that five hundred and eighty-three dollars and ninety cents will be an amount that I will no longer pay in property taxes. That's true property tax reduction.

"If you will turn to the page that I provided that Senator West quoted from, wherever it was convenient, this law--I promised that I would work, not to create some nightmare out there that no one could understand and had smoke and mirrors. That is exactly what I did; it doesn't cost one penny to administer it. It does not affect the five hundred million dollars that Senator West was talking about. His final arguments on the amendment were talking about dipping into the cup and we were all going to give back all these tax breaks and that's the five hundred million ending-fund balance that only exists once, because, ladies and gentlemen, in July 1, 1995, 601 kicks in. My property tax bill deals with monies above the 601 expenditure limits in the future, so I am not touching the five hundred million dollars.

"Under Substitute Senate Bill No. 5000, revenue projections do indicate that within five years, the state's property tax levy would be eliminated. I have watched initiatives in the state of California and the state of Oregon absolutely disrupt the ability of those legislative bodies to do the work of the people. This is my attempt at real property tax reform to avoid an initiative that will be unworkable for all of us and those in the future. It does show that each of us pay three hundred and sixty dollars for one hundred thousand dollars of assessed value. I live in a modest home; my house was built in 1951 and has seventeen hundred square feet in it, nothing to sneeze about, and yet I am paying five hundred and eighty-three dollars a year just in state property taxes. I am one of those, too, who am not going to be able to continue to afford to live in my home.

"Substitute Senate Bill No. 5000, for those of you who have any doubts about what my credentials or my ability to understand the property tax system, all thirty-nine county assessors in this state, helped me put this piece together. They all support it; they all are encouraging and working with the editorial boards at home and talking to groups explaining what this is. This isn't any flash in the pan. They believe in it; they understand it and it is good tax reform.

"Finally, the other responsible portion of this bill is that I did not want to harm schools. The reason that we developed this special account to take the excess money above 601 and put into a special account was so that it couldn't be trickled off, dribbled off or grabbed off for something other than schools. It goes into the account, it moves over and it buys the levy and it is gone. I submit to you that this is the only true tax reform that we are looking at this legislative session. We will take the property tax that the state collects, eliminate it, it will be a local tax and the state of Washington can continue its business and they will do their business without property tax out of the taxpayers pockets at home. I urge your support of Substitute Senate Bill No. 5000. Thank you."

#### POINT OF INQUIRY

Senator Sellar: "Senator Loveland, as Vice-Chairman of Ways and Means, is this figured into this year's budget and what would be your estimate of the property tax relief as a result of this year's budget?"

Senator Loveland: "Is this in the future?"

Senator Sellar: "If this bill were in effect right now."

Senator Loveland: "If this bill were to pass, my tax statement is already out, so obviously there is no tax reduction in 1995. The tax reduction would be based on the amount of revenue above the expenditure level in 1996 projected to be seventy-nine million dollars. It could be more; it could be less. Property taxes on the state level will be reduced by whatever amount that is."

Senator Sellar: "So, you are confident, as a result of this budget, there will be a seventy-nine million dollar property tax relief in 1996?"

Senator Loveland: "I would guess that it is probably going to be more than that, but, yes, I am confident."

Senator Sellar: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5000.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5000 and the bill failed to receive a two-thirds majority by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Spanel, Winsley and Wojahn - 25.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Schow, Sellar, Snyder, Strannigan, Sutherland, Swecker, West and Wood - 22.

Excused: Senators Moyer and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5000, having failed to receive the constitutional two-thirds majority, was declared lost.

#### STATEMENT FOR THE JOURNAL

Explanation of vote: I changed by vote from 'aye' to 'nay' in order to reconsider the vote by which Substitute Senate Bill No. 5000 failed to receive the two-thirds vote that may be required under provisions of Initiative 601.

SENATOR SID SNYDER, District No. 19

#### MOTION FOR RECONSIDERATION

Senator Snyder moved that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 5000 failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator Snyder to immediately reconsider the vote by which Substitute Senate Bill No. 5000 failed to pass the Senate.

The motion by Senator Snyder carried and the Senate will immediately reconsider the vote by which Substitute Senate Bill No. 5000 failed to pass the Senate.

#### MOTION

Senator West moved that the rules be suspended and Substitute Senate Bill No. 5000 be returned to second reading.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator West to return Substitute Senate Bill No. 5000 to second reading.

The motion by Senator West failed and Substitute Senate Bill No. 5000 was held on the third reading calendar.

#### SECOND READING

SENATE BILL NO. 5962, by Senators Rasmussen and Newhouse

Changing dairy products regulations.

The bill was read the second time.

#### MOTIONS

On motion of Senator Rasmussen, the following Committee on Agriculture and Agricultural Trade and Development amendment was adopted:

On page 1, beginning on line 4, strike all of section 1

Renumber the remaining section.

On motion of Senator Rasmussen, the following amendments by Senators Rasmussen, Loveland and Morton was adopted:

On page 1, after line 3, insert the following:

"NEW SECTION. Sec. 1. The department of agriculture shall develop a proposal to impose a civil penalty that would be in lieu of a degrade or summary suspension for violations of the pasteurized milk ordinance. The department shall inquire as to the acceptability of the proposed civil penalty authority with the federal food and drug administration, with regulatory agencies that implement the requirements of the pasteurized milk ordinance in states to which milk produced in Washington state is shipped, and with other public and private organizations that may be affected by the issue. The department shall provide a written report containing its conclusions and recommendations to the house of representatives and senate committees having jurisdiction over milk quality issues by December 15, 1995."

Renumber the remaining sections and correct internal references.

#### MOTIONS

On motion of Senator Rasmussen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, strike "15.36.111 and"

On page 1, beginning on line 1, after "products;" strike the remainder of the title and insert "amending RCW 15.36.111 and 15.36.121; and creating a new section."

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 5962 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5962.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5962 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Moyer and Roach - 2.

ENGROSSED SENATE BILL NO. 5962, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5466, by Senators Smith, Oke, Heavey, Winsley and Franklin

Protecting children from sexually explicit films, publications, and devices.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5466 was substituted for Senate Bill No. 5466 and the substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner, Smith and Sutherland be adopted:

On page 4, after "decisions" on line 19, insert ";

(3) A provider of on-line services that allows another person access to information stored in an electronic form, such as an electronic bulletin board or the internet. For purposes of this subsection, a "provider" means a person who is in the business of providing access to information stored in an electronic form but who has no ability to control the content of the information and no ability to limit or restrict the viewing or displaying of such information."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Finkbeiner, Smith and Sutherland on page 4, line 19, to Substitute Senate Bill No. 5466.

The motion by Senator Finkbeiner carried and the amendment was adopted.

#### MOTION

Senator Kohl moved that the following amendment by Senators Kohl, Cal Anderson, McAuliffe, Pelz, Fairley, Spanel and Rinehart be adopted:

On page 4, line 19, after "decisions" insert "; or  
(3) Instructional materials reviewed and recommended by an instructional materials committee and approved by the local school district's board of directors in accordance with RCW 28A.320.230"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl, Cal Anderson, McAuliffe, Pelz, Fairley, Spanel and Rinehart on page 4, line 19, to Substitute Senate Bill No. 5466.

The motion by Senator Kohl carried and the amendment was adopted.

#### MOTION

On motion of Senator Kohl, the following amendment by Senators Kohl, Cal Anderson, Fairley, McAuliffe, Rinehart, Spanel and Pelz was adopted:

On page 4, line 19, after "decisions" insert ";  
(3) The official distribution or use of material by a health care provider, or health agency under the supervision and control, or funded in whole or in part by the state, county, municipality, or other political division of the state;  
(4) Devices designed for contraceptive purposes; or  
(5) The depiction of a female breast feeding an infant"

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5466.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5466 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 41.

Voting nay: Senators Anderson, C., Fairley, Finkbeiner, Kohl, Pelz and Spanel - 6.

Excused: Senators Moyer and Roach - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5305, by Senators Heavey, Schow, Sheldon, Oke, Wood and Winsley

Using county auditors and subagents by the director of licensing.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5305 was substituted for Senate Bill No. 5305 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5305.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Moyer and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5735, by Senators West, Winsley, McCaslin, Haugen, Deccio, Hochstatter, Palmer, Roach, Schow, Wood, Hale, Strannigan and Fraser

Paying county fees by credit cards.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5735 was substituted for Senate Bill No. 5735 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5735 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5735.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5735 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Franklin - 1.

Excused: Senators Moyer and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5108, by Senators Snyder, Winsley and Palmer

Concerning the hunter education training program.

The bill was read the second time.

## MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 5108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5108.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5108 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senator Fairley - 1.

Absent: Senators Franklin and Quigley - 2.

Excused: Senators Moyer and Roach - 2.

SENATE BILL NO. 5108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5214, by Senators Smith, C. Anderson, Winsley, Haugen and Kohl

Making admissible childrens' statements concerning acts of physical abuse.

## MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5214 was substituted for Senate Bill No. 5214 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5214.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5214 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Moyer and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5167, by Senator Smith

Allowing service of process on a marital community by serving either spouse.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5167 was substituted for Senate Bill No. 5167 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5167.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5167 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator McDonald - 1.

Excused: Senators Moyer and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5403, by Senators Fraser, A. Anderson, Rasmussen, Prince, Spanel, Morton, Loveland, Swecker, Snyder, Palmer, Owen, Quigley and Roach

Establishing the Washington state horse park.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5403 was substituted for Senate Bill No. 5403 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Sheldon, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5403.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5403 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senator McCaslin - 1.

Excused: Senators Loveland, Moyer and Roach - 3.

SUBSTITUTE SENATE BILL NO. 5403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:51 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Monday, March 13, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SECOND DAY, MARCH 11, 1995

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**SIXTY-FOURTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, March 13, 1995

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Drew, Pelz, Rasmussen and Rinehart. On motion of Senator Loveland, Senators Drew, Pelz, Rasmussen and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Martin Osborne and Elizabeth Brummel, presented the Colors. Reverend Jim Bosman, pastor of Lopez Island Community Church, and a guest of Senator McDonald, offered the prayer.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

March 10, 1995

**MR. PRESIDENT:**

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679,  
SUBSTITUTE HOUSE BILL NO. 1911,  
SECOND SUBSTITUTE HOUSE BILL NO. 2004,  
SUBSTITUTE HOUSE BILL NO. 2042,  
SUBSTITUTE HOUSE BILL NO. 2058,  
SUBSTITUTE HOUSE BILL NO. 2060,  
HOUSE BILL NO. 2070,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4012,  
HOUSE JOINT MEMORIAL NO. 4013,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4024,  
HOUSE JOINT MEMORIAL NO. 4027,  
HOUSE JOINT MEMORIAL NO. 4028,  
HOUSE JOINT MEMORIAL NO. 4029, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 10, 1995

**MR. PRESIDENT:**

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1111,  
SUBSTITUTE HOUSE BILL NO. 1152,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1156,  
SECOND SUBSTITUTE HOUSE BILL NO. 1162,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247,  
HOUSE BILL NO. 1251,  
SECOND SUBSTITUTE HOUSE BILL NO. 1286,  
SUBSTITUTE HOUSE BILL NO. 1292,  
SECOND SUBSTITUTE HOUSE BILL NO. 1313,  
SUBSTITUTE HOUSE BILL NO. 1327,  
SUBSTITUTE HOUSE BILL NO. 1342,  
HOUSE BILL NO. 1359,  
HOUSE BILL NO. 1370,  
HOUSE BILL NO. 1373,  
HOUSE BILL NO. 1374,  
SUBSTITUTE HOUSE BILL NO. 1375,  
SUBSTITUTE HOUSE BILL NO. 1399,  
SECOND SUBSTITUTE HOUSE BILL NO. 1400,



ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1417,  
SUBSTITUTE HOUSE BILL NO. 1418,  
SUBSTITUTE HOUSE BILL NO. 1434,  
SUBSTITUTE HOUSE BILL NO. 1453,  
HOUSE BILL NO. 1460,  
SUBSTITUTE HOUSE BILL NO. 1473,  
SUBSTITUTE HOUSE BILL NO. 1508,  
SUBSTITUTE HOUSE BILL NO. 1517,  
SECOND SUBSTITUTE HOUSE BILL NO. 1539,  
HOUSE BILL NO. 1545,  
ENGROSSED HOUSE BILL NO. 1550,  
ENGROSSED HOUSE BILL NO. 1876,  
ENGROSSED HOUSE BILL NO. 2005, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1111 by House Committee on Energy and Utilities (originally sponsored by Representatives Casada, Kessler, Chandler, Kremen, Horn, Patterson, Mielke, G. Fisher, Campbell, Mitchell, Grant, Huff and Basich)

Promoting competition for long distance telecommunications.

Referred to Committee on Energy, Telecommunications and Utilities.

SHB 1152 by House Committee on Law and Justice (originally sponsored by Representatives Pennington, Buck, Smith, Sherstad, Beeksma, Hargrove, Campbell, Chappell, Basich, Sheldon, Backlund, L. Thomas, Thompson, Foreman, Benton, McMorris, Robertson, Goldsmith, McMahan, Chandler, Clements, Mulliken, Johnson, D. Schmidt, B. Thomas, Delvin, Koster, Hymes, Skinner, Mielke and Padden)

Changing fees regarding concealed pistol licenses.

Referred to Committee on Law and Justice.

E2SHB 1156 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Brumsickle, Radcliff, Chopp, Mason, Cody, Hatfield, Poulsen, Veloria, Morris, Cole, Skinner, Tokuda, Costa, Elliot, Wolfe and Ogden)

Requiring the SPI to provide support to individuals and organizations for the establishment of nonprofit education foundations.

Referred to Committee on Education.

2SHB 1162 by House Committee on Appropriations (originally sponsored by Representatives Schoesler and Mastin) (by request of Department of Ecology and Department of Revenue)

Changing collection of hazardous waste fees.

Referred to Committee on Ecology and Parks.

ESHB 1247 by House Committee on Commerce and Labor (originally sponsored by Representatives L. Thomas, Lisk, G. Fisher, Robertson, Casada, Basich, Clements, Ebersole, Horn, Boldt, Mason, B. Thomas, Cairnes, Radcliff, Foreman, Cooke, Chandler, Mielke, Dyer, Mitchell, Schoesler, Skinner, Appelwick, Sheldon, Costa and Morris)

Promoting horse racing.

Referred to Committee on Labor, Commerce and Trade.

HB 1251 by Representatives Backlund, L. Thomas, Lisk, Mastin, McMorris, Sheldon, Basich, Hatfield, Fuhrman, Chandler, Elliot, Johnson, Hargrove, Clements, Hickel, Huff, Beeksma, Schoesler, Hymes, Boldt, Sheahan, Sherstad and Morris

Limiting standing to appeal actions under SEPA to those who are directly impacted.

Referred to Committee on Ecology and Parks.

2SHB 1286 by House Committee on Appropriations (originally sponsored by Representatives Buck, Pennington, Fuhrman, Pelesky, Johnson, McMorris, Sheldon, Cairnes, B. Thomas, Kessler, Stevens and Talcott)

Regulating forest practices.

Referred to Committee on Natural Resources.

SHB 1292 by House Committee on Education (originally sponsored by Representatives Pelesky, Carrell, McMahan, Huff, Campbell, L. Thomas, Smith, Crouse, Buck, Sherstad, Clements, Hymes, Thompson, Lambert, Mulliken, Padden, Radcliff, Johnson, Hickel, Mielke, Casada and Hargrove)

Authorizing permanent expulsion for disruptive students.

Referred to Committee on Education.

2SHB 1313 by House Committee on Capital Budget (originally sponsored by Representatives Buck, Pennington, Fuhrman, Benton, Foreman, Sheldon, Honeyford, Johnson, Thompson, Hatfield, Hargrove and Elliot)

Reviewing the management of certain state lands.

Referred to Committee on Ways and Means.

SHB 1327 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Kremen, Clements, McMorris, Mastin, Johnson, Chappell, Schoesler, Lisk, Cairnes, Boldt, L. Thomas, Thompson, Sheldon, Campbell, Mulliken and Mielke)

Reopening the water rights claim filing period.

Referred to Committee on Senate Select Committee on Water Policy.

SHB 1342 by House Committee on Appropriations (originally sponsored by Representatives Fuhrman, Buck, Sehlin, Romero, Ogden, Regala, Jacobsen and Basich) (by request of Parks and Recreation Commission)

Creating the parks renewal and stewardship account.

Referred to Committee on Ecology and Parks.

HB 1359 by Representatives Van Loven and G. Fisher (by request of Department of Revenue)

Affecting the administration and collection of the cigarette tax.

Referred to Committee on Ways and Means.

HB 1370 by Representatives L. Thomas, Jacobsen and Dyer (by request of Insurance Commissioner Senn)

Regulating the capital and surplus requirements of insurance companies.

Referred to Committee on Financial Institutions and Housing.

HB 1373 by Representatives L. Thomas, Wolfe, Kessler, Dyer and Jacobsen (by request of Insurance Commissioner Senn)

Amending licensing requirements of general agents.

Referred to Committee on Financial Institutions and Housing.

HB 1374 by Representatives L. Thomas, Wolfe, Kessler, Dyer and Jacobsen (by request of Insurance Commissioner Senn)

Regulating unearned premium, loss, and loss expense reserves.

Referred to Committee on Financial Institutions and Housing.

SHB 1375 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Chandler, Fuhrman, Goldsmith, Hargrove, Horn and Honeyford)

Cancelling industrial insurance benefits during confinement in an institution.

Referred to Committee on Labor, Commerce and Trade.

SHB 1399 by House Committee on Appropriations (originally sponsored by Representatives Silver, Johnson, D. Schmidt, Carrell, Thompson, Goldsmith, McMahan, Robertson, Hargrove, Hymes, Clements, Pennington, Crouse, Lambert, Elliot, Hankins, Hickel, Honeyford, Smith, Delvin, Foreman, Lisk, Schoesler, Mielke, Sheahan, Van Luven, Sheldon, Chandler, Casada, Mulliken, B. Thomas, Backlund, Talcott, Dyer, Cooke, L. Thomas, Mitchell, Huff, Boldt and McMorris)

Providing for a modified zero-based budget review.

Referred to Committee on Ways and Means.

2SHB 1400 by House Committee on Appropriations (originally sponsored by Representatives Silver, Mulliken, Blanton, B. Thomas, Huff, Mielke, Honeyford, Hargrove and Boldt)

Prohibiting the use of state funds or student operating fees for most remedial or precollege classes at institutions of higher education.

Referred to Committee on Higher Education.

E2SHB 1417 by House Committee on Appropriations (originally sponsored by Representatives Carrell, Wolfe, Ballasiotes, Morris, Hymes, Conway, Pennington, Cooke, Lambert, Smith, McMorris, Sherstad, Elliot, Mitchell, McMahan, Regala, Basich, B. Thomas, Padden, Ebersole, Robertson, Schoesler, Patterson, Campbell, Mulliken, Johnson, Talcott, Thompson, Scott, Huff, Boldt and Chopp)

Changing provisions relating to juveniles.

Referred to Committee on Human Services and Corrections.

SHB 1418 by House Committee on Health Care (originally sponsored by Representatives Mielke, Talcott, Huff, Hargrove, Hymes, Morris, Sehlin, Sheldon, Pelesky, K. Schmidt, Campbell, Johnson, Smith, Thompson and L. Thomas)

Transferring regulatory authority over on-site sewage disposal systems to local boards of health.

Referred to Committee on Ecology and Parks.

SHB 1434 by House Committee on Government Operations (originally sponsored by Representatives Hankins, Casada, Mastin, Honeyford, Radcliff, Dyer, Grant, Blanton, Brumsickle, Delvin, L. Thomas and Chandler)

Increasing the limit for public utility districts to use alternative bid procedures.

Referred to Committee on Government Operations.

SHB 1453 by House Committee on Appropriations (originally sponsored by Representatives Foreman, Ogden, Chappell, Costa, Dickerson, Schoesler, Stevens and Radcliff)

Providing for reserve officers' retirement.

Referred to Committee on Government Operations.

HB 1460 by Representatives Honeyford, Cairnes, Clements, L. Thomas, Reams, Mulliken, Horn, Basich, Hargrove, McMorris, D. Schmidt and Thompson

Increasing categorical exemptions from SEPA.

Referred to Committee on Ecology and Parks.

SHB 1473 by House Committee on Government Operations (originally sponsored by Representatives Quall, Goldsmith, Kremen and Hymes)

Sharing the county road levy with homeowners' associations under certain specified circumstances.

Referred to Committee on Government Operations.

SHB 1508 by House Committee on Commerce and Labor (originally sponsored by Representatives Goldsmith, Kremen, Cooke and Morris)

Creating new funds under the control of the department of labor and industries.

Referred to Committee on Labor, Commerce and Trade.

SHB 1517 by House Committee on Capital Budget (originally sponsored by Representatives L. Thomas, Rust, Horn, Sommers and Ballasiotes)

Revising guidelines for receipt and expenditure of federal and private funds by local governments.

Referred to Committee on Government Operations.

2SHB 1539 by House Committee on Appropriations (originally sponsored by Representatives Buck, Ebersole, Fuhrman, Wolfe, Chandler, Chappell, Kremen, Grant, Kessler, Basich, Hargrove, L. Thomas, G. Fisher, Johnson, Dyer, Elliot, Goldsmith, McMahan, Clements, Cooke, Brumsickle and Mastin)

Establishing a single-application process for watershed restoration projects.

Referred to Committee on Natural Resources.

HB 1545 by Representatives Mulliken, Boldt, Carrell, Chandler, McMorris, Koster, D. Schmidt, L. Thomas, Stevens, Beeksma, Pelesky, Campbell, Mastin, McMahan, Hargrove, Hymes, Van Luven, Schoesler and Clements

Providing a business and occupation tax exemption for sale of out-of-state motor vehicles.

Referred to Committee on Ways and Means.

EHB 1550 by Representatives Smith, Scott, Blanton, Benton, Campbell, Mielke, Huff, Lambert, Sheahan, Robertson, Carrell, McMahan, Padden, Delvin, Thompson and Kremen

Allowing warrantless arrest for criminal trespass.

Referred to Committee on Law and Justice.

ESHB 1679 by House Committee on Commerce and Labor (originally sponsored by Representatives Cole, Lisk, Horn, Cody, Romero, Ballasiotes, Conway, Jacobsen and Patterson)

Revising regulation of security guards and private investigators.

Referred to Committee on Labor, Commerce and Trade.

EHB 1876 by Representatives Dyer and Dellwo

Modifying provision of dental services by certified health plans.

Referred to Committee on Health and Long-Term Care.

SHB 1911 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Goldsmith, Hargrove and Cairnes)

Expanding authority for retrospective rating plans.

Referred to Committee on Labor, Commerce and Trade.

2SHB 2004 by House Committee on Appropriations (originally sponsored by Representatives Thompson, Fuhrman, Goldsmith, Buck, Elliot, Cairnes and Sheldon)

Taking emergency measures to protect the health of the Loomis state forest.

Referred to Committee on Natural Resources.

EHB 2005 by Representatives Dyer and Dellwo

Modifying certified health plan provision of vision benefits.

Referred to Committee on Health and Long-Term Care.

SHB 2042 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Horn, Sheldon, Mielke and L. Thomas)

Revising exemptions from overtime compensation requirements.

Referred to Committee on Labor, Commerce and Trade.

SHB 2058 by House Committee on Commerce and Labor (originally sponsored by Representative Robertson)

Defining employment.

Referred to Committee on Labor, Commerce and Trade.

SHB 2060 by House Committee on Appropriations (originally sponsored by Representative Foreman)

Redefining budget document.

Referred to Committee on Ways and Means.

HB 2070 by Representatives Beeksma, Talcott and Huff

Changing the name of the legislative budget committee.

Referred to Committee on Ways and Means.

SHJM 4005 by House Committee on Natural Resources (originally sponsored by Representatives Hargrove, Cairnes, Pelesky, Goldsmith, Buck, Johnson, Clements, Carrell, McMahan, Campbell, Koster, Padden, Huff, Backlund, Reams, Pennington, Stevens, Fuhrman, Silver, Crouse, Casada, Thompson and Sherstad)

Requesting federal assistance to obtain an equitable solution to the shellfish harvest issue in Washington State.

Referred to Committee on Natural Resources.

SHJM 4012 by House Committee on Energy and Utilities (originally sponsored by Representatives Stevens, Cairnes, Elliot, Thompson, Koster, Sheahan, D. Schmidt, Delvin, McMorris, Robertson and Mielke)

Requesting permission to use personal locator beacons.

Referred to Committee on Energy, Telecommunications and Utilities.

HJM 4013 by Representatives Thompson, Fuhrman, Horn, Cairnes, Goldsmith, Radcliff, Hargrove, Lisk, Koster, Beeksma, D. Schmidt, Blanton, Stevens, McMahan, Sheldon, Pennington, B. Thomas, Buck, Benton, Smith, Mulliken and Honeyford

Removing the spotted owl from endangered or threatened species lists.

Referred to Committee on Natural Resources.

SHJM 4024 by House Committee on Natural Resources (originally sponsored by Representatives Delvin, Chandler, Mastin, Blanton, Mielke, Schoesler, Honeyford, Hankins, Sheahan, Crouse, Clements, Grant, Foreman and Padden)

Requesting the incorporation of salmon restoration demonstration projects.

Referred to Committee on Natural Resources.

HJM 4027 by Representative Casada

Requesting that Congress transfer jurisdiction to regulate one-way video and audio communications to the states.

Referred to Committee on Energy, Telecommunications and Utilities.

HJM 4028 by Representatives K. Schmidt, R. Fisher, Hatfield, Cairnes, Hankins, Ogden, Johnson, D. Schmidt and Blanton

Urging passage of legislation authorizing the National Highway System.

Referred to Committee on Transportation.

HJM 4029 by Representatives K. Schmidt, R. Fisher, Hatfield, Cairnes, Hankins, D. Schmidt, Robertson, Brown, Ogden, Johnson, Elliot, Radcliff, Backlund, Benton, Sherstad and Blanton

Urging Congress to use transportation funds for transportation purposes.

Referred to Committee on Transportation.

#### MOTION TO LIMIT DEBATE

Senator Spanel: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through March 15, 1995."

The President declared the question before the Senate to be the motion by Senator Spanel to limit debate.  
The motion by Senator Spanel carried and debate was limited to three minutes through March 15, 1995.

#### SECOND READING GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Hale, Gubernatorial Appointment No. 9080, William Wiley, as a member of the Board of Regents for Washington State University, was confirmed.

Senators Hale and Loveland spoke to the confirmation of William Wiley as a member of the Board of Regents for Washington State University.

#### APPOINTMENT OF WILLIAM WILEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Absent: Senator Anderson, C. - 1.

Excused: Senators Drew, Pelz, Rasmussen and Rinehart - 4.

#### MOTION

On motion of Senator Loveland, Senator Cal Anderson was excused.

#### SECOND READING

SENATE BILL NO. 5660, by Senators Prentice, Hale, Snyder, Sellar, Fraser, Kohl and Winsley

Providing for heating oil liability protection.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5660 was substituted for Senate Bill No. 5660 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5660 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5660.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5660 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senator Sutherland - 1.

Excused: Senators Anderson, C., Drew and Pelz - 3.

SUBSTITUTE SENATE BILL NO. 5660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5276, by Senators McAuliffe, Drew, Bauer, Hochstatter, Sutherland, Long, Pelz, Rasmussen, Haugen, Fairley, Winsley and Kohl

Changing references from "handicapped" to "with disabilities" in the common school education code.

The bill was read the second time.

#### MOTIONS

On motion of Senator McAuliffe, the following Committee on Education amendments were considered simultaneously and were adopted:

On page 4, line 31, after "~~(Handicapped)~~" strike "Education" and insert "Special education"

On page 9, line 30, after "and" strike all material through "disabilities" and insert "~~(handicapped student)~~ special education"

On page 10, line 9, after "and for" insert "special education"

On page 10, line 21, after "~~(handicapped)~~" insert "special education"

On page 10, line 24, after "~~(handicapped)~~" insert "special education"

On page 11, line 26, after "~~(handicapped)~~" insert "special education"

On page 12, beginning on line 13, after "for" strike "all ~~(handicapped)~~" and insert "~~(all handicapped)~~ eligible"

On page 14, on line 8, after "~~(handicapped)~~" insert "special education"

On page 15, on line 17, after "~~(handicapped)~~" insert "special education"

On page 27, line 16, after "for" insert "special education"

On motion of Senator McAuliffe, the rules were suspended, Engrossed Senate Bill No. 5276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Sheldon was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5276.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5276 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senator Prince - 1.

Excused: Senators Anderson, C., Pelz and Sheldon - 3.

ENGROSSED SENATE BILL NO. 5276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5435, by Senators Prentice, Hale, Fraser, Franklin, C. Anderson and Kohl (by request of Insurance Commissioner Senn)

Restricting limitations in certain medicare policies.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5435 was substituted for Senate Bill No. 5435 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5435 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Ann Anderson, Senator Prince was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5435.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5435 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Pelz, Prince and Sheldon - 4.

SUBSTITUTE SENATE BILL NO. 5435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5901, by Senators Spanel, Haugen and Rasmussen

Clarifying the authorized uses of the special excise tax on lodging.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5901 was substituted for Senate Bill No. 5901 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendment by Senators Haugen, Winsley and Spanel was adopted:

On page 2, beginning on line 14, after "island." strike all material through "boardwalk" on line 18, and insert "a city bordering on the Skagit river with a population of not less than twenty thousand, or any city with a population of not less than ten thousand within a county made up entirely of islands may use the proceeds of such taxes for funding special events or festivals, or for the acquisition, construction, or operation of publicly owned tourist promotional infrastructures, structures, or buildings including but not limited to an ocean beach boardwalk, public docks, and viewing towers"

#### MOTIONS

On motion of Senator Ann Anderson, the following amendment by Senators Ann Anderson and Spanel was adopted:

On page 2, beginning on line 35, after "advertising" strike all material through "atmosphere" on line 36, and insert "and promotional materials intended to attract overnight visitors"

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5901 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5901.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5901 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.



Voting nay: Senator Sutherland - 1.  
Excused: Senators Anderson, C., Pelz, Prince and Sheldon - 4.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5901, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5472, by Senators Wojahn, Winsley, Haugen, Wood, Gaspard, Sheldon and Sutherland

Providing for utility liens.

#### MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5472 was substituted for Senate Bill No. 5472 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the rules were suspended, Substitute Senate Bill No. 5472 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5472.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5472 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Prince and Sheldon - 3.

SUBSTITUTE SENATE BILL NO. 5472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8015, by Senators Fraser, Swecker, Oke, McDonald, Wojahn, Deccio, McAuliffe, Hargrove, Rasmussen and Winsley

Requesting a variance in order to preserve man-made wetlands.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Joint Memorial No. 8015 was substituted for Senate Joint Memorial No. 8015 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Joint Memorial No. 8015 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8015.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8015 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Sheldon - 2.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8015, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5033, by Senators Rasmussen, Morton, Snyder, Loveland, Newhouse, A. Anderson and Hochstatter

Establishing a commission on pesticide registration.

#### MOTIONS

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 5033 was substituted for Senate Bill No. 5033 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the following amendments were considered simultaneously and were adopted:

On page 1, line 9, strike all material through "University" and insert "governor"

On page 1, line 13, strike "dean" and insert "governor"

On page 2, line 17, strike "dean" and insert "governor"

On page 2, line 19, strike "dean" and insert "governor"

On page 2, line 31, strike "dean" and insert "governor"

#### MOTIONS

On motion of Senator Rasmussen, the following amendment was adopted:

On page 2, line 22, after "term." insert "No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office."

On motion of Senator Rasmussen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5033.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5033 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senator Anderson, A. - 1.

Excused: Senators Anderson, C. and Sheldon - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5190, by Senators Roach, Pelz, Smith and Heavey

Making it a crime to tattoo a person under age sixteen without the parent's permission.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5190 was substituted for Senate Bill No. 5190 and the substitute bill was placed on second reading and read the second time.

Senator Roach moved that the following amendment by Senators Roach and Smith be adopted:

On page 1, strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 26.28 RCW to read as follows:

Every person who applies a tattoo to any minor under the age of sixteen is guilty of a misdemeanor.

For the purposes of this section, "tattoo" includes any permanent marking or coloring of the skin with any pigment, ink, or dye, or any procedure that leaves a visible scar on the skin. Medical procedures performed by a licensed physician are exempted from this section."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Roach and Smith to Substitute Senate Bill No. 5190.

The motion by Senator Roach carried and the amendment was adopted.

#### MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5190.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senator Fairley - 1.

Excused: Senators Anderson, C. and Sheldon - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:07 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:41 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5605, by Senators Owen, Bauer, Sheldon, Wood, McAuliffe, Prince, Heavey, Drew, Winsley, Palmer, Deccio, Oke, Prentice and Schow

Prohibiting drug and alcohol use in state-owned college and university residences.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5605 was substituted for Senate Bill No. 5605 and the substitute bill was placed on second reading and read the second time.

Senator Owen moved that the following amendment by Senators Owen, Kohl, Bauer and Wood be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The state makes a substantial investment of finances and resources in students who are attending state institutions of higher education. In exchange, students are expected to actively pursue their education and contribute to an academic environment that is conducive to learning. Students who abuse liquor and drugs, however, are unable to make full use of this educational opportunity. More important, students who abuse liquor and drugs create an environment that interferes with the ability of other students to pursue their education. This is especially true in university-owned student housing where liquor and drug abuse contribute to noise, vandalism, theft, and violence. While the universities and colleges may not be able to stop all liquor and drug abuse among student populations, the very least they can do is ensure that the vast majority of students without drug or liquor problems are provided with a living environment that is safe and conducive to the pursuit of higher education.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each public institution of higher education shall notify all students applying for college or university-owned student housing of the availability of housing in an area in which all liquor use is prohibited.

(2) Each public institution of higher education, upon request, shall provide students access to student housing on a residence hall floor, designated area, or in a building where liquor use is prohibited.

(3) Each public institution shall have in place, and distribute to students in college or university-owned student housing, a process for reporting violations and complaints of liquor and illegal drug use.

(4) Each public institution shall have in place, distribute to students, and vigorously enforce policies and procedures for investigating complaints regarding liquor and illegal drug use in college or university-owned student housing, including the sanctions that may be applied for violations of the institution's liquor and illegal drug use policies.

(5) Students who violate the institution's liquor and illegal drug use policies are subject to disciplinary action. Sanctions that may be applied for violations of the institution's liquor or illegal drug use policies include warnings, restitution for property damage, probation, expulsion from college or university-owned housing, and suspension from the institution.

(6) As used in this section:

(a) "Liquor" has the meaning in RCW 66.04.010; and

(b) "Illegal drug use" refers to the unlawful use of controlled substances under chapter 69.50 RCW or legend drugs under chapter 69.41 RCW.

**NEW SECTION. Sec. 3.** By December 1, 1996, each institution of higher education that has state-owned college or university student housing shall report to the house of representatives and senate higher education committees of the legislature on the following:

(1) Policies governing liquor and illegal drug use and abuse in college and university-owned student housing;

(2) Aggregate information on reported violations and actions taken to address those violations;

(3) Efforts taken by institutions to prevent the use of, and educate students on the effect of, liquor and illegal drugs; and

(4) Copies of the drug free schools and community act biennial review required by the secretary of education, United States department of education."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Owen, Kohl, Bauer and Wood to Substitute Senate Bill No. 5605.

The motion by Senator Owen carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 2 of the title, after "residences;" strike the remainder of the title and insert "adding a new section to chapter 28B.10 RCW; creating new sections; and prescribing penalties."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 5605 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Fairley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5605.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5605 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senator Pelz - 1.

Excused: Senators Fairley and Sheldon - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5231, by Senators Owen and Prince (by request of Department of Transportation)

Separating payment of transportation agency tort liabilities.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5231 was substituted for Senate Bill No. 5231 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, further consideration of Substitute Senate Bill No. 5231 was deferred.

#### SECOND READING

SENATE BILL NO. 5234, by Senators Smith, Long, Haugen and Kohl (by request of Department of Social and Health Services)

Modifying eligibility for juvenile offender basic training camp option.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5234 was substituted for Senate Bill No. 5234 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5234.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5234 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Fairley and Sheldon - 2.

SUBSTITUTE SENATE BILL NO. 5234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:59 a.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Pritchard.

#### STATEMENT FOR THE JOURNAL

On March 13, 1995, the gubernatorial appointment of Roger Yockey, GA 9082, was confirmed. I was absent at the time of the vote due to a meeting with my constituents.

Roger Yockey has a genuine interest and concern for the educational needs of the students in the North King, South Snohomish County areas. His appointment to the Board of Trustees of Cascadia Community College will bring a rich mixture of education related to the world of work, future careers, and provide the opportunity for professional growth that will benefit all students in our communities. I strongly support Roger Yockey's appointment.

SENATOR ROSEMARY McAULIFFE, District No. 1

#### SECOND READING GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9082, Roger Yockey, as a member of the Board of Trustees for Cascadia Community College District No. 30, was confirmed.

#### MOTIONS

On motion of Senator Wood, Senators McCaslin and Strannigan were excused.

On motion of Senator Loveland, Senator Rinehart was excused.

#### APPOINTMENT OF ROGER YOCKEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 6; Excused, 4. Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McDonald, Morton, Newhouse, Oke, Palmer, Prentice, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 39.

Absent: Senators McAuliffe, Moyer, Owen, Pelz, Prince and Smith - 6.

Excused: Senators Fairley, McCaslin, Rinehart and Strannigan - 4.

#### SECOND READING

SENATE BILL NO. 5977, by Senators Loveland, Haugen, Long, Smith and Winsley

Revising administration of forensic investigations.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 5977 was substituted for Senate Bill No. 5977 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 5977 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Roach, Senator Wood was excused.

On motion of Senator Cal Anderson, Senators McAuliffe and Smith were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5977.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5977 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz,

Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wojahn - 44.

Excused: Senators McAuliffe, McCaslin, Rinehart, Smith and Wood - 5.

SUBSTITUTE SENATE BILL NO. 5977, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5889, by Senators Fairley and Kohl

Enacting the frail elderly and vulnerable adult civil protection act.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 5889 was substituted for Senate Bill No. 5889 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 5889 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Loveland, Senator Pelz was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5889.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5889 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 44.

Absent: Senator Wojahn - 1.

Excused: Senators McAuliffe, McCaslin, Pelz and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 5889, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5208, by Senators Haugen and Winsley

Allowing premiums, charges, and costs of title insurance and searches regarding foreclosure of liens for charges by sewer and water districts.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5208.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5208 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators McAuliffe, McCaslin and Rinehart - 3.

SENATE BILL NO. 5208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5256, by Senator Owen

Revising the list of programs to be reviewed by community networks for possible decategorization.

The bill was read the second time.

## MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5256.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5256 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

## MOTION

On motion of Senator Haugen, the following resolution was adopted:

### SENATE RESOLUTION 1995-8624

By Senator Haugen

WHEREAS, Wesley Lupien is almost single-handedly responsible for founding and developing the Oak Harbor Air Park; and  
WHEREAS, In 1964, Wesley Lupien purchased a small, gravel runway just outside Oak Harbor and founded Whidbey Flying Service, Whidbey Island's first commuter airline; and

WHEREAS, Wesley Lupien and several other fixed-base operators then began Puget Sound Airlines; and

WHEREAS, Following the demise of Puget Sound Airlines, Wesley Lupien went on to found Oak Harbor Airlines, which now operates as Harbor Airlines; and

WHEREAS, Harbor Airlines provides Whidbey Island's main link to Seattle-Tacoma International Airport, with daily flights; and  
WHEREAS, Thanks to the sound, financial groundwork laid the Wesley Lupien, Harbor Airlines recently added daily flights to Olympia; and

WHEREAS, In addition to Wesley Lupien's many business contributions to Oak Harbor, he also is a past president of Rotary, attended Navy League and the Chamber of Commerce; and

WHEREAS, Wesley Lupien's brave struggle with Alzheimer's disease has been the subject of KOMO-TV's Town Meeting and an HBO special, "Losing It All"; and

WHEREAS, In recognition of Wesley Lupien's tireless dedication to establishing and promoting air service for Whidbey Island, the Oak Harbor Air Park will be renamed the Wes Lupien Airport on June 3, 1995;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors and applauds the pioneering courage and entrepreneurial spirit of Wesley Lupien; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Wesley Lupien.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Wesley Lupien and his family who were seated in the gallery.

## MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5400, by Senators Smith, Cal Anderson, Haugen and Winsley (by request of Department of Labor and Industries)

Providing for reimbursements to the department of labor and industries related to crime victim compensation.

### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5400 was substituted for Senate Bill No. 5400 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

### MOTION

On motion of Senator Loveland, Senator Cal Anderson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5400.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5400 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senators Anderson, A. and Long - 2.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5402, by Senators Pelz and Franklin (by request of Department of Labor and Industries)

Revising provisions related to industrial insurance penalties.

### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5402 was substituted for Senate Bill No. 5402 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5402.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5402 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator McCaslin - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5303, by Senators Heavey, Quigley, Winsley, Deccio, Hochstatter and Oke

Restricting public and municipal officers and public employees' use of first class airplane accommodations and luxury hotels if traveling on public business.



## MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5303 was substituted for Senate Bill No. 5303 and the substitute bill was placed on second reading and read the second time.

Senator Heavey moved that the following amendments by Senators Heavey and Fraser be considered simultaneously and be adopted:

On page 1, at the beginning of line 12, insert "(1)"

On page 2, after line 2, insert the following:

"(2) Any state or local government officer, whether elected or appointed, and any state or local government employee who accrues benefits provided by an air carrier as a result of travel at public expense shall not retain such benefits for his or her personal use. Any accrued benefits may be (a) credited to the account of the officer's or employee's public employer, if a procedure for transfer of benefits has been established; or (b) used by the officer or employee to defray the cost of future official travel that would otherwise be paid for by the public employer."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Heavey and Fraser on page 1, line 12, and page 2, after line 2, to Substitute Senate Bill No. 5303.

The motion by Senator Heavey failed and the amendments were not adopted.

## MOTION

Senator Fraser moved that the following amendments by Senators Fraser, Heavey, Haugen and Winsley be considered simultaneously and be adopted:

On page 1, line 17, after "fare" strike "available" and insert "routinely available through a licensed travel agency"

On page 2, line 6, after "chapter." insert "The penalty for violation of section 2 of this act shall be a fine, payable to the general fund of the state, equal to three times the amount that was overpaid for travel."

On page 2, beginning on line 7, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 42.23 RCW to read as follows:

Any officer or local government employee violating section 2 of this act shall be liable to the municipality of which he or she is an officer for a penalty equal to three times the amount that was overpaid for travel."

Debate ensued.

## POINT OF ORDER

Senator Ann Anderson: "Mr. President, a point of order. Are we taking only page 1, line 17, or did Senator Fraser move all of these amendments as one?"

## REPLY BY THE PRESIDENT

President Pritchard: "Well, she asked that we take them as one, pages 1 and 2. I think we better back up and before you say it I think we should agree to go back and take these one at a time, because they are separate items, if that is all right with you, Senator Fraser. What we are dealing with right now is the amendment on page 1, line 17."

Senator Ann Anderson: "Thank you, Mr. President, for that clarification. In that case, would Senator Fraser yield to a question?"

## POINT OF INQUIRY

Senator Ann Anderson: "Senator Fraser, by this amendment then, if a legislator books a flight on the spur of the moment to attend a meeting that perhaps was just called--and I am thinking in terms of an F & O meeting or something in leadership--and you book it yourself, rather than going through a licensed travel agent. Then, if that licensed travel agent could have gotten you a lower fare, but you book it because you don't have time to call and find out, then, are you penalized to the other provisions of this bill?"

Senator Fraser: "I thank you have raised a good technical question which would be worth trying to find some detailed language to clarify, but I do think that the wording of this amendment would be much more--the purpose of the amendment is to set a standard for what amount you pay. There probably could be some work on what that standard is. I developed this quickly. Right now, in the bill, if we do not pass my amendment, it says, 'Least expensive fare available.' If you call your travel agent and you get the routine fare--what ever that price is--that would be the general standard. If you happen to miss the fact that there is a special in the newspaper that day or the day before, you would be in violation of this law and would have to forfeit your office."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the first amendment by Senators Fraser, Heavey, Haugen and Winsley on page 1, line 17, to Substitute Senate Bill No. 5303.

The motion by Senator Fraser carried and the amendment on page 1, line 17, was adopted on a rising vote.

#### MOTION

Senator Fraser moved that the second amendments on page 2, lines 6 and beginning on line 7, by Senators Fraser, Heavey, Haugen and Winsley be considered simultaneously and be adopted.

#### POINT OF INQUIRY

Senator Ann Anderson: "Senator Fraser, as I am reading the context of this bill, it is not clear to me, by your amendments, the penalty for violation of this section now that we have inserted 'routinely available through a licensed travel agency.' Who is liable? The travel agent books and you assume it is the lowest fare and you take that flight and find out later it is not, then, you are liable or the travel agent is liable for the travel damages in here?"

Senator Fraser: "The penalties apply to the party that took the flight and occurred the over-expenditure. In terms of the other amendment that was adopted, the idea is to come up with a reasonable price to use as a standard. It seemed a reasonable standard to use if fares that are available through a third party force that normally sells them. It doesn't say you have to buy a ticket through a travel agency in the prior amendment. The prior amendment is just a way to come up with a standard to judge whether you paid too much or not. On this one, the penalty would go on the employee or official."

#### POINT OF INQUIRY

Senator Wojahn: "Senator Fraser, is 'reasonable' defined in the codes anywhere--the word or term 'reasonable?'"

Senator Fraser: "As a general question?"

Senator Wojahn: "Yes."

Senator Fraser: "Sometimes it is and sometimes it is left to the courts."

Senator Wojahn: "So, this could be left to the courts? In other words, it might be or may be defined in the codes, but you don't know?"

#### POINT OF INQUIRY

Senator Newhouse: "Senator Fraser, this bill would appear to apply to all state employees. If the Governor takes a state plane at higher cost, is he then liable?"

Senator Fraser: "This bill, as I understand it and this is not my bill, but, as I understand it, it applies to all state and local officials and employees and that would apply to the Governor as well. Maybe you should ask the prime sponsor of the bill."

#### REPLY BY SENATOR HEAVEY

Senator Heavey: "Senator Newhouse, the bill says when the public expense shall minimize travel expenses when travel by commercial air carrier is required. Obviously, when the Governor is taking a plane or any of us is taking a plane somewhere else, the commercial air carrier isn't required. This is for the person who is not taking it and is going by commercial air carrier."

The President declared the question before the Senate to be the adoption of the second amendments by Senators Fraser, Heavey, Haugen and Winsley on page 2, lines 6 and beginning on line 7, to Substitute Senate Bill No. 5303.

The motion by Senator Fraser carried and the amendments on page 2, line 6 and beginning on line 7, were adopted on a rising vote.

#### MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Heavey Haugen and Winsley be adopted:

On page 2, line 2, after "disabilities" insert "or unless any additional cost is paid personally by the traveler"

#### POINT OF INQUIRY

Senator McCaslin: "Senator Fraser, now is this just for people with disabilities or, you know, the effect of the amendment will permit public officers or employees to travel, but it doesn't say public officers or employees with disabilities. I'm assuming that where it is in the bill, after 'disabilities,' am I correct that this is just for--because you see if it isn't, if it is just for people who do not have disabilities, they may not know the lowest fare."

Senator Fraser did not yield to the question.

Senator McCaslin: "Senator Heavey, could you yield to that question?"

Senator Heavey: "Would you please repeat the question?"

Senator McCaslin: "My question is, if you are not disabled, does this apply or does this just apply to people with disabilities?"

Senator Heavey: "The underlining bill or the amendment?"

Senator McCaslin: "No, this amendment. We finally caught up to the amendment."

Senator Heavey: "The amendment applies to whether you are disabled or whether you are not disabled."

Senator McCaslin: "Okay, how do you determine the lowest fare? Sometimes we have meetings that you have to get to in a couple of days and we don't always have the best knowledge or advise of the best fare."

Senator Heavey: "Senator, with all due respect, you've got to read the bill."

Senator McCaslin: "I just read the bill; it is only a page and a half. I can manage that from the fourth district, Senator. Are you impugning my motives or just my reading ability or both?"

Senator Heavey: "No comment."

Senator McCaslin: "Thank you."

Senator Heavey: "It says 'that by traveling by the least expensive fare available for the most direct and timely routing,' which answers Senator Wojahn's complaint--'timely routing on the carrier selected.' Then we added the language and the amendment was already adopted, 'routinely available through a licensed travel agency.' It is very reasonable. If you get an emergency and you have to be over somewhere and you call up, I'm sure that is going to be the same fare that the travel agency would give you."

Senator McCaslin: "If you go directly to the airlines, that is okay?"

Senator Heavey: "I think so."

Senator McCaslin: "If I don't go through a travel agent?"

Senator Heavey: "Yes."

Senator McCaslin: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Fraser, Heavey, Haugen and Winsley on page 2, line 2, to Substitute Senate Bill No. 5303.

The motion by Senator Fraser carried and the amendment on page 2, line 2, was adopted on a rising vote.

#### MOTIONS

On motion of Senator Drew, the following amendment was adopted:

On page 2, line 5, after "act" insert "by a state officer or employee"

On motion of Senator Fraser, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "employees;" strike "amending RCW 42.23.050;"

On page 1, line 3 of the title, after "42.52 RCW;" insert "adding a new section to chapter 42.23 RCW;"

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Fraser, is your New Section 4 in the bill now, which would not place an office holder in jeopardy of losing his position if he violated the statute?"

Senator Fraser: "Yes, that is correct. There has been a lot of discussion here, but yes that section that I proposed to be changed to forfeiture of office to a monetary penalty was approved by the body."

Senator Deccio: "Thank you, Senator Fraser."

Further debate ensued.

#### POINT OF INQUIRY

Senator Morton: "Senator Heavey, I am looking at the bill on page 1, line 16, really it starts on line 15, and it says, 'Public expense shall be minimized travel expenses when travel by commercial air carrier is required.' It says, 'when travel by commercial air carrier is required.' I've never known of an instance where employees of the state were required to go by air. Would you respond to that inquiry, please?"

Senator Heavey: "Well, I would think that if you were asked to go on government business to go to Hawaii that you probably wouldn't swim or take a boat and I imagine if you were asked to go to D.C., you would probably take an airplane and it would be required. If you had plenty of warning and you personally felt you wanted to drive from your district to Seattle or wherever you might be going, it is up to you. It is not required. I mean you could nitpick any bill like this and question every word and every intent. The language is pretty simple; it has been worked with the cities and it has been worked with other people and I think it is a very workable bill."

#### MOTION

On motion of Senator Loveland, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5303.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5303 and the bill failed to pass the Senate by the following vote: Yeas, 17; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Cantu, Finkbeiner, Fraser, Gaspard, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Quigley, Smith, Spanel, Sutherland, Swecker and Winsley - 17.

Voting nay: Senators Anderson, A., Deccio, Drew, Fairley, Franklin, Hale, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Strannigan, West, Wojahn and Wood - 30.

Excused: Senators Anderson, C. and Rinehart - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5303, having failed to receive the constitutional majority, was declared lost.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8004, by Senator Heavey

Requesting Congress to direct rejection of Puyallup tribe gaming requests without tribal-state compacts.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Senate Joint Memorial No. 8004 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

#### MOTION

On motion of Senator Kohl, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8004.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8004 and the joint memorial passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Fairley, Fraser, Kohl and Morton - 4.

Excused: Senators Anderson, C. and Loveland - 2.

SENATE JOINT MEMORIAL NO. 8004, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5359, by Senators Sheldon, Cantu, Rasmussen, Winsley and A. Anderson

Creating a self-employment income support program.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5359 was substituted for Senate Bill No. 5359 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Ann Anderson, Senator Strannigan was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5359.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Loveland and Strannigan - 3.

SUBSTITUTE SENATE BILL NO. 5359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5399, by Senators Pelz and Franklin (by request of Department of Labor and Industries)

Refining industrial insurance actions.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Deccio: "Senator Pelz, would you explain why the consortium element is exempt from lawsuits in this bill?"

Senator Pelz: "I will, sir. This could be brutally dull."

Senator Deccio: "Maybe."

Senator Pelz: "Currently, when a worker is injured and they receive a payment from L & I--a successful claim--the claim often times includes a payment for loss of consortium. Now, this claim accrues to the spouse of the injured worker. When an injured worker is successful--receives a successful claim--but is pursuing a third party damages and if they succeed in those third party damages, the L & I claim can be

deducted. In other words, L & I gets their money back. The court ruled, however, the L & I did not have a right to loss of consortium, because that was a benefit that did not accrue to the injured worker, but rather to the spouse of the injured worker. What this bill is doing is making clear that those payments which are recouped to L & I will not include the loss of consortium in the event that the worker wins a third party lawsuit, so I am not sure this is a very common occurrence."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5399.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5399 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 25.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Swecker, West, Winsley and Wood - 23.

Excused: Senator Strannigan - 1.

SENATE BILL NO. 5399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5164, by Senator Smith

Allowing a conformed copy of certain orders to be served.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5164 was substituted for Senate Bill No. 5164 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5164.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5164 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Strannigan - 1.

SUBSTITUTE SENATE BILL NO. 5164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5159, by Senators Owen, Oke, Haugen and Hochstatter

Creating the warm water game fish enhancement program.

#### MOTIONS

On motion of Senator Owen, Second Substitute Senate Bill No. 5159 was substituted for Senate Bill No. 5159 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Second Substitute Senate Bill No. 5159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5159.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5159 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Sutherland - 1.

Excused: Senator Strannigan - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5546, by Senator Snyder

Revising the affidavits required for marriage licenses.

The bill was read the second time.

#### MOTIONS

On motion of Senator Snyder, the following amendments were considered simultaneously and were adopted:

On page 1, line 6, before "The" insert "(1)"

On page 2, after line 3, insert the following:

"(2) The affidavit form shall be designed to require a statement that no contagious sexually transmitted disease is present or that the condition is known to both applicants, without requiring the applicants to state whether or not either or both of them are afflicted by such disease."

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Senate Bill No. 5546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5546.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5546 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Strannigan - 1.

ENGROSSED SENATE BILL NO. 5546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5545, by Senator Sheldon, Cantu, Rasmussen and Kohl

Allowing businesses in this state to participate in the small business innovation research program.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5545 was substituted for Senate Bill No. 5545 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5545.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5545 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Strannigan - 1.

SUBSTITUTE SENATE BILL NO. 5545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5477, by Senators Spanel, Smith, Haugen, Winsley and Franklin

Providing a family health history for children upon the dissolution of a marriage.

#### MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 5477 was substituted for Senate Bill No. 5477 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 5477 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5477.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5477 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 41.

Voting nay: Senators Cantu, Hochstatter, Johnson, McCaslin, Oke, Roach and Schow - 7.

Excused: Senator Strannigan - 1.



SUBSTITUTE SENATE BILL NO. 5477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5474, by Senators Fraser and Hargrove

Restoring service credit.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5474.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5474 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Strannigan - 1.

SENATE BILL NO. 5474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5854, by Senators Haugen, Spanel, Wood, Prentice, Winsley, Rasmussen, Hale, Kohl, McCaslin, Fairley, Long, Loveland, Franklin, Roach, Moyer, Quigley, McAuliffe, Drew and Wojahn

Requiring that health plans must allow a women a choice of primary care providers.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5854 was substituted for Senate Bill No. 5854 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5854 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5854.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5854 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Strannigan - 1.

SUBSTITUTE SENATE BILL NO. 5854, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5858, by Senators Prentice, Heavey, Franklin, Wojahn, Fairley, Snyder and McAuliffe

Providing for prompt payment of industrial insurance awards.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5858 was substituted for Senate Bill No. 5858 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5858 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5858.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5858 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SUBSTITUTE SENATE BILL NO. 5858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5262, by Senators Haugen, Winsley, Drew, Sheldon, Heavey, McCaslin, Rasmussen, Wood, Franklin, Loveland, McAuliffe, Oke, Gaspard, Deccio, Bauer, Moyer, Owen, Palmer and Hochstatter

Creating an ombudsman office for private property rights.

#### MOTIONS

On motion of Senator Haugen, Second Substitute Senate Bill No. 5262 was substituted for Senate Bill No. 5262 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendments by Senators Hargrove, Owen, Ann Anderson and McCaslin were considered simultaneously and were adopted:

On page 1, beginning on line 15, after "property" strike "is or will be" and insert "may have been or may be"

On page 1, line 16, after "property" strike "is" and insert "may be"

#### MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Owen, Ann Anderson and McCaslin be adopted:

On page 4, after line 9, insert the following:

**"NEW SECTION. Sec. 5.** The failure to reach a settlement after negotiation under this chapter constitutes exhaustion of all administrative remedies available to the complainant. Any applicable statute of limitations shall be tolled during the period between the filing of a complaint and the advisement that further settlement negotiations would be fruitless."

Renumber remaining sections consecutively and correct internal references accordingly.

#### POINT OF ORDER

Senator Haugen: "I ask for a rule on the scope and object of this amendment. This bill deals with information and advice to citizens. The proposed amendment does not relate to the creation of an office of an ombudsman. The bill itself makes no substantial changes to existing law. This proposed amendment would make major changes to existing law, which are better left to the debate when the regulatory reform bill is under consideration by this body."

Further debate ensued.

There being no objection, the President deferred further consideration of Second Substitute Senate Bill No. 5262.

#### SECOND READING

SENATE BILL NO. 5502, by Senators Rinehart, Owen, Prince and Fairley

Requiring safety equipment on certain service and delivery vehicles.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5502 was substituted for Senate Bill No. 5502 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendment by Senators Rinehart, Owen and Prince was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.37 RCW to read as follows:

The department of licensing, traffic safety commission, Washington state patrol and other organizations, as determined by the senate standing committee on transportation, are directed to publish and disseminate information on the enhanced safety that may be provided through the use of an additional mirror on small trucks and vans used in the service or delivery of goods and services. The additional mirror is a safety tool mounted on the driver's top rear side of the vehicle that reflects a view of the back of the vehicle."

#### MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "vehicles;" strike "amending RCW 46.37.400;"

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 5502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5502.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5502 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5258, by Senators Hargrove, Long, Franklin and McAuliffe

Making technical revisions to community public health and safety networks.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5258 was substituted for Senate Bill No. 5258 and the substitute bill was placed on second reading and read the second time.

Senator Pelz moved that the following amendment be adopted:

On page 6, after line 36, insert the following:

"**Sec. 6.** RCW 70.190.080 and 1994 sp.s. c 7 s 305 are each amended to read as follows:

(1) The community network's plan may include a program to provide postsecondary scholarships to at-risk students who: (a) Are community role models under criteria established by the community network; (b) successfully complete high school; and (c) maintain at least a 2.5 grade point average throughout high school. Funding for the scholarships may include public and private sources.

(2) The community network's plan may also include funding of community-based home visitor programs which are designed to reduce the incidence of child abuse and neglect ~~((with [within]))~~ within the network. Parents shall sign a voluntary authorization for services, which may be withdrawn at any time. The program may provide parents with education and support either in parents' homes or in other locations comfortable for parents, beginning with the birth of their first baby. The program may make the following services available to the families:

- (a) Visits for all expectant or new parents, either at the parent's home or another location with which the parent is comfortable;
- (b) Screening before or soon after the birth of a child to assess the family's strengths and goals and define areas of concern in consultation with the family;
- (c) Parenting education and skills development;
- (d) Parenting and family support information and referral;
- (e) Parent support groups; and
- (f) Service coordination for individual families, and assistance with accessing services, provided in a manner that ensures that individual families have only one individual or agency to which they look for service coordination. Where appropriate for a family, service coordination may be conducted through interdisciplinary or interagency teams.

These programs are intended to be voluntary for the parents involved.

(3) ~~((The community network may include funding of))~~ In developing long-term comprehensive plans to reduce the rate of at-risk children and youth, the community networks shall consider increasing employment and job training opportunities in recognition that they constitute an effective network strategy and strong protective factor. The networks shall consider and may include funding of:

- (a) At-risk youth job placement and training programs. The programs shall:
  - (i) Identify and recruit at-risk youth for local job opportunities;
  - (ii) Provide skills and needs assessments for each youth recruited;
  - (iii) Provide career and occupational counseling to each youth recruited;
  - (iv) Identify businesses willing to provide employment and training opportunities for at-risk youth;
  - (v) Match each youth recruited with a business that meets his or her skills and training needs;
  - (vi) Provide employment and training opportunities that prepare the individual for demand occupations; and
  - (vii) Include, to the extent possible, collaboration of business, labor, education and training, community organizations, and local government;
- (b) Employment assistance, including job development, school-to-work placement, employment readiness training, basic skills, apprenticeships, job mentoring, and private sector and community service employment;
- (c) Education assistance, including tutoring, mentoring, interactions with role models, entrepreneurial education and projects, violence prevention training, safe school strategies, and employment reentry assistance services;
- ~~((d))~~ (4) The community network may include funding of:
  - ~~((a))~~ (a) Peer-to-peer, group, and individual counseling, including crisis intervention, for at-risk youth and their parents;
  - ~~((e))~~ (b) Youth coalitions that provide opportunities to develop leadership skills and gain appropriate respect, recognition, and rewards for their positive contribution to their community;
  - ~~((f))~~ (c) Technical assistance to applicants to increase their organizational capacity and to improve the likelihood of a successful application; and
  - ~~((g))~~ (d) Technical assistance and training resources to successful applicants."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Hargrove: "I would like to ask for a scope and object ruling on this amendment. Substitute Senate Bill No. 5258 is an act which relates strictly to making clarifying and technical and administrative revisions to the existing public health and safety networks in the Family Policy Council. The intent section makes that absolutely clear. The current bill does not expand the duties for the networks under existing law. The amendment by Senator Pelz is a new duty imposed upon the network; it also makes a legislative declaration that constitutes protective factors and effective network strategy. This is not a technical change and I would ask that you find it out of scope and object."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5258.

#### SECOND READING

SENATE BILL NO. 5500, by Senators Smith, Long and Gaspard (by request of Attorney General Gregoire)

Clarifying the method of execution to be used in Washington state.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Loveland, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5500.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5500 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 45.

Voting nay: Senators Anderson, C., Prentice and Wojahn - 3.

Excused: Senator Rinehart - 1.

SENATE BILL NO. 5500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5331, by Senators Franklin, Moyer, Fairley, Winsley, Wojahn, C. Anderson, Kohl and Fraser

Enhancing bicycle safety.

#### MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5331 was substituted for Senate Bill No. 5331 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5331.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5331 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Deccio, Fairley, Franklin, Fraser, Gaspard, Heavey, Johnson, Kohl, McDonald, Moyer, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rinehart, Sheldon, Smith, Snyder, Spanel, Swecker, West, Winsley, Wojahn and Wood - 29.

Voting nay: Senators Cantu, Drew, Finkbeiner, Hale, Hargrove, Haugen, Hochstatter, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Pelz, Rasmussen, Roach, Schow, Sellar, Strannigan and Sutherland - 20.

SUBSTITUTE SENATE BILL NO. 5331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 4:10 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:49 p.m. by President Pritchard.

## SECOND READING

SENATE BILL NO. 5201, by Senators Bauer, Cantu, McAuliffe, Haugen, Winsley, Snyder, Loveland, Sheldon, Fairley, West, Long, Palmer, Schow, Moyer, Sellar, Rasmussen, Deccio, Heavey, Quigley, C. Anderson, Oke, Roach and Hale (by request of Governor Lowry)

Providing tax exemptions for manufacturing and processing.

## MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5201 was substituted for Senate Bill No. 5201 and the substitute bill was placed on second reading and read the second time.

Senator Newhouse moved that the following amendments by Senators Newhouse, Hochstatter, Morton, Sellar, Ann Anderson and McCaslin be considered simultaneously and be adopted:

On page 2, beginning on line 22, after "operation," insert "or to a farmer as defined in RCW 82.04.213 of agricultural equipment used directly in producing or harvesting for sale any agricultural product as defined in RCW 82.04.213,"

On page 4, line 1, after "operation" insert "or with respect to agricultural equipment used directly in producing or harvesting for sale any agricultural product as defined in RCW 82.04.213"

## POINT OF ORDER

Senator Gaspard: "Mr. President, I raise a point of order. I challenge the scope and object of the amendment that is being offered by Senator Newhouse. I would offer for your consideration that the bill before us specifically relates to the sales and use tax of manufacturing machinery and equipment, pollution control equipment and high technology research and development. Agriculture, in itself, is a separate category from these three that I have mentioned and nowhere in the proposed bill is agriculture mentioned. Therefore, I would contend that the amendment offered is not within the scope and object."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5201.

President Pro Tempore Wojahn assumed the Chair.

## SECOND READING

SENATE BILL NO. 5448, by Senators Fraser, Hochstatter, Sutherland and Winsley (by request of Department of Health)

Modifying provisions for public water system regulation.

## MOTIONS

On motion of Senator Rinehart, Second Substitute Senate Bill No. 5448 was substituted for Senate Bill No. 5448 and the second substitute bill was placed on second reading and read the second time.

Senator Ann Anderson moved that the following amendment be adopted:

On page 3, after line 36, insert the following:

"(7) The provisions of subsection (3) of this section shall not apply in any county for which a coordinated water system plan has not been approved under subsection (2) of this section.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Ann Anderson on page 3, after line 36, to Second Substitute Senate Bill No. 5448.

The motion by Senator Ann Anderson carried and the amendment was adopted.

## MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Newhouse be adopted:

On page 4, beginning on line 18, after "(2)" strike all material through "department." on line 25, and insert "No new public water system may be approved or created unless: (a) It is owned or operated by a satellite system management agency established under RCW 70.116.134 and the satellite system management system complies with financial viability requirements of the department; or (b) a satellite management system is not available and it is determined that the new system has sufficient management and financial resources to provide safe and reliable service."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Newhouse on page 4, beginning on line 18, to Second Substitute Senate Bill No. 5448.

The motion by Senator Haugen carried and the amendment was adopted.

## MOTION

Senator Swecker moved that the following amendment by Senators Swecker and Hochstatter be adopted:

On page 21, after line 2, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 70.119A RCW to read as follows:

An individual well serving a group domestic use and pumping not more than five thousand gallons per day that is established under the small use exemption provided in RCW 90.44.050 may provide water service for up to twelve housing units unless expressly prohibited by the county or city with land use jurisdiction. The department shall require metering of these wells unless it determines that in certain locations or situations metering is not appropriate. This section expires on December 31, 1996."

Renumber the remaining section.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Swecker and Hochstatter on page 21, after line 2, to Second Substitute Senate Bill No. 5448.

The motion by Senator Swecker carried and the amendment was adopted.

## MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 4, strike "adding a new section" and insert "adding new sections"

On motion of Senator Sutherland, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5448.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5448 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senators Roach and Schow - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5616, by Senators Gaspard, Sellar, Haugen, Hochstatter, Drew, A. Anderson, Swecker, Newhouse, Deccio, Rasmussen, Winsley and Morton

Establishing a single-application process for watershed restoration projects.

## MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5616 was substituted for Senate Bill No. 5616 and the substitute bill was placed on second reading and read the second time.

Senator Drew moved that the following amendment by Senators Drew, Gaspard, Sellar, Oke, Owen and Fraser be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature declares that it is the goal of the state of Washington to preserve and restore the natural resources of the state and, in particular, fish and wildlife and their habitat. It is further the policy of the state insofar as possible to utilize the volunteer organizations who have demonstrated their commitment to these goals.

To this end, it is the intent of the legislature to minimize the expense and delays caused by unnecessary bureaucratic process in securing permits for projects that preserve or restore native fish and wildlife habitat.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section shall apply throughout sections 1 through 7 of this act.

(1) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district, that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed, and for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant, adverse environmental impact, a detailed statement under RCW 43.21C.031 must be prepared on the plan.

(2) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(a) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(b) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(c) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure other than a bridge or culvert or instream habitat enhancement structure associated with the project is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

**NEW SECTION. Sec. 3.** By January 1, 1996, the Washington conservation commission shall develop, in consultation with other state agencies, tribes, and local governments, a consolidated application process for permits for a watershed restoration project to be obtained by a sponsoring agency for a project developed by the agency or sponsored by the agency on behalf of a volunteer organization. The consolidated process shall include a single permit application form for use by all responsible state and local agencies. The commission shall encourage use of the consolidated permit application process by any federal agency responsible for issuance of related permits. The permit application forms to be



consolidated shall include, at a minimum, applications for: (1) Approvals related to water quality standards under chapter 90.48 RCW; (2) hydraulic project approvals under chapter 75.20 RCW; and (3) Section 401 water quality certifications under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

**NEW SECTION. Sec. 4.** Each agency of the state, tribe, and unit of local government that claims jurisdiction or the right to require permits, other approvals, or fees as a condition of allowing a watershed restoration project to proceed shall designate an office or official as a designated recipient of project applications and shall inform the conservation commission of the designation.

**NEW SECTION. Sec. 5.** All agencies of the state, tribes, and local governments shall accept the single application developed under section 3 of this act. Unless the procedures under section 6 of this act are invoked, the application shall be processed without charge and permit decisions shall be issued within forty-five days of receipt of a complete application.

**NEW SECTION. Sec. 6.** The applicant or any state agency, tribe, or local government with permit processing responsibility may request that the permit assistance center created by chapter ..., Laws of 1995 (Senate Bill No. 5489 or House Bill No. 1724) appoint a project facilitator to develop in consultation with the applicant and permit agencies a coordinated process for permit decisions on the application. The process may incorporate procedures for coordinating state permits under chapter ..., Laws of 1995 (Senate Bill No. 5489 or House Bill No. 1724). The center shall adopt a target of completing permit decisions within forty-five days of receipt of a complete application.

If neither Senate Bill No. 5489 nor House Bill No. 1724 are enacted by June 30, 1995, this section shall be null and void.

**NEW SECTION. Sec. 7.** State agencies, tribes, and local governments responsible for permits or other approvals of watershed restoration projects as defined in section 2 of this act may develop general permits or permits by rule to address some or all projects required by an approved watershed restoration plan, or for types of watershed restoration projects.

**NEW SECTION. Sec. 8.** A new section is added to chapter 35.63 RCW to read as follows:

A permit required under this chapter for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 35A.63 RCW to read as follows:

A permit required under this chapter for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 10.** A new section is added to chapter 36.70 RCW to read as follows:

A permit required under this chapter for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 11.** A new section is added to chapter 36.70A RCW to read as follows:

A permit required under this chapter for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 12.** A new section is added to chapter 43.21C RCW to read as follows:

Decisions pertaining to watershed restoration projects as defined in section 2 of this act are not subject to the requirements of RCW 43.21C.030(2)(c).

**NEW SECTION. Sec. 13.** A new section is added to chapter 43.30 RCW to read as follows:

A permit required by the department for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 14.** A new section is added to chapter 75.20 RCW to read as follows:

A hydraulic project approval required by the department for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 90.48 RCW to read as follows:

A permit, certification, or other approval required by the department for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act. Public review of proposed watershed restoration projects may be shortened or waived by the department.

**NEW SECTION. Sec. 16.** A new section is added to chapter 90.58 RCW to read as follows:

Watershed restoration projects as defined in section 2 of this act are exempt from the requirement to obtain a substantial development permit. Local government shall review the projects for consistency with the locally adopted shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving a complete consolidated application form from the applicant. No fee may be charged for accepting and processing applications for watershed restoration projects as used in this section.

**NEW SECTION. Sec. 17.** The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the general fund to the state conservation commission for the purposes of this act.

**NEW SECTION. Sec. 18.** Sections 1 through 7 of this act are each added to chapter 89.08 RCW."

MOTION

On motion of Senator Sutherland, the following amendment by Senators Sutherland, Spanel, Gaspard and Drew to the striking amendment by Senators Drew, Gaspard, Sellar, Oke, Owen and Fraser was adopted:

On page 3, line 27, after "projects." insert "Nothing in this act precludes local governments, state agencies, and tribes from working out other cooperative permitting agreements outside the procedures of this act."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Drew, Gaspard, Sellar, Oke, Owen and Fraser, as amended, to Substitute Senate Bill No. 5616,

The striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 1 of the title, after "projects;" strike the remainder of the title and insert "adding new sections to chapter 89.08 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; and making an appropriation."

On motion of Senator Drew, the rules were suspended, Engrossed Substitute Senate Bill No. 5616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5616.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5616 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Absent: Senator Fairley - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Franklin assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5688, by Senators Hargrove, Long, Franklin, Rasmussen, C. Anderson, Kohl, Prentice, McAuliffe, Fairley, Drew, Smith, Heavey, Sheldon, Wojahn, Bauer and Winsley

Improving screening for fetal alcohol syndrome.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5688 was substituted for Senate Bill No. 5688 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5688.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5688 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Absent: Senator Quigley - 1.

SUBSTITUTE SENATE BILL NO. 5688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

## SECOND READING

SENATE BILL NO. 5825, by Senators Fairley and Kohl

Enhancing bicycle and pedestrian transportation.

## MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5825 was substituted for Senate Bill No. 5825 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5825 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5825.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5825 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McDonald, Moyer, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 34.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hale, Hochstatter, Johnson, McCaslin, Morton, Newhouse, Oke, Prince, Roach, Schow, Sellar and Strannigan - 15.

SUBSTITUTE SENATE BILL NO. 5825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5201 and the pending amendments by Senators Newhouse, Hochstatter, Morton, Sellar, Ann Anderson and McCaslin on page 2, beginning on line 22, and page 4, line 1, deferred earlier today.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Gaspard, the President finds that Substitute Senate Bill No. 5201 is a measure which exempts certain types of equipment and machinery used in manufacturing from sales and use taxes, and makes related changes to distressed areas, new business, and high technology to deferral programs.

"The amendments by Senators Newhouse, Hochstatter, Morton, Sellar, Ann Anderson and McCaslin on page 2, beginning on line 22, and page 4, line 1, would exempt certain agricultural equipment from sale and use taxes.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by Senators Newhouse, Hochstatter, Morton, Sellar, Ann Anderson and McCaslin on page 2, beginning on line 22, and page 4, line 1, to Substitute Senate Bill No. 5201 were ruled out of order.

MOTION

Senator Swecker moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 24, after "equipment" strike ", but only when" and insert ".

(2) The tax levied by RCW 82.08.020 shall not apply to sales to a thermal electric generation facility, as defined in RCW 54.28.010, in operation before July 1, 1985, of pollution control equipment required by federal or state laws or regulations to be installed and used in the production of electrical energy to prevent or reduce air pollution or contamination that might otherwise result from the operation of a thermal electric generation facility, or to sales of or charges made for labor and services rendered in respect to installing the pollution control equipment.

(3) No purchaser is eligible for an exemption under subsection (1) or (2) of this section unless"

On page 2, line 30, strike "(2)" and insert "(4)"

On page 3, at the beginning of line 37, insert "(1)"

On page 4, line 1, after "operation" strike ", but only when the user provides" and insert ".

(2) The provisions of this chapter shall not apply in respect to the use by a thermal electric generation facility, as defined in RCW 54.28.010, in operation before July 1, 1985, of pollution control equipment required by federal or state laws or regulations to be installed and used in the production of electrical energy to prevent or reduce air pollution or contamination that might otherwise result from the operation of a thermal electric generation facility.

This subsection shall not apply to the use of tangible personal property for maintenance or repairs of the pollution control equipment.

(3) The user shall provide"

On page 4, line 3, strike "(1)" and insert "(a)"

On page 4, line 6, strike "(2)" and insert "(b)"

The President declared the question before the Senate to be the adoption of the amendments by Senator Swecker on page 2, lines 24 and 30; page 3, at the beginning of line 37; and page 4, lines 1, 3, and 6, to Substitute Senate Bill No. 5201.

The motion by Senator Swecker failed and the amendments were not adopted on a rising vote.

MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 10, after line 14, strike all of section 8 and insert the following:

"**Sec. 8.** RCW 82.60.065 and 1994 1st sp.s. c 1 s 6 are each amended to read as follows:

Except as provided in RCW 82.60.070:

(1) Taxes deferred under this chapter on the sale or use of labor that is directly used in the construction of an investment project for which a deferral has been granted under this chapter after June 11, 1986, and prior to July 1, 1994, need not be repaid.

(2) Taxes deferred under this chapter on an investment project for which a deferral has been granted under this chapter after June 30, 1994, need not be repaid.

(3) Taxes deferred under this chapter need not be repaid on machinery and equipment, and sales of or charges made for labor and services, of the type which qualifies for exemption under section 2 or 3 of this act to the extent the taxes have not been repaid before the effective date of this act.

**Sec. 9.** RCW 82.60.070 and 1994 1st sp.s. c 1 s 5 are each amended to read as follows:

(1) Each recipient of a deferral granted under this chapter prior to July 1, 1994, shall submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid. Each recipient of a deferral granted under this chapter after June 30, 1994, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter for reasons other than failure to create the required number of qualified employment positions, the amount of deferred taxes outstanding for the project shall be immediately due.

(3) If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter prior to July 1, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid.

(4) If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter after June 30, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes not eligible for deferral shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.

(5) If, on the basis of a report under this section or other information, the department finds that an investment project qualifying for deferral under RCW 82.60.040(1) (b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under subsection (1) of this section, twelve and one-half percent of the amount of deferred taxes shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.

(6) Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment, and sales of or charges made for labor and services, of the type which qualifies for exemption under section 2 or 3 of this act to the extent the taxes have not been repaid before the effective date of this act."

Renumber the sections consecutively and correct any internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 10, after line 14, to Substitute Senate Bill No. 5201.

The motion by Senator Hargrove carried and the amendment was adopted on a rising vote.

#### MOTIONS

On motion of Senator Rinehart, the following amendment was adopted:

On page 18, after line 2, strike all of section 14 and insert the following:

"NEW SECTION. Sec. 14. The legislative fiscal committees shall report to the legislature by December 1, 1999, on the economic impacts of the manufacturers' tax exemption. This report shall analyze employment and other relevant economic data from before and after the enactment of the tax exemptions authorized under this act and shall measure the effect on the creation or retention of family wage jobs and diversification of the state's economy. Analytic techniques may include, but not be limited to, comparisons of Washington to other states that did not enact business tax changes, comparisons across Washington counties based on usage of the tax exemptions, and comparisons across similar firms based on their use of the tax exemptions. In performing the analysis, the legislative fiscal committees shall consult with business and labor interests. The department of revenue, the employment security department, and other agencies shall provide to the legislative fiscal committees such data as the legislative fiscal committees may request in performing the analysis required under this section."

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 4 of the title, before "82.60.070" insert "82.60.065,"

#### MOTION

On motion of Senator Spanel, further consideration of Substitute Senate Bill No. 5201 was deferred.

#### MOTION

At 5:37 p.m., on motion of Senator Spanel, the Senate recessed until 6:30 p.m.

The Senate was called to order at 7:02 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 6009, by Senators Rasmussen, Loveland, Finkbeiner, Morton, Bauer, McAuliffe, Drew and Kohl

Creating the malt beverage commission.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6009 was substituted for Senate Bill No. 6009 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen and Morton was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature declares that:

- (1) Marketing is a dynamic and changing part of Washington agriculture and business economy and a vital element in expanding the state economy.
- (2) The sale in the state and export to other states of malt beverages made in the state contribute substantial benefits to the economy of the state and provide a large number of jobs and sizeable tax revenues.
- (3) The production of malt beverages in the state is an important segment of Washington agriculture that has potential for greater contribution to the economy of the state if it undergoes continued development.
- (4) The general welfare of the people of the state will be served by continued development of the production of malt beverages, which development will improve the tax bases of local communities in which processing facilities are located, and reduce the need for state and federal funding of local services. The industries are therefore affected with the public interest.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Beer producer" means any person or other entity licensed under Title 66 RCW, to produce within the state, beer or malt beverage, and who produces under one hundred thousand barrels of beer annually per location.
- (2) "Commission" means the Washington malt beverage commission.
- (3) "Director" means the director of agriculture or the director's duly appointed representative.
- (4) "Department" means the department of agriculture.
- (5) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.
- (6) "Eastern Washington" means that portion of the state lying east of the Cascade mountain range.
- (7) "Western Washington" means that portion of the state lying west of the Cascade mountain range.
- (8) "Beer" and "malt beverage" for the purposes of this section are as defined in RCW 66.04.010.

**NEW SECTION. Sec. 3.** (1) The agricultural commodity commission, authorized by referendum under section 12 of this act, shall be known and designated as the Washington malt beverage commission. The commission shall be composed of nine voting members; eight voting members shall be beer producers and one voting member shall be a wholesaler licensed under RCW 66.24.250. Of the beer producer members, at least three shall be located in western Washington and at least three shall be located in eastern Washington.

- (2) The director of agriculture, or the director's designee, shall serve as an ex officio, nonvoting member.
- (3) Six voting members of the commission constitute a quorum for the transaction of any business of the commission.
- (4) Each voting member of the commission shall be a citizen, and resident of this state and over the age of twenty-one years. Each voting member, except the member holding position nine, must be or must have been engaged in that phase of the industry that he or she is appointed to represent, and must during his or her term of office derive a substantial portion of income therefrom, or have a substantial investment in the production of beer as an owner, lessee, partner, or a stockholder owning at least ten percent of the voting stock in a corporation engaged in the production; or the manager or executive officer of such a corporation. These qualifications apply throughout each member's term of office.

**NEW SECTION. Sec. 4.** The appointive voting positions on the commission shall be designated as follows: The beer producers shall be designated positions one, two, three, four, five, six, seven, and eight; and the wholesaler shall be position nine. The member designated as filling position one shall be a beer producer producing the largest volume of beer annually, not to exceed one hundred thousand barrels per location per year. The member designated as position one shall be the sole representative, directly or indirectly, of the beer producer eligible to hold position one.

The regular terms of office shall be three years from the date of appointment and until their successors are appointed. However, the first terms of the members appointed after July 1, 1995, shall be as follows: Positions one, six, and nine shall terminate July 1, 1998; positions two, four, and seven shall terminate July 1, 1997; and positions three, five, and eight shall terminate July 1, 1996.

**NEW SECTION. Sec. 5.** Within ninety days after approval of the referendum held pursuant to section 12 of this act, the director shall appoint the members of the commission. In making such appointments of the voting members, the director shall take into consideration recommendations made by the beer producers the persons recommended for appointment as members of the commission. In appointing persons to the commission, the director shall seek to ensure as nearly as possible a balanced representation on the commission that would reflect the composition of the beer producers throughout the state as to amount of malt beverage produced.

In the event a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the unexpired term of the position shall immediately be filled by appointment by the director.

After approval of the referendum held pursuant to section 12 of this act, each member of the commission shall be entitled to reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 6.** Obligations incurred by the commission and liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any member, officer, employee, or agent of the commission in his or her individual capacity. The members of the commission, including employees of the commission, shall not be held

responsible individually or any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employees, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other members of the commission.

**NEW SECTION. Sec. 7.** The powers and duties of the commission include:

(1) To elect a chair and such officers as the commission deems advisable. The officers shall include a treasurer who is responsible for all receipts and disbursements by the commission and the faithful discharge of whose duties shall be guaranteed by a bond at the sole expense of the commission. The commission shall adopt rules for its own governance, which shall provide for the holding of an annual meeting for the election of officers and transaction of other business and for such other meetings as the commission may direct;

(2) To do all things reasonably necessary to effect the purposes of this chapter. However, the commission shall have no legislative power;

(3) At the pleasure of the commission, to employ and discharge managers, secretaries, agents, attorneys, and employees and to engage the services of independent contractors as the commission deems necessary, to prescribe their duties, and to fix their compensation;

(4) To receive donations of beer from breweries for promotional purposes;

(5) To receive beer or cash or in-kind contributions from breweries and beverage industry associations;

(6) To engage directly or indirectly in the promotion of Washington beer, including without limitation the acquisition in any lawful manner and the dissemination without charge of beer, which dissemination shall not be deemed a sale for any purpose and in which dissemination the commission shall not be deemed a beer producer, supplier, or manufacturer of any kind or the clerk, servant, or agent of a beer producer, supplier, or manufacturer of any kind. Such dissemination shall be for agricultural development or trade promotion, which may include promotional hosting and shall in the good faith judgment of the commission be in aid of the marketing, advertising, or sale of beer, or of research related to such marketing, advertising, or sale;

(7) To acquire and transfer personal and real property, establish offices, incur expense, enter into contracts, including contracts for creation and printing of promotional literature, which contracts shall not be subject to chapter 43.78 RCW, but which shall be cancelable by the commission unless performed under conditions of employment which substantially conform to the laws of this state and the rules of the department of labor and industries. The commission may create such debt and other liabilities as may be reasonable for proper discharge of its duties under this chapter;

(8) To maintain such account or accounts with one or more qualified public depositories as the commission may direct, to cause moneys to be deposited therein, and to expend moneys for purposes authorized by this chapter by drafts made by the commission upon such institutions or by other means;

(9) To cause to be kept and annually closed, in accordance with generally accepted accounting principles, accurate records of all receipts, disbursements, and other financial transactions, available for audit by the state auditor;

(10) To create and maintain a list of beer producers and to disseminate information among and solicit the opinions of beer producers with respect to the discharge of the duties of the commission, directly or by arrangement with trade associations or other instrumentalities;

(11) To employ, designate as agent, act in concert with, and enter into contracts with any person, council, commission, or other entity for the purpose of promoting the general welfare of the malt beverage industry and particularly for the purpose of assisting in the sale and distribution of Washington beer in domestic and foreign commerce, expending moneys as it may deem necessary or advisable for such purpose and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of Washington beer in domestic or foreign commerce, employing and paying for vendors of professional services of all kinds;

(12) To sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this chapter; and

(13) To serve as a liaison with the liquor control board.

**NEW SECTION. Sec. 8.** The commission shall create, provide for, and conduct a comprehensive and extensive research, promotional, and educational campaign as sales and market conditions reasonably require. It shall investigate and ascertain the needs of beer producers, conditions of markets, and degree of public awareness of products, and take into account the information adduced thereby in the discharge of its duties under this chapter.

**NEW SECTION. Sec. 9.** The commission shall adopt as major objectives of its research, promotional, and educational campaign such goals as will serve the needs of beer producers, which may include, without limitation, efforts to:

(1) Establish Washington beer as a major factor in markets everywhere;

(2) Promote Washington breweries as tourist attractions;

(3) Encourage favorable reporting of Washington beer and breweries in the press throughout the world;

(4) Establish the state in markets everywhere as a major source of premium beer;

(5) Encourage favorable legislative and regulatory treatment of Washington beer in markets everywhere; and

(6) Foster economic conditions favorable to investment in the production of Washington beer.

**NEW SECTION. Sec. 10.** The commission shall cause a list to be prepared of all Washington beer producers from any information available from the department. This list shall contain the names and addresses of all persons who produce beer within this state and the amount

(by barreillage) of malt beverage produced during the period designated by the commission. A qualified person may, at any time, have his or her name placed upon the list by delivering or mailing the information to the commission. This list shall be corrected and brought up to date in accordance with evidence and information available to the commission on or before December 31st of each year. For all purposes of giving notice and holding referendums, the list on hand, corrected up to the day next preceding the date for issuing notices or ballots as the case may be, is, for purposes of this chapter, deemed to be the list of all beer producers entitled to notice or to assent or dissent or to vote.

**NEW SECTION. Sec. 11.** (1) Pursuant to approval by referendum in accordance with section 12 of this act, commencing on July 1, 1996, there shall be levied, and the commission shall collect, upon all beer produced within this state an annual assessment of one dollar per barrel of beer produced, on up to thirty thousand barrels per location, to be paid by the beer producer as defined in section 2(1) of this act. The commission may increase the amount of assessment above one dollar per barrel but not to exceed the fiscal growth factor as provided in RCW 43.135.055.

(2) The commission shall recommend rules to the director prescribing the time, place, and method for payment and collection of this assessment.

(3) After considering any recommendations made under subsection (2) of this section, the director shall adopt rules, in accordance with chapter 34.05 RCW, prescribing the time, place, and method for the payment and collection of the assessment levied under this section and approved under section 12 of this act.

**NEW SECTION. Sec. 12.** (1) Upon receipt by July 15, 1995, of a petition to form a commission signed by one or more beer producers, the director shall conduct a referendum among all beer producers within the state for purposes of determining beer producer participation in the commission and assessment under section 11 of this act. The requirements of assent or approval of the referendum will be held to be complied with if at least sixty percent of the beer producers reply to the referendum and that at least fifty-one percent by numbers of beer producers replying in the referendum vote affirmatively. The referendum process shall be initiated on or before September 15, 1995.

(2) If the director determines that the requisite assent has been given, the director shall direct the commission to put into force the assessment in section 11 of this act.

(3) If the director determines that the requisite assent has not been given, the director shall not appoint the commission nor commence action to levy the assessment provided in section 11 of this act. If the requisite assent has not been given, the commission shall not be activated to specifically foster the interests of beer producers.

**NEW SECTION. Sec. 13.** The commission shall deposit moneys collected under section 11 of this act in a separate account in the name of the commission in any bank that is a state depository. All expenditures and disbursements made from this account under this chapter may be made without the necessity of a specific legislative appropriation. None of the provisions of RCW 43.01.050 apply to this account or to the moneys received, collected, or expended as provided in sections 10 through 14 of this act.

**NEW SECTION. Sec. 14.** A due and payable assessment levied in such specified amount as determined by the commission under section 11 of this act constitutes a personal debt of every person so assessed or who otherwise owes the assessment, and the assessment is due and payable to the commission when payment is called for by the commission. If a person fails to pay the commission the full amount of the assessment by the date due, the commission may add to the unpaid assessment an amount not exceeding ten percent of the assessment to defray the cost of enforcing its collection. If the person fails to pay any such due and payable assessment or other such sum, the commission may bring a civil action for collection against the person or persons in a court of competent jurisdiction. The action shall be tried and judgment rendered as in any other cause of action for a debt due and payable.

**NEW SECTION. Sec. 15.** (1) Prior to conducting the referendum as provided in section 12 of this act, the director may require the petitioners to deposit with him or her such amount of money the director may deem necessary to defray the expenses of conducting the referendum. If the referendum is approved, the petitioners shall be entitled to receive reimbursement from the commission the amount of the deposit provided to hold the referendum.

(2) All costs incurred by the department, including the adoption of rules and other actions necessary to carry out the provisions of this chapter, shall be reimbursed by the commission.

**NEW SECTION. Sec. 16.** This act shall be liberally construed to effectuate its purposes.

**Sec. 17.** RCW 66.44.800 and 1987 c 452 s 17 are each amended to read as follows:

(1) Nothing contained in chapter 15.88 RCW shall affect the compliance by the Washington wine commission with this chapter.

(2) Nothing contained in sections 1 through 16 of this act shall affect the compliance by the Washington malt beverage commission with this chapter.

**Sec. 18.** RCW 66.28.040 and 1987 c 452 s 15 are each amended to read as follows:

Except as permitted by the board under RCW 66.20.010, no brewer, wholesaler, distiller, winery, importer, rectifier, or other manufacturer of liquor shall, within the state, by himself, his or her clerk, servant, or agent, give to any person any liquor; but nothing in this section nor in RCW 66.28.010 shall prevent a brewer, wholesaler, winery, or importer from furnishing samples of beer, malt beverages, or wine to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor control board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board; nothing in this section shall prevent a brewery,



winery, or wholesaler from furnishing beer or wine for instructional purposes under RCW 66.28.150; nothing in this section shall prevent a winery or wholesaler from furnishing wine without charge to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and any wine so furnished shall be used solely for such educational purposes, provided that the wine furnished shall be subject to the taxes imposed by RCW 66.24.210; nothing in this section shall prevent a brewer from serving beer or malt beverages without charge, on the brewery premises; nothing in this section shall prevent donations of wine for the purposes of RCW 66.12.180; and nothing in this section shall prevent a domestic winery from serving wine without charge, on the winery premises.

NEW SECTION. Sec. 19. A new section is added to chapter 66.12 RCW to read as follows:

The Washington malt beverage commission created under section 3 of this act may purchase or receive donations of malt beverages from breweries and may use such malt beverages for promotional purposes. Malt beverages furnished to the commission under this section that is used within the state is subject to the taxes imposed under RCW 66.24.290. No license, permit, or bond is required of the Washington malt beverage commission under this title for promotional activities conducted under sections 1 through 16 of this act.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. Sections 1 through 16 of this act shall constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

#### MOTIONS

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 66.44.800 and 66.28.040; adding a new section to chapter 66.12 RCW; adding a new chapter to Title 15 RCW; providing an effective date; and declaring an emergency."

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 6009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6009.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6009 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Oke, Quigley, Sheldon, Strannigan and Sutherland - 5.

Absent: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Loveland, Senator Cal Anderson was excused.

#### SECOND READING

SENATE BILL NO. 5238, by Senators Oke and Haugen

Eliminating the primary in park and recreation district elections.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5238.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5238 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5768, by Senator Pelz (by request of Employment Security Department)

Revising provision relating to deductions from unemployment benefits for unavailability.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendment was adopted:

On page 2, after line 10, insert the following:

"NEW SECTION. Sec. 3. This act applies to weeks of unemployment ending after July 7, 1995.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "50.20.130;" strike the remainder of the title and insert "creating new sections; and declaring an emergency."

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Senate Bill No. 5768 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5768.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5768 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 25.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Wood - 23.

Excused: Senator Anderson, C. - 1.  
ENGROSSED SENATE BILL NO. 5768, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5597, by Senators C. Anderson, Roach, Smith, Schow, McCaslin, Pelz, Hargrove, Long and Johnson

Copying public records.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5597 was substituted for Senate Bill No. 5597 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5597.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5597 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senators Haugen and Loveland - 2.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Smith moved to immediately consider the vote by which Substitute Senate Bill No. 5597 passed the Senate.

The President declared the question before the Senate to be the motion by Senator Smith to immediately reconsider the vote by which Substitute Senate Bill No. 5597 was adopted.

The motion by Senator Smith carried and the Senate will immediately reconsider Substitute Senate Bill No. 5597.

#### MOTIONS

On motion of Senator Smith, the rules were suspended and Substitute Senate Bill No. 5597 was returned to second reading and read the second time.

On motion of Senator Haugen, the following amendments by Senators Haugen, Cal Anderson and Long were considered simultaneously and were adopted:

On page 4, line 14, strike "fifteen" and insert "twenty"

On page 5, line 5, strike "fifteen" and insert "twenty"

#### MOTION

On motion of Senator Smith, Engrossed Substitute Senate Bill No. 5597, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5597, under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5597, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rinehart, Roach, Schow, Sheldon, Smith, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 40.

Voting nay: Senators Hale, Haugen, Loveland, Quigley, Rasmussen, Sellar, Snyder and Sutherland - 8.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5597, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5262 and the pending amendment by Senators Hargrove, Owen, Ann Anderson and McCaslin on page 4, after line 9, deferred earlier today.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Haugen, the President finds that Second Substitute Senate Bill No. 5262 is a measure which establishes an ombudsman office in the Office of Administrative Hearings to represent the interests of private property owners. The bill specifies the duties of the ombudsman office, including receiving complaints, negotiating settlements, and determining impasse.

"The amendment by Senators Hargrove, Owen, Ann Anderson and McCaslin on page 4, after line 9, would define a failure to reach settlement as an exhaustion of administrative remedies and toll the statute of limitations during the time the office is working on a complaint.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Hargrove, Owen, Ann Anderson and McCaslin on page 4, after line 9, to Second Substitute Senate Bill No. 5262 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Owen, Ann Anderson and McCaslin on page 4, after line 9, to Second Substitute Senate Bill No. 5262.

Debate ensued.

The amendment by Senators Hargrove, Owen, Ann Anderson and McCaslin on page 4, after line 9, to Second Substitute Senate Bill No. 5262 was adopted on a rising vote.

## MOTION

On motion of Senator Haugen, Engrossed Second Substitute Senate Bill No. 5262, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5262.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5262 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Winsley, Wojahn and Wood - 37.

Voting nay: Senators Finkbeiner, Franklin, Hochstatter, Johnson, Morton, Moyer, Roach, Schow, Strannigan and West - 10.

Absent: Senator Fairley - 1.

Excused: Senator Anderson, C. - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5258 and the pending amendment by Senator Pelz on page 6, after line 36, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Hargrove, the President finds that Substitute Senate Bill No. 5258 is a measure which makes numerous changes in the law relating to community public health and safety networks. Among other things, the bill makes several definitional changes which impact many other sections of the law, and makes changes in the criteria the Family Policy Council uses in determining whether a network's plan will be funded.

"The amendment by Senator Pelz on page 6, after line 36, would direct community networks to consider employment and job training opportunities in developing their long-term comprehensive plans.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Pelz on page 6, after line 36, to Substitute Senate Bill No. 5258 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pelz on page 6, after line 36, to Substitute Senate Bill No. 5258.

Debate ensued.

The amendment by Senator Pelz on page 6, after line 36, to Substitute Senate Bill No. 5258 was adopted.

#### MOTION

Senator Fairley moved that the following amendment be adopted:

On page 8, line 26, after "~~(f)~~ (f)" insert "Integrated local programs that met the network's priorities and were deemed successful by the network:

(g)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 8, line 26, to Substitute Senate Bill No. 5258.

The motion by Senator Fairley carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Pelz, the following amendments were considered simultaneously and were adopted:

On page 8, line 26, after "(f)" insert "Considered youth employment and job training programs outlined in this chapter as a strategy to reduce the rate of at-risk children and youth:

(g)"

On page 8, at the beginning of line 32, strike "(g)" and insert "(h)"

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 3 of the title, after "70.190.060," insert "70.190.080,"

#### MOTION

On motion of Senator Hargrove, Engrossed Substitute Senate Bill No. 5258, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5258.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5258 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 8:00 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 8:45 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5201, deferred on second reading earlier today after an amendment by Senator Hargrove on page 10, after line 14, and an amendment by Senator Rinehart on page 18, after line 2, and a title amendment were adopted.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Owen served notice that he would move to reconsider the vote by which the amendment by Senator Hargrove on page 10, after line 14, was adopted.

#### MOTION

At 8:46 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Tuesday, March 14, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FOURTH DAY, MARCH 13, 1995

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**SIXTY-FIFTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Tuesday, March 14, 1995

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Drew, Finkbeiner, Pelz, Rasmussen and Schow. On motion of Senator Ann Anderson, Senators Finkbeiner and Schow were excused. On motion of Senator Loveland, Senators Cal Anderson, Drew, Pelz and Rasmussen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jeff West and Rita Yates, presented the Colors. Reverend Paul Beeman, retired pastor of the United Methodist Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

March 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tim Douglas, reappointed March 7, 1995, for a term ending July 5, 1998, as a member of the Puget Sound Water Quality Authority.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

MESSAGES FROM THE HOUSE

March 11, 1995

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1298,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1557,

SUBSTITUTE HOUSE BILL NO. 1610,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1719,

ENGROSSED HOUSE BILL NO. 1729,

SUBSTITUTE HOUSE BILL NO. 1818,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 11, 1995

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1147 by House Committee on Education (originally sponsored by Representatives Quall, B. Thomas, Mastin, Carlson, Basich, Backlund, Dyer and Sheldon)

Authorizing charter schools.

Referred to Committee on Education.

ESHB 1298 by House Committee on Children and Family Services (originally sponsored by Representatives Cooke, Tokuda and Patterson) (by request of Department of Social and Health Services)

Enlarging the scope of the methadone treatment program to the opiate substitution treatment program.

Referred to Committee on Human Services and Corrections.

ESHB 1357 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Sherstad, Cole, Costa, Blanton, Quall, Veloria, Radcliff, Campbell and Dickerson)

Authorizing counties to supervise misdemeanor offenders placed on probation.

Referred to Committee on Human Services and Corrections.

E2SHB 1557 by House Committee on Appropriations (originally sponsored by Representatives L. Thomas, Dellwo, Mielke, Wolfe, G. Fisher, Blanton and Poulsen) (by request of Insurance Commissioner Senn and Attorney General Gregoire)

Combatting insurance fraud.

Referred to Committee on Financial Institutions and Housing.

SHB 1610 by House Committee on Law and Justice (originally sponsored by Representatives Delvin, Costa, Ballasiotes, Padden, Tokuda, Kremen, Chappell, Morris, Campbell, Hatfield, Cody, Regala, Romero, Hickel, Sheldon, Robertson and Kessler)

Increasing involvement of victims in criminal prosecutions.

Referred to Committee on Law and Justice.

ESHB 1719 by House Committee on Children and Family Services (originally sponsored by Representatives Boldt, Koster, Cooke, Carlson, Stevens, Benton, Dyer, Padden and Thompson)

Creating the office of inspector general within the department of social and health services.

Referred to Committee on Human Services and Corrections.

EHB 1729 by Representatives Horn, Chandler, Van Luven, Hargrove, Schoesler and Elliot

Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation.

Referred to Committee on Ecology and Parks.

SHB 1818 by House Committee on Appropriations (originally sponsored by Representatives R. Fisher, Robertson, Scott, Costa, Mason, Ogden, Wolfe, Conway and Cody) (by request of Washington State Patrol)

Providing for criminal justice funding.

Referred to Committee on Ways and Means.

ESHB 1922 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt and R. Fisher)

Regulating excursion vessels.

Referred to Committee on Transportation.

SECOND READING



SENATE BILL NO. 5882, by Senators Haugen, Moyer, Loveland and Deccio

Concerning the disposal of surplus property by a governmental entity.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5882 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5882.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5882 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Drew, Finkbeiner, Pelz, Rasmussen and Schow - 6.

SENATE BILL NO. 5882, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5607, by Senators Gaspard, Cantu, Haugen, Prentice, Wood, Snyder, Long, A. Anderson, Deccio, Kohl, Wojahn, Oke, Rasmussen and Winsley (by request of State Auditor Sonntag)

Auditing state government.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5607 was substituted for Senate Bill No. 5607 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the following amendment by Senators Gaspard and West was adopted:

On page 4, line 18, strike "council" and insert "executive committee"

#### MOTIONS

On motion of Senator Gaspard, the following amendment by Senators Gaspard and West was adopted:

On page 8, line 30, after "audits" insert ", in consultation with the legislative systems administrative committee under RCW 44.68.030."

On motion of Senator Gaspard, the following amendment by Senators Gaspard and West was adopted:

On page 27, beginning on line 20, strike "members, officers, and employees of the legislative council," and insert "~~((members, officers, and employees of the legislative council,))~~ the"

#### MOTIONS

On motion of Senator Gaspard, the following amendments by Senators Gaspard and West were considered simultaneously and were adopted:

On page 32, line 17, after "senate," strike "one to the chief clerk of the house, one to the secretary of the senate," and insert "~~((one to the chief clerk of the house, one to the secretary of the senate,))~~"

On page 39, line 9, after "audits" strike the comma and insert "~~((,))~~ or"

On page 39, beginning on line 10, strike ", the chief clerk of the house, or secretary of the senate" and insert "~~((, the chief clerk of the house, or secretary of the senate))~~"

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5607.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5607 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Drew and Pelz - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 9:29 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:18 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5088, by Senator Smith

Revising the law relating to sexual predators.

#### MOTIONS

On motion of Senator Smith, Second Substitute Senate Bill No. 5088 was substituted for Senate Bill No. 5088 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Second Substitute Senate Bill No. 5088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5088.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5088 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SECOND SUBSTITUTE SENATE BILL NO. 5088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5070, by Senators Haugen, Winsley, Drew, Sheldon and Fraser

Requiring a study of the impact of the growth management act on property values.

The bill was read the second time.

#### MOTIONS

On motion of Senator Haugen, the following amendment by Senators Haugen and Winsley was adopted:

On page 1, line 6, after "development" insert "and the department of revenue"

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5070.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senators Anderson, A., Johnson and Sellar - 3.

ENGROSSED SENATE BILL NO. 5070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate resumed consideration of Substitute Senate Bill No. 5201, deferred on second reading March 13, 1995.

#### MOTION FOR RECONSIDERATION

Senator Owen, having served prior notice moved to reconsider the vote by which the amendment by Senator Hargrove on page 10, after line 14, and the title amendment were adopted.

The President declared the question before the Senate to be the motion by Senator Owen to reconsider the vote by which the amendment by Senator Hargrove on page 10, after line 14, and the title amendment were adopted to Substitute Senate Bill No. 5201.

The motion carried and the Senate will reconsider the amendment and title amendment by Senator Hargrove to Substitute Senate Bill No. 5201.

#### MOTION TO WITHDRAW AMENDMENTS

On motion of Senator Hargrove, and there being no objection, the amendment on page 10, after line 14, and the title amendment to Substitute Senate Bill No. 5201 were withdrawn.

#### MOTIONS

On motion of Senator Hargrove, the following amendment by Senators Hargrove, Rinehart, Gaspard, Snyder, Owen, Bauer, Quigley and Spanel was adopted:

On page 10, after line 14, strike the remainder of the bill and insert the following:

"**Sec. 8.** RCW 82.60.065 and 1994 1st sp.s. c 1 s 6 are each amended to read as follows:

Except as provided in RCW 82.60.070:

(1) Taxes deferred under this chapter on the sale or use of labor that is directly used in the construction of an investment project for which a deferral has been granted under this chapter after June 11, 1986, and prior to July 1, 1994, need not be repaid.

(2) Taxes deferred under this chapter on an investment project for which a deferral has been granted under this chapter after June 30, 1994, need not be repaid.

(3) Taxes deferred under this chapter need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under section 2 or 3 of this act to the extent the taxes have not been repaid before the effective date of this act.

**Sec. 9.** RCW 82.60.070 and 1994 1st sp.s. c 1 s 5 are each amended to read as follows:

(1) Each recipient of a deferral granted under this chapter prior to July 1, 1994, shall submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid. Each recipient of a deferral granted under this chapter after June 30, 1994, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter for reasons other than failure to create the required number of qualified employment positions, the amount of deferred taxes outstanding for the project shall be immediately due.

(3) If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter prior to July 1, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid.

(4) If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter after June 30, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes not eligible for deferral shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.

(5) If, on the basis of a report under this section or other information, the department finds that an investment project qualifying for deferral under RCW 82.60.040(1) (b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under subsection (1) of this section, twelve and one-half percent of the amount of deferred taxes shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.

(6) Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under section 2 or 3 of this act to the extent the taxes have not been repaid before the effective date of this act.

(7) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under section 2 of this act; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under section 3 of this act.

**Sec. 10.** RCW 82.61.010 and 1994 c 125 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Person" has the meaning given in RCW 82.04.030.

(3) "Department" means the department of revenue.

(4) "Eligible investment project" means:

(a) Construction of new buildings and the acquisition of new related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, ~~((1998))~~ 1995; or

(b) Acquisition prior to December 31, ~~((1998))~~ 1995, of new machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure. The lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(c) Acquisition of all new or used machinery, equipment, or other personal property for use in the production or casting of aluminum at an aluminum smelter or at facilities related to an aluminum smelter, if the plant was in operation prior to 1975 and has ceased operations or is in imminent danger of ceasing operations for economic reasons, as determined by the department, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represented employees of the plant pursuant to a collective bargaining agreement that was in effect either immediately prior to the time the plant ceased operations or during the period when the plant was in imminent danger of ceasing operations, on the proposed operation of the plant and on the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter; or

(d) Modernization projects involving construction, acquisition, or upgrading of equipment or machinery, including services and labor, which are commenced after May 19, 1987, and are intended to increase the operating efficiency of existing plants which are either aluminum smelters or aluminum rolling mills or of facilities related to such plants, if the plant was in operation prior to 1975, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represents employees of the plant on the proposed operation of the plant and the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

(6) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(7) "Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(8) "Machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery. For purposes of this chapter, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment may be treated as new equipment and machinery if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(12) "Operationally complete" means constructed or improved to the point of being functionally useable for the intended purpose.

(13) "Initiation of construction" means that date upon which on-site construction commences.

**NEW SECTION. Sec. 11.** The following acts or parts of acts are each repealed:

(1) RCW 82.61.020 and 1987 c 497 s 2 & 1985 ex.s. c 2 s 2; and

(2) RCW 82.61.040 and 1993 sp.s. c 25 s 408, 1988 c 41 s 2, 1986 c 116 s 10, & 1985 ex.s. c 2 s 8.

**Sec. 12.** RCW 82.63.010 and 1994 sp.s. c 5 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advanced computing" means technologies used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from hand-held calculators to super computers, and peripheral equipment.

(2) "Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

(3) "Applicant" means a person applying for a tax deferral under this chapter.

(4) "Biotechnology" means the application of technologies, such as recombinant DNA techniques, biochemistry, molecular and cellular biology, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms, to produce or modify products, to improve plants or animals, to develop microorganisms for specific uses, to identify targets for small molecule pharmaceutical development, or to transform biological systems into useful processes and products or to develop microorganisms for specific uses.

(5) "Department" means the department of revenue.

(6) "Electronic device technology" means technologies involving microelectronics; semiconductors; electronic equipment and instrumentation; radio frequency, microwave, and millimeter electronics; optical and optic-electrical devices; and data and digital communications and imaging devices.

(7) "Eligible investment project" means ~~((that portion of))~~ an investment project which either initiates a new operation, or expands or diversifies a current operation by expanding, renovating, or equipping an existing facility ~~((with costs in excess of twenty five percent of the true and fair value of the facility prior to improvement))~~. The lessor or owner of the qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(8) "Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, and the development of alternative energy sources.

(9) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction or improvement of the project.

(10) "Person" has the meaning given in RCW 82.04.030.

(11) "Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models in the fields of biotechnology, advanced computing, electronic device technology, advanced materials, and environmental technology other than for commercial sale. As used in this subsection, "commercial sale" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(12) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for pilot scale manufacturing or qualified research and development, including plant offices and other facilities that are an essential or an integral part of a structure used for pilot scale manufacturing or qualified research and development. If a building is used partly for pilot scale manufacturing or qualified research and development, and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(13) "Qualified machinery and equipment" means fixtures, equipment, and support facilities that are an integral and necessary part of a pilot scale manufacturing or qualified research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, invention, or similar property; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; vats, tanks, and fermenters; operating structures; and all other equipment used to control, monitor, or operate the machinery. For purposes of this chapter, qualified machinery and equipment must be either new to the taxing jurisdiction of the state or new to the certificate holder, except that used machinery and equipment may be treated as qualified machinery and equipment if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(14) "Qualified research and development" means research and development performed within this state in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

(15) "Recipient" means a person receiving a tax deferral under this chapter.

(16) "Research and development" means activities performed to discover technological information, and technical and nonroutine activities concerned with translating technological information into new or improved products, processes, techniques, formulas, inventions, or software. The term includes exploration of a new use for an existing drug, device, or biological product if the new use requires separate licensing by the federal food and drug administration under chapter 21, C.F.R., as amended. The term does not include adaptation or duplication of existing products where the products are not substantially improved by application of the technology, nor does the term include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

**NEW SECTION. Sec. 13.** A new section is added to chapter 82.63 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, taxes deferred under this chapter need not be repaid.

(2) If, on the basis of a report under RCW 82.63.020 or other information, the department finds that an investment project is used for purposes other than qualified research and development or pilot scale manufacturing at any time during the calendar year in which the investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes shall be immediately due according to the following schedule:

Year in which use occurs % of deferred taxes due

1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

The department shall assess interest at the rate provided for delinquent taxes, but not penalties, retroactively to the date of deferral.

(3) Notwithstanding subsection (2) of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under section 2 of this act; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under section 3 of this act.

NEW SECTION. **Sec. 14.** The following acts or parts of acts are each repealed:

(1) RCW 82.63.040 and 1994 sp.s. c 5 s 6; and

(2) RCW 82.63.050 and 1994 sp.s. c 5 s 7.

NEW SECTION. **Sec. 15.** The legislative fiscal committees shall report to the legislature by December 1, 1999, on the economic impacts of the manufacturers' tax exemption. This report shall analyze employment and other relevant economic data from before and after the enactment of the tax exemptions authorized under this act and shall measure the effect on the creation or retention of family wage jobs and diversification of the state's economy. Analytic techniques may include, but not be limited to, comparisons of Washington to other states that did not enact business tax changes, comparisons across Washington counties based on usage of the tax exemptions, and comparisons across similar firms based on their use of the tax exemptions. In performing the analysis, the legislative fiscal committees shall consult with business and labor interests. The department of revenue, the employment security department, and other agencies shall provide to the legislative fiscal committees such data as the legislative fiscal committees may request in performing the analysis required under this section.

NEW SECTION. **Sec. 16.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 4 of the title, before "82.60.070" insert "82.60.065,"

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Cantu: "Senator Bauer, I had the honor of serving with you as a member of the Manufacturing Tax Study Committee last summer that resulted in the recommendation of this legislation. In determining the fiscal impact of this proposal, several assumptions were made regarding the scope of manufacturing and processing included in the recommendations. The scope of manufacturing and processing was described to include all business activities identified in two-digit Standard Industrial Codes 20 through 39 and those businesses' activities identified in the three digit Standard Industrial Code 737.

"Is it intended that Substitute Senate Bill No. 5201 apply to all business activities identified in two-digit Standard Industrial Codes 20 through 39 and those businesses' activities identified in the three digit Standard Industrial Code 737?"

Senator Bauer: "Yes, Substitute Senate Bill No. 5201 is intended to apply to all business activities identified in two-digit Standard Industrial Codes 20 through 39 and those businesses' activities identified in the three digit Standard Industrial Code 737,"

Senator Cantu: "Thank you."

Further debate ensued.

#### POINT OF INQUIRY

Senator Gaspard: "Senator Rinehart, for the purposes of this analysis, what does the term 'family wage jobs' mean?"

Senator Rinehart: "The term 'family wage jobs' must be flexible to take into account varying cost of living differences throughout the state. It must also recognize compensation as a package. Therefore, it should include pension and health benefits and it should recognize that a part-time job with a high hourly rate may provide less support for a family than a full-time job with a lower rate of salary.

"In addition, factors such as family size and type should be taken into consideration. Therefore, a larger family needs more income than a smaller one, and a single-parent family may have higher child care and other costs than a two-parent family."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5201.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5201 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Fairley, Pelz, Rinehart and Sutherland - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5503, by Senators Prentice, Deccio, Pelz, Sellar and Fraser

Streamlining temporary worker housing safety and health regulations.

## MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5503 was substituted for Senate Bill No. 5503 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the following amendment by Senators Prentice and Deccio was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that there is an inadequate supply of temporary and permanent housing for migrant and seasonal workers in this state. The legislature also finds that unclear, complex regulations related to the development, construction, and permitting of worker housing inhibit the development of this much needed housing. The legislature further finds that as a result, many workers are forced to obtain housing that is unsafe and unsanitary.

Therefore, it is the intent of the legislature to encourage the development of temporary and permanent housing for workers that is safe and sanitary by: Establishing a clear and concise set of regulations for temporary housing; establishing a streamlined permitting and administrative process that will be locally administered and encourage the development of such housing; and by providing technical assistance to organizations or individuals interested in the development of worker housing.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter.

- (1) "Department" means the department of health.
- (2) "Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, that is:
  - (a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and
  - (b) Physically separated from other sleeping and common-use areas.
- (3) "Facility" means a sleeping place, drinking water, toilet, sewage disposal, food handling installation, or other installations required for compliance with this chapter.
- (4) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.
- (5) "Operator" means a person holding legal title to the land on which temporary worker housing is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the temporary worker housing under a lease or other arrangement.
- (6) "Temporary worker" means a person employed intermittently and not residing year-round at the same site.
- (7) "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

**NEW SECTION. Sec. 3.** This act applies to temporary worker housing that consists of five or more dwelling units, or any combination of dwelling units, dormitories, or spaces that house ten or more occupants.

**NEW SECTION. Sec. 4.** The department is designated the single state agency responsible for encouraging the development of additional temporary worker housing, and shall be responsible for coordinating the activities of the various state and local agencies to assure a seamless, nonduplicative system for the development and operation of temporary worker housing.

**NEW SECTION. Sec. 5.** Temporary worker housing located on a rural worksite, and used for workers employed on the worksite, shall be considered a permitted use at the rural worksite for the purposes of zoning or other land use review processes, subject only to height, setback, and road access requirements of the underlying zone.

**NEW SECTION. Sec. 6.** The secretary of the department or authorized representative may inspect housing covered by this act to enforce temporary worker housing rules adopted by the state board of health, or when the secretary or representative has reasonable cause to believe that a violation of temporary worker housing rules adopted by the state board of health is occurring or is being maintained. If the



buildings or premises are occupied as a residence, a reasonable effort shall be made to obtain permission from the resident. If the premises or building is unoccupied, a reasonable effort shall be made to locate the owner or other person having charge or control of the building or premises and request entry. If consent for entry is not obtained, for whatever reason, the secretary or representative shall have recourse to every remedy provided by law to secure entry.

**NEW SECTION. Sec. 7.** The department of community, trade, and economic development shall contract with private, nonprofit corporations to provide technical assistance to any private individual or nonprofit organization wishing to construct temporary or permanent worker housing. The assistance may include information on state and local application and approval procedures, information or assistance in applying for federal, state, or local financial assistance, including tax incentives, information on cost-effective housing designs, or any other assistance the department of community, trade, and economic development may deem helpful in obtaining the active participation of private individuals or groups in constructing or operating temporary or permanent worker housing.

**NEW SECTION. Sec. 8.** By December 1, 1996, the state building code council shall develop a temporary worker housing code, in conformance with the temporary worker housing standards developed under the Washington industrial safety and health act, chapter 49.17 RCW, the rules adopted by the state board of health under RCW 70.54.110, and the following guidelines:

- (1) The code shall provide construction standards for shelter and associated facilities that are safe, secure, and capable of withstanding the stresses and loads associated with their designated use, and to which they are likely to be subjected by the elements.
- (2) The code shall permit and facilitate designs and formats that allow for maximum affordability, consistent with the provision of decent, safe, and sanitary housing.
- (3) In developing the code the council shall consider: (a) The need for dormitory type housing for groups of unrelated individuals; and (b) the need for housing to accommodate families.
- (4) The code shall include construction standards for a variety of formats, including, but not limited to: (a) Tents and tent platforms; and (b) hard-shell, single exterior wall structures.
- (5) The code shall include standards for temporary worker housing that is to be used only during periods when no auxiliary heat is required.

In developing the temporary worker housing code, it is the intent of the legislature that the building code council make exceptions to the codes listed in RCW 19.27.031, and chapter 19.27A RCW, in keeping with the guidelines set forth in this section.

The building code council shall appoint a technical advisory committee to assist in the development of the temporary worker housing code, which shall include representatives of industries that most frequently supply temporary housing to their employees.

**NEW SECTION. Sec. 9.** The department shall submit a report to the legislature containing short-term and long-term recommendations for the development of an adequate supply and continuous improvement of temporary worker housing. The report shall include recommendations for optimum roles for state and local administration of temporary worker housing, including strategies for the development of a locally administered application, permitting, and compliance system. The report shall identify incentives for the development of temporary worker housing, including but not limited to:

- (1) Facility design options that are economical and appropriate for the worksite and length of seasonal employment but do not compromise health and safety of workers;
- (2) Streamlined, single-service-point permit application and review process;
- (3) Utilization of manufactured shelter units;
- (4) Appropriate building standards;
- (5) Financial incentives for operators;
- (6) Community-financed temporary worker housing; and
- (7) Shared housing arrangements among operators.

The report shall include recommendations for appropriate compliance strategies.

A preliminary report shall be submitted by December 1, 1995, together with any recommendations for legislation necessary to implement the findings and recommendations of the department at that point.

A final report, including recommendations for legislation, shall be submitted by December 1, 1996.

**Sec. 10.** RCW 70.54.110 and 1990 c 253 s 4 are each amended to read as follows:

The state board of health shall develop rules for labor camps, which shall ~~((include as a minimum))~~ **not exceed** the standards developed under the Washington industrial safety and health act in chapter 49.17 RCW as relates to ~~((sanitation and))~~ temporary labor camps.

All new housing and new construction together with the land areas appurtenant thereto which shall be started on and after May 3, 1969, and is to be provided by employers, growers, management, or any other persons, for occupancy by workers or by workers and their dependents, in agriculture, shall comply with the rules and regulations of the state board of health pertaining to labor camps. Within sixty days following the effective date of this act, the board shall review all rules it has adopted under this section and modify or repeal any rules that exceed the standards developed under chapter 49.17 RCW.

NEW SECTION. **Sec. 11.** The sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the general fund to the department of community, trade, and economic development for the purposes of section 7 of this act.

NEW SECTION. **Sec. 12.** Sections 1 through 9 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

#### MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5503 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5503.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5503 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senators Bauer and Smith - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5503, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:06 p.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:07 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5676, by Senators Fraser and Kohl

Restricting residential time for abusive parents.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5676 was substituted for Senate Bill No. 5676 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Newhouse, Senator Ann Anderson was excused.

On motion of Senator Loveland, Senator Pelz was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5676.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5676 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley, Wojahn and Wood - 43.

Absent: Senators Heavey, Moyer, Oke and Swecker - 4.

Excused: Senators Anderson, A. and Pelz - 2.

SUBSTITUTE SENATE BILL NO. 5676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5780, by Senators Prentice, Deccio and C. Anderson

Regulating viatical settlements.

## MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5780 was substituted for Senate Bill No. 5780 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5780 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTIONS

On motion of Senator Schow, Senator McCaslin was excused.

On motion of Senator Wood, Senators Moyer and Swecker were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5780.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5780 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, C., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley, Wojahn and Wood - 44.

Absent: Senator Bauer - 1.

Excused: Senators Anderson, A., McCaslin, Moyer and Swecker - 4.

SUBSTITUTE SENATE BILL NO. 5780, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5770, by Senators Pelz, Newhouse and Deccio (by request of Employment Security Department)

Providing for unemployment insurance claimant profiling.

The bill was read the second time.

## MOTIONS

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendment was adopted:

On page 3, after line 10, insert the following:

"NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "50.20.010;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Senate Bill No. 5770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5770.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5770 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Anderson, C., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley, Wojahn and Wood - 44.

Absent: Senators Bauer and Owen - 2.

Excused: Senators Anderson, A., Moyer and Swecker - 3.

ENGROSSED SENATE BILL NO. 5770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Loveland, Senators Cal Anderson, Bauer and Owen were excused.

#### SECOND READING

SENATE BILL NO. 5372, by Senators Sheldon and Wood (by request of Department of Community, Trade, and Economic Development and Public Works Board)

Appropriating funds for projects recommended by the public works board.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5372.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5372 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Bauer, Moyer and Owen - 4.

SENATE BILL NO. 5372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5884, by Senators Prentice, Winsley, Fraser, Franklin and Snyder (by request of Washington State Housing Finance Commission)

Enforcing financing terms by the housing finance commission.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5884 was substituted for Senate Bill No. 5884 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5884 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5884.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5884 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Moyer, Owen and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 5884, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5632, by Senators Ann Anderson, Drew, Owen, Hargrove, Swecker, Morton, Hale, Haugen, Finkbeiner, Strannigan, Moyer, Palmer, Johnson, Quigley and Rasmussen

Providing for flood damage reduction.

#### MOTIONS

On motion of Senator Drew, Second Substitute Senate Bill No. 5632 was substituted for Senate Bill No. 5632 and the second substitute bill was placed on second reading and read the second time.

Senator Drew moved that the following amendments by Senators Drew, Hargrove, Ann Anderson, Owen and Fraser be considered simultaneously and be adopted:

On page 10, beginning on line 2, after "life." strike all material through "water." on line 9

On page 13, beginning on line 4, after "life." strike all material through "water." on line 12

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Drew, Hargrove, Ann Anderson, Owen and Fraser on page 10, beginning on line 2, and page 13, beginning on line 4, to Second Substitute Senate Bill No. 5632.

The motion by Senator Drew carried and the amendments were adopted.

## MOTION

Senator Quigley moved that the following amendment by Senators Drew, Haugen, Ann Anderson and Quigley be adopted:

On page 20, after line 19, insert the following:

"**Sec. 14.** RCW 85.38.200 and 1986 c 278 s 8 are each amended to read as follows:

(1) Territory that is (~~contiguously located~~) adjoining or in close proximity to a special district may be annexed by the special district as provided in this section under the petition and election, resolution and election, or direct petition method of annexation.

(2) An annexation under the election method may be initiated by the filing of a petition requesting the action that is signed by at least ten owners of property in the area proposed to be annexed or the adoption of a resolution requesting such action by the governing body of the special district. The petitions shall be filed with the governing body of the special district that is requested to annex the territory. An election to authorize an annexation initiated under the petition and election method may be held only if the governing body approves the annexation. An annexation under either election method shall be authorized if the voters of the area proposed to be annexed approve a ballot proposition favoring the annexation by a simple majority vote. The annexation shall be effective when results of an election so favoring the annexation are certified by the county auditor or auditors. The election, notice of the election, and eligibility to vote at the election shall be as provided for the creation of a special district.

(3) An annexation under the direct petition method of annexation may be accomplished if the owners of a majority of the acreage proposed to be annexed sign a petition requesting the annexation, and the governing body of the special district approves the annexation. The petition shall be filed with the governing body of the special district. The annexation shall be effective when the governing body approves the annexation.

(4) Whenever a special district annexes territory under this section, the exclusive method by which the special district measures and imposes special assessments upon real property within the entire enlarged area shall be as set forth in RCW 85.38.150 through 85.38.170."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Drew, Haugen, Ann Anderson and Quigley on page 20, after line 19, to Second Substitute Senate Bill No. 5632.

The motion by Senator Quigley carried and the amendment was adopted.

## MOTION

Senator Fraser moved that the following amendment be adopted:

On page 22, beginning on line 35, strike all of section 18

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 22, beginning on line 35, to Second Substitute Senate Bill No. 5632.

The motion by Senator Fraser failed and the amendment was not adopted.

## MOTIONS

On motion of Senator Drew, the following amendments by Senators Drew, Fraser and Ann Anderson were considered simultaneously and were adopted:

On page 25, line 27, after "identifying" insert "and considering"

On page 25, line 28, after "(d)" insert "the impact of in-stream flood control work on the state's in-stream resources; (e)"

On page 25, line 29, after "structures;" strike "~~(and)~~ (e)" and insert "~~(and-e))~~ (f)"

On page 25, line 31, after "channel;" strike "(f)" and insert "(g)"

On page 25, line 33, after "and" strike "(g)" and insert "(h)"

Senator Fraser moved that the following amendment be adopted:

On page 29, line 29, after "(ii)" strike all material through "86.26 RCW" on line 31, and insert "Repair or reconstruction of a dike or levee if the project is determined by the county to be consistent with a previously approved comprehensive flood control management plan and necessary to avoid flood damage during the next flood season"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 29, line 29, to Second Substitute Senate Bill No. 5632.

The motion by Senator Fraser failed and the amendment was not adopted.

## MOTIONS

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 3 of the title, after "79.90.300," insert "85.38.200,"

On motion of Senator Drew, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5632 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5632.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5632 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 38.

Voting nay: Senators Anderson, C., Fairley, Franklin, Fraser, Kohl, McAuliffe, Pelz, Rinehart, Smith and Wojahn - 10.

Absent: Senator Hargrove - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5632, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

## SECOND READING

SENATE BILL NO. 5544, by Senators Owen, Rinehart, Spanel, Haugen, C. Anderson and Fraser

Concerning the leasing of state shoreline for the exploration of oil or gas.

The bill was read the second time.

## MOTION

Senator Swecker moved that the following amendment by Senators Swecker, Ann Anderson and Strannigan be adopted:

On page 1, beginning on line 13, after "production" strike all material through "~~1995~~)" on line 19 and insert "until at least July 1, ~~((1995))~~ 2000. During the ~~((1995))~~ 2000 legislative session, the legislature shall determine whether the moratorium on leasing should be extended past July 1, ~~((1995))~~ 2000. This determination shall be based on the information available at that time, including the analysis described in RCW 43.143.040. If the legislature does not extend the moratorium on leasing, the moratorium will end on July 1, ~~((1995))~~ 2000"

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Swecker, Ann Anderson and Strannigan on page 1, beginning on line 13, to Senate Bill No. 5544.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Wood - 22.

Voting nay: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 27.

## MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Sellar, Senator West was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5544.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5544 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 48.

Excused: Senator West - 1.

SENATE BILL NO. 5544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5613, by Senators Pelz, Franklin, Hargrove, Snyder, Fraser, Bauer, McAuliffe, Smith, Prentice, Heavey and Rinehart

Revising the provision authorizing the department of labor and industries to hold industrial insurance orders in abeyance.

The bill was read the second time.

#### MOTION

Senator Newhouse moved that the following amendment by Senators Newhouse and Pelz be adopted:

On page 3, on line 11, after "cause," insert: "However, the department may not exercise the authority granted in this subsection (4)(b)(ii) with respect to the claim of a worker employed by a self-insurer unless the department has notified the self-insurer of the receipt of the application under RCW 51.32.160 and has forwarded a copy of the application, by certified mail, within ten working days of the department's receipt of the application. In such a case, the ninety-day period shall commence when the notice and application are received by the self-insurer. For the purposes of this subsection (4)(b)(ii), good cause includes delay that results from conduct of the claimant that is subject to sanction under RCW 51.32.110."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Newhouse and Pelz on page 3, on line 11, to Senate Bill No. 5613.

The motion by Senator Newhouse carried and the amendment was adopted.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Senate Bill No. 5613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5613.

#### ROLL CALL



The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5613 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 48.

Excused: Senator West - 1.

ENGROSSED SENATE BILL NO. 5613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5614, by Senators Pelz, Franklin, Hargrove, Snyder, Fraser, Bauer, McAuliffe, Smith, Prentice, Heavey and Rinehart

Revising provisions relating to compensation during appeal of department of labor and industries industrial insurance orders.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5614.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Kohl, Long, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Winsley, Wojahn and Wood - 30.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Haugen, Hochstatter, Johnson, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Schow, Sellar, Strannigan and West - 19.

SENATE BILL NO. 5614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5615, by Senators Pelz, Franklin, Hargrove, Snyder, Bauer, Fraser, McAuliffe, Smith, Prentice, Heavey and Rinehart

Revising provisions relating to compensation during reconsideration of department of labor and industries industrial insurance orders.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5615.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5615 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 28.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hochstatter, Johnson, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Wood - 21.

SENATE BILL NO. 5615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5155, by Senators Hargrove, Owen, Snyder, Hochstatter, A. Anderson and Rasmussen

Exempting from the shoreline management act certain projects that have been granted hydraulic permits.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5155 was substituted for Senate Bill No. 5155 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5155.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5155 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SUBSTITUTE SENATE BILL NO. 5155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6045, by Senators Bauer, Hochstatter, Gaspard, McAuliffe and Winsley

Allowing retired administrators to serve as replacement administrators without a reduction of pension benefits.

The bill was read the second time.

#### MOTION

Senator Johnson moved that the following amendments by Senators Johnson, McAuliffe, Gaspard and Hochstatter be considered simultaneously and be adopted:

On page 1, line 15, after "teacher" insert "or retired administrator"

On page 2, line 38, strike "the number of days remaining in the current school year" and insert "an additional fifteen days per school year"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Johnson, McAuliffe, Gaspard and Hochstatter on page 1, line 15, and page 2, line 38, to Senate Bill No. 6045.

The motion by Senator Johnson carried and the amendments were adopted.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Engrossed Senate Bill No. 6045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Rinehart was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6045.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6045 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Rinehart - 1.

ENGROSSED SENATE BILL NO. 6045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5880, by Senators Haugen, Spanel and Winsley

Authorizing retirement to care for a disabled spouse.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5880 was substituted for Senate Bill No. 5880 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the following amendment by Senators Spanel, Haugen and Rinehart was adopted:

On page 1, line 5, strike "five" and insert "twenty"

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5880 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5880.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5880 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 48.

Absent: Senator Wojahn - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5880, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5397, by Senators Franklin and Pelz (by request of Department of Labor and Industries)

Revising provisions regulating asbestos certification.

The bill was read the second time.

## MOTION

Senator Pelz moved that the following Committee on Labor, Commerce and Trade amendments not be adopted:

On page 7, line 31, after "(3)" insert "The department shall not require notification or prenotification of any asbestos or asbestos abatement project at a threshold different from that which is required by the federal environmental protection agency as of February 1, 1995.  
(4)"

On page 8, beginning on line 3, after "~~((forty-eight~~" strike all material through "feet" on line 6, and insert "square feet of surface area, or less than ten linear feet of pipe unless the surface area of the pipe is greater than forty-eight square feet)) one hundred sixty square feet of asbestos containing material on components, or less than two hundred sixty linear feet of asbestos containing material on pipes, or removal of less than thirty-five cubic feet of asbestos containing material off facility components where the length or area could not be measured previously, as defined by 40 C.F.R. 61.145 as of February 1, 1995"

On page 9, line 5, after "~~((forty-eight~~" strike ") three square feet" and insert "square feet)) the federal threshold established under 40 C.F.R. 61.145 as of February 1, 1995"

The President declared the question before the Senate to be the motion by Senator Pelz that the Committee on Labor, Commerce and Trade amendments on pages 7, 8, and 9, to Senate Bill No. 5397 not be adopted.

The motion by Senator Pelz carried and the committee amendments were not adopted.

## MOTION

Senator Heavey moved that the following amendment by Senators Heavey, Deccio, Franklin, Hale and Pelz be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.26.013 and 1989 c 154 s 2 are each amended to read as follows:

(1) Any owner or owner's agent who allows or authorizes any construction, renovation, remodeling, maintenance, repair, or demolition project which has a reasonable possibility, as defined by the department, of disturbing or releasing asbestos into the air, shall perform or cause to be performed, using practices approved by the department, a good faith inspection to determine whether the proposed project will disturb or release any material containing asbestos into the air.

Such inspections shall be conducted by persons meeting the accreditation requirements of the federal toxics substances control act, section 206(a) (1) and (3) (15 U.S.C. 2646(a) (1) and (3)).

An inspection under this section is not required if the owner or owner's agent is reasonably certain that asbestos will not be disturbed or assumes that asbestos will be disturbed by a project which involves construction, renovation, remodeling, maintenance, repair, or demolition and takes the maximum precautions as specified by all applicable federal and state requirements.

(2) Except as provided in RCW 49.26.125, the owner or owner's agent shall prepare and maintain a written report describing each inspection, or a statement of assumption of the presence or reasonable certainty of the absence of asbestos, and shall ~~((make))~~ provide a copy of the written report or statement ~~((available))~~ to all contractors before they apply or bid on work. In addition, upon written or oral request, the owner or owner's agent shall make a copy of the written report available to: (1) The department of labor and industries; (2) contractors; and (3) the collective bargaining representatives or employee representatives, if any, of employees who may be exposed to any asbestos or material containing asbestos. A copy shall be posted as prescribed by the department in a place that is easily accessible to such employees.

**Sec. 2.** RCW 49.26.016 and 1989 c 154 s 3 are each amended to read as follows:

(1) Any owner or owner's agent who allows the start of any construction, renovation, remodeling, maintenance, repair, or demolition without first (a) conducting the inspection and preparing and maintaining the report of the inspection, or preparing and maintaining a statement of assumption of the presence or reasonable certainty of the absence of asbestos, as required under RCW 49.26.013; and (b) preparing and maintaining the additional written description of the project as required under RCW 49.26.120 shall be subject to a mandatory fine of not less than two hundred fifty dollars for each violation. Each day the violation continues shall be considered a separate violation. In addition, any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of RCW 49.26.013 and 49.26.120 shall be halted immediately and cannot be resumed before meeting such requirements.

~~(2) ((It is the responsibility of any contractor registered under chapter 18.27 RCW to request a copy of the written report or statement required under RCW 49.26.013 from the owner or the owner's agent.))~~ No contractor may commence any construction, renovation, remodeling, maintenance, repair or demolition project without receiving the copy of the written report or statement from the owner or the owner's agent. Any contractor who begins any project without the copy of the written report or statement shall be subject to a mandatory fine of not less than two hundred and fifty dollars per day. Each day the violation continues shall be considered a separate violation.

~~(3) ((Any partnership, firm, corporation or sole proprietorship that begins any construction, renovation, remodeling, maintenance, repair, or demolition without meeting the requirements of RCW 49.26.013 and the notification requirement under RCW 49.26.120 shall lose the exemptions provided in RCW 49.26.110 and 49.26.120 for a period of not less than six months.~~

~~(4))~~ The certificate of any asbestos contractor who knowingly violates any provision of this chapter or any rule adopted under this chapter shall be revoked for a period of not less than six months.

~~((5))~~ (4) The penalties imposed in this section are in addition to any penalties under RCW 49.26.140.

**Sec. 3.** RCW 49.26.100 and 1989 c 154 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Asbestos abatement project" means an asbestos project involving three square feet or three linear feet, or more, of asbestos-containing material.

(2) "Asbestos project" means the construction, demolition, repair, maintenance, remodeling, or renovation of any public or private building or mechanical piping equipment or systems involving the demolition, removal, encapsulation, salvage, or disposal of material, or outdoor activity, releasing or likely to release asbestos fibers into the air.

~~((2))~~ (3) "Department" means the department of labor and industries.

~~((3))~~ (4) "Director" means the director of the department of labor and industries or the director's designee.

~~((4))~~ (5) "Person" means any individual, partnership, firm, association, corporation, sole proprietorship, or the state of Washington or its political subdivisions.

~~((5))~~ (6) "Certified asbestos supervisor" means an individual who is certified by the department to supervise an asbestos project. A certified asbestos supervisor is not required for projects involving less than three square feet or three linear feet of asbestos-containing material.

~~((6))~~ (7) "Certified asbestos worker" means an individual who is certified by the department to work on an asbestos project.

~~((7))~~ (8) "Certified asbestos contractor" means any partnership, firm, association, corporation or sole proprietorship registered under chapter 18.27 RCW that submits a bid or contracts to remove or encapsulate asbestos for another and is certified by the department to remove or encapsulate asbestos.

~~((8))~~ (9) "Owner" means the owner of any public or private building, structure, facility or mechanical system, or the agent of such owner, but does not include individuals who work on asbestos projects on their own single-family residences no part of which is used for any commercial purpose.

**Sec. 4.** RCW 49.26.110 and 1989 c 154 s 5 are each amended to read as follows:

(1) No employee or other individual is eligible to do work governed by this chapter unless issued a certificate by the department ~~((except, in the case of an asbestos project undertaken by any partnership, firm, corporation or sole proprietorship which has not lost this exemption under RCW 49.26.016(3), and conducted in its own facility and by its own employees. In cases excepted under this section:~~

~~(a) Direct, on-site supervision by a certified asbestos supervisor shall be required for asbestos projects performed at one project location by workers who are not certified.~~

~~(b) If a project is conducted using only certified workers or if a certified worker functions as a foreman or lead person, supervision can be performed in the regular course of a supervisor's duties and need not be direct and on-site.~~

~~(c) The partnership, firm, corporation or sole proprietorship shall submit a written description to the department of the kinds of asbestos projects expected to be undertaken and the procedures to be used in undertaking asbestos projects, which description shall demonstrate competence in performing the work in compliance with the requirements of this chapter, rules adopted under this chapter, and any other requirements of law for the safe demolition, removal, encapsulation, salvage, and disposal of asbestos)).~~

(2) To qualify for a certificate:

(a) Certified asbestos workers ~~((and supervisors))~~ must have successfully completed a four-day training course ~~((of at least thirty hours.)).~~ Certified asbestos supervisors must have completed a five-day training course. Training courses shall be provided or approved by the department ~~((, on the));~~ shall cover such topics as the health and safety aspects of the removal and encapsulation of asbestos, including but not

limited to the federal and state standards regarding protective clothing, respirator use, disposal, air monitoring, cleaning, and decontamination((:)); and shall meet such additional qualifications as may be established by the department by rule for the type of certification sought; and

(b) All applicants for certification as asbestos workers or supervisors must pass an examination in the type of certification sought which shall be provided or approved by the department.

These requirements are intended to represent the minimum requirements for certification and shall not preclude contractors or employers from providing additional education or training. The department may require the successful completion of annual refresher courses provided or approved by the department for continued certification as an asbestos worker or supervisor.

(3) The department shall provide for the reciprocal certification of any individual trained to engage in asbestos projects in another state when the prior training is shown to be substantially similar to the training required by the department. Nothing shall prevent the department from requiring such individuals to take an examination or refresher course before certification.

(4) The department may deny, suspend, or revoke a certificate, as provided under RCW 49.26.140, for failure of the holder to comply with any requirement of this chapter or chapter 49.17 RCW, or any rule adopted under those chapters, or applicable health and safety standards and regulations. In addition to any penalty imposed under RCW 49.26.016, the department may suspend or revoke any certificate issued under this chapter for a period of not less than six months upon the following grounds:

(a) The certificate was obtained through error or fraud; or

(b) The holder thereof is judged to be incompetent to carry out the work for which the certificate was issued.

Before any certificate may be denied, suspended, or revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against such holder, and shall give him or her the opportunity to request a hearing before the department. At such hearing, the department and the holder shall have opportunity to produce witnesses and give testimony.

(5) A denial, suspension, or revocation order may be appealed to the board of industrial insurance appeals within fifteen working days after the denial, suspension, or revocation order is entered. The notice of appeal may be filed with the department or the board of industrial insurance appeals. The board of industrial insurance appeals shall hold the hearing in accordance with procedures established in RCW 49.17.140. Any party aggrieved by an order of the board of industrial insurance appeals may obtain superior court review in the manner provided in RCW 49.17.150.

(6) Each person certified under this chapter shall display, upon the request of an authorized representative of the department, valid identification issued by the department.

**Sec. 5.** RCW 49.26.115 and 1989 c 154 s 6 are each amended to read as follows:

Before working on an asbestos abatement project, a contractor shall obtain an asbestos contractor's certificate from the department and shall have in its employ at least one certified asbestos supervisor who is responsible for supervising all asbestos abatement projects undertaken by the contractor and for assuring compliance with all state laws and regulations regarding asbestos. The contractor shall apply for certification renewal every year. The department shall ensure that the expiration of the contractor's registration and the expiration of his or her asbestos contractor's certificate coincide.

**Sec. 6.** RCW 49.26.120 and 1989 c 154 s 7 are each amended to read as follows:

(1) No person may assign any employee, contract with, or permit any individual or person to remove or encapsulate asbestos in any facility unless performed by a certified asbestos worker and under the direct, on-site supervision of a certified asbestos supervisor (~~except, in the case of an asbestos project undertaken by any partnership, firm, corporation or sole proprietorship which has not lost this exemption under RCW 49.26.016(3), and conducted in its own facility and by its own employees. In cases excepted under this section:~~

~~(a) Direct, on-site supervision by a certified asbestos supervisor shall be required for asbestos projects performed at one project location by workers who are not certified.~~

~~(b) If a project is conducted using only certified workers or if a certified worker functions as a foreman or lead person, supervision can be performed in the regular course of a supervisor's duties and need not be direct and on-site.~~

~~(c) The partnership, firm, corporation or sole proprietorship shall submit a written description to the department of the kinds of asbestos projects expected to be undertaken and the procedures to be used in undertaking asbestos projects, which description shall demonstrate competence in performing the work in compliance with the requirements of this chapter, rules adopted under this chapter, and any other requirements of law for the safe demolition, removal, encapsulation, salvage, and disposal of asbestos)). In cases in which an employer conducts an asbestos abatement project in its own facility and by its own employees, supervision can be performed in the regular course of a certified asbestos supervisor's duties. Asbestos workers must have access to certified asbestos supervisors throughout the duration of the project.~~

(2) The department shall require persons undertaking asbestos projects to provide written notice to the department before the commencement of the project except as provided in RCW 49.26.125. The notice shall include a written description containing such information as the department requires by rule. The department may by rule allow a person to report multiple projects at one site in one report. The department shall by rule establish the procedure and criteria by which a person will be considered to have attempted to meet the prenotification requirement.

(3) The department shall consult with the state fire protection policy board, and may establish any additional policies and procedures for municipal fire department and fire district personnel who clean up sites after fires which have rendered it likely that asbestos has been or will be disturbed or released into the air."

#### POINT OF INQUIRY

Senator Deccio: "Senator Heavey, it is my understanding now that we are at forty-eight feet, not three feet, not two hundred and sixty feet. Is that correct?"

Senator Heavey: "Yes, it is at forty-eight feet and it is not at two hundred and sixty feet."

#### POINT OF INQUIRY

Senator Morton: "Senator Heavey, I was going to challenge that last comment based on the amendment on page 3, lines 7, 8, and 9, which says, 'three square feet.' "

Senator Heavey: "The asbestos is measured in lineal feet, squares and cubes. Three square feet is obviously a lot bigger than a certain number of lineal feet, so yes, it still is three square feet, but the forty-eight feet is the lineal feet."

Senator Morton: "Thank you for the clarification, Senator Heavey."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Heavey, Deccio, Franklin, Hale and Pelz to Senate Bill No. 5397.

The motion by Senator Heavey carried and the striking amendment was adopted on a rising vote.

#### MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "certification;" strike the remainder of the title and insert "and amending RCW 49.26.013, 49.26.016, 49.26.100, 49.26.110, 49.26.115, and 49.26.120."

On motion of Senator Pelz, the rules were suspended, Engrossed Senate Bill No. 5397 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5397.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5397 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Moyer, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 30.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, McCaslin, McDonald, Morton, Oke, Palmer, Roach, Schow, Sellar, Strannigan, Swecker, West and Wood - 19.

ENGROSSED SENATE BILL NO. 5397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5576, by Senator Drew (by request of Governor Lowry)

Making changes to the campaign practices law.

#### MOTIONS

On motion of Senator Smith, Second Substitute Senate Bill No. 5576 was substituted for Senate Bill No. 5576 and the second substitute bill was placed on second reading and read the second time.

Senator Drew moved that the following amendments by Senators Drew and Smith be considered simultaneously and be adopted:

On page 10, beginning on line 19, after "preceding the" strike all material through "in" on line 20, and insert "~~((expiration of a state legislator's term in))~~ last day for certification of the election results for a state legislator's election to"

On page 10, beginning on line 27, after "permitted." strike all material through "office." on line 30

On page 10, after line 35, insert the following:

"**Sec. 19.** RCW 42.17.160 and 1982 c 147 s 12 are each amended to read as follows:

REGISTRATION AND REPORTING. The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, and 42.17.200:

(1) Persons who limit their lobbying activities to appearing before public sessions of committees of the legislature, or public hearings of state agencies;

(2) Activities by lobbyists or other persons whose participation has been solicited by an agency under RCW 34.05.310(2);

(3) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station;

~~((3))~~ (4) Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. The exemption contained in this subsection is intended to permit and encourage citizens of this state to lobby any legislator, public official, or state agency without incurring any registration or reporting obligation provided they do not exceed the limits stated above. Any person exempt under this subsection ~~((3))~~ (4) may at his or her option register and report under this chapter;

~~((4))~~ (5) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed twenty-five ~~((dollars))~~ dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection ~~((4))~~ (5) may at his or her option register and report under this chapter;

~~((5))~~ (6) The governor;

~~((6))~~ (7) The lieutenant governor;

~~((7))~~ (8) Except as provided by RCW 42.17.190(1), members of the legislature;

~~((8))~~ (9) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties;

~~((9))~~ (10) Elected officials, and officers and employees of any agency reporting under RCW 42.17.190(4) as now or hereafter amended.

**Sec. 20.** RCW 42.17.170 and 1991 sp.s. c 18 s 2 are each amended to read as follows:

MONTHLY PERIODIC REPORT. (1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his or her activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein, ~~((without))~~ and shall include amounts actually expended on each person where calculable, or allocating any portion of ~~((such))~~ the expenditure to individual participants. ~~((However, if the expenditure for a single hosted reception is more than one hundred dollars per person partaking therein, the report shall specify the per person amount, which shall be determined by dividing the total amount of the expenditure by the total number of persons partaking in the reception.))~~

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(ii) Any expenses incurred for his or her own living accommodations;

(iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.



(c) An itemized listing of each such expenditure, whether contributed by the lobbyist personally or delivered or transmitted by the lobbyist, in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.05 RCW, the state Administrative Procedure Act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period, unless exempt under RCW 42.17.160(2).

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

(f) ~~((A listing of each gift, as defined in RCW 42.17.020, made to a state elected official or executive state officer or to a member of the immediate family of such an official or officer. Such a gift shall be separately identified by the date it was given, the approximate value of the gift, and the name of the recipient. However, for a hosted reception where the average per person amount is reported under (a) of this subsection, the approximate value for the gift of partaking in the event is such average per person amount. The commission shall adopt forms to be used for reporting the giving of gifts under this subsection (2)(f). The forms shall be designed to permit a lobbyist to report on a separate form for each recipient the reportable gifts given to that recipient during the reporting period or, alternatively, to report on one form all reportable gifts given by the lobbyist during the reporting period))~~ A listing of each payment for an item specified in RCW 42.52.150(5) in excess of fifty dollars made to a state elected official, state officer, or state employee. Each item shall be identified by recipient, date, and approximate value of the item.

(g) The total expenditures made during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist or otherwise. As used in this subsection, "expenditures" includes amounts paid or incurred during the reporting period for (i) political advertising as defined in RCW 42.17.020; and (ii) public relations, telemarketing, polling, or similar activities if such activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule, standard, or rate by an agency under the administrative procedure act. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(3) If a state elected official or a member of such an official's immediate family is identified by a lobbyist in such a report as having received from the lobbyist ~~((a gift, as defined in RCW 42.17.020))~~ an item specified in RCW 42.52.150(5), the lobbyist shall transmit to the official a copy of the completed form used to identify the ~~((gift))~~ item in the report at the same time the report is filed with the commission.

(4) The commission may adopt rules to vary the content of lobbyist reports to address specific circumstances, consistent with this section."

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Drew and Smith on page 10, beginning on line 19; page 10, beginning on line 27; and page 10, after line 35, to Second Substitute Senate Bill No. 5576.

The motion by Senator Drew carried and the amendments were adopted.

#### MOTION

Senator West moved that the following amendment be adopted:

On page 2, after line 30, strike all of section 2.

Debate ensued.

Senator Roach demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator West on page 2, after line 30, to Second Substitute Senate Bill No. 5576,

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.  
Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 24.

Voting nay: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 25.

## MOTION

Senator Haugen moved that the following amendment by Senator Haugen and Winsley be adopted:

On page 4, at the beginning of line 20, strike all material through "June" and insert "second Monday in July"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Winsley on page 4, at the beginning of line 20, to Second Substitute Senate Bill No. 5576.

The motion by Senator Haugen carried and the amendment was adopted.

## MOTIONS

On motion of Senator Haugen, the following amendment by Senators Haugen and Winsley was adopted:

On page 8, beginning on line 6, strike all of section 14 and insert the following:

"**Sec. 14.** RCW 29.81A.010 and 1984 c 106 s 3 are each amended to read as follows:

At least ninety days before any primary or general election, or at least ~~((forty))~~ forty-five days before any special election held under RCW 29.13.010 or 29.13.020, the legislative authority of any county or first-class or code city may adopt an ordinance authorizing the publication, in printed or electronic format or both, and distribution of a local voters' pamphlet. The pamphlet shall provide information on all measures ~~((within))~~ that will be on the ballot in that jurisdiction and may, if specified in the ordinance, include information on candidates ~~((within))~~ whose names will be on the ballot in that jurisdiction. If both a county and a first-class or code city within that county authorize a local voters' pamphlet for the same election, the pamphlet shall be produced jointly by the county and the first-class or code city. If no agreement can be reached between the county and first-class or code city, the county and first-class or code city may each produce a pamphlet. Any ordinance adopted authorizing a local voters' pamphlet may be for a specific primary, special election, or

general election or for any future primaries or elections. The format of any local voters' pamphlet shall, whenever applicable, comply with the provisions of chapters 29.80 and 29.81 RCW regarding the publication of the state candidates' and voters' pamphlets.

**Sec. 15.** RCW 29.81A.020 and 1994 c 191 s 1 are each amended to read as follows:

(1) Not later than ~~((ninety days))~~ May 1st for a primary or general election or ninety days before a special election not scheduled at the same time as a primary or general election, before the publication and distribution of a local voters' pamphlet by a county, the county auditor shall notify each city, town, or special taxing district located ~~((wholly))~~ within that county that a pamphlet will be produced. (2) If a voters' pamphlet is published by the county for a primary or general election, the pamphlet shall be published for the elective offices and ballot measures of the county and for the elective offices and ballot measures of each unit of local government located ~~((entirely))~~ within the county which will appear on the ballot at that primary or election. However, the offices and measures of a first class or code city shall not be included in the pamphlet if the city publishes and distributes its own voters' pamphlet for the primary or election for its offices and measures. The offices and measures of any other town or city are not required to appear in the county's pamphlet if the town or city is obligated by ordinance or charter to publish and distribute a voters' pamphlet for the primary or election for its offices and measures and it does so.

If the required appearance in a county's voters' pamphlet of the offices or measures of a unit of local government would create ~~((undue financial hardship))~~ undue financial hardship for the unit of government, the legislative authority of the unit may petition the legislative authority of the county to waive this requirement. The legislative authority of the county may provide such a waiver if it does so not later than ~~((sixty days before the publication of the pamphlet and))~~ June 15th for a primary or general election or sixty days before a special election not occurring at the same time as a primary or general election where a pamphlet will be published if it finds that the requirement would create such hardship.

(3) If a city, town, or district is located within more than one county, the respective county auditors may enter into an interlocal agreement to permit the distribution of each county's local voters' pamphlet into those parts of the city, town, or district located outside of that county.

(4) If a first-class or code city authorizes the production and distribution of a local voters' pamphlet, the city clerk of that city shall notify any special taxing district located ~~((wholly))~~ within that city that a pamphlet will be produced. Notification shall be provided in the manner required or provided for in subsection (1) of this section.

(5) A unit of local government located within a county and the county may enter into an interlocal agreement for the publication of a voters' pamphlet for offices or measures not required by subsection (2) of this section to appear in a county's pamphlet.

**Sec. 16.** RCW 29.81A.040 and 1984 c 106 s 6 are each amended to read as follows:

The local voters' pamphlet shall include but not be limited to the following:

(1) Appearing on the cover, the words "official local voters' pamphlet," the name of the jurisdiction producing the pamphlet, the jurisdictions that have measures or candidates in the pamphlet, and the date of the election or primary;

(2) Information on how a person may register to vote and obtain an absentee ballot;

(3) The ~~((text))~~ ballot title of each measure accompanied by an explanatory statement prepared by the prosecuting attorney for any county measure or by the attorney for the jurisdiction submitting the measure if other than a county measure. The explanatory statement shall not intentionally be an argument likely to create prejudice either for or against the measure. All explanatory statements for city, town, or district measures ~~((not approved by the attorney for the jurisdiction submitting the measure))~~ shall be reviewed and approved by the county prosecuting attorney ~~((or city attorney, when applicable,))~~ before inclusion in the pamphlet. The full text of the measure may be either included in the pamphlet or made available upon request at the discretion of the jurisdiction publishing the pamphlet;

(4) The arguments for and against each measure submitted by committees selected pursuant to RCW 29.81A.080.

**Sec. 17.** RCW 29.81A.080 and 1994 c 191 s 2 are each amended to read as follows:

For each measure from a unit of local government that is included in a local voters' pamphlet, the legislative authority of that jurisdiction shall, not later than forty-five days before the publication of the pamphlet, formally appoint a committee to prepare arguments advocating voters' approval of the measure and shall formally appoint a committee to prepare arguments advocating voters' rejection of the measure. The authority shall appoint persons known to favor the measure to serve on the committee advocating approval and shall, whenever possible, appoint persons known to oppose the measure to serve on the committee advocating rejection. Each committee shall have not more than three members, however, a committee may seek the advice of any person or persons. If the legislative authority of a unit of local government fails to make such appointments by the prescribed deadline, the county auditor shall whenever possible make the appointments. The county auditor shall notify press, radio, and television in the county of the need to make such appointments."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, after "29.81A.010," insert "29.81A.020, 29.81A.040, 29.81A.080,"

On page 1, line 4 of the title, after "29.80.090," strike "and 42.17.132" and insert "42.17.132, 42.17.160, and 42.17.170"

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5576.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5576 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, McCaslin, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Winsley and Wojahn - 32.

Voting nay: Senators Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McDonald, Morton, Moyer, Newhouse, Prince, Roach, Schow, Sellar, Strannigan, West and Wood - 17.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5684, by Senators Smith, Winsley, Gaspard, Oke, Wood and Hale (by request of Public Disclosure Commission)

Consolidating and revising public disclosure laws.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5684 was substituted for Senate Bill No. 5684 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the following amendments by Senators Drew and Smith were considered simultaneously and were adopted:

On page 17, after line 39, insert the following:

"**Sec. 5.** RCW 42.17.132 and 1993 c 2 s 25 are each amended to read as follows:

During the twelve-month period preceding the ~~((expiration of a state legislator's term in))~~ last day for certification of the election results for a state legislator's election to office, no incumbent to that office may mail to a constituent at public expense a letter, newsletter, brochure, or other piece of literature that is not in direct response to that constituent's request for a response or for information. However, one mailing mailed within thirty days after the start of a regular legislative session and one mailing mailed within sixty days after the end of a regular legislative session of identical newsletters to constituents are permitted. A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW ~~((42.17.130))~~ 42.52.180.

The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings, including but not limited to production costs, printing costs, and postage."

Renumber remaining sections consecutively and correct internal references.

On page 44, after line 12, insert the following:

"**Sec. 27.** RCW 42.17.160 and 1982 c 147 s 12 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, and 42.17.200:

- (1) Persons who limit their lobbying activities to appearing before public sessions of committees of the legislature, or public hearings of state agencies;
- (2) Activities by lobbyists or other persons whose participation has been solicited by an agency under RCW 34.05.310(2);
- (3) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station;
- ~~((3))~~ (4) Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. The exemption contained in this subsection is intended to permit and encourage citizens of this state to lobby any legislator, public official, or state agency without incurring any registration or reporting obligation provided they do not exceed the limits stated above. Any person exempt under this subsection ~~((3))~~ (4) may at his or her option register and report under this chapter;
- ~~((4))~~ (5) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed twenty-five ~~((dollars))~~ dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection ~~((4))~~ (5) may at his or her option register and report under this chapter;
- ~~((5))~~ (6) The governor;
- ~~((6))~~ (7) The lieutenant governor;
- ~~((7))~~ (8) Except as provided by RCW 42.17.190(1), members of the legislature;
- ~~((8))~~ (9) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties;
- ~~((9))~~ (10) Elected officials, and officers and employees of any agency reporting under RCW 42.17.190(4) as now or hereafter amended.

**Sec. 28.** RCW 42.17.170 and 1991 sp.s. c 18 s 2 are each amended to read as follows:

- (1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his or her activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.
- (2) Each such monthly periodic report shall contain:
  - (a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein, ~~((without))~~ and shall include amounts actually expended on each person where calculable, or allocating any portion of ~~((such))~~ the expenditure to individual participants. ~~((However, if the expenditure for a single hosted reception is more than one hundred dollars per person partaking therein, the report shall specify the per person amount, which shall be determined by dividing the total amount of the expenditure by the total number of persons partaking in the reception.))~~

Notwithstanding the foregoing, lobbyists are not required to report the following:

- (i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;
- (ii) Any expenses incurred for his or her own living accommodations;
- (iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;
- (iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure, whether contributed by the lobbyist personally or delivered or transmitted by the lobbyist, in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.05 RCW, the state Administrative Procedure Act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period, unless exempt under RCW 42.17.160(2).

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

(f) ~~((A listing of each gift, as defined in RCW 42.17.020, made to a state elected official or executive state officer or to a member of the immediate family of such an official or officer. Such a gift shall be separately identified by the date it was given, the approximate value of the gift, and the name of the recipient. However, for a hosted reception where the average per person amount is reported under (a) of this subsection, the approximate value for the gift of partaking in the event is such average per person amount. The commission shall adopt forms to be used for reporting the giving of gifts under this subsection (2)(f). The forms shall be designed to permit a lobbyist to report on a separate form for each recipient the reportable gifts given to that recipient during the reporting period or, alternatively, to report on one form all reportable gifts given by the lobbyist during the reporting period))~~ A listing of each payment for an item specified in RCW 42.52.150(5) in excess of fifty dollars made to a state elected official, state officer, or state employee. Each item shall be identified by recipient, date, and approximate value of the item.

(g) The total expenditures made during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist or otherwise. As used in this subsection, "expenditures" includes amounts paid or incurred during the reporting period for (i) political advertising as defined in RCW 42.17.020; and (ii) public relations, telemarketing, polling, or similar activities if such activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule, standard, or rate by an agency under the administrative procedure act. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(3) If a state elected official or a member of such an official's immediate family is identified by a lobbyist in such a report as having received from the lobbyist ~~((a gift, as defined in RCW 42.17.020))~~ an item specified in RCW 42.52.150(5), the lobbyist shall transmit to the official a copy of the completed form used to identify the ~~((gift))~~ item in the report at the same time the report is filed with the commission.

(4) The commission may adopt rules to vary the content of lobbyist reports to address specific circumstances, consistent with this section."

Renumber remaining sections consecutively and correct internal references.

## MOTIONS

On motion of Senator Smith, the following amendments were considered simultaneously and were adopted:

On page 25, beginning on line 19, after "(l)" strike all material through "(ii)" on line 23

On page 25, line 23, after "occasion" insert ", specifying date, donor, and amount,"

Beginning on page 42, line 36, strike all of section 25

Renumber remaining sections and correct internal references.

On page 44, line 15, after "s 30;" strike "and"

On page 44, line 16, after "s 3" insert "; and

(3) RCW 42.17.2415 and 1991 sp.s. c 18 s 3"

On motion of Senator Smith, the following amendment was adopted:

On page 43, beginning on line 16, strike all of section 26 and insert the following:

"Sec. 26. RCW 42.17.095 and 1993 c 2 s 20 are each amended to read as follows:

The surplus funds of a candidate, or of a political committee supporting or opposing a candidate, may only be disposed of in any one or more of the following ways:

- (1) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;
- (2) Transfer the surplus to the candidate's personal account as reimbursement for lost earnings incurred as a result of that candidate's election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090;
- (3) Transfer the surplus without limit to a political party or to a caucus (~~(of the state legislature)~~) political committee;
- (4) Donate the surplus to a charitable organization registered in accordance with chapter 19.09 RCW;
- (5) Transmit the surplus to the state treasurer for deposit in the general fund; or
- (6) Hold the surplus in the campaign depository or depositories designated in accordance with RCW 42.17.050 for possible use in a future election campaign for the same office last sought by the candidate and report any such disposition in accordance with RCW 42.17.090: PROVIDED, That if the candidate subsequently announces or publicly files for office, information as appropriate is reported to the commission in accordance with RCW 42.17.040 through 42.17.090. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.
- (7) Hold the surplus campaign funds in a separate account for nonreimbursed public office-related expenses or as provided in this section, and report any such disposition in accordance with RCW 42.17.090. The separate account required under this subsection shall not be used for deposits of campaign funds that are not surplus.
- (8) No candidate or authorized committee may transfer funds to any other candidate or other political committee."

#### MOTIONS

On motion of Senator Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "42.17.105," insert "42.17.132,"

On page 1, line 5 of the title, after "42.17.2415," strike "and 42.17.095" and insert "42.17.095, 42.17.160, and 42.17.170"

On page 1, line 5 of the title, strike "42.17.2415,"

On page 1, line 7 of the title, strike "and 42.17.630" and insert ", 42.17.630, and 42.17.2415"

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5684 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Drew, Senator Snyder was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5684.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5684 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Snyder - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5725, by Senators Smith, Roach and Schow

Protecting privileged communications.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5725 was substituted for Senate Bill No. 5725 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5725 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5725.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5725 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 5725, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5213, by Senators Quigley, Haugen, McAuliffe, Wood, McCaslin, Winsley and Rasmussen

Revising civil procedure for domestic relations actions.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following amendment by Senators Smith and Johnson was adopted:

On page 14, after line 26, insert the following:

"**Sec. 9.** RCW 26.19.065 and 1991 c 367 s 33 are each amended to read as follows:

(1) **Limit at forty-five percent of a parent's net income.** Neither parent's total child support obligation may exceed forty-five percent of net income except for good cause shown. Good cause includes but is not limited to possession of substantial wealth, children with day care expenses, special medical need, educational need, psychological need, and larger families.

(2) **Income below six hundred dollars.** When combined monthly net income is less than six hundred dollars, a support order of not less than twenty-five dollars per child per month shall be entered for each parent unless the obligor parent establishes that it would be unjust or inappropriate to do so in that particular case. The decision whether there is a sufficient basis to deviate below the presumptive minimum payment must take into consideration the best interests of the child and the circumstances of each parent. Such circumstances can include comparative hardship to the affected households, assets or liabilities, and earning capacity. A parent's support obligation shall not reduce his or her net income below the need standard for one person established pursuant to RCW 74.04.770, except for the ((mandatory)) presumptive minimum payment of twenty-five dollars per child per month ((as required in this section)) or in cases where the court finds reasons for deviation ((under section 32 of this act)). This section shall not be construed to require monthly substantiation of income.

(3) **Income above five thousand and seven thousand dollars.** The economic table is presumptive for combined monthly net incomes up to and including five thousand dollars. When combined monthly net income exceeds five thousand dollars, support shall not be set at an amount lower than the presumptive amount of support set for combined monthly net incomes of five thousand dollars unless the court finds a reason to deviate below that amount. The economic table is advisory but not presumptive for combined monthly net incomes that exceed five thousand dollars. When combined monthly net income exceeds seven thousand dollars, the court may set support at an advisory amount of support set for combined monthly net incomes between five thousand and seven thousand dollars or the court may exceed the advisory amount of support set for combined monthly net incomes of seven thousand dollars upon written findings of fact.

**Sec. 10.** RCW 26.19.020 and 1991 c 367 s 25 are each amended to read as follows:

#### ECONOMIC TABLE

MONTHLY BASIC SUPPORT OBLIGATION  
PER CHILD  
KEY: A = AGE 0-11 B = AGE 12-18

COMBINED  
MONTHLY ONE TWO  
NET CHILD CHILDREN  
INCOME FAMILY FAMILY

A B A B

0  
100  
200  
300 For income less than \$600 the obligation  
400 is based upon the resources and living expenses  
500 of each household. Minimum support shall not  
be less than \$25 per child per month except when  
allowed by RCW 26.19.065(2).

600	133	164	103	127
700	155	191	120	148
800	177	218	137	170
900	199	246	154	191
1000	220	272	171	211
1100	242	299	188	232
1200	264	326	205	253
1300	285	352	221	274
1400	307	379	238	294
1500	327	404	254	313
1600	347	428	269	333
1700	367	453	285	352
1800	387	478	300	371
1900	407	503	316	390
2000	427	527	331	409
2100	447	552	347	429
2200	467	577	362	448
2300	487	601	378	467
2400	506	626	393	486
2500	526	650	408	505
2600	534	661	416	513
2700	542	670	421	520
2800	549	679	427	527
2900	556	686	431	533
3000	561	693	436	538
3100	566	699	439	543
3200	569	704	442	546
3300	573	708	445	549
3400	574	710	446	551
3500	575	711	447	552
3600	577	712	448	553
3700	578	713	449	554
3800	581	719	452	558
3900	596	736	463	572



4000 609 753 473 584  
 4100 623 770 484 598  
 4200 638 788 495 611  
 4300 651 805 506 625  
 4400 664 821 516 637  
 4500 677 836 525 649  
 4600 689 851 535 661  
 4700 701 866 545 673  
 4800 713 882 554 685  
 4900 726 897 564 697  
 5000 738 912 574 708  
 5100 751 928 584 720  
 5200 763 943 593 732  
 5300 776 959 602 744  
 5400 788 974 612 756  
 5500 800 989 622 768  
 5600 812 1004 632 779  
 5700 825 1019 641 791  
 5800 837 1035 650 803  
 5900 850 1050 660 815  
 6000 862 1065 670 827  
 6100 875 1081 680 839  
 6200 887 1096 689 851  
 6300 899 1112 699 863  
 6400 911 1127 709 875  
 6500 924 1142 718 887  
 6600 936 1157 728 899  
 6700 949 1172 737 911  
 6800 961 1188 747 923  
 6900 974 1203 757 935  
 7000 986 1218 767 946

COMBINED  
 MONTHLY THREE FOUR FIVE  
 NET CHILDREN CHILDREN CHILDREN  
 INCOME FAMILY FAMILY FAMILY

A B A B A B

0  
 100  
 200  
 300 For income less than \$600 the obligation  
 400 is based upon the resources and living expenses  
 500 of each household. Minimum support shall not be  
 less than \$25 per child per month except when allowed by  
RCW 26.19.065(2).

600 86 106 73 90 63 78  
 700 100 124 85 105 74 91  
 800 115 142 97 120 84 104  
 900 129 159 109 135 95 118  
 1000 143 177 121 149 105 130  
 1100 157 194 133 164 116 143

1200 171 211 144 179 126 156  
1300 185 228 156 193 136 168  
1400 199 246 168 208 147 181  
1500 212 262 179 221 156 193  
1600 225 278 190 235 166 205  
1700 238 294 201 248 175 217  
1800 251 310 212 262 185 228  
1900 264 326 223 275 194 240  
2000 277 342 234 289 204 252  
2100 289 358 245 303 213 264  
2200 302 374 256 316 223 276  
2300 315 390 267 330 233 288  
2400 328 406 278 343 242 299  
2500 341 421 288 356 251 311  
2600 346 428 293 362 256 316  
2700 351 435 298 368 259 321  
2800 356 440 301 372 262 324  
2900 360 445 305 376 266 328  
3000 364 449 308 380 268 331  
3100 367 453 310 383 270 334  
3200 369 457 312 386 272 336  
3300 371 459 314 388 273 339  
3400 372 460 315 389 274 340  
3500 373 461 316 390 275 341  
3600 374 462 317 391 276 342  
3700 375 463 318 392 277 343  
3800 377 466 319 394 278 344  
3900 386 477 326 404 284 352  
4000 395 488 334 413 291 360  
4100 404 500 341 422 298 368  
4200 413 511 350 431 305 377  
4300 422 522 357 441 311 385  
4400 431 532 364 449 317 392  
4500 438 542 371 458 323 400  
4600 446 552 377 467 329 407  
4700 455 562 384 475 335 414  
4800 463 572 391 483 341 422  
4900 470 581 398 491 347 429  
5000 479 592 404 500 353 437  
5100 487 602 411 509 359 443  
5200 494 611 418 517 365 451  
5300 503 621 425 525 371 458  
5400 511 632 432 533 377 466  
5500 518 641 439 542 383 473  
5600 527 651 446 551 389 480  
5700 535 661 452 559 395 488  
5800 543 671 459 567 401 495  
5900 551 681 466 575 407 502  
6000 559 691 473 584 413 509  
6100 567 701 479 593 418 517  
6200 575 710 486 601 424 524  
6300 583 721 493 609 430 532  
6400 591 731 500 617 436 539  
6500 599 740 506 626 442 546

6600 607 750 513 635 448 554  
6700 615 761 520 643 454 561  
6800 623 770 527 651 460 568  
6900 631 780 533 659 466 575  
7000 639 790 540 668 472 583

The economic table is presumptive for combined monthly net incomes up to and including five thousand dollars. When combined monthly net income exceeds five thousand dollars, support shall not be set at an amount lower than the presumptive amount of support set for combined monthly net incomes of five thousand dollars unless the court finds a reason to deviate below that amount. The economic table is advisory but not presumptive for combined monthly net incomes that exceed five thousand dollars. When combined monthly net income exceeds seven thousand dollars, the court may set support at an advisory amount of support set for combined monthly net incomes between five thousand and seven thousand dollars or the court may exceed the advisory amount of support set for combined monthly net incomes of seven thousand dollars upon written findings of fact."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 3 of the title, after "26.09.175," strike "and 26.21.115" and insert "26.21.115, 26.19.065, and 26.19.020"

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Senate Bill No. 5213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5213.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5213 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Snyder - 1.

ENGROSSED SENATE BILL NO. 5213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5669, by Senators Pelz, Newhouse, Hargrove, Prince, Deccio, A. Anderson, Prentice, Palmer, Bauer, C. Anderson and Winsley

Defining "acting in the course of employment."

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5669 was substituted for Senate Bill No. 5669 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5669.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5669 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 5669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5690, by Senators Fairley, Swecker, Fraser, Owen and Quigley

Seeking input on significant roadside activities.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5690 was substituted for Senate Bill No. 5690 and the substitute bill was placed on second reading and read the second time.

Senator Prince moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 10, after "activities." insert "The notification must include, at a minimum, publication at least thirty days before the activities in two successive issues in a newspaper of general circulation in the area and posting at least thirty days in advance in conspicuous locations in the vicinity of the activities."

On page 2, line 21, after "way." insert "At a minimum, the notice must be published at least thirty days before granting the franchise in two consecutive issues in a newspaper of general circulation in the area and posted at least thirty days before granting the franchise in conspicuous locations in the vicinity of the facility."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Prince on page 1, line 10, and page 2, line 21, to Substitute Senate Bill No. 5690.

The motion by Senator Prince carried and the amendments were adopted.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5690 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5690.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5690 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Snyder - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5690, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5888, by Senator Sutherland

Revising considerations for charges for sewerage and storm water control systems.

The bill was read the second time.

#### MOTION

On motion of Senator Sutherland, the following amendments by Senators Sutherland and Finkbeiner were considered simultaneously and were adopted:

On page 1, line 16, strike "the nature or type of land user" and insert "the nonprofit public benefit status, as defined in RCW 24.03.490, of the land user"

On page 2, line 33, after "(7)" strike "The nature or type of land user" and insert "The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user"

On page 3, line 24, after "(8)" strike "the nature or type of land user" and insert "the nonprofit public benefit status, as defined in RCW 24.03.490, of the land user"

On page 4, line 6, after "(7)" strike "the nature or type of land user" and insert "the nonprofit public benefit status, as defined in RCW 24.03.490, of the land user"

On page 5, beginning on line 4, after "(7)" strike "the nature or type of land user" and insert "the nonprofit public benefit status, as defined in RCW 24.03.490, of the land user"

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed Senate Bill No. 5888 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5888.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5888 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Bauer, Cantu, Franklin and Haugen - 4.

Excused: Senator Snyder - 1.

ENGROSSED SENATE BILL NO. 5888, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5491, by Senators Smith, Oke, Wood, Winsley, Hale, Prince, Long and Schow (by request of Governor Lowry and Attorney General Gregoire)

Modifying juvenile disposition.

#### MOTIONS

On motion of Senator Smith, Second Substitute Senate Bill No. 5491 was substituted for Senate Bill No. 5491 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the following amendment was adopted:

On page 21, beginning on line 22, strike all of section 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

#### MOTIONS

On motion of Senator Pelz, the following amendment was adopted:

On page 21, after line 21, insert the following:

"**Sec. 7.** RCW 13.40.020 and 1994 sp.s. c 7 s 520, 1994 c 271 s 803, & 1994 c 261 s 18 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred adjudication pursuant to RCW 13.40.125. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Home detention;

(4) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(7) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication shall not be considered part of the respondent's criminal history;

(10) "Department" means the department of social and health services;

(11) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court

administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

~~(13)~~ "Home detention" means a program of partial confinement in which an adjudicated youth not committed to the department or a juvenile granted a deferral of adjudication is confined in a private residence subject to electronic surveillance. Participation in home detention shall include attending a regular course of school study at regularly defined hours or maintaining current employment;

~~(14)~~ "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

~~((14))~~ ~~(15)~~ "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

~~((15))~~ ~~(16)~~ "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

~~((16))~~ ~~(17)~~ "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

~~((17))~~ ~~(18)~~ "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

~~((18))~~ ~~(19)~~ "Minor or first offender" means a person whose current offense(s) and criminal history fall entirely within one of the following categories:

- (a) Four misdemeanors;
- (b) Two misdemeanors and one gross misdemeanor;
- (c) One misdemeanor and two gross misdemeanors; and
- (d) Three gross misdemeanors.

For purposes of this definition, current violations shall be counted as misdemeanors;

~~((19))~~ ~~(20)~~ "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

~~((20))~~ ~~(21)~~ "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((21))~~ ~~(22)~~ "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((22))~~ ~~(23)~~ "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

~~((23))~~ ~~(24)~~ "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

~~((24))~~ ~~(25)~~ "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

~~((25))~~ ~~(26)~~ "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

~~((26))~~ ~~(27)~~ "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

~~((27))~~ ~~(28)~~ "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

~~((28))~~ ~~(29)~~ "Violent offense" means a violent offense as defined in RCW 9.94A.030."

Senator Newhouse moved that the following amendment by Senators Newhouse, Smith and Deccio be adopted:

On page 44, after line 10, insert the following:

**"Sec. 21.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;  
(d) To approve or disapprove alternative residential placement as provided in RCW 13.32A.170;  
(e) Relating to juveniles alleged or found to have committed offenses, traffic infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110; or  
(ii) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or  
(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

(iv) The alleged offense is a traffic infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed jurisdiction over those offenses as provided in section 22 of this act; or

(v) The juvenile is sixteen or seventeen years old and the alleged offense is: (A) A serious violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994; or (B) a violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994, and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately. In such a case the adult criminal court shall have exclusive original jurisdiction.

If the juvenile challenges the state's determination of the juvenile's criminal history, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the diveree has attained eighteen years of age; and

(h) Relating to court validation of a voluntary consent to foster care placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) A juvenile subject to adult superior court jurisdiction under subsection (1)(e) (i) through (iv) of this section, who is detained pending trial, may be detained in a county detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

NEW SECTION. Sec. 22. A new section is added to chapter 13.04 RCW to read as follows:

(1) Courts of limited jurisdiction, at local option of the county, city, or town of the court of limited jurisdiction, may exercise concurrent original jurisdiction with the juvenile court over traffic infractions, violations of compulsory school attendance provisions under chapter 28A.225 RCW, and misdemeanors when those offenses are allegedly committed by juveniles and:

(a)(i) The offense, which if committed by an adult, is punishable by sanctions which do not include incarceration; or  
(ii) The prosecuting attorney's disposition recommendation does not include confinement as defined in RCW 13.40.020 as part of the disposition for the offense;

(b) The court of limited jurisdiction has a computer system which is linked to the state-wide criminal history information data system used by juvenile courts to track and record juvenile offenders' criminal history;

(c) The county legislative authority of the county in which the court of limited jurisdiction is located has authorized creation of concurrent jurisdiction between the court of limited jurisdiction and the county juvenile court; and

(d) The court of limited jurisdiction has an agreement with officials responsible for administering the county juvenile detention facility pursuant to RCW 13.04.035 and 13.20.060 that the court may order juveniles into the detention facility for an offense.

(2) The juvenile court shall retain jurisdiction over the offense if the juvenile is charged with another offense arising out of the same incident and the juvenile court has jurisdiction over the other offense.

(3) Jurisdiction under this section does not constitute a decline or transfer of juvenile court jurisdiction under RCW 13.40.110.

(4) The provisions of chapter 13.40 RCW shall apply to offenses prosecuted under this section.

NEW SECTION. Sec. 23. A new section is added to chapter 28A.225 RCW to read as follows:



References to juvenile court in this chapter mean, in addition to the juvenile court of the superior court, courts of limited jurisdiction which have acquired jurisdiction pursuant to RCW 13.04.030(1)(e)(iv) and section 22 of this act over juveniles who violate the provisions of this chapter. If a court of limited jurisdiction has jurisdiction over juveniles who violate this chapter, that court also has jurisdiction over parents charged with violations of this chapter.

**Sec. 24.** RCW 35.20.030 and 1993 c 83 s 3 are each amended to read as follows:

The municipal court shall have jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: PROVIDED, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five thousand dollars or imprisonment in the city jail not to exceed one year, or both such fine and imprisonment, but the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. The municipal court shall also have jurisdiction over juvenile offenses prosecuted pursuant to chapter 13.40 RCW if the court has acquired jurisdiction pursuant to RCW 13.04.030(1)(e)(iv) and section 22 of this act. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with RCW 46.63.090(5). Costs in civil and criminal cases may be taxed as provided in district courts."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Newhouse, Smith and Deccio on page 44, after line 10, to Substitute Senate Bill No. 5491.

The motion by Senator Newhouse carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "13.40.010," strike "13.40.120,"

On page 1, line 4 of the title, after "13.40.045," strike "and 13.40.060" and insert "13.40.060, 13.04.030, and 35.20.030"

On page 1, line 4 of the title, after "13.40.060;" insert "reenacting and amending RCW 13.40.020;"

On page 1, line 5 of the title, after "13.40 RCW;" insert "adding a new section to chapter 13.04 RCW; adding a new section to chapter 28A.225 RCW;"

On motion of Senator Smith, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5491.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5491 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5841, by Senators Pelz, Winsley, Gaspard, Roach, Snyder, Loveland, Rinehart, McAuliffe, Spanel, Heavey, Franklin, Bauer, Smith, Fairley, Prentice, Fraser, Kohl, Quigley, Rasmussen, Sutherland, Sheldon, Drew, Wojahn, West, Wood, Cal Anderson and Moyer (by request of Governor Lowry)

Enacting the personnel system reform act of 1995.

The bill was read the second time.

## MOTIONS

On motion of Senator Pelz, the following amendments by Senators Pelz, Gaspard and West were considered simultaneously and were adopted:

On page 10, line 20, strike "**Rules**" and insert "**Except for institutions of higher education, rules**"

On page 47, line 33, after "However," insert "except as provided otherwise in this subsection for institutions of higher education,"

On page 48, line 2, after "parties." insert "For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of section 302(4) of this act."

On motion of Senator Pelz, the following amendment by Senators Pelz, Gaspard, Kohl and West was adopted:

On page 46, line 34, after "behalf." insert "A governing board may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1), (2), and (3) of this section."

## MOTION

Senator Pelz moved that the following amendment by Senators Hargrove, Owen, Ann Anderson and Snyder be adopted:

On page 49, following line 33, add a new section to read as follows:

**"NEW SECTION. Sec. 307. RIGHT TO STRIKE NOT GRANTED.** Nothing contained in this act permits or grants to any employee the right to strike or refuse to perform his or her official duties."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Owen, Ann Anderson and Snyder to Senate Bill No. 5841.

The motion by Senator Pelz carried and the amendment was adopted.

## MOTIONS

On motion of Senator Pelz, the following amendment by Senators Pelz, Gaspard and Kohl was adopted:

On page 52, beginning on line 11, after "commission." strike all material through "parties." on line 31, and insert the following:

"The fact-finder shall meet with the parties or their representatives, or both, and make inquiries and investigations, hold hearings, and take such other steps as may be appropriate. If the dispute is not settled, the fact-finder shall make findings of fact and recommend terms of settlement within thirty days.

Such recommendations, together with the findings of fact, shall be submitted in writing to the parties and the commission privately before they are made public. The commission, the fact-finder, the employer, or the exclusive bargaining representative may make such findings and recommendations public if the dispute is not settled within ten working days after their receipt from the fact-finder.

Nothing in this section shall be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, their own procedure for resolving impasses in collective bargaining for that provided in this section or from agreeing to utilize for the purposes of this section any other governmental or other agency or person in lieu of the commission.

Costs for mediator services shall be borne by the commission, and costs for fact-finding shall be borne equally by the negotiating parties."

Senator McDonald moved that the following amendment by Senators McDonald, Johnson, Hochstatter, Cantu, Morton, McCaslin and Wood be adopted:

On page 57, after line 26, insert the following:

**"NEW SECTION. Sec. 315.** Strikes by employees are prohibited. An employee who participates in a strike is subject to a fine of one thousand dollars per day. An employee organization that initiates or continues a strike is subject to a fine of five thousand dollars per day."

Renumber the remaining sections consecutively and correct any internal references accordingly.

## POINT OF INQUIRY

Senator Pelz: "Senator McDonald, was this language drawn from any precedent language? Is there another place, another state, in America where public employees are subject to a thousand dollar per day penalty for strike--or private employees for that matter? Is there existing law that this is modeled after?"

Senator McDonald: "Well, if it is your opinion that they are not going to strike, these fines would never be imposed. What we are saying here is if they are going to be--if you are going to give the courts any kind of tools, then you have to have specific ones and we have given

them in this amendment. If you want to have an amendment to an amendment that makes them something different, I would certainly be willing to listen to that."

Senator Pelz: "Well, thank you. I assume then that the answer to my question is that, 'No, there is not a precedent for a blanket rule that a striker is subject to a fine of one thousand dollars per day and an employee organization that initiates or continues a strike is subject to a fine of five thousand dollars per day.'"

Further debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators McDonald, Johnson, Hochstatter, Cantu, Morton, McCaslin and Wood on page 57, after line 26, to Senate Bill No. 5841.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Schow, Sellar, West and Wood - 21.

Voting nay: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley and Wojahn - 28.

#### MOTIONS

On motion of Senator Pelz, the following amendments by Senators Pelz, Gaspard and Kohl were considered simultaneously and were adopted:

Beginning on page 57, line 27, strike all of sections 315, 316, 317, and 318

Renumber remaining sections and correct internal references.

On page 61, line 31, after "means the" strike "state" and insert "public"

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Senate Bill No. 5841 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5841.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5841 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Heavey, Kohl, Loveland, McAuliffe, Moyer, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley and Wojahn - 30.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Schow, Sellar, Strannigan and Wood - 19.

ENGROSSED SENATE BILL NO. 5841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5247, by Senators Spanel, Haugen, Prince, Sutherland, Owen and Fraser (by request of Puget Sound Water Quality Authority)

Facilitating local water quality programs.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5247 was substituted for Senate Bill No. 5247 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following amendment by Senators Fraser, Swecker, Spanel and Heavey was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the purpose of this act to promote efficiency in delivering water quality programs and to assist local governments in promoting and achieving the prevention of water pollution through service-oriented utilities, in cooperation with the private sector.

**Sec. 2.** RCW 35.67.010 and 1965 c 110 s 1 are each amended to read as follows:

A "system of sewerage" means and may include((s)) any or all of the following:

(1) Sanitary sewage (~~((disposal sewers))~~) collection, treatment, and/or disposal facilities and programs, on-site or off-site sanitary sewerage facilities such as approved on-site sewage systems, on-site sanitary sewerage systems, inspection programs and maintenance programs for public or private on-site systems, or any other means of sewage treatment and disposal approved by the city;

(2) Combined sanitary sewage disposal and storm or surface water sewers;

(3) Storm or surface water (~~((sewers))~~) drains and facilities;

(4) Outfalls for storm drainage or sanitary sewage and works, plants, and facilities for storm drainage or sanitary sewage treatment and disposal, (~~((or))~~) and rights and interests in property relating to the system;

(5) Combined water and sewerage systems;

(6) Water quality education and public involvement programs for the protection of waters of the state as defined by RCW 90.48.020 from pollution; point and nonpoint water pollution monitoring programs; and agricultural, industrial, and commercial management practices education programs to prevent and reduce water pollution;

(7) Public restroom and sanitary facilities; and

(8) Any combination of or part of any or all of such facilities.

The words "public utility" when used in this chapter shall have the same meaning as the words "system of sewerage."

**Sec. 3.** RCW 35.67.020 and 1991 c 347 s 17 are each amended to read as follows:

Every city and town may construct, condemn and purchase, acquire, add to, implement, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for the use thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service.

In classifying customers served or service, facilities, and programs furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service, facilities, and programs to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, implementation, repair, and replacement of the various parts of the system; the different character of the service, facilities, and programs furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. Rates or charges imposed under this chapter for on-site inspection and maintenance services shall reflect the allocable share of the cost of providing the program or service to the person or entity paying the charge, and may not be imposed on the development, construction, or reconstruction of property.

A city or town may adjust or delay rates and charges and may provide other assistance to aid low-income persons in participating in programs and in complying with regulations imposed in connection with this chapter.

Under this chapter, after January 1, 1997, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained operator, trained owner's agent, or trained owner. Training shall occur in a program approved by the state board of health or by a local health officer.

Before adopting an on-site inspection and maintenance utility program, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification shall be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice shall clearly state that the residence is within the proposed service area and shall provide information on estimated rates or charges that may be imposed for the service.

**Sec. 4.** RCW 35.92.020 and 1989 c 399 s 6 are each amended to read as follows:

A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain, implement, and operate systems, plants, sites, or other facilities of sewerage as defined in RCW 35.67.010, or solid waste handling as defined by RCW 70.95.030, and shall have full authority to manage, regulate, operate, control, and to fix the price of service, facility, or program of those systems, plants, sites, or other facilities within and without the limits of the city or town. The rates charged shall be uniform for the same class of customers or service, facility, or program. In classifying customers served or service, facilities, and programs furnished by a system or systems of sewerage, the legislative authority of the city or town may in its discretion consider any or all of the following factors: The difference in cost of service, facilities, and programs to customers; the location of customers within and without the city or town; the difference in cost of maintenance, operation, repair, and

replacement of the parts of the system; the different character of the service, facilities, and programs furnished to customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the systems, plants, sites, or other facilities, including but not limited to, assessments; and any other factors that present a reasonable difference as a ground for distinction. Rates or charges imposed under this chapter for on-site inspection and maintenance services shall reflect the allocable share of the cost of providing the program or service to the person or entity paying the charge, and may not be imposed on the development, construction, or reconstruction of property.

A city or town may adjust or delay rates and charges and may provide other assistance to aid low-income persons in participating in programs and in complying with regulations imposed in connection with this chapter.

Under this chapter, after January 1, 1997, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained operator, trained owner's agent, or trained owner. Training shall occur in a program approved by the state board of health or by a local health officer.

Before adopting an on-site inspection and maintenance utility program, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification shall be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice shall clearly state that the residence is within the proposed service area and shall provide information on estimated rates or charges that may be imposed for the service.

**Sec. 5.** RCW 36.94.010 and 1981 c 313 s 14 are each amended to read as follows:

As used in this chapter:

(1) A "system of sewerage" means and may include((s)) any or all of the following:

(a) Sanitary sewage collection, treatment, and/or disposal ((sewers and)) facilities and programs, including without limitation on-site or off-site sanitary sewerage facilities (~~((consisting of an))~~ such as approved septic tanks or septic tank systems, on-site sanitary sewerage systems, inspection programs and maintenance programs for private or public on-site systems, or any other means of sewage treatment and disposal approved by the county;

(b) Combined sanitary sewage disposal and storm or surface water drains and facilities;

(c) Storm or surface water drains, channels, and facilities;

(d) Outfalls for storm drainage or sanitary sewage and works, plants, and facilities for storm drainage or sanitary sewage treatment and disposal, and rights and interests in property relating to the system;

(e) Combined water and sewerage systems;

(f) Facilities and programs for the protection of waters of the state as defined by RCW 90.48.020 from pollution, including but not limited to monitoring water quality; monitoring point and nonpoint sources of pollution; removing or reducing water pollution; water quality education and public involvement programs; and agricultural, industrial, and commercial management practices education programs to reduce water pollution;

(g) Public restroom and sanitary facilities;

(h) The facilities and programs authorized in RCW 36.94.020; and

(i) Any combination of or part of any or all of such facilities.

(2) A "system of water" means and includes:

(a) A water distribution system, including dams, reservoirs, aqueducts, plants, pumping stations, transmission and lateral distribution lines and other facilities for distribution of water;

(b) A combined water and sewerage system;

(c) Any combination of or any part of any or all of such facilities.

(3) A "sewerage and/or water general plan" means a general plan for a system of sewerage and/or water for the county which shall be an element of the comprehensive plan established by the county pursuant to RCW 36.70.350(6) and/or chapter 35.63 RCW, if there is such a comprehensive plan.

(a) A sewerage general plan shall include the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, channels, local service areas and a general description of the collection system to serve those areas, a description of on-site sanitary sewerage system inspection programs and maintenance programs, and other facilities and programs as may be required to provide a functional and implementable plan, including preliminary engineering to assure feasibility. The plan may also include a description of the regulations deemed appropriate to carrying out surface drainage plans.

(b) A water general plan shall include the general location and description of water resources to be utilized, wells, treatment facilities, transmission lines, storage reservoirs, pumping stations, and monitoring and control facilities as may be required to provide a functional and implementable plan.

(c) Water and/or sewerage general plans shall include preliminary engineering in adequate detail to assure technical feasibility and, to the extent then known, shall further discuss the methods of distributing the cost and expense of the system and shall indicate the economic feasibility of plan implementation. The plans may also specify local or lateral facilities and programs. The sewerage and/or water general plan does not mean the final engineering construction or financing plans for the system.

(4) "Municipal corporation" means and includes any city, town, metropolitan municipal corporation, any public utility district which operates and maintains a sewer or water system, any sewer, water, diking, or drainage district, any diking, drainage, and sewerage improvement district, and any irrigation district.

(5) A "private utility" means and includes all utilities, both public and private, which provide sewerage and/or water service and which are not municipal corporations within the definition of this chapter. The ownership of a private utility may be in a corporation, nonprofit or for profit, in a cooperative association, in a mutual organization, or in individuals.

(6) "Board" means one or more boards of county commissioners and/or the legislative authority of a home rule charter county.

**Sec. 6.** RCW 36.94.020 and 1981 c 313 s 1 are each amended to read as follows:

The construction, implementation, operation, and maintenance of a system of sewerage and/or water is a county purpose. Subject to the provisions of this chapter, every county has the power, individually or in conjunction with another county or counties to adopt, provide for, accept, establish, implement, condemn, purchase, construct, add to, operate, and maintain a system or systems of sanitary and storm sewers, including outfalls, interceptors, plans, and facilities and programs necessary for sewerage treatment and disposal, and/or system or systems of water supply within all or a portion of the county: PROVIDED, That counties shall not have power to condemn sewerage and/or water systems of any municipal corporation or private utility.

Such county or counties shall have the authority to control, regulate, implement, operate, and manage such system or systems and to provide funds therefor by general obligation bonds, revenue bonds, local improvement district bonds, utility local improvement district or local improvement district assessments, and in any other lawful fiscal manner. Rates or charges imposed under this chapter for on-site inspection and maintenance services shall reflect the allocable share of the cost of providing the program or service to the person or entity paying the charge, and may not be imposed on the development, construction, or reconstruction of property.

Under this chapter, after January 1, 1997, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained operator, trained owner's agent, or trained owner. Training shall occur in a program approved by the state board of health or by a local health officer.

Before adopting an on-site inspection and maintenance utility program, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification shall be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice shall clearly state that the residence is within the proposed service area and shall provide information on estimated rates or charges that may be imposed for the service.

A county may, as part of a system of sewerage established under this chapter, provide for, finance, and operate any of the facilities and programs and may exercise the powers expressly authorized for county storm water, flood control, pollution prevention, and drainage programs and activities under chapters 36.89, 86.12, 86.13, and 86.15 RCW. A county also may provide for, finance, and operate the facilities and programs and may exercise any of the powers authorized for aquifer protection areas under chapter 36.36 RCW; for lake management districts under chapter 36.61 RCW; for diking districts, and diking, drainage, and sewerage improvement districts under chapters 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection districts under chapter 90.72 RCW. However, if a county by reference to any of those statutes assumes as part of its system of sewerage any powers granted to such areas or districts and not otherwise available to a county under this chapter, then (1) the procedures and restrictions applicable to those areas or districts shall apply to the county's exercise of those powers, and (2) the county may not simultaneously impose rates and charges under this chapter and under the statutes authorizing such areas or districts for substantially the same programs and services, but must instead impose uniform rates and charges consistent with RCW 36.94.140. By agreement with such an area or district that is not part of a county's system of sewerage, a county may operate that area's or district's programs or facilities, but a county may not dissolve any existing area or district except in accordance with any applicable provisions of the statute under which that area or district was created.

**Sec. 7.** RCW 36.94.140 and 1990 c 133 s 2 are each amended to read as follows:

Every county, in the implementation and operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate and control it and to fix, alter, regulate and control the rates and charges for the service, facilities, and programs to those to whom such ((county)) service ((is)), facilities, and programs are available, and to levy charges for connection to such system. The rates for availability of service, facilities, programs, and connection charges so charged must be uniform for the same class of customers or service, facility, or program.

In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the board may consider any or all of the following factors:

- (1) The difference in cost of service to the various customers within or without the area;
- (2) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;
- (3) The different character of the service, facilities, and programs furnished various customers;
- (4) The quantity and quality of the sewage and/or water delivered and the time of its delivery;
- (5) Capital contributions made to the system or systems, including, but not limited to, assessments;
- (6) The cost of acquiring the system or portions of the system in making system improvements necessary for the public health and safety; and

(7) Any other matters which present a reasonable difference as a ground for distinction.

A county may adjust or delay rates and charges and may provide other assistance to aid low-income persons in participating in programs and in complying with regulations imposed in connection with this chapter.

Such rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system.

**Sec. 8.** RCW 54.16.230 and 1975 1st ex.s. c 57 s 1 are each amended to read as follows:

A public utility district may acquire, construct, operate, maintain, and add to sewage systems, subject to and in compliance with the county comprehensive plan, under the general powers of Title 54 RCW or through the formation of local utility districts as provided in RCW 54.16.120 through 54.16.170: PROVIDED, That prior to engaging in any sewage system works as authorized by this section, the voters of the public utility district shall first approve by majority vote a referendum proposition authorizing such district to exercise the powers set forth in this section, which proposition shall be presented at a general election. A sewage system may include any or all of the following:

(1) Sanitary sewage collection, treatment, and/or disposal facilities and programs, including without limitation on-site or off-site sewerage facilities such as approved on-site sewage systems, on-site sanitary sewerage systems, inspection programs and maintenance programs for public or private on-site systems, or any other means of sewage treatment and disposal;

(2) Facilities and programs for the protection of waters of the state as defined by RCW 90.48.020 from pollution, including but not limited to monitoring water quality; monitoring point and nonpoint sources of pollution; preventing, removing, or reducing water pollution; water quality education and public involvement programs; and agricultural, industrial, and commercial management practices education programs to reduce water pollution; and

(3) Public restroom and sanitary facilities.

Rates or charges imposed under this chapter for on-site inspection and maintenance services shall reflect the allocable share of the cost of providing the program or service to the person or entity paying the charge, and may not be imposed on the development, construction, or reconstruction of property.

A public utility district may adjust or delay rates and charges and may provide other assistance to aid low-income persons in complying with regulations imposed in connection with this section.

Under this chapter, after January 1, 1997, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained operator, trained owner's agent, or trained owner. Training shall occur in a program approved by the state board of health or by a local health officer.

Before adopting an on-site inspection and maintenance utility program, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification shall be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice shall clearly state that the residence is within the proposed service area and shall provide information on estimated rates or charges that may be imposed for the service.

**Sec. 9.** RCW 56.08.010 and 1989 c 389 s 2 and 1989 c 308 s 1 are each reenacted and amended to read as follows:

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with the provisions of this title, except that all assessments or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof. A sewer district may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, on-site sanitary sewerage systems, inspection programs and maintenance programs for private and public on-site systems, other facilities, programs, and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater and for the protection, preservation, and rehabilitation of surface and underground waters, facilities for the drainage of storm or surface waters, public highways, streets, and roads with full authority to regulate the use, implementation, and operation thereof and the service rates to be charged and may construct, acquire, or own buildings and other necessary district facilities. Under this chapter, after January 1, 1997, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained operator, trained owner's agent, or trained owner. Training shall occur in a program approved by the state board of health or by a local health officer. Such sewage facilities may include facilities which result in combined sewage disposal, treatment, or drainage and electric generation, provided that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the sewer district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase

or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities which result in combined sewage disposal, treatment, or drainage and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner. A district may charge property owners seeking to connect to the district system of sewers, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. For purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants.

The connection charge may include interest charges applied from the date of construction of the sewer system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the sewer system, or at the time of installation of the sewer lines to which the property owner is seeking to connect.

A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars per parcel for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. A district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule. Rates or charges imposed under this chapter for on-site inspection and maintenance services shall reflect the allocable share of the cost of providing the program or service to the person or entity paying the charge, and may not be imposed on the development, construction, or reconstruction of property.

Before adopting an on-site inspection and maintenance utility program, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification shall be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice shall clearly state that the residence is within the proposed service area and shall provide information on estimated rates or charges that may be imposed for the service.

**Sec. 10.** RCW 56.08.020 and 1990 1st ex.s. c 17 s 34 are each amended to read as follows:

The sewer commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring indebtedness shall adopt a general comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a general comprehensive plan for a system of sewers for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods and programs, if any, for the prevention, control, and reduction of water pollution and for the treatment and disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, or other sewage collection facilities. The general comprehensive plan shall provide the method of distributing the cost and expense of the sewer system and programs provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carrying out the purposes hereof.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt. However, this sixty-day time limitation may be extended by the director of health or engineer for up to an additional sixty days if sufficient time is not available to review adequately the general comprehensive plans.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the sewer district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 56.02.060 for approving the



formation, reorganization, annexation, consolidation, or merger of sewer districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The general comprehensive plan shall not provide for the extension or location of facilities that are inconsistent with the requirements of RCW 36.70A.110. Nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 56.02.060. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of the plan's submission to the county legislative authority. However, a county legislative authority may extend this ninety-day time limitation by up to an additional ninety days where a finding is made that ninety days is insufficient to review adequately the general comprehensive plan. In addition, the sewer commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section.

If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the governing body of such cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town governing body if the city or town governing body fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a city or town governing body may extend this time limitation by up to an additional ninety days where a finding is made that insufficient time exists to adequately review the general comprehensive plan within these time limitations. In addition, the sewer commissioners and the city or town governing body may mutually agree to an extension of the deadlines in this section.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition, affects a particular city or town, shall the amendment, alteration, or addition be subject to approval by such particular city or town governing body.

**Sec. 11.** RCW 56.16.090 and 1991 c 347 s 19 are each amended to read as follows:

The sewer commissioners of any sewer district, in the event that such sewer revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of sewerage disposal service, facilities, and programs to those to whom such service is available. Such rates and charges may be combined for the furnishing of more than one type of sewer service, facility, and program such as but not limited to storm or surface water and sanitary. Such rates and charges are to be fixed as deemed necessary by such sewer commissioners, so that uniform charges will be made for the same class of customer or service, facility, and program.

In classifying customers served or service, facility, or program furnished by such system of sewerage, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost ((of service)) to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service, facility, or program furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates are to be made on a monthly basis and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system.

**Sec. 12.** RCW 57.08.065 and 1981 c 45 s 11 are each amended to read as follows:

In addition to the powers now given water districts by law, they shall also have power to establish, maintain and operate a mutual water and ((sewer)) sewerage system or a separate ((sewer)) system of sewerage within their water district area in the same manner as provided by law for the doing thereof in connection with water supply systems.

In addition thereto, a water district constructing, maintaining ((and)), operating, and implementing a ((sanitary sewer)) system of sewerage may exercise all the powers permitted to a sewer district under Title 56 RCW, including, but not limited to, the right to compel connections to the district's system, liens for delinquent sewer connection charges or sewer service charges, and all other powers presently exercised by or which may be hereafter granted to such sewer districts: PROVIDED, That a water district may not exercise sewer district powers in any area within its boundaries which is part of an existing district which previously shall have been duly authorized to exercise sewer district powers in such area without the consent by resolution of the board of commissioners of such other district: PROVIDED FURTHER, That no water district shall proceed to exercise the powers herein granted to establish, maintain, construct and operate any ((sewer)) system of sewerage without first obtaining written approval and certification of necessity so to do from the department of ecology and department of ((social and)) health ((services)). Any comprehensive plan for a system of sewers or addition thereto or betterment thereof shall be approved by the same county and state officials as are required to approve such plans adopted by a sewer district.

A water district shall have the power to issue general obligation bonds for sewer system purposes: PROVIDED, That a proposition to authorize general obligation bonds payable from excess tax levies for sewer system purposes pursuant to chapter 56.16 RCW shall be submitted to all of the qualified voters within that part of the water district which is not contained within another existing district duly authorized to exercise

sewer district powers, and the taxes to pay the principal of and interest on the bonds approved by such voters shall be levied only upon all of the taxable property within such part of the water district.

**Sec. 13.** RCW 90.72.040 and 1992 c 100 s 3 are each amended to read as follows:

(1) The county legislative authority may create a shellfish protection district on its own motion or by submitting the question to the voters of the proposed district and obtaining the approval of a majority of those voting. The boundaries of the district shall be determined by the legislative authority. The legislative authority may create more than one district. A district may include any area or areas within the county, whether incorporated or unincorporated. Counties shall coordinate and cooperate with cities, towns, and water-related special districts within their boundaries in establishing shellfish protection districts and carrying out shellfish protection programs. Where a portion of the proposed district lies within an incorporated area, the county shall develop procedures for the participation of the city or town in the determination of the boundaries of the district and the administration of the district, including funding of the district's programs. The legislative authority of more than one county may by agreement provide for the creation of a district including areas within each of those counties. County legislative authorities are encouraged to coordinate their plans and programs to protect shellfish growing areas, especially where shellfish growing areas are located within the boundaries of more than one county. The legislative authority or authorities creating a district may abolish a shellfish protection district on its or their own motion or by submitting the question to the voters of the district and obtaining the approval of a majority of those voting.

(2) If the county legislative authority creates a shellfish protection district by its own motion, any registered voter residing within the boundaries of the shellfish protection district may file a referendum petition to repeal the ordinance that created the district. Any referendum petition to repeal the ordinance creating the shellfish protection district shall be filed with the county auditor within seven days of passage of the ordinance. Within ten days of the filing of a petition, the county auditor shall confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in creation of the shellfish protection district and a negative answer to the question and a negative vote on the measure results in the shellfish protection district not being created. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner shall have thirty days in which to secure on petition forms the signatures of not less than twenty-five percent of the registered voters residing within the boundaries of the shellfish protection district and file the signed petitions with the county auditor. Each petition form shall contain the ballot title and full text of the measure to be referred. The county auditor shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the county auditor shall submit the referendum measure to the registered voters residing in the shellfish protection district in a special election no later than one hundred twenty days after the signed petition has been filed with the county auditor. The special election may be conducted by mail ballot as provided for in chapter 29.36 RCW.

(3) The county legislative authority shall not impose fees, rates, or charges for shellfish protection district programs upon properties on which fees, rates, or charges are imposed ~~((to pay for another program to eliminate or decrease contamination in storm water runoff))~~ under chapter 36.89 or 36.94 RCW for substantially the same programs and services.

NEW SECTION. **Sec. 14.** Nothing in this act may be deemed to eliminate any requirements for approval from public health agencies under applicable law in connection with the siting, design, construction, and repair of on-site septic systems.

NEW SECTION. **Sec. 15.** Section 8 of this act shall take effect January 1, 1996."

#### MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "sewerage;" strike the remainder of the title and insert "amending RCW 35.67.010, 35.67.020, 35.92.020, 36.94.010, 36.94.020, 36.94.140, 54.16.230, 56.08.020, 56.16.090, 57.08.065, and 90.72.040; reenacting and amending RCW 56.08.010; creating new sections; and providing an effective date."

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5247.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5247 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz,

Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senators Anderson, A. and Newhouse - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 5:01 p.m., on motion of Senator Spanel, the Senate was declared to be at ease

The Senate was called to order at 5:55 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5852, by Senators Drew, Sheldon, Wood, Prince, Oke and Winsley (by request of Secretary of State Munro)

Revising the presidential primary.

The bill was read the second time.

#### MOTIONS

On motion of Senator Drew, the following amendments by Senators Drew, Cal Anderson, Haugen and Winsley was adopted:

On page 1, beginning on line 7, strike the remainder of section 1 and insert the following:

"(1) On the ~~((fourth))~~ second Tuesday in ~~((May))~~ March of each year ~~((when))~~ in which a president of the United States is to be nominated and elected, or such other date as may be ~~((selected))~~ proposed by the secretary of state, and approved under subsection (2) of this section, to advance the concept of a regional primary, a presidential preference primary shall be held at which voters may express their preferences as to who should be the nominee of ~~((a))~~ each major political party for the office of president.

(2) The committee on the presidential primary must approve, by a majority vote, any change in the date of the presidential preference primary proposed by the secretary of state. The committee consists of the majority leader and the minority leader of the senate, the speaker and the minority leader of the house of representatives, the chair and the vice-chair of the state central committee of each major political party, and the secretary of state. The secretary of state shall convene the committee as needed and preside over its meetings. A committee member may appoint a designee to serve on his or her behalf."

On motion of Senator Drew, the rules were suspended, Engrossed Senate Bill No. 5852 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5852.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5852 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

ENGROSSED SENATE BILL NO. 5852, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6044, by Senators Owen, Prince and Kohl

Revising the selection process for transportation systems and facilities demonstration projects.

## MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6044 was substituted for Senate Bill No. 6044 and the substitute bill was placed on second reading and read the second time.

Senator Owen moved that the following amendment by Senators Owen, Quigley, Long, Prince, Finkbeiner, Wood, Schow, Roach and Kohl be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.46.010 and 1993 c 370 s 1 are each amended to read as follows:

The legislature finds and declares:

It is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system.

The ability of the state to provide an efficient transportation system will be enhanced by a public-private sector program providing for private entities to undertake all or a portion of the study, planning, design, development, financing, acquisition, installation, construction or improvement, operation, and maintenance of transportation systems and facility projects.

A public-private initiatives program will provide benefits to both the public and private sectors. Public-private initiatives provide a sound economic investment opportunity for the private sector. Such initiatives will provide the state with increased access to property development and project opportunities, financial and development expertise, and will supplement state transportation revenues, allowing the state to use its limited resources for other needed projects.

The public-private initiatives program, to the fullest extent possible, should encourage and promote business and employment opportunities for Washington state citizens.

The public-private initiatives program should be implemented in cooperation and consultation with affected local jurisdictions.

The secretary of transportation should be permitted and encouraged to test the feasibility of building privately funded transportation systems and facilities or segments thereof through the use of innovative agreements with the private sector. The secretary of transportation should be vested with the authority to solicit, evaluate, negotiate, and administer public-private agreements with the private sector relating to the planning, construction, upgrading, or reconstruction of transportation systems and facilities.

Agreements negotiated under a public-private initiatives program will not bestow on private entities an immediate right to construct and operate the proposed transportation facilities. Rather, agreements will grant to private entities the opportunity to design the proposed facilities, demonstrate public support for proposed facilities, and complete the planning processes required in order to obtain a future decision by the department of transportation and other state and local lead agencies on whether the facilities should be permitted and built.

Agreements negotiated under the public-private initiative's program should establish the conditions under which the private developer may secure the approval necessary to develop and operate the proposed transportation facilities; create a framework to attract the private capital necessary to finance their development; and ensure that the transportation facilities will be designed, constructed, and operated in accordance with applicable local, regional, state, and federal laws and the applicable standards and policies of the department of transportation.

The department of transportation should be encouraged to take advantage of new opportunities provided by federal legislation under section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That section establishes a new program authorizing federal participation in construction or improvement or improvement of publicly or privately owned toll roads, bridges, and tunnels, and allows states to leverage available federal funds as a means for attracting private sector capital.

**Sec. 2.** RCW 47.46.030 and 1993 c 370 s 3 are each amended to read as follows:

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of financing.

The public-private initiative program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project. The commission shall approve each of the selected projects.

~~((Proposals and demonstration projects may be selected by the public and private sectors at their discretion.))~~

(2) Projects selected prior to and after September 1, 1994, must comply with the requirements of subsections (3) through (8) of this section.

(3) No projects selected or agreements entered into under this chapter take effect until the department conducts a comprehensive analysis of traffic patterns and economic impact to determine and define the geographical boundary of the area of the project that is most affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department in consultation with the legislative transportation committee shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of and impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) anticipated traffic diversion patterns; and (c) potential economic impact resulting from proposed toll rates or user fee rates imposed on residents of and commercial

traffic and commercial entities in communities in the vicinity of and impacted by the project. The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project.

(4) After a determination and definition by the department of the affected project area, the department shall conduct a minimum thirty-day public comment period. Within fifteen days following the public comment period, the legislative transportation committee may conduct a hearing on the defined affected project area. The department may make adjustments to the definition of the geographical boundary of the affected project area, based on comments received from the public and a hearing by the legislative transportation committee. Within thirty days after the public comment period, the department shall establish the boundaries of the affected project area in units no smaller than a precinct as defined by RCW 29.01.120.

(5) The department shall establish a process that provides for public involvement in decision making with respect to the affected project area. In carrying out the public involvement process the department shall proactively seek public participation through a process appropriate to the characteristics of the affected project area that assesses overall public support among users and residents of the affected project area. Such public involvement process shall provide opportunities for users and residents of the affected project area to comment upon key issues regarding the project including, but not limited to: (a) Alternative sizes and scopes; (b) design; (c) environmental assessment; (d) right of way and access plans; (e) traffic impacts; (f) tolling or user fee strategies and tolling or user fee ranges; (g) project cost; (h) construction impacts; (i) facility operation; and (j) any other salient characteristics.

(6) The results of the public involvement process shall be made available for public review and comment.

The department shall provide the legislative transportation committee with progress reports on the status of the public involvement process. The results of such public involvement process, including public comment, shall be forwarded to the legislative transportation committee for its review. Within forty-five calendar days of submission of such information, the legislative transportation committee shall conduct a public hearing regarding the results of the public involvement process. Taking into account the information submitted, the legislative transportation committee shall adopt a resolution making a recommendation to the secretary of the department of transportation regarding the appropriateness of the definition of the affected project area and the project description and characteristics.

(7) In response to the recommendation of the legislative transportation committee, the secretary, within two weeks after receipt of legislative transportation committee recommendation, shall transmit a copy of the map depicting the affected project area and the project description and characteristics to the county auditor of the county in which any portion of the affected project area is located.

(8) Upon receipt of the map and the project description and characteristics, the county auditor shall, within sixty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project and shall set a special election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees within the affected project area. The text of the project must appear in a voter's pamphlet for the affected project area. The department shall pay for the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days but, if authorized under RCW 29.13.020, no more than ninety days after receipt of the final map and project description and characteristics by the auditor. The department shall pay the costs of an election held under this section. A simple majority of those voting within the affected project area to authorize tolls or user fees within the project area is required for approval. If the vote is affirmative, the department is authorized to solicit proposals for replacement projects. If the vote is affirmative for a project selected prior to September 1, 1994, the department may enter into an agreement authorized under RCW 47.46.040 with a private entity.

(9) All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

(10) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

**Sec. 3.** RCW 47.46.040 and 1993 c 370 s 4 are each amended to read as follows:

Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

The department may exercise any power possessed by it to facilitate the development, construction, financing, operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects developed under ~~((the))~~ agreements may be entered into with ~~((any qualified law enforcement agency, and shall provide for full reimbursement for services rendered by that agency))~~ the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred on other state highway facilities. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

**Sec. 4.** RCW 47.46.050 and 1993 c 370 s 5 are each amended to read as follows:

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEPA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of the private entity's capital outlay costs for the project, including interest expense, the costs associated with construction, operations, toll collection, maintenance and administration of the ~~((facility))~~ project, reimbursement to the state for all costs associated with an election as required under RCW 47.46.030, the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. ~~((The use of any excess toll revenues or user fees may be negotiated between the parties.~~

~~After expiration of the lease of a facility to a private entity, the secretary may continue to charge user fees or tolls for the use of the facility, with these revenues to be used for operations and maintenance of the facility, or to be paid to the local transportation planning agency, or any combination of such uses.))~~ A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under subsection (4) of this section."

#### MOTION

Senator Quigley moved that the following amendment by Senators Quigley, Finkbeiner and Long to the striking amendment by Senators Owen, Quigley, Long, Prince, Finkbeiner, Wood, Schow, Roach and Kohl be adopted:

On page 2, after line 10, insert the following:

"The legislature finds that in the case of Highway 522, selected under this chapter, public support has not been demonstrated and therefore the secretary shall not proceed. Among the demonstrations of nonsupport for inclusion of Highway 522 are:

- (1) Over sixteen thousand citizens have signed petitions in opposition to the toll project;
- (2) The majority of city councilmembers in Monroe, Duvall, and Index have made public statements opposing the toll project, and that the Woodinville chamber of commerce has officially opposed the toll project;
- (3) No city council or chamber of commerce in the area has favored the toll project;
- (4) Of the five hundred individuals who attended the public information hearings on the toll proposal, four hundred fifty-eight signed a petition requesting that the proposal be rejected;
- (5) Businesses in Monroe, Woodinville, Duvall, Snohomish, Sultan, Startup, Gold Bar, Index, Skykomish, and Stevens Pass are extremely dependent on Highway 522 for commerce, that due to the rural nature of these areas no alternative for commerce exists, and that a toll on Highway 522 would severely inhibit their ability to stay in business; and
- (6) In an informal poll of residents who currently use Highway 522 to shop, eighty-one and one-half percent of the respondents claimed they would be unlikely to continue shopping at these stores if a toll were imposed."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Quigley, Finkbeiner and Long on page 2, after line 10, to the striking amendment by Senators Owen, Quigley, Long, Prince, Finkbeiner, Wood, Schow, Roach and Kohl to Substitute Senate Bill No. 6044.

The motion by Senator Quigley carried and the amendment to the striking amendment was adopted.

#### MOTION

On motion of Senator Long, the following amendments by Senators Long, Quigley, Owen and Prince to the striking amendment by Senators Owen, Quigley, Long, Prince, Finkbeiner, Wood, Schow, Roach and Kohl were considered simultaneously and were adopted:

On page 3, after line 4, insert the following:

"(2) A state transportation system or facility selected as a demonstration project under this chapter, that is designated by the commission as a prioritized improvement project under the comprehensive six-year investment program set forth in RCW 47.05.051, shall not be reprioritized as a result of its selection as a demonstration project. As state funds become available, the funds must be used toward the capital costs of the demonstration project, or in the case of a project developed in phases, for the phase or segment. If no state funding is required to finance the demonstration project, state funds that become available for such project under RCW 47.05.051 instead must be used (a) to reduce the rate of tolls or user fees imposed on the demonstration project, or (b) for improvements on alternative state or local nontoll routes that provide a reasonable, free, and convenient access alternative to the demonstration project."

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 8, after line 31, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 47.05 RCW to read as follows:  
RCW 47.46.030(2) applies to this chapter."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Owen, Quigley, Long, Prince, Finkbeiner, Wood, Schow, Roach and Kohl, as amended, to Substitute Senate Bill No. 6044.

Debate ensued.

The striking amendment by Senators Owen, Quigley, Long, Prince, Finkbeiner, Wood, Schow, Roach and Kohl, as amended, was adopted.

#### MOTIONS

On motion of Senator Owen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "and amending RCW 47.46.010, 47.46.030, 47.46.040, and 47.46.050."

On page 9, line 5 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 47.46.010, 47.46.030, 47.46.040, and 47.46.050; and adding a new section to chapter 47.05 RCW."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 6044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Ann Anderson, Senator McDonald was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6044.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6044 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Johnson, Kohl, Long, McAuliffe, Morton, Moyer, Owen, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Wojahn and Wood - 36.

Voting nay: Senators Anderson, A., Haugen, Hochstatter, Loveland, McCaslin, Newhouse, Oke, Palmer, Prentice, Sheldon, West and Winsley - 12.

Excused: Senator McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5361, by Senators Smith and Heavey

Assisting areas impacted by aircraft noise.

The bill was read the second time.

#### MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Winsley be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 53.54.020 and 1984 c 193 s 1 are each amended to read as follows:

~~((Prior to))~~ (1) Before initiating programs as authorized in this chapter, the port commission shall ((undertake the investigation and monitoring of) investigate and monitor aircraft noise impacts to determine the nature and extent of the impacts, and shall develop aircraft noise exposure maps diagramming the DNL (Day-Night Level) contour of the noise-impacted areas. Investigation and monitoring must occur periodically as required under 14 C.F.R. Sec. 150.21(a), and the investigation and monitoring must conform to the methodologies accepted and recommended by the Federal Aviation Administration for measuring noise impacts.

(2) The port commission shall adopt a program of noise impact abatement based upon the investigations and as amended periodically to conform to needs demonstrated by the monitoring programs(~~(: PROVIDED, That))~~. However, in no case may the port district undertake any of the programs of this chapter ((in an area which is more than six miles beyond the paved end of any runway or more than one mile from the centerline of any runway or from an imaginary runway centerline extending six miles from the paved end of such runway. Such areas as determined above, shall be known as "impacted areas")) outside a noise-impacted area. For purposes of this chapter, a noise-impacted area is defined as the approximate area exposed to noise levels of 65 DNL or greater, or as identified by the Federal Aviation Administration, as shown on the noise exposure map for the most recent year produced by the port commission and accepted by the Federal Aviation Administration.

(3) As part of its noise-monitoring activities for the Seattle-Tacoma International Airport, the port district shall affix and maintain at least six noise-monitoring devices located within neighborhoods located both inside and outside the area designated 65 DNL on the port's most recent noise exposure map. These devices must monitor noise levels continuously throughout the year. The port district shall use data generated by these noise-monitoring devices in developing required updates to the noise contour maps.

**Sec. 2.** RCW 53.54.030 and 1993 c 150 s 1 are each amended to read as follows:

For the purposes of this chapter, in developing a remedial program, the port commission may ~~((utilize))~~ use one or more of the following programs:

(1) Acquisition of property or property rights within the impacted area, which shall be deemed necessary to accomplish a port purpose. The port district may purchase such property or property rights by time payment notwithstanding the time limitations provided for in RCW 53.08.010. The port district may mortgage or otherwise pledge any such properties acquired to secure such transactions. The port district may assume any outstanding mortgages.



(2) Transaction assistance programs, including assistance with real estate fees and mortgage assistance, and other neighborhood remedial programs as compensation for impacts due to aircraft noise and noise associated conditions. Any such programs shall be in connection with properties located within an impacted area and shall be ~~((provided upon terms and conditions as the port district shall determine appropriate))~~ administered in accordance with applicable federal regulations.

(3) Programs of soundproofing structures located within an impacted area. Such programs may be executed without regard to the ownership, provided the owner waives damages and conveys an easement for the operation of aircraft, and for noise and noise associated conditions therewith, to the port district.

(a) When conducting noise programs for soundproofing structures located within the impacted area of the Seattle-Tacoma International Airport, the port commission shall use the services of a firm specializing in acoustical insulation to specify the types of insulation to be provided in the program and to be consulted as to how the program is to be administered. If the Federal Aviation Administration does not conduct an audit of the program at least every two years, the port shall hire a private firm to audit the program to ensure that it meets the criteria of the applicable federal regulations.

(b) The port commission shall not provide insulation for structures located in areas exposed to noise levels of 75 DNL or greater unless included in a federally approved program. Noise compatibility programs must be administered in accordance with applicable state and federal statutes and regulations.

(c) If any habitable structure within the noise impact area cannot be insulated to reduce the noise level below 45 DNL, the port commission shall place the property on the list of properties eligible for acquisition under subsection (1) of this section.

(4) Mortgage insurance of private owners of lands or improvements within such noise impacted area where such private owners are unable to obtain mortgage insurance solely because of noise impact. In this regard, the port district may establish reasonable regulations and may impose reasonable conditions and charges upon the granting of such mortgage insurance: PROVIDED, That such fees and charges shall at no time exceed fees established for federal mortgage insurance programs for like service.

(5) An individual property may be provided benefits by the port district under each of the programs described in subsections (1) through (4) of this section. However, an individual property may not be provided benefits under any one of these programs more than once, unless the property is subjected to increased aircraft noise or differing aircraft noise impacts that would have afforded different levels of mitigation, even if the property owner had waived all damages and conveyed a full and unrestricted easement.

(6) Management of all lands, easements, or development rights acquired, including but not limited to the following:

(a) Rental of any or all lands or structures acquired;

(b) Redevelopment of any such lands for any economic use consistent with airport operations, local zoning and the state environmental policy;

(c) Sale of such properties for cash or for time payment and subjection of such property to mortgage or other security transaction: PROVIDED, That any such sale shall reserve to the port district by covenant an unconditional right of easement for the operation of all aircraft and for all noise or noise conditions associated therewith.

(7) A property shall be considered within the impacted area if any part thereof is within the impacted area.

NEW SECTION. Sec. 3. A new section is added to chapter 53.54 RCW to read as follows:

When conducting appraisals of noise-impacted properties in conjunction with transaction assistance programs, the port commission shall use comparable properties located outside the impacted area when determining the fair market value of the subject property."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Winsley to Senate Bill No. 5361.

The motion by Senator Haugen carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On line 1 of the title, after "noise;" strike the remainder of the title and insert "amending RCW 53.54.020 and 53.54.030; and adding a new section to chapter 53.54 RCW."

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Loveland, Senator Cal Anderson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5361.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5361 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SENATE BILL NO. 5361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5267, by Senators Sheldon, Haugen and Wood

Establishing filing fees and tabulation procedures for write-in candidates.

The bill was read the second time.

## MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5267.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5267 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5831, by Senators Kohl, Owen, Winsley, Fairley and Schow

Authorizing impoundment and sale of motor vehicles for failure to pay parking ticket violations.

## MOTIONS

On motion of Senator Kohl, Substitute Senate Bill No. 5831 was substituted for Senate Bill No. 5831 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl, the following amendment by Senators Kohl and Schow was adopted:

On page 3, line 6, after "violations." insert "All impounds authorized as a result of twelve or more unpaid parking violations must be performed at the address listed on the department's registered owner records."

## MOTION

On motion of Senator Kohl, the rules were suspended, Engrossed Substitute Senate Bill No. 5831 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5831.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5831 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, Moyer, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Schow, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 29.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, McCaslin, McDonald, Morton, Newhouse, Palmer, Prince, Roach, Sellar, Strannigan, Swecker, West and Wood - 19.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5751, by Senators Newhouse, Smith, Deccio, Owen and Winsley

Prohibiting the purchase or consumption of liquor on licensed premises by persons apparently under the influence of liquor.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5751 was substituted for Senate Bill No. 5751 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5751 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

President Pritchard assumed the Chair.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5751.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5751 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fraser, Gaspard, Hale, Haugen, Hochstatter, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 35.

Voting nay: Senators Fairley, Finkbeiner, Franklin, Hargrove, Heavey, Johnson, Kohl, Loveland, McAuliffe, Oke, Pelz, Rinehart and Sheldon - 13.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5751, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 7:11 p.m., on motion of Senator Spanel, the Senate recessed until 7:30 p.m.

The Senate was called to order at 8:15 p.m. by President Pritchard.

## SECOND READING

SENATE BILL NO. 5280, by Senators Smith, Roach, West, Bauer, Schow, Finkbeiner, Johnson, Hale, Kohl, Deccio, Drew and Rasmussen

Providing tax exemptions for a new thoroughbred race track facility.

## MOTIONS

On motion of Senator Smith Second Substitute Senate Bill No. 5280 was substituted for Senate Bill No. 5280 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the following amendment by Senators Pelz, Roach, Smith, Heavey, Rinehart, Deccio and West was adopted:

On page 2, beginning on line 34, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. (1) The recipient shall begin paying the deferred taxes in the fifth year after the date certified by the department as the date on which the investment project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	10%
3	10%
4	10%
5	10%
6	10%
7	10%
8	10%
9	10%
10	10%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest shall not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes is not extinguished by insolvency or other failure of the recipient."

## MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5280.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5280 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators McCaslin, Moyer and Prince - 3.

Excused: Senator Anderson, C. - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5489, by Senators Sheldon, A. Anderson, Fraser, Drew, Hale, Haugen, Gaspard, Spanel, Snyder, Loveland and Winsley (by request of Governor Lowry)

Revising provisions relating to growth management.

## MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5489 was substituted for Senate Bill No. 5489 and the substitute bill was placed on second reading and read the second time.

Senator Fraser moved that the following amendment by Senators Sheldon, Ann Anderson, Fraser, Swecker, Drew, Hale, Haugen, Winsley, Spanel, Snyder and Gaspard be adopted:

Strike everything after the enacting clause and insert the following:

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**NEW SECTION. Sec. 1.** The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development.

### **PART I - GROWTH MANAGEMENT ACT**

**NEW SECTION. Sec. 101.** The legislature finds that during project review, a county or city planning under RCW 36.70A.040 is likely to discover the need to make various improvements in comprehensive plans and development regulations. There is no current requirement or process for applicants, citizens, or agency staff to ensure that these improvements are considered in the plan review process. The legislature also finds that in the past environmental review and permitting of proposed projects have been used to reopen and make land use planning decisions that should have been made through the comprehensive planning process, in part because agency staff and hearing examiners have not been able to ensure consideration of all issues in the local planning process. The legislature further finds that, while plans and regulations should be improved and refined over time, it is unfair to penalize applicants that have submitted permit applications that meet current requirements. It is the intent of the legislature in enacting section 102 of this act to establish a means by which cities and counties will docket suggested plan or development regulation amendments and ensure their consideration during the planning process.

**NEW SECTION. Sec. 102.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Project review, which shall be conducted pursuant to the provisions of chapter 36.-- RCW (the new chapter created in section 431 of this act), shall be used to make individual project decisions, not land use planning decisions. If, during project review, a county or city planning under RCW 36.70A.040 identifies deficiencies in plans or regulations:

- (a) The permitting process shall not be used as a comprehensive planning process;
- (b) Project review shall continue; and
- (c) The identified deficiencies shall be docketed for possible future plan or development regulation amendments.

(2) Each county and city planning under RCW 36.70A.040 shall include in its development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest plan or development regulation amendments. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW 36.70A.130.

(3) For purposes of this section, a deficiency in a comprehensive plan or development regulation refers to the absence of required or potentially desirable contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation addresses a project's probable specific adverse environmental impacts which the permitting agency could mitigate in the normal project review process.

(4) For purposes of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan or development regulations in a manner that will ensure such suggested changes will be considered by the county or city and will be available for review by the public.

**Sec. 103.** RCW 36.70A.030 and 1994 c 307 s 2 and 1994 c 257 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community, trade, and economic development.

(7) ~~((For purposes of RCW 36.70A.065 and 36.70A.440, "development permit application" means any application for a development proposal for a use that could be permitted under a plan adopted pursuant to this chapter and is consistent with the underlying land use and zoning, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses or other applications pertaining to land uses, but shall not include rezones, proposed amendments to comprehensive plans or the adoption or amendment of development regulations.~~

~~((8))~~ (8) "Development regulations" means ~~((any))~~ the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in section 402 of this act, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

~~((9))~~ (8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

~~((10))~~ (9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((11))~~ (10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((12))~~ (11) "Minerals" include gravel, sand, and valuable metallic substances.

~~((13))~~ (12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

~~((14))~~ (13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

~~((15))~~ (14) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural

products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((16))~~ (15) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((17))~~ (16) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

~~((18))~~ (17) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. ~~((However,))~~ Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands~~((, if permitted by the county or city))~~.

**NEW SECTION. Sec. 104.** A new section is added to chapter 36.70A RCW to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

**NEW SECTION. Sec. 105.** A new section is added to chapter 36.70A RCW to read as follows:

(1) In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(2) If it determines that advice from scientific or other experts is necessary or will be of substantial assistance in reaching its decision, a growth management hearings board may retain scientific or other expert advice to assist in reviewing a petition under RCW 36.70A.290 that involves critical areas.

**Sec. 106.** RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each amended to read as follows:

(1) Each comprehensive land use plan and development regulations shall be subject to continuing evaluation and review by the county or city that adopted them.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:

(i) The initial adoption of a subarea plan; and

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW.

(b) All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

**Sec. 107.** RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14 are each amended to read as follows:

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion,

communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW 36.70A.300 declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

**Sec. 108.** RCW 36.70A.280 and 1994 c 249 s 31 are each amended to read as follows:

(1) A growth management hearings board shall hear and determine only those petitions alleging either:

(a) That a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by the state, a county or city that plans under this chapter, a person who has either appeared before the county or city regarding the matter on which a review is being requested or is certified by the governor within sixty days of filing the request with the board, or a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**Sec. 109.** RCW 36.70A.290 and 1994 c 257 s 2 and 1994 c 249 s 26 are each reenacted and amended to read as follows:

(1) All requests for review to a growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the local government publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

**Sec. 110.** RCW 36.70A.300 and 1991 sp.s. c 32 s 11 are each amended to read as follows:

(1) The board shall issue a final order within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to plans, development regulations, and amendments thereto,



adopted under RCW 36.70A.040 or chapter 90.58 RCW. In the final order, the board shall either: (a) Find that the state agency, county, or city is in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs; or (b) find that the state agency, county, or city is not in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, in which case the board shall remand the matter to the affected state agency, county, or city and specify a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply with the requirements of this chapter.

(2) A finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand, unless the board's final order also:

(a) Includes a determination, supported by findings of fact and conclusions of law, that the continued validity of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and

(b) Specifies the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

(3) A determination of invalidity shall:

(a) Be prospective in effect and shall not extinguish rights that vested under state or local law before the date of the board's order; and

(b) Subject any development application that would otherwise vest after the date of the board's order to the local ordinance or resolution that both is enacted in response to the order of remand and determined by the board pursuant to RCW 36.70A.330 to comply with the requirements of this chapter.

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (2) of this section whether the prior policies or regulations are valid during the period of remand.

(5) Any party aggrieved by a final decision of the hearings board may appeal the decision as provided in RCW 34.05.514 to ((Thurston county)) superior court within thirty days of the final order of the board.

**Sec. 111.** RCW 36.70A.320 and 1991 sp.s. c 32 s 13 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption. In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it finds by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter.

(2) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

**Sec. 112.** RCW 36.70A.330 and 1991 sp.s. c 32 s 14 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(1)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board ((, on its own motion or motion of the petitioner,)) shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, city, or county. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board.

(3) If the board finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may recommend to the governor that the sanctions authorized by this chapter be imposed.

(4) The board shall also reconsider its final order and decide:

(a) If a determination of invalidity has been made, whether such a determination should be rescinded or modified under the standards in RCW 36.70A.300(2); or

(b) If no determination of invalidity has been made, whether one now should be made under the standards in RCW 36.70A.300(2). The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

**Sec. 113.** RCW 34.05.514 and 1994 c 257 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section ((and RCW 36.70A.300(3))), proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

**NEW SECTION. Sec. 114.** (1) The legislature finds that:

(a) As of the effective date of this section, twenty-nine counties and two hundred eight cities are conducting comprehensive planning under the growth management act, chapter 36.70A RCW, which together comprise over ninety percent of the state's population;

(b) Comprehensive plans for many of the jurisdictions were due by July 1, 1994, and the remaining jurisdictions must complete plans under due dates ranging from October 1994 to September 1997;

(c) Concurrently with these comprehensive planning activities, local governments must conduct several other planning requirements under the growth management act, such as the adoption of capital facilities plans, urban growth areas, and development regulations;

(d) Local governments must also comply with the state environmental policy act, chapter 43.21C RCW, in the development of comprehensive plans and development regulations;

(e) The combined activities of comprehensive planning and the state environmental policy act present a serious fiscal burden upon local governments; and

(f) Detailed environmental analysis integrated with comprehensive plans, subarea plans, and development regulations will facilitate planning for and managing growth, allow greater protection of the environment, and benefit both the general public and private property owners.

(2) In order to provide financial assistance to cities and counties planning under chapter 36.70A RCW and to improve the usefulness of plans and integrated environmental analyses, the legislature has created the fund described in section 115 of this act.

**NEW SECTION. Sec. 115.** A new section is added to chapter 36.70A RCW to read as follows:

The growth management planning and environmental review fund is hereby established in the state treasury. Moneys may be placed in the fund from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source. Moneys in the fund may be spent only after appropriation. Moneys in the fund shall be used to make grants to local governments for the purposes set forth in section 202 of this act, RCW 43.21C.031, or section 116 of this act.

**NEW SECTION. Sec. 116.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department of community, trade, and economic development shall provide management services for the fund created by section 115 of this act. The department by rule shall establish procedures for fund management.

(2) A grant may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant shall be provided to assist a county or city in paying for the cost of preparing a detailed environmental impact statement that is integrated with a comprehensive plan or subarea plan and development regulations.

(3) In order to qualify for a grant, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW that is integrated with a comprehensive plan or subarea plan and development regulations;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by subsequent applicants for development permits within the geographic area analyzed in the plan;

(c) Include mechanisms in the plan to monitor the consequences of growth as it occurs in the plan area and provide ongoing data to update the plan and environmental analysis;

(d) Be making substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(e) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Comprehensive and subarea plan proposals that are designed to identify and monitor system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans;

(d) Programs for effective citizen and neighborhood involvement that contribute to greater certainty that planning decisions will be implemented; and

(e) Plans that identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

**NEW SECTION. Sec. 117.** During the 1995-1997 biennium, funding for the growth management planning and environmental review fund shall be provided by:

(1) A transfer of four million dollars from the public works assistance account; and

(2) A transfer of two million dollars from the transportation fund.

## **PART II - STATE ENVIRONMENTAL POLICY ACT**

**NEW SECTION. Sec. 201.** (1) The legislature finds in adopting section 202 of this act that:

(a) Comprehensive plans and development regulations adopted by counties, cities, and towns under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of environmental subjects and impacts.

These plans, regulations, rules, and laws often provide environmental analysis and mitigation measures for project actions without the need for an environmental impact statement or further project mitigation.

(b) Existing plans, regulations, rules, or laws provide environmental analysis and measures that avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed projects should be integrated with, and should not be duplicated by, environmental review under chapter 43.21C RCW.

(c) Proposed projects should continue to receive environmental review, which should be conducted in a manner that is integrated with and does not duplicate other requirements.

(2) The legislature intends that a primary role of environmental review under chapter 43.21C RCW is to focus on the gaps and overlaps that may exist in applicable laws and requirements related to a proposed action. The review of project actions conducted by counties, cities, and towns planning under RCW 36.70A.040 should integrate environmental review with project review. Chapter 43.21C RCW should not be used as a substitute for other land use planning and environmental requirements.

**NEW SECTION. Sec. 202.** A new section is added to chapter 43.21C RCW to read as follows:

(1) If the requirements of subsection (2) of this section are satisfied, a county, city, or town reviewing a project action may determine that the requirements for environmental analysis, protection, and mitigation measures in the county, city, or town's development regulations and comprehensive plans adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws and rules provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply.

(2) A county, city, or town may make the determination provided for in subsection (1) of this section if:

(a) In the course of project review, including any required environmental analysis, the local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, or other local, state, or federal rules or laws; and

(b) The local government bases or conditions its approval on compliance with these requirements or mitigation measures.

(3) If a county, city, or town's comprehensive plans, subarea plans, and development regulations adequately address a project's probable specific adverse environmental impacts, as determined under subsections (1) and (2) of this section, the county, city, or town shall not impose additional mitigation under this chapter during project review. Project review shall be integrated with environmental analysis under this chapter.

(4) A comprehensive plan, subarea plan, or development regulation shall be considered to adequately address an impact if the county, city, or town, through the planning and environmental review process under chapter 36.70A RCW and this chapter, has identified the specific adverse environmental impacts and:

(a) The impacts have been avoided or otherwise mitigated; or

(b) The legislative body of the county, city, or town has designated as acceptable certain levels of service, land use designations, development standards, or other land use planning required or allowed by chapter 36.70A RCW.

(5) In deciding whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the county, city, or town shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the county, city, or town shall base or condition its project approval on compliance with these other existing rules or laws.

(6) Nothing in this section limits the authority of an agency in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by this chapter.

(7) This section shall apply only to a county, city, or town planning under RCW 36.70A.040.

**Sec. 203.** RCW 43.21C.031 and 1983 c 117 s 1 are each amended to read as follows:

(1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations shall be clearly identifiable and easy to find. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement under this chapter. In a county, city, or town planning under RCW 36.70A.040, a planned action, as provided for in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.

An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

(2)(a) For purposes of this section, a planned action means one or more types of project action that:  
(i) Are designated planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;  
(ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with (A) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or (B) a fully contained community, a master planned resort, a master planned development, or a phased project;  
(iii) Are subsequent or implementing projects for the proposals listed in (a)(ii) of this subsection;  
(iv) Are located within an urban growth area, as defined in RCW 36.70A.030;  
(v) Are not essential public facilities, as defined in RCW 36.70A.200; and  
(vi) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.  
(b) A county, city, or town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county, city, or town and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.

**Sec. 204.** RCW 43.21C.075 and 1994 c 253 s 4 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall not allow more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement)~~((consistent with any state statutory requirements for appeals to local legislative bodies))~~. The appeal proceeding on a determination of significance/nonsignificance may occur before the agency's final decision on a proposed action. Such an appeal shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous ((appeal of an)) hearing before one hearing officer or body to consider the agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the ~~((threshold determination))~~ appeal, if any, of a determination of significance as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an appeal procedure, such person shall, prior to seeking any judicial review, use such agency procedure if any such procedure is available, unless expressly provided otherwise by state statute.

~~((RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter.))~~ Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. This ~~((section))~~ subsection does not modify any such time periods. ~~((This section governs when a judicial appeal must be brought under this chapter where a "notice of action" is used, and/or where there is another time period which is required by statute or ordinance for challenging the underlying governmental action.))~~ In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within ~~((thirty days))~~ such time period. The agency shall give official notice stating the date and place for commencing an appeal. ~~((If there is an agency proceeding under subsection (3) of this section, the appellant shall, prior to commencing a judicial appeal, submit to the responsible official a notice of intent to commence a judicial appeal. This notice of intent shall be given within the time period for commencing a judicial appeal on the underlying governmental action.))~~

~~(b) If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 ((may be used. If a notice of action)) is used, ((judicial)) appeals shall be commenced within the time period specified by RCW 43.21C.080((, unless there is a time period for appealing the underlying governmental action in which case (a) of this subsection shall apply.~~

~~(c) Notwithstanding RCW 43.21C.080(1), if there is a time period for appealing the underlying governmental action, a notice of action may be published within such time period).~~

(6)(a) Judicial review under subsection (5) of this section of an appeal decision made by an agency under ((RCW 43.21C.075(5)) subsection (3) of this section shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order within one hundred eighty days as provided in RCW 90.58.180.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2) ((and (3))))). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. Except as provided in subsection (5) of this section, the word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

**Sec. 205.** RCW 43.21C.080 and 1977 ex.s. c 278 s 1 are each amended to read as follows:

(1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in ((subsection (3) of this section and in the following manner)) rules adopted under RCW 43.21C.110:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and

(c) Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of ((last)) first newspaper publication;

(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid.

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

(2)(a) Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review, or otherwise challenge any such governmental action or subsequent governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within ((thirty)) twenty-one days from the date of last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred((: PROVIDED, HOWEVER, That the time period within which an action shall be commenced shall be ninety days (i) for projects to be performed by a governmental agency or to be performed under government contract, or (ii) for thermal power plant projects: PROVIDED FURTHER, That)).

(b) Any subsequent governmental action on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW 43.21C.030(2)(a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action that is likely to have adverse environmental impacts beyond the range of impacts previously analyzed, or unless the action

now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation.

~~((b) Any action to challenge a subsequent governmental action based upon any provisions of this chapter shall be commenced within thirty days from the date of last newspaper publication of the subsequent governmental action except (i) for projects to be performed by a governmental agency or to be performed under governmental contract, or (ii) for thermal power plant projects which shall be challenged within ninety days from the date of last newspaper publication of the subsequent governmental action, or be barred.~~

~~(3) The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:~~

NOTICE OF ACTION BY

.....  
(Government agency or entity)

Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that:

The ..... (Government agency or entity) did on ..... (date), take the action described below.

~~Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within ..... days or be barred.~~

The action taken by ..... (Government agency or entity), notice of which is hereby given, was as follows:

(1) ..... (Here insert description of action taken such as: Adoption Ordinance No. ....; Issued Building Permit; Approved preliminary (or final) plat, etc.)

(2) ..... (Here insert brief description of the complete project or proposal.)

(3) Said action pertained to property commonly known as:

(Sufficient description to locate property, but complete legal description not required)

(4) Pertinent documents may be examined during regular business hours at the office of: ..... located at:

(Location, including room number)

(Name of government agency, proponent, or applicant giving notice)

Filed by—

(Signature of individual and capacity in which such individual is signing))

**Sec. 206.** RCW 43.21C.110 and 1983 c 117 s 7 are each amended to read as follows:

It shall be the duty and function of the department of ecology(~~(, which may utilize proposed rules developed by the environmental policy commission))~~):

(1) To adopt and amend thereafter rules of interpretation and implementation of this chapter (~~((the state environmental policy act of 1971)))~~), subject to the requirements of chapter 34.05 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public hearings requirements associated with rule promulgation. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent promulgation and adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter (~~((the state environmental policy act of 1971)))~~):

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is categorically exempt under the rules adopted by the department may not be conditioned or denied under this chapter.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decision making and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(m) Rules and procedures that provide for the integration of environmental review with project review as provided in section 202 of this act. The rules and procedures shall be jointly developed with the department of community, trade, and economic development and shall be applicable to the preparation of environmental documents for actions in counties, cities, and towns planning under RCW 36.70A.040. The rules and procedures shall also include criteria to analyze the consistency of project actions, including planned actions under RCW 43.21C.031(2), with development regulations adopted under chapter 36.70A RCW, or in the absence of applicable development regulations, the appropriate elements of a comprehensive plan or subarea plan adopted under chapter 36.70A RCW. Ordinances or procedures adopted by a county, city, or town to implement the provisions of section 202 of this act prior to the effective date of rules adopted under this subsection (1)(m) shall continue to be effective until the adoption of any new or revised ordinances or procedures that may be required. If any revisions are required as a result of rules adopted under this subsection (1)(m), those revisions shall be made within the time limits specified in RCW 43.21C.120.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of chapter 34.05 RCW ((34.05.538 and 34.05.240)).

**Sec. 207.** RCW 43.21C.900 and 1971 ex.s. c 109 s 7 are each amended to read as follows:

This chapter shall be known and may be cited as the "State Environmental Policy Act (~~(of 1971)~~)" or "SEPA".

### **PART III - SHORELINE MANAGEMENT ACT**

**Sec. 301.** RCW 90.58.020 and 1992 c 105 s 1 are each amended to read as follows:

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a

planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and ~~((wetlands))~~ shorelands of the state shall be recognized by the department. Shorelines and ~~((wetlands))~~ shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and ~~((wetlands))~~ shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

**Sec. 302.** RCW 90.58.030 and 1987 c 474 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

- (1) Administration:
  - (a) "Department" means the department of ecology;
  - (b) "Director" means the director of the department of ecology;
  - (c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;
  - (d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;
  - (e) "Hearing board" means the shoreline hearings board established by this chapter.
- (2) Geographical:
  - (a) "Extreme low tide" means the lowest line on the land reached by a receding tide;
  - (b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;
  - (c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;
  - (d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated ~~((wetlands))~~ shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where



the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and

(E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those ~~((wetlands))~~ shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "~~((Wetlands))~~ Shorelands" or "~~((wetland))~~ shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all ~~((marshes, bogs, swamps,))~~ wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology~~((: PROVIDED, That)).~~ Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

- (i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;
- (ii) Construction of the normal protective bulkhead common to single family residences;
- (iii) Emergency construction necessary to protect property from damage by the elements;
- (iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on ~~((wetlands))~~ shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels ~~((: PROVIDED, That))~~. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the ~~((wetlands))~~ shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
- (v) Construction or modification of navigational aids such as channel markers and anchor buoys;
- (vi) Construction on ~~((wetlands))~~ shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;
- (vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;
- (viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;
- (ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- (x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system ~~((;~~
- (xi) ~~Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge).~~

**Sec. 303.** RCW 90.58.050 and 1971 ex.s. c 286 s 5 are each amended to read as follows:

This chapter establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of this chapter. The department shall act primarily in a supportive and review capacity with ~~((primary))~~ an emphasis on providing assistance to local government and on insuring compliance with the policy and provisions of this chapter.

**Sec. 304.** RCW 90.58.060 and 1971 ex.s. c 286 s 6 are each amended to read as follows:

(1) ~~((Within one hundred twenty days from June 1, 1971,))~~ The department shall ~~((submit to local governments proposed))~~ periodically review and adopt guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100 for:

- (a) Development of master programs for regulation of the uses of shorelines; and
- (b) Development of master programs for regulation of the uses of shorelines of state-wide significance.

(2) Before adopting or amending guidelines under this section, the department shall provide an opportunity for public review and comment as follows:

(a) The department shall mail copies of the proposal to all cities, counties, and federally recognized Indian tribes, and to any other person who has requested a copy, and shall publish the proposed guidelines in the Washington state register. Comments shall be submitted in writing to the department within sixty days from ((receipt of such proposed guidelines, local governments shall submit to the department in writing proposed changes, if any, and comments upon the proposed guidelines.

(3) Thereafter and within one hundred twenty days from the submission of such proposed guidelines to local governments, the department, after review and consideration of the comments and suggestions submitted to it, shall resubmit final proposed guidelines.

(4) Within sixty days thereafter public hearings shall be held by)) the date the proposal has been published in the register.

(b) The department ((in Olympia and Spokane, at which interested public and private parties shall have the opportunity)) shall hold at least four public hearings on the proposal in different locations throughout the state to provide a reasonable opportunity for residents in all parts of the state to present statements and views on the proposed guidelines. Notice of ((such)) the hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state. If an amendment to the guidelines addresses an issue limited to one geographic area, the number and location of hearings may be adjusted consistent with the intent of this subsection to assure all parties a reasonable opportunity to comment on the proposed amendment. The department shall accept written comments on the proposal during the sixty-day public comment period and for seven days after the final public hearing.

(c) At the conclusion of the public comment period, the department shall review the comments received and modify the proposal consistent with the provisions of this chapter. The proposal shall then be published for adoption pursuant to the provisions of chapter 34.05 RCW.

~~((5) Within ninety days following such public hearings, the department at a public hearing to be held in Olympia shall adopt guidelines.))~~ (3) The department may propose amendments to the guidelines not more than once each year. At least once every five years the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section.

**Sec. 305.** RCW 90.58.080 and 1974 ex.s. c 61 s 1 are each amended to read as follows:

Local governments ~~((are directed with regard to shorelines of the state within their various jurisdictions as follows:~~

~~(1) To complete within eighteen months after June 1, 1971, a comprehensive inventory of such shorelines. Such inventory shall include but not be limited to the general ownership patterns of the lands located therein in terms of public and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof;~~

~~(2) To)~~ shall develop or amend, within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060, a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department.

**Sec. 306.** RCW 90.58.090 and 1971 ex.s. c 286 s 9 are each amended to read as follows:

~~(1) A master program((s or segments thereof)), segment of a master program, or an amendment to a master program~~ shall become effective when ~~((adopted or))~~ approved by the department ~~((as appropriate))~~. Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

~~(2) Upon receipt of a proposed master program or amendment, the department shall:~~

~~(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed master programs or amendments generally or for a specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;~~

~~(b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;~~

~~(c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;~~

~~(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested persons, parties, groups, and agencies of record on the proposal;~~

~~(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:~~

~~(i) Agree to the proposed changes. The receipt by the department of the written notice of agreement constitutes final action by the department approving the amendment; or~~

~~(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide written notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.~~

~~((1) As to those segments of the master program relating to shorelines, they shall be approved by))~~

~~(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. ((If approval is denied, the department shall state within ninety days from the date of submission in detail the precise facts upon which that decision is based, and shall submit to the local government suggested modifications to the program to make it consistent with said policy and guidelines. The local government shall have ninety days after it receives recommendations from the department to make modifications designed to eliminate the inconsistencies and to resubmit the program to the department for approval. Any resubmitted program shall take effect when and in such form and content as is approved by the department.~~

~~(2) As to)~~ (4) The department shall approve those segments of the master program relating to shorelines of state-wide significance ((the department shall have full authority following review and evaluation of the submission by local government to develop and adopt an alternative to the local government's proposal if in the department's opinion the program submitted does not)) only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the state-wide interest. ((If the submission by local government is

~~not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum implementation, it may develop and adopt an alternative as hereinbefore provided.)~~ If the department does not approve a segment of a local government master program relating to a shoreline of state-wide significance, the department may develop and by rule adopt an alternative to the local governments proposal.

~~((3))~~ (5) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

(6) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program.

**Sec. 307.** RCW 90.58.100 and 1992 c 105 s 2 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted ~~(and)~~ or approved by the department ~~(, as appropriate,)~~ shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

- (a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;
- (b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;
- (c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;
- (d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;
- (e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;
- (f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

- (a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;
- (b) A public access element making provision for public access to publicly owned areas;
- (c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;
- (d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;
- (e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;
- (f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;
- (g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;
- (h) An element that gives consideration to the state-wide interest in the prevention and minimization of flood damages; and
- (i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown

and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.

**Sec. 308.** RCW 90.58.120 and 1989 c 175 s 182 are each amended to read as follows:

All rules, regulations, (~~master programs,~~) designations, and guidelines, issued by the department, and master programs and amendments adopted by the department pursuant to RCW 90.58.070(2) or 90.58.090(4) shall be adopted or approved in accordance with the provisions of RCW 34.05.310 through 34.05.395 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the (~~approval of~~) adoption by the department of a master program, or portion thereof pursuant to RCW 90.58.070(2) or 90.58.090(4), at least one public hearing shall be held in each county affected by a program or portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations, or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county (~~auditor~~) and city (~~clerk~~). The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines.

**Sec. 309.** RCW 90.58.140 and 1992 c 105 s 3 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and (~~the provisions of~~) this chapter (90.58 RCW).

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection (~~(43)~~) (11) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that(~~:~~

~~(a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and~~

~~(b) Additional~~) notice of (~~such an~~) the application is given by at least one of the following methods:

~~(i)~~) (a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

~~(ii)~~) (b) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

~~(iii)~~) (c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive (~~a copy~~) notification of the final (~~order~~) decision concerning an application as expeditiously as possible after the issuance of the (~~order~~) decision, may submit the comments or requests for (~~orders~~) decisions to the local government within thirty days of the last date the notice is to be published pursuant to (~~subsection (a) of~~) this subsection. The local government shall forward, in a timely manner following the issuance of (~~an order~~) a decision, a copy of the (~~order~~) decision to each person who submits a request for the (~~order~~) decision.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until (~~thirty~~) twenty-one days from the date the (~~final order~~) permit decision was filed as provided in subsection (6) of this section; or until all review

proceedings are terminated if the proceedings were initiated within ~~((thirty))~~ twenty-one days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b) Construction may be commenced no sooner than thirty days after the date of the appeal of the board's decision is filed if a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within ~~((thirty))~~ twenty-one days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW~~((the permittee))~~. The appellant may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction ~~((may begin))~~ pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board should not commence. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would ~~((not))~~ involve a significant, irreversible damaging of the environment, the court ~~((may allow))~~ shall prohibit the permittee ~~((to begin))~~ from commencing the construction pursuant to the approved or revised permit ~~((as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if the alteration is ultimately ordered by the courts))~~ until all review proceedings are final. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

(c) ~~((If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1), the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit shall be governed by the provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are terminated if judicial review is not thereafter requested pursuant to chapter 34.05 RCW;~~

~~((d))~~ If the permit is for a substantial development meeting the requirements of subsection ~~((43))~~ (11) of this section, construction pursuant to that permit may not begin or be authorized until ~~((thirty))~~ twenty-one days from the date the ~~((final order))~~ permit decision was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), or ~~((c) or (d))~~ of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any ~~((ruling))~~ decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection ~~((42))~~ (10) of this section, "date of filing" as used herein means the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" means the date a decision of the department rendered on the permit pursuant to subsection ~~((42))~~ (10) of this section is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(10) ~~((A permit shall not be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government before April 1, 1971, if:~~

~~((a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; and~~

~~(b) The development is completed within two years after June 1, 1971.~~

~~(11) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and before April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (10) of this section, or does not require a permit because of substantial development occurred before June 1, 1971.~~

~~(12)) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.~~

~~((13)) (11)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:~~

~~(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;~~

~~(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and~~

~~(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.~~

~~(b) For purposes of this section, a limited utility extension means the extension of a utility service that:~~

~~(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;~~

~~(ii) Will serve an existing use in compliance with this chapter; and~~

~~(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state.~~

**Sec. 310.** RCW 90.58.180 and 1994 c 253 s 3 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a ~~((request for the same))~~ petition for review within ~~((thirty))~~ twenty-one days of the date of filing as defined in RCW 90.58.140(6).

~~((Concurrently with))~~ Within seven days of the filing of any ~~((request))~~ petition for review with the board as provided in this section pertaining to a final ~~((order))~~ decision of a local government, the ~~((requestor))~~ petitioner shall ~~((file a copy))~~ serve copies of ~~((his or her request with))~~ the petition on the department and the office of the attorney general. ~~((If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor. The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor.))~~ The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the ~~((request))~~ petition for review filed pursuant to this section. The shorelines hearings board shall ~~((initially))~~ schedule review proceedings on ~~((such requests))~~ the petition for review without regard as to whether ~~((such requests have or have not been certified or as to whether))~~ the period for the department or the attorney general to intervene has or has not expired~~((, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule)).~~

(2) The department or the attorney general may obtain review of any final ~~((order))~~ decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written ~~((request))~~ petition with the shorelines hearings board and the appropriate local government within ~~((thirty))~~ twenty-one days from the date the final ~~((order))~~ decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of thirty days upon a showing of good cause or may be waived by the parties.

(4) ~~((A local government may appeal to the shorelines hearings board))~~ Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

~~((If the board))~~ (5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or  
(c) Is arbitrary and capricious; or  
(d) Was developed without fully considering and evaluating all material submitted to the department ~~((by the local government))~~  
during public review and comment; or  
(e) Was not adopted in accordance with required procedures~~((:))~~.  
(6) If the board makes a determination under subsection (5) (a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision. ~~((Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.~~  
~~(5) Rules, regulations, and guidelines))~~ (7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to ~~((RCW 34.05.570(2). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is))~~  
chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within  
~~((three months))~~ thirty days after the date of final decision by the shorelines hearings board.

**Sec. 311.** RCW 90.58.190 and 1989 c 175 s 184 are each amended to read as follows:

(1) ~~((The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Any adjustments proposed by a local government to its master program shall be forwarded to the department for review. The department shall approve, reject, or propose modification to the adjustment. If the department either rejects or proposes modification to the master program adjustment, it shall provide substantive written comments as to why the proposal is being rejected or modified.))~~ The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(4) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment for compliance with the requirements of this chapter and chapter 36.70A RCW, the policy of RCW 90.58.020 and the applicable guidelines, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

(c) If the appeal to the growth management hearings board concerns a shoreline of state-wide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

~~((Any local government aggrieved by))~~ (3)(a) The department's decision to approve, reject, or modify a proposed master program or master program ~~((adjustment may appeal the department's decision))~~ amendment by a local government not planning under RCW 36.70A.040 shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program ~~((adjustment))~~ amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's ~~((adjustment))~~ master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to shorelines of state-wide significance, the shorelines hearings board shall uphold the decision by the department unless ~~((a local government shall))~~ the board determines, by clear and convincing evidence ~~((and argument, persuade the board))~~ that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews.

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program ~~((adjustment))~~ amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to ~~((the))~~ superior court ~~((of Thurston county))~~ as provided in chapter 34.05 RCW.



~~((3))~~ (4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program ~~((adjustment))~~ amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program ~~((adjustment))~~ amendment.

**Sec. 312.** RCW 34.05.461 and 1989 c 175 s 19 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section:

(a) If the presiding officer is the agency head or one or more members of the agency head, the presiding officer may enter an initial order if further review is available within the agency, or a final order if further review is not available;

(b) If the presiding officer is a person designated by the agency to make the final decision and enter the final order, the presiding officer shall enter a final order; and

(c) If the presiding officer is one or more administrative law judges, the presiding officer shall enter an initial order.

(2) With respect to agencies exempt from chapter 34.12 RCW or an institution of higher education, the presiding officer shall transmit a full and complete record of the proceedings, including such comments upon demeanor of witnesses as the presiding officer deems relevant, to each agency official who is to enter a final or initial order after considering the record and evidence so transmitted.

(3) Initial and final orders shall include a statement of findings and conclusions, and the reasons and basis therefor, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction and, if applicable, the action taken on a petition for a stay of effectiveness. Any findings based substantially on credibility of evidence or demeanor of witnesses shall be so identified. Findings set forth in language that is essentially a repetition or paraphrase of the relevant provision of law shall be accompanied by a concise and explicit statement of the underlying evidence of record to support the findings. The order shall also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. An initial order shall include a statement of any circumstances under which the initial order, without further notice, may become a final order.

(4) Findings of fact shall be based exclusively on the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. Findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. However, the presiding officer shall not base a finding exclusively on such inadmissible evidence unless the presiding officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the order.

(5) Where it bears on the issues presented, the agency's experience, technical competency, and specialized knowledge may be used in the evaluation of evidence.

(6) If a person serving or designated to serve as presiding officer becomes unavailable for any reason before entry of the order, a substitute presiding officer shall be appointed as provided in RCW 34.05.425. The substitute presiding officer shall use any existing record and may conduct any further proceedings appropriate in the interests of justice.

(7) The presiding officer may allow the parties a designated time after conclusion of the hearing for the submission of memos, briefs, or proposed findings.

~~(8)~~ (a) Except as otherwise provided in (b) of this subsection, initial or final orders shall be served in writing within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings in accordance with subsection (7) of this section unless this period is waived or extended for good cause shown.

(b) This subsection does not apply to the final order of the shorelines hearings board on appeal under RCW 90.58.180(3).

(9) The presiding officer shall cause copies of the order to be served on each party and the agency.

NEW SECTION. **Sec. 313.** RCW 90.58.145 and 1979 ex.s. c 84 s 4 are each repealed.

#### **PART IV - LOCAL PERMIT PROCESS**

NEW SECTION. **Sec. 401.** The legislature finds and declares the following:

(1) As the number of environmental laws and development regulations has increased for land uses and development, so has the number of required local land use permits, each with its own separate approval process.

(2) The increasing number of local and state land use permits and separate environmental review processes required by agencies has generated continuing potential for conflict, overlap, and duplication between the various permit and review processes.

(3) This regulatory burden has significantly added to the cost and time needed to obtain local and state land use permits and has made it difficult for the public to know how and when to provide timely comments on land use proposals that require multiple permits and have separate environmental review processes.

NEW SECTION. **Sec. 402.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(2) "Local government" means a county, city, or town.

(3) "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

(4) "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(5) "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

**NEW SECTION. Sec. 403.** In enacting sections 404 and 405 of this act, the legislature intends to establish a mechanism for implementing the provisions of chapter 36.70A RCW regarding compliance, conformity, and consistency of proposed projects with adopted comprehensive plans and development regulations. In order to achieve this purpose the legislature finds that:

(1) Given the extensive investment that public agencies and a broad spectrum of the public are making and will continue to make in comprehensive plans and development regulations for their communities, it is essential that project review start from the fundamental land use planning choices made in these plans and regulations. If the applicable regulations or plans identify the type of land use, specify residential density in urban growth areas, and identify and provide for funding of public facilities needed to serve the proposed development and site, these decisions at a minimum provide the foundation for further project review unless there is a question of code interpretation. The project review process, including the environmental review process under chapter 43.21C RCW and the consideration of consistency, should start from this point and should not reanalyze these land use planning decisions in making a permit decision.

(2) Comprehensive plans and development regulations adopted by local governments under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of environmental subjects and impacts. These provisions typically require environmental studies and contain specific standards to address various impacts associated with a proposed development, such as building size and location, drainage, transportation requirements, and protection of critical areas. When a permitting agency applies these existing requirements to a proposed project, some or all of a project's potential environmental impacts will be avoided or otherwise mitigated. Through the integrated project review process described in subsection (1) of this section, the local government will determine whether existing requirements, including the applicable regulations or plans, adequately analyze and address a project's environmental impacts. Section 202 of this act provides that project review should not require additional studies or mitigation under chapter 43.21C RCW where existing regulations have adequately addressed a proposed project's probable specific adverse environmental impacts.

(3) Given the hundreds of jurisdictions and agencies in the state and the numerous communities and applicants affected by development regulations and comprehensive plans adopted under chapter 36.70A RCW, it is essential to establish a uniform framework for considering the consistency of a proposed project with the applicable regulations or plan. Consistency should be determined in the project review process by considering four factors found in applicable regulations or plans: The type of land use allowed; the level of development allowed, such as units per acre or other measures of density; infrastructure, such as the adequacy of public facilities and services to serve the proposed project; and the character of the proposed development, such as compliance with specific development standards. This uniform approach corresponds to existing project review practices and will not place a burden on applicants or local government. The legislature intends that this approach should be largely a matter of checking compliance with existing requirements for most projects, which are simple or routine, while more complex projects may require more analysis. Sections 202 and 404 of this act establish this uniform framework and also direct state agencies to consult with local government and the public to develop a better format than the current environmental checklist to meet this objective.

(4) When an applicant applies for a project permit, consistency between the proposed project and applicable regulations or plan should be determined through a project review process that integrates land use and environmental impact analysis, so that governmental and public review of the proposed project as required by this chapter, by development regulations under chapter 36.70A RCW, and by the environmental process under chapter 43.21C RCW run concurrently and not separately.

(5) Sections 404 and 405 of this act address three related needs with respect to how the project review process should address consistency between a proposed project and the applicable regulations or plan:

(a) A uniform framework for the meaning of consistency;

(b) An emphasis on relying on existing requirements and adopted standards, with the use of supplemental authority as specified by chapter 43.21C RCW to the extent that existing requirements do not adequately address a project's specific probable adverse environmental impacts; and

(c) The identification of three basic land use planning choices made in applicable regulations or plans that, at a minimum, serve as a foundation for project review and that should not be reanalyzed during project permitting.

**NEW SECTION. Sec. 404.** (1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations the adopted comprehensive plan, under section 405 of this act shall incorporate the determinations under this section.

(2) During project review, a local government or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations the adopted comprehensive plan. At a minimum, such applicable regulations or plans shall be determinative of the:

(a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;

(b) Density of residential development in urban growth areas; and

(c) Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by chapter 36.70A RCW.

(3) During project review, the local government or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in subsection (2) of this section, except for issues of code interpretation. As part of its project review process, a local government shall provide a procedure for obtaining a code interpretation as provided in section 415 of this act.

(4) Pursuant to section 202 of this act, a local government may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.

(5) Nothing in this section limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations adopted under chapter 36.70A RCW and in its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable.

**NEW SECTION. Sec. 405.** (1) A proposed project's consistency with a local government's development regulations adopted under chapter 36.70A RCW, or, in the absence of applicable development regulations, the appropriate elements of the comprehensive plan or subarea plan adopted under chapter 36.70A RCW shall be determined by consideration of:

(a) The type of land use;

(b) The level of development, such as units per acre or other measures of density;

(c) Infrastructure, including public facilities and services needed to serve the development; and

(d) The character of the development, such as development standards.

(2) In determining consistency, the determinations made pursuant to section 404(2) of this act shall be controlling.

(3) For purposes of this section, the term "consistency" shall include all terms used in this chapter and chapter 36.70A RCW to refer to the performance in accordance with this chapter and chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.

(4) Nothing in this section requires documentation, dictates an agency's procedures for considering consistency, or limits a unit of government from asking more specific or related questions with respect to any of the four main categories listed in subsection (1) (a) through (d) of this section.

**NEW SECTION. Sec. 406.** Not later than March 31, 1996, each local government shall provide by ordinance or resolution for review of project permit applications to achieve the following objectives:

(1) Combine the environmental review process, both procedural and substantive, with the procedure for review of project permits; and

(2) Except as provided in RCW 43.21C.075(3), provide for no more than one open record hearing and one closed record appeal.

**NEW SECTION. Sec. 407.** Not later than March 31, 1996, each local government planning under RCW 36.70A.040 shall establish by ordinance or resolution an integrated and consolidated project permit process that may be included in its development regulations. In addition to the elements required by section 406 of this act, the process shall include the following elements:

(1) A determination of completeness to the applicant as required by RCW 36.70A.440 (as recodified by this act);

(2) A notice of application to the public and agencies with jurisdiction as required by section 415 of this act;

(3) Except as provided in section 418 of this act, an optional consolidated project permit review process as provided in section 416 of this act. The review process shall provide for no more than one consolidated open record hearing and one closed record appeal. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing;

(4) Provision allowing for any public meeting or required open record hearing to be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of sections 413 and 415 of this act;

(5) A single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the local permit. If a threshold determination other than a determination of significance has not been issued previously by the local government, the report shall include or append this determination.

(6) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, if a local government elects to provide an appeal of its threshold determinations or project permit decisions, the local government shall provide for no more than one consolidated open record hearing on such appeal. The local government need not provide for any further appeal and may provide an appeal for some but not all project permit decisions. If an appeal is provided after the open record hearing, it shall be a closed record appeal before a single decision-making body or officer;

(7) A notice of decision as required by section 417 of this act and issued within the time period provided in RCW 36.70A.065 (as recodified by this act) and section 413 of this act;

(8) Completion of project review by the local government, including environmental review and public review and any appeals to the local government, within any applicable time periods under section 413 of this act; and

(9) Any other provisions not inconsistent with the requirements of this chapter or chapter 43.21C RCW.

**Sec. 408.** RCW 36.70A.440 and 1994 c 257 s 4 are each amended to read as follows:

~~((Each city and county))~~ (1) Within twenty-eight days after receiving a project permit application, a local government planning pursuant to RCW 36.70A.040 shall ~~((, within twenty working days of receiving a development permit application as defined in RCW 36.70A.030(7),))~~ mail or provide in person a written ~~((notice))~~ determination to the applicant, stating either:

(a) That the application is complete; or

(b) That the application is incomplete and what is necessary to make the application complete.

To the extent known by the ~~((city or county))~~ local government, the ~~((notice))~~ local government shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.

(2) A project permit application is complete for purposes of this section when it meets the procedural submission requirements of the local government and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the local government from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

(3) The determination of completeness may include the following as optional information:

(a) A preliminary determination of those development regulations that will be used for project mitigation;

(b) A preliminary determination of consistency, as provided under section 405 of this act; or

(c) Other information the local government chooses to include.

(4)(a) An application shall be deemed complete under this section if the local government does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1)(b) of this section.

(b) Within fourteen days after an applicant has submitted to a local government additional information identified by the local government as being necessary for a complete application, the local government shall notify the applicant whether the application is complete or what additional information is necessary.

**Sec. 409.** RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods consistent with section 413 of this act for local government actions on specific ~~((development))~~ project permit applications and provide timely and predictable procedures to determine whether a completed ~~((development))~~ project permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed ~~((development))~~ project permit application necessary for the application of such time periods and procedures.

**Sec. 410.** RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods for local government actions on specific ~~((development))~~ project permit applications and provide timely and predictable procedures to determine whether a completed ~~((development))~~ project permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed ~~((development))~~ project permit application necessary for the application of such time periods and procedures.

NEW SECTION. Sec. 411. The amendments to RCW 36.70A.065 contained in section 409 of this act shall expire July 1, 1998.

NEW SECTION. Sec. 412. Section 410 of this act shall take effect July 1, 1998.

NEW SECTION. Sec. 413. (1) Except as otherwise provided in subsection (2) of this section, a local government planning under RCW 36.70A.040 shall issue its notice of final decision on a project permit application within one hundred twenty days after the local

government notifies the applicant that the application is complete, as provided in RCW 36.70A.440 (as recodified by this act). In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete, the following periods shall be excluded:

(a)(i) Any period during which the applicant has been requested by the local government to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the local government notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the local government.

(ii) If the local government determines that the information submitted by the applicant under (a)(i) of this subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures under (a)(i) of this subsection shall apply as if a new request for studies had been made;

(b) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to chapter 43.21C RCW, if the local government by ordinance or resolution has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement;

(c) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The local government by ordinance or resolution shall establish a time period to consider and decide such appeals. The time period shall not exceed: (i) Ninety days for an open record appeal hearing; and (ii) sixty days for a closed record appeal. The parties to an appeal may agree to extend these time periods; and

(d) Any extension of time mutually agreed upon by the applicant and the local government.

(2) The time limits established by subsection (1) of this section do not apply if a project permit application:

(a) Requires an amendment to the comprehensive plan or a development regulation;

(b) Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or

(c) Requires substantial revisions to the project proposal, in which case the time period shall start from the date at which the revised project application is determined to be complete under RCW 36.70A.440 (as recodified by this act).

(3) If the local government is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

(4) This section shall apply to project permit applications filed on or after April 1, 1996.

**NEW SECTION. Sec. 414.** A local government may require the applicant for a project permit to designate a single person or entity to receive determinations and notices required by this chapter.

**NEW SECTION. Sec. 415.** (1) Not later than April 1, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If a local government has made a determination of significance under chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application.

(2) The notice of application shall be provided within fourteen days after the determination of completeness as provided in RCW 36.70A.440 (as recodified by this act) and include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) a description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70A.440 (as recodified by this act) or section 413 of this act;

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in section 405 of this act; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government may use different types of notice for different categories of project permits or types of project actions. If a local government by resolution or ordinance does not specify its method of public notice, the local government shall use the methods provided for in (a) and (b) of this subsection. Examples of reasonable methods to inform the public are:

- (a) Posting the property for site-specific proposals;
- (b) Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by the local government;
- (c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
- (d) Notifying the news media;
- (e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;
- (f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and
- (g) Mailing to neighboring property owners.

(5) A notice of application shall not be required for project permits that are categorically exempt under chapter 43.21C RCW, unless a public comment period or an open record predecision hearing is required.

(6) A local government shall integrate the consolidated permit process procedures in this section with environmental review under chapter 43.21C RCW as follows:

(a) The local government may not issue its threshold determination, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.

(b) If an open record predecision hearing is required and the local government's threshold determination requires public notice under chapter 43.21C RCW, the local government shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.

(c) Comments shall be as specific as possible.

(7) A local government may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency provided that the hearing is held within the geographic boundary of the local government. Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held within the time periods specified in section 413 of this act or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings. All agencies of the state of Washington, including municipal corporations and counties participating in a combined hearing, are hereby authorized to issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, and take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations.

(8) All state and local agencies shall cooperate to the fullest extent possible with the local government in holding a joint hearing if requested to do so, as long as:

- (a) The agency is not expressly prohibited by statute from doing so;
- (b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
- (c) The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the local government hearing.

(9) A local government is not required to provide for administrative appeals. If provided, an administrative appeal of the project decision, combined with any environmental determinations, shall be filed within fourteen days after the notice of the decision or after other notice that the decision has been made and is appealable. The local government shall extend the appeal period for an additional seven days, if state or local rules adopted pursuant to chapter 43.21C RCW allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.

(10) The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

(11) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.

**NEW SECTION. Sec. 416.** (1) Each local government planning under RCW 36.70A.040 shall establish a permit review process that provides for the integrated and consolidated review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering all project permits requested by an applicant for all or part of a project action and a designated permit coordinator. If an applicant elects the consolidated permit review process, the determination of completeness, notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.

(2) Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the local government shall provide for consolidated permit review with a single open

record hearing and no more than one closed record appeal as provided in section 407 of this act. Each local government shall determine which project permits are subject to an open record hearing and a closed record appeal. Examples of categories of project permits include but are not limited to:

(a) Proposals that are categorically exempt from chapter 43.21C RCW, such as construction permits, that do not require environmental review or public notice;

(b) Permits that require environmental review, but no open record predecision hearing; and

(c) Permits that require a threshold determination and an open record predecision hearing and may provide for a closed record appeal to a hearing body or officer or to the local government legislative body.

(3) A local government may provide by ordinance or resolution for the same or a different decision maker or hearing body or officer for different categories of project permits. In the case of consolidated project permit review, the local government shall specify which decision makers shall make the decision or recommendation, conduct the hearing, or decide the appeal to ensure that consolidated permit review occurs as provided in this section. The consolidated permit review may combine an open record predecision hearing on one or more permits with an open record appeal hearing on other permits. In such cases, the local government by ordinance or resolution shall specify which project permits, if any, shall be subject to a closed record appeal.

**NEW SECTION. Sec. 417.** A local government planning under RCW 36.70A.040 shall provide a notice of decision that also includes a statement of any threshold determination made under chapter 43.21C RCW and the procedures for administrative appeal, if any. The notice of decision may be a copy of the report or decision on the project permit application. The notice shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The notice of decision shall include procedures for administrative appeal, if any. The local government shall provide for notice of its decision as provided in section 415(4) of this act.

**NEW SECTION. Sec. 418.** (1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), and sections 407, 413, and 415 through 417 of this act: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process different from that provided in RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), and sections 407, 413, and 415 through 417 of this act.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of sections 407 and 415 through 417 of this act: Lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

**NEW SECTION. Sec. 419.** A local government not planning under RCW 36.70A.040 may incorporate some or all of the provisions of sections 407, 413, and 415 through 417 of this act and RCW 36.70A.065 and 36.70A.440 (as recodified by this act) into its procedures for review of project permits or other project actions.

**NEW SECTION. Sec. 420.** (1) Each local government is encouraged to adopt further project review provisions to provide prompt, coordinated review and ensure accountability to applicants and the public, including expedited review for project permit applications for projects that are consistent with adopted development regulations and within the capacity of system-wide infrastructure improvements.

(2) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring a preapplication conference or a public meeting by rule, ordinance, or resolution.

(3) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

(4) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a project permit issued by a local government.

**NEW SECTION. Sec. 421.** A new section is added to chapter 64.40 RCW to read as follows:

A local government is not liable for damages under this chapter due to the local governments failure to make a final decision within the time limits established in section 413 of this act.

**Sec. 422.** RCW 43.21C.033 and 1992 c 208 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the responsible official shall make a threshold determination on a completed application within ninety days after the application and supporting documentation are complete. The applicant may request an additional thirty days for the threshold determination. The governmental entity responsible for making the threshold determination shall by rule, resolution, or ordinance adopt standards, consistent with rules adopted by the department to implement this chapter, for determining when an application and supporting documentation are complete.

(2) This section shall not apply to a city, town, or county that:

(a) By ordinance adopted prior to April 1, 1992, has adopted procedures to integrate permit and land use decisions with the requirements of this chapter; or

(b) Is planning under RCW 36.70A.040 and is subject to the requirements of section 413 of this act.

**Sec. 423.** RCW 35.63.130 and 1994 c 257 s 8 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city or county may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use(s which the legislative body believes should be reviewed and decided by a hearing examiner));

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by the hearing examiner.

(2) Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. (~~Except as provided in subsection (2) of this section,~~) The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body(=

~~(2) The legislative body may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or); or~~

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's or county's comprehensive plan and the city's or county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec. 424.** RCW 35A.63.170 and 1994 c 257 s 7 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use(s which the legislative body believes should be reviewed and decided by a hearing examiner));

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

(2) Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. (~~Except as provided in subsection (2) of this section,~~) The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body(=

~~(2) The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or); or~~

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec. 425.** RCW 36.70.970 and 1994 c 257 s 9 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority may



adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses ((applications)), variances ((applications)), ((applications for)) shoreline permits, or any other class of applications for or pertaining to development of land or land use(s);

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

(2) Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ Such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative authority;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority((-

~~(2) The legislative authority may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or); or~~

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative authority.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec. 426.** RCW 58.17.090 and 1981 c 293 s 5 are each amended to read as follows:

(1) Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall provide public notice and set a date for a public hearing. Except as provided in section 415 of this act, at a minimum, notice of the hearing shall be given in the following manner:

~~((1))~~ (a) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; and

~~((2))~~ (b) Special notice of the hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection (1)(b) shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

(2) All hearings shall be public. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

**Sec. 427.** RCW 58.17.092 and 1988 c 168 s 12 are each amended to read as follows:

Any notice made under chapter 58.17 or 36-- (the new chapter created in section 431 of this act) RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means.

**Sec. 428.** RCW 58.17.100 and 1981 c 293 s 6 are each amended to read as follows:

If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all preliminary plats and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the hearing body and may adopt or reject the recommendations of such hearing body

~~based on the record established at the public hearing.~~ If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, ~~((the change of the recommendation shall not be made until))~~ the legislative body shall ~~((conduct a public hearing and thereupon))~~ adopt its own recommendations and approve or disapprove the preliminary plat. ~~((Such public hearing may be held before a committee constituting a majority of the legislative body. If the hearing is before a committee, the committee shall report its recommendations on the matter to the legislative body for final action.))~~

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection.

Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies.

**Sec. 429.** RCW 58.17.330 and 1994 c 257 s 6 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative body may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section.))~~ The legal effect of such decisions shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body;

or

(c) The decision may be given the effect of a final decision of the legislative body.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

~~(2) ((The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or may be given the effect of a final decision of the legislative body.~~

~~(3))~~ Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**NEW SECTION. Sec. 430.** (1) The department of community, trade, and economic development shall provide training and technical assistance to counties and cities to assist them in fulfilling the requirements of chapter 36.-- RCW (the new chapter created in section 431 of this act).

(2) The land use study commission created by section 801 of this act shall monitor local government consolidated permit procedures and the effectiveness of the timelines established by section 413 of this act. The commission shall include in its report submitted to the governor and the legislature on November 30, 1997, its recommendation about what timelines, if any, should be imposed on the local government consolidated permit process required by chapter 36.-- RCW (the new chapter created in section 431 of this act).

(3) The commission shall also evaluate funding mechanisms that will enable local governments to pay for and recover the costs of conducting integrated planning and environmental analysis. The commission shall include its conclusions in its first report to the legislature in November 1995, and include any recommended statutory changes.

**NEW SECTION. Sec. 431.** Sections 401, 402, 404 through 407, 413 through 420, and 502 through 506 of this act shall constitute a new chapter in Title 36 RCW.

**NEW SECTION. Sec. 432.** RCW 36.70A.065 and 36.70A.440 are recodified as sections within the new chapter created in section 431 of this act.

**NEW SECTION. Sec. 433.** Sections 413 and 421 of this act shall expire June 30, 1998. The provisions of sections 413 and 421 of this act shall apply to project permit applications determined to be complete pursuant to RCW 36.70A.440 (as recodified by this act) on or before June 30, 1998.

## PART V - DEVELOPMENT AGREEMENTS

**NEW SECTION. Sec. 501.** The legislature finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies and regulations, and subject to conditions of approval, all as set forth in a development agreement, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development. Further, the lack of public facilities and services is a serious impediment to development of new housing and commercial uses. Project applicants and local governments may include provisions and agreements whereby applicants are

reimbursed over time for financing public facilities. It is the intent of the legislature by sections 502 through 506 of this act to allow local governments and owners and developers of real property to enter into development agreements.

**NEW SECTION. Sec. 502.** (1) A local government may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under chapter 36.70A RCW.

(2) Sections 501 through 504 of this act do not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on the effective date of sections 501 through 504 of this act, or adopted under separate authority, that includes some or all of the development standards provided in subsection (3) of this section.

(3) For the purposes of this section, "development standards" includes, but is not limited to:

- (a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
- (b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, other financial contributions by the property owner, inspection fees, or dedications;
- (c) Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;
- (d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
- (e) Affordable housing;
- (f) Parks and open space preservation;
- (g) Phasing;
- (h) Review procedures and standards for implementing decisions;
- (i) A build-out or vesting period for applicable standards; and
- (j) Any other appropriate development requirement or procedure.

(4) The execution of a development agreement is a proper exercise of county and city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

**NEW SECTION. Sec. 503.** Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

**NEW SECTION. Sec. 504.** A development agreement shall be recorded with the real property records of the county in which the property is located. During the term of the development agreement, the agreement is binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.

**NEW SECTION. Sec. 505.** A county or city shall only approve a development agreement by ordinance or resolution after a public hearing. The county or city legislative body or a planning commission, hearing examiner, or other body designated by the legislative body to conduct the public hearing may conduct the hearing. If the development agreement relates to a project permit application, the provisions of chapter 36-- RCW (sections 701 through 715 of this act) shall apply to the appeal of the decision on the development agreement.

**NEW SECTION. Sec. 506.** Nothing in sections 501 through 505 of this act is intended to authorize local governments to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of state law.

## **PART VI - STATE PERMIT COORDINATION**

**NEW SECTION. Sec. 601.** The legislature hereby finds and declares:

(1) Washington's environmental protection programs have established strict standards to reduce pollution and protect the public health and safety and the environment. The single-purpose programs instituted to achieve these standards have been successful in many respects, and have produced significant gains in protecting Washington's environment in the face of substantial population growth.

(2) Continued progress to achieve the environmental standards in the face of continued population growth will require greater coordination between the single-purpose environmental programs and more efficient operation of these programs overall. Pollution must be prevented and controlled and not simply transferred to another media or another place. This goal can only be achieved by maintaining the current environmental protection standards and by greater integration of the existing programs.

(3) As the number of environmental laws and regulations have grown in Washington, so have the number of permits required of business and government. This regulatory burden has significantly added to the cost and time needed to obtain essential permits in Washington.

The increasing number of individual permits and permit authorities has generated the continuing potential for conflict, overlap, and duplication between the various state, local, and federal permits.

(4) The purpose of this chapter is to institute new, efficient procedures that will assist businesses and public agencies in complying with the environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment.

(5) Those procedures need to provide a permit process that promotes effective dialogue and ensures ease in the transfer and clarification of technical information, while preventing duplication. It is necessary that the procedures establish a process for preliminary and ongoing meetings between the applicant, the coordinating permit agency, and the participating permit agencies, but do not preclude the applicant or participating permit agencies from individually coordinating with each other.

(6) It is necessary, to the maximum extent practicable, that the procedures established in this chapter ensure that the coordinated permit agency process and applicable permit requirements and criteria are integrated and run concurrently, rather than consecutively.

(7) It is necessary to provide a reliable and consolidated source of information concerning federal, state, and local environmental and land use laws and procedures that apply to any given proposal.

(8) The process shall provide an optional process by which a project proponent may obtain active coordination of all applicable regulatory and land-use permitting procedures. This process is not to replace individual laws, or diminish the substantive decision-making role of individual jurisdictions. Rather it is to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes.

(9) It is the intent of this chapter to provide consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

**NEW SECTION. Sec. 602.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the commission by section 603 of this act.

(2) "Commission" means the Washington independent regulatory affairs commission created in chapter . . . , Laws of 1995 (Senate Bill No. 6037).

(3) "Coordinating permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(4) "Participating permit agency" means a permit agency, other than the coordinating permit agency, that is responsible for the issuance of a permit for a project.

(5) "Permit" means any license, certificate, registration, permit, or other form of authorization required by a permit agency to engage in a particular activity.

(6) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency or county, city, or town that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

(7) "Project" means an activity, the conduct of which requires permits from one or more permit agencies.

**NEW SECTION. Sec. 603.** The permit assistance center is established within the commission. The center shall:

(1) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. The center shall coordinate with the business assistance center in providing and maintaining this information to applicants and others. To the extent possible, the handbook shall include relevant federal and tribal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies and tribal governments;

(2) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

(3) Work closely and cooperatively with the business license center and the business assistance center in providing efficient and nonduplicative service to the public;

(4) Seek the assignment of employees from the permit agencies listed under section 602(6)(a) of this act to serve on a rotating basis in staffing the center; and

(5) Provide an annual report to the legislature on potential conflicts and perceived inconsistencies among existing statutes. The first report shall be submitted to the appropriate standing committees of the house of representatives and senate by December 1, 1996.

**NEW SECTION. Sec. 604.** (1) Not later than January 1, 1996, the center shall establish by rule an administrative process for the designation of a coordinating permit agency for a project.

(2) The administrative process shall consist of the establishment of guidelines for designating the coordinating permit agency for a project. If a permit agency is the lead agency for purposes of chapter 43.21C RCW, that permit agency shall be the coordinating permit agency. In other cases, the guidelines shall require that at least the following factors be considered in determining which permit agency has the greatest overall jurisdiction over the project:

(a) The types of facilities or activities that make up the project;

- (b) The types of public health and safety and environmental concerns that should be considered in issuing permits for the project;
- (c) The environmental medium that may be affected by the project, the extent of those potential effects, and the environmental protection measures that may be taken to prevent the occurrence of, or to mitigate, those potential effects;
- (d) The regulatory activity that is of greatest importance in preventing or mitigating the effects that the project may have on public health and safety or the environment; and
- (e) The statutory and regulatory requirements that apply to the project and the complexity of those requirements.

**NEW SECTION. Sec. 605.** Upon the request of a project applicant, the center shall appoint a project facilitator to assist the applicant in determining which regulatory requirements, processes, and permits may be required for development and operation of the proposed project. The project facilitator shall provide the information to the applicant and explain the options available to the applicant in obtaining the required permits. If the applicant requests, the center shall designate a coordinating permit agency as provided in section 606 of this act.

**NEW SECTION. Sec. 606.** (1) A permit applicant who requests the designation of a coordinating permit agency shall provide the center with a description of the project, a preliminary list of the permits that the project may require, the identity of any public agency that has been designated the lead agency for the project pursuant to chapter 43.21C RCW, and the identity of the participating permit agencies. The center may request any information from the permit applicant that is necessary to make the designation under this section, and may convene a scoping meeting of the likely coordinating permit agency and participating permit agencies in order to make that designation.

(2) The coordinating permit agency shall serve as the main point of contact for the permit applicant with regard to the coordinated permit process for the project and shall manage the procedural aspects of that processing consistent with existing laws governing the coordinating permit agency and participating permit agencies, and with the procedures agreed to by those agencies in accordance with section 607 of this act. In carrying out these responsibilities, the coordinating permit agency shall ensure that the permit applicant has all the information needed to apply for all the component permits that are incorporated in the coordinated permit process for the project, coordinate the review of those permits by the respective participating permit agencies, ensure that timely permit decisions are made by the participating permit agencies, and assist in resolving any conflict or inconsistency among the permit requirements and conditions that are to be imposed by the participating permit agencies with regard to the project. The coordinating permit agency shall keep in contact with the applicant as well as other permit agencies in order to assure that the process is progressing as scheduled. The coordinating permit agency shall also make contact, at least once, with any local jurisdiction that is responsible for issuing a permit for the project if the local jurisdiction has not agreed to be a participating permit agency as provided in section 602(6) of this act.

(3) This chapter shall not be construed to limit or abridge the powers and duties granted to a participating permit agency under the law that authorizes or requires the agency to issue a permit for a project. Each participating permit agency shall retain its authority to make all decisions on all nonprocedural matters with regard to the respective component permit that is within its scope of its responsibility, including, but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial. The coordinating permit agency may not substitute its judgment for that of a participating permit agency on any such nonprocedural matters.

**NEW SECTION. Sec. 607.** (1) Within twenty-one days of the date that the coordinating permit agency is designated, it shall convene a meeting with the permit applicant for the project and the participating permit agencies. The meeting agenda shall include at least all of the following matters:

- (a) A determination of the permits that are required for the project;
- (b) A review of the permit application forms and other application requirements of the agencies that are participating in the coordinated permit process;
- (c)(i) A determination of the timelines that will be used by the coordinating permit agency and each participating permit agency to make permit decisions, including the time periods required to determine if the permit applications are complete, to review the application or applications, and to process the component permits. In the development of this timeline, full attention shall be given to achieving the maximum efficiencies possible through concurrent studies, consolidated applications, hearings, and comment periods. Except as provided in (c)(ii) of this subsection, the timelines established under this subsection, with the assent of the coordinating permit agency and each participating permit agency, shall commit the coordinating permit agency and each participating permit agency to act on the component permit within time periods that are different than those required by other applicable provisions of law.
  - (ii) An accelerated time period for the consideration of a permit application may not be set if that accelerated time period would be inconsistent with, or in conflict with, any time period or series of time periods set by statute for that consideration, or with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires any of the following:
    - (A) Other agencies, interested persons, federally recognized Indian tribes, or the public to be given adequate notice of the application;
    - (B) Other agencies to be given a role in, or be allowed to participate in, the decision to approve or disapprove the application; or
    - (C) Interested persons or the public to be provided the opportunity to challenge, comment on, or otherwise voice their concerns regarding the application;
- (d) The scheduling of any public hearings that are required to issue permits for the project and a determination of the feasibility of coordinating or consolidating any of those required public hearings; and

(e) A discussion of fee arrangements for the coordinated permit process, including an estimate of the costs allowed under section 610 of this act and the billing schedule.

(2) Each agency shall send at least one representative qualified to make decisions concerning the applicability and timelines associated with all permits administered by that jurisdiction. At the request of the applicant, the coordinating permit agency shall notify any relevant federal agency or federally recognized tribe of the date of the meeting and invite that agency's participation in the process.

(3) If a permit agency or the applicant foresees, at any time, that it will be unable to meet its obligations under the agreement, it shall notify the coordinating permit agency of the problem. The coordinating permit agency shall notify the participating permit agencies and the applicant and, upon agreement of all parties, adjust the schedule, or, if necessary, schedule another work plan meeting.

(4) The coordinating permit agency may request any information from the applicant that is necessary to comply with its obligations under this section, consistent with the timelines set pursuant to this section.

(5) A summary of the decisions made under this section shall be made available for public review upon the filing of the coordinated permit process application or permit applications.

**NEW SECTION. Sec. 608.** (1) The permit applicant may withdraw from the coordinated permit process by submitting to the coordinating permit agency a written request that the process be terminated. Upon receipt of the request, the coordinating permit agency shall notify the center and each participating permit agency that a coordinated permit process is no longer applicable to the project.

(2) The permit applicant may submit a written request to the coordinating permit agency that the permit applicant wishes a participating permit agency to withdraw from participation on the basis of a reasonable belief that the issuance of the coordinated permit process would be accelerated if the participating permit agency withdraws. In that event, the participating permit agency shall withdraw from participation if the coordinating permit agency approves the request.

**NEW SECTION. Sec. 609.** The coordinating permit agency shall ensure that the participating permit agencies make all the permit decisions that are necessary for the incorporation of the permits into the coordinated permit process and act on the component permits within the time periods established pursuant to section 607 of this act.

**NEW SECTION. Sec. 610.** (1) The coordinating permit agency may enter into a written agreement with the applicant to recover from the applicant the reasonable costs incurred by the coordinating permit agency in carrying out the requirements of this chapter.

(2) The coordinating permit agency may recover only the costs of performing those coordinated permit services and shall be negotiated with the permit applicant in the meeting required pursuant to section 607 of this act. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

**NEW SECTION. Sec. 611.** A petition by the permit applicant for review of an agency action in issuing, denying, or amending a permit, or any portion of a coordinating permit agency permit, shall be submitted by the permit applicant to the coordinating permit agency or the participating permit agency having jurisdiction over that permit and shall be processed in accordance with the procedures of that permit agency. Within thirty days of receiving the petition, the coordinating permit agency shall notify the other environmental agencies participating in the original coordinated permit process.

**NEW SECTION. Sec. 612.** If an applicant petitions for a significant amendment or modification to a coordinated permit process application or any of its component permit applications, the coordinating permit agency shall reconvene a meeting of the participating permit agencies, conducted in accordance with section 607 of this act.

**NEW SECTION. Sec. 613.** If an applicant fails to provide information required for the processing of the component permit applications for a coordinated permit process or for the designation of a coordinating permit agency, the time requirements of this chapter shall be held in abeyance until such time as the information is provided.

**NEW SECTION. Sec. 614.** (1) The center, by rule, shall establish an expedited appeals process by which a petitioner or applicant may appeal any failure by a permit agency to take timely action on the issuance or denial of a permit in accordance with the time limits established under this chapter.

(2) If the center finds that the time limits under appeal have been violated without good cause, it shall establish a date certain by which the permit agency shall act on the permit application with adequate provision for the requirements of section 607(1)(c)(ii) (A) through (C) of this act, and provide for the full reimbursement of any filing or permit processing fees paid by the applicant to the permit agency for the permit application under appeal.

**NEW SECTION. Sec. 615.** Nothing in this chapter affects the jurisdiction of the energy facility site evaluation council as provided in chapter 80.50 RCW.

**NEW SECTION. Sec. 616.** By December 1, 1997, the center shall submit a report to the appropriate committees of both houses of the legislature detailing the following information:

- (1) The number of instances in which a coordinating permit agency has been requested and used, and the disposition of those cases;
- (2) The amount of time elapsed between an initial request by a permit applicant for a coordinated permit process and the ultimate approval or disapproval of the permits included in the process; and
- (3) The number of instances in which the expedited appeals process was requested, and the disposition of those cases.

**NEW SECTION. Sec. 617.** The sum of seventy thousand dollars or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the general fund; the sum of ninety thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the state toxics control account; and the sum of fifty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the air pollution control account to the Washington independent regulatory affairs commission for the purposes of sections 601 through 616 of this act.

**NEW SECTION. Sec. 618.** A new section is added to chapter 43.131 RCW to read as follows:

The permit assistance center and its powers and duties shall be terminated June 30, 1999, as provided in section 619 of this act.

**NEW SECTION. Sec. 619.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

- (1) RCW 90.--.-- and 1995 c -- s 601 (section 601 of this act);
- (2) RCW 90.--.-- and 1995 c -- s 602 (section 602 of this act);
- (3) RCW 90.--.-- and 1995 c -- s 603 (section 603 of this act);
- (4) RCW 90.--.-- and 1995 c -- s 604 (section 604 of this act);
- (5) RCW 90.--.-- and 1995 c -- s 605 (section 605 of this act);
- (6) RCW 90.--.-- and 1995 c -- s 606 (section 606 of this act);
- (7) RCW 90.--.-- and 1995 c -- s 607 (section 607 of this act);
- (8) RCW 90.--.-- and 1995 c -- s 608 (section 608 of this act);
- (9) RCW 90.--.-- and 1995 c -- s 609 (section 609 of this act);
- (10) RCW 90.--.-- and 1995 c -- s 610 (section 610 of this act);
- (11) RCW 90.--.-- and 1995 c -- s 611 (section 611 of this act);
- (12) RCW 90.--.-- and 1995 c -- s 612 (section 612 of this act);
- (13) RCW 90.--.-- and 1995 c -- s 613 (section 613 of this act);
- (14) RCW 90.--.-- and 1995 c -- s 614 (section 614 of this act);
- (15) RCW 90.--.-- and 1995 c -- s 615 (section 615 of this act); and
- (16) RCW 90.--.-- and 1995 c -- s 616 (section 616 of this act).

**NEW SECTION. Sec. 620.** The following acts or parts of acts are each repealed:

- (1) RCW 90.62.010 and 1982 c 179 s 1, 1977 c 54 s 1, & 1973 1st ex.s. c 185 s 1;
- (2) RCW 90.62.020 and 1994 c 264 s 96, 1988 c 36 s 71, 1977 c 54 s 2, & 1973 1st ex.s. c 185 s 2;
- (3) RCW 90.62.030 and 1973 1st ex.s. c 185 s 3;
- (4) RCW 90.62.040 and 1990 c 137 s 1, 1977 c 54 s 3, & 1973 1st ex.s. c 185 s 4;
- (5) RCW 90.62.050 and 1977 c 54 s 4 & 1973 1st ex.s. c 185 s 5;
- (6) RCW 90.62.060 and 1982 c 179 s 2, 1977 c 54 s 5, & 1973 1st ex.s. c 185 s 6;
- (7) RCW 90.62.070 and 1973 1st ex.s. c 185 s 7;
- (8) RCW 90.62.080 and 1987 c 109 s 156, 1977 c 54 s 6, & 1973 1st ex.s. c 185 s 8;
- (9) RCW 90.62.090 and 1977 c 54 s 7 & 1973 1st ex.s. c 185 s 9;
- (10) RCW 90.62.100 and 1977 c 54 s 8 & 1973 1st ex.s. c 185 s 10;
- (11) RCW 90.62.110 and 1973 1st ex.s. c 185 s 11;
- (12) RCW 90.62.120 and 1973 1st ex.s. c 185 s 12;
- (13) RCW 90.62.130 and 1977 c 54 s 9;
- (14) RCW 90.62.900 and 1973 1st ex.s. c 185 s 13;
- (15) RCW 90.62.901 and 1973 1st ex.s. c 185 s 14;
- (16) RCW 90.62.904 and 1973 1st ex.s. c 185 s 15;
- (17) RCW 90.62.905 and 1973 1st ex.s. c 185 s 16;
- (18) RCW 90.62.906 and 1973 1st ex.s. c 185 s 18;
- (19) RCW 90.62.907 and 1973 1st ex.s. c 185 s 19; and
- (20) RCW 90.62.908 and 1977 c 54 s 10.

**NEW SECTION. Sec. 621.** Sections 601 through 616 of this act shall constitute a new chapter in Title 90 RCW.

## PART VII - APPEALS

**NEW SECTION. Sec. 701.** This chapter may be known and cited as the land use petition act.

**NEW SECTION. Sec. 702.** The purpose of this chapter is to reform the process for judicial review of land use decisions made by local jurisdictions, by establishing uniform, expedited appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review.

**NEW SECTION. Sec. 703.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Land use decision" means a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

(a) An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public property and excluding applications for legislative approvals such as area-wide rezones and annexations;

(b) An interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property; and

(c) The enforcement by a local jurisdiction of ordinances regulating the improvement, development, modification, maintenance, or use of real property. However, when a local jurisdiction is required by law to enforce the ordinances in a court of limited jurisdiction, a petition may not be brought under this chapter.

(2) "Local jurisdiction" means a county, city, or incorporated town.

(3) "Person" means an individual, partnership, corporation, association, public or private organization, or governmental entity or agency.

**NEW SECTION. Sec. 704.** (1) This chapter replaces the writ of certiorari for appeal of land use decisions and shall be the exclusive means of judicial review of land use decisions, except that this chapter does not apply to:

(a) Judicial review of:

(i) Land use decisions made by bodies that are not part of a local jurisdiction;

(ii) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board or the growth management hearings board;

(b) Judicial review of applications for a writ of mandamus or prohibition; or

(c) Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the claims are not subject to the procedures and standards, including deadlines, provided in this chapter for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.

(2) The superior court civil rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

**NEW SECTION. Sec. 705.** (1) Proceedings for review under this chapter shall be commenced by filing a land use petition in superior court.

(2) A land use petition is barred, and the court may not grant review, unless the petition is timely filed with the court and timely served on the following persons who shall be parties to the review of the land use petition:

(a) The local jurisdiction, which for purposes of the petition shall be the jurisdiction's corporate entity and not an individual decision maker or department;

(b) Each of the following persons if the person is not the petitioner:

(i) Each person identified by name and address in the local jurisdiction's written decision as an applicant for the permit or approval at issue; and

(ii) Each person identified by name and address in the local jurisdiction's written decision as an owner of the property at issue;

(c) If no person is identified in a written decision as provided in (b) of this subsection, each person identified by name and address as a taxpayer for the property at issue in the records of the county assessor, based upon the description of the property in the application; and

(d) Each person named in the written decision who filed an appeal to a local jurisdiction quasi-judicial decision maker regarding the land use decision at issue, unless the person has abandoned the appeal or the person's claims were dismissed before the quasi-judicial decision was rendered. Persons who later intervened or joined in the appeal are not required to be made parties under this subsection.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section within twenty-one days of the issuance of the land use decision.

(4) For the purposes of this section, the date on which a land use decision is issued is:

(a) Three days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available;

(b) If the land use decision is made by ordinance or resolution by a legislative body sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or

(c) If neither (a) nor (b) of this subsection applies, the date the decision is entered into the public record.

(5) Service on the local jurisdiction must be by delivery of a copy of the petition to the persons identified by or pursuant to RCW 4.28.080 to receive service of process. Service on other parties must be in accordance with the superior court civil rules or by first class mail to:

(a) The address stated in the written decision of the local jurisdiction for each person made a party under subsection (2)(b) of this section;



(b) The address stated in the records of the county assessor for each person made a party under subsection (2)(c) of this section; and  
(c) The address stated in the appeal to the quasi-judicial decision maker for each person made a party under subsection (2)(d) of this section.

(6) Service by mail is effective on the date of mailing and proof of service shall be by affidavit or declaration under penalty of perjury.

**NEW SECTION. Sec. 706.** If the applicant for the land use approval is not the owner of the real property at issue, and if the owner is not accurately identified in the records referred to in section 705(2) (b) and (c) of this act, the applicant shall be responsible for promptly securing the joinder of the owners. In addition, within fourteen days after service each party initially named by the petitioner shall disclose to the other parties the name and address of any person whom such party knows may be needed for just adjudication of the petition, and the petitioner shall promptly name and serve any such person whom the petitioner agrees may be needed for just adjudication. If such a person is named and served before the initial hearing, leave of court for the joinder is not required, and the petitioner shall provide the newly joined party with copies of the pleadings filed before the party's joinder. Failure by the petitioner to name or serve, within the time required by section 705(3) of this act, persons who are needed for just adjudication but who are not identified in the records referred to in section 705(2)(b) of this act, or in section 705(2)(c) of this act if applicable, shall not deprive the court of jurisdiction to hear the land use petition.

**NEW SECTION. Sec. 707.** Standing to bring a land use petition under this chapter is limited to the following persons:

(1) The applicant and the owner of property to which the land use decision is directed;  
(2) Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

(a) The land use decision has prejudiced or is likely to prejudice that person;  
(b) That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;  
(c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and  
(d) The petitioner has exhausted his or her administrative remedies to the extent required by law.

**NEW SECTION. Sec. 708.** A land use petition must set forth:

(1) The name and mailing address of the petitioner;  
(2) The name and mailing address of the petitioner's attorney, if any;  
(3) The name and mailing address of the local jurisdiction whose land use decision is at issue;  
(4) Identification of the decision-making body or officer, together with a duplicate copy of the decision, or, if not a written decision, a summary or brief description of it;  
(5) Identification of each person to be made a party under section 705(2) (b) through (d) of this act;  
(6) Facts demonstrating that the petitioner has standing to seek judicial review under section 707 of this act;  
(7) A separate and concise statement of each error alleged to have been committed;  
(8) A concise statement of facts upon which the petitioner relies to sustain the statement of error; and  
(9) A request for relief, specifying the type and extent of relief requested.

**NEW SECTION. Sec. 709.** (1) Within seven days after the petition is served on the parties identified in section 705(2) of this act, the petitioner shall note, according to the local rules of superior court, an initial hearing on jurisdictional and preliminary matters. This initial hearing shall be set no sooner than thirty-five days and no later than fifty days after the petition is served on the parties identified in section 705(2) of this act.

(2) The parties shall note all motions on jurisdictional and procedural issues for resolution at the initial hearing, except that a motion to allow discovery may be brought sooner. Where confirmation of motions is required, each party shall be responsible for confirming its own motions.

(3) The defenses of lack of standing, untimely filing or service of the petition, and failure to join persons needed for just adjudication are waived if not raised by timely motion noted to be heard at the initial hearing, unless the court allows discovery on such issues.

(4) The petitioner shall move the court for an order at the initial hearing that sets the date on which the record must be submitted, sets a briefing schedule, sets a discovery schedule if discovery is to be allowed, and sets a date for the hearing or trial on the merits.

(5) The parties may waive the initial hearing by scheduling with the court a date for the hearing or trial on the merits and filing a stipulated order that resolves the jurisdictional and procedural issues raised by the petition, including the issues identified in subsections (3) and (4) of this section.

(6) A party need not file an answer to the petition.

**NEW SECTION. Sec. 710.** The court shall provide expedited review of petitions filed under this chapter. The matter must be set for hearing within sixty days of the date set for submitting the local jurisdiction's record, absent a showing of good cause for a different date or a stipulation of the parties.

**NEW SECTION. Sec. 711.** (1) A petitioner or other party may request the court to stay or suspend an action by the local jurisdiction or another party to implement the decision under review. The request must set forth a statement of grounds for the stay and the factual basis for the request.

(2) A court may grant a stay only if the court finds that:

- (a) The party requesting the stay is likely to prevail on the merits;
- (b) Without the stay the party requesting it will suffer irreparable harm;
- (c) The grant of a stay will not substantially harm other parties to the proceedings; and
- (d) The request for the stay is timely in light of the circumstances of the case.

(3) The court may grant the request for a stay upon such terms and conditions, including the filing of security, as are necessary to prevent harm to other parties by the stay.

**NEW SECTION. Sec. 712.** (1) Within forty-five days after entry of an order to submit the record, or within such a further time as the court allows or as the parties agree, the local jurisdiction shall submit to the court a certified copy of the record for judicial review of the land use decision, except that the petitioner shall prepare at the petitioner's expense and submit a verbatim transcript of any hearings held on the matter.

(2) If the parties agree, or upon order of the court, the record shall be shortened or summarized to avoid reproduction and transcription of portions of the record that are duplicative or not relevant to the issues to be reviewed by the court.

(3) The petitioner shall pay the local jurisdiction the cost of preparing the record before the local jurisdiction submits the record to the court. Failure by the petitioner to timely pay the local jurisdiction relieves the local jurisdiction of responsibility to submit the record and is grounds for dismissal of the petition.

(4) If the relief sought by the petitioner is granted in whole or in part the court shall equitably assess the cost of preparing the record among the parties. In assessing costs the court shall take into account the extent to which each party prevailed and the reasonableness of the parties' conduct in agreeing or not agreeing to shorten or summarize the record under subsection (2) of this section.

**NEW SECTION. Sec. 713.** (1) When the land use decision being reviewed was made by a quasi-judicial body or officer who made factual determinations in support of the decision and the parties to the quasi-judicial proceeding had an opportunity consistent with due process to make a record on the factual issues, judicial review of factual issues and the conclusions drawn from the factual issues shall be confined to the record created by the quasi-judicial body or officer, except as provided in subsections (2) through (4) of this section.

(2) For decisions described in subsection (1) of this section, the record may be supplemented by additional evidence only if the additional evidence relates to:

(a) Grounds for disqualification of a member of the body or of the officer that made the land use decision, when such grounds were unknown by the petitioner at the time the record was created;

(b) Matters that were improperly excluded from the record after being offered by a party to the quasi-judicial proceeding; or

(c) Matters that were outside the jurisdiction of the body or officer that made the land use decision.

(3) For land use decisions other than those described in subsection (1) of this section, the record for judicial review may be supplemented by evidence of material facts that were not made part of the local jurisdiction's record.

(4) The court may require or permit corrections of ministerial errors or inadvertent omissions in the preparation of the record.

(5) The parties may not conduct pretrial discovery except with the prior permission of the court, which may be sought by motion at any time after service of the petition. The court shall not grant permission unless the party requesting it makes a prima facie showing of need. The court shall strictly limit discovery to what is necessary for equitable and timely review of the issues that are raised under subsections (2) and (3) of this section. If the court allows the record to be supplemented, the court shall require the parties to disclose before the hearing or trial on the merits the specific evidence they intend to offer. If any party, or anyone acting on behalf of any party, requests records under chapter 42.17 RCW relating to the matters at issue, a copy of the request shall simultaneously be given to all other parties and the court shall take such request into account in fashioning an equitable discovery order under this section.

**NEW SECTION. Sec. 714.** (1) The superior court, acting without a jury, shall review the record and such supplemental evidence as is permitted under section 713 of this act. The court may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;

(c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;

(d) The land use decision is a clearly erroneous application of the law to the facts;

(e) The land use decision is outside the authority or jurisdiction of the body or officer making the decision; or

(f) The land use decision violates the constitutional rights of the party seeking relief.

(2) In order to grant relief under this chapter, it is not necessary for the court to find that the local jurisdiction engaged in arbitrary and capricious conduct. A grant of relief by itself may not be deemed to establish liability for monetary damages or compensation.

**NEW SECTION. Sec. 715.** The court may affirm or reverse the land use decision under review or remand it for modification or further proceedings. If the decision is remanded for modification or further proceedings, the court may make such an order as it finds necessary to preserve the interests of the parties and the public, pending further proceedings or action by the local jurisdiction.

**Sec. 716.** RCW 7.16.360 and 1989 c 175 s 38 are each amended to read as follows:

This chapter does not apply to state agency action reviewable under chapter 34.05 RCW or to land use decisions of local jurisdictions reviewable under chapter 36.-- RCW (sections 701 through 715 of this act).

**Sec. 717.** RCW 58.17.180 and 1983 c 121 s 5 are each amended to read as follows:

Any decision approving or disapproving any plat shall be reviewable ~~((for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of the county in which such matter is pending. Standing to bring the action is limited to the following parties:~~

- ~~(1) The applicant or owner of the property on which the subdivision is proposed;~~
- ~~(2) Any property owner entitled to special notice under RCW 58.17.090;~~
- ~~(3) Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision.~~

~~Application for a writ of review shall be made to the court within thirty days from any decision so to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant))~~ under chapter 36.-- RCW (sections 701 through 715 of this act).

**NEW SECTION. Sec. 718.** A new section is added to chapter 4.84 RCW to read as follows:

(1) Notwithstanding any other provisions of this chapter, reasonable attorneys' fees and costs shall be awarded to the prevailing party or substantially prevailing party on appeal before the court of appeals or the supreme court of a decision by a county, city, or town to issue, condition, or deny a development permit involving a site-specific rezone, zoning, plat, conditional use, variance, shoreline permit, building permit, site plan, or similar land use approval or decision. The court shall award and determine the amount of reasonable attorneys' fees and costs under this section if:

(a) The prevailing party on appeal was the prevailing or substantially prevailing party before the county, city, or town, or in a decision involving a substantial development permit under chapter 90.58 RCW, the prevailing party on appeal was the prevailing party or the substantially prevailing party before the shoreline hearings board; and

(b) The prevailing party on appeal was the prevailing party or substantially prevailing party in all prior judicial proceedings.

(2) In addition to the prevailing party under subsection (1) of this section, the county, city, or town whose decision is on appeal is considered a prevailing party if its decision is upheld at superior court and on appeal.

**NEW SECTION. Sec. 719.** Sections 701 through 715 of this act shall constitute a new chapter in Title 36 RCW.

## PART VIII - STUDY

**NEW SECTION. Sec. 801.** The land use study commission is hereby established. The commission's goal shall be the integration and consolidation of the state's land use and environmental laws into a single, manageable statute. In fulfilling its responsibilities, the commission shall evaluate the effectiveness of the growth management act, the state environmental policy act, the shoreline management act, and other state land use, planning, environmental, and permitting statutes in achieving their stated goals.

**NEW SECTION. Sec. 802.** The commission shall consist of not more than fourteen members. Eleven members of the commission shall be appointed by the governor. Membership shall reflect the interests of business, agriculture, labor, the environment, neighborhood groups, other citizens, the legislature, cities, counties, and federally recognized Indian tribes. Members shall have substantial experience in matters relating to land use and environmental planning and regulation, and shall have the ability to work toward cooperative solutions among diverse interests. The director of the department of community, trade, and economic development, or the director's designee, shall be a member and shall serve as chair of the commission. The director of the department of ecology, or the director's designee, and the secretary of the department of transportation, or the secretary's designee, shall also be members of the commission. Staff for the commission shall be provided by the department of community, trade, and economic development, with additional staff to be provided by other state agencies and the legislature, as may be required. State agencies shall provide the commission with information and assistance as needed.

**NEW SECTION. Sec. 803.** The commission shall convene commencing June 1, 1995, and shall complete its work by June 30, 1998. The commission shall submit a report to the governor and the legislature stating its findings, conclusions, and recommendations not later than November 1 of each year. The commission shall submit its final report to the governor and the legislature not later than November 1, 1997.

**NEW SECTION. Sec. 804.** The commission shall:

(1) Consider the effectiveness of state and local government efforts to consolidate and integrate the growth management act, the state environmental policy act, the shoreline management act, and other land use, planning, environmental, and permitting laws.

(2) Identify the revisions and modifications needed in state land use, planning, and environmental law and practice to adequately plan for growth and achieve economically and environmentally sustainable development, to adequately assess environmental impacts of comprehensive plans, development regulations, and growth, and to reduce the time and cost of obtaining project permits.

(3) Draft a consolidated land use procedure, following these guidelines:

(a) Conduct land use planning through the comprehensive planning process under chapter 36.70A RCW rather than through review of individual projects;

(b) Involve diverse sectors of the public in the planning process. Early and informal environmental analysis should be incorporated into planning and decision making;

(c) Recognize that different questions need to be answered and different levels of detail applied at each planning phase, from the initial development of plan concepts or plan elements to implementation programs;

(d) Integrate and combine to the fullest extent possible the processes, analysis, and documents currently required under chapters 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent implementation will incorporate measures to promote the environmental, economic, and other goals and to mitigate undesirable or unintended adverse impacts on a community's quality of life;

(e) Focus environmental review and the level of detail needed for different stages of plan and project decisions on the environmental considerations most relevant to that stage of the process;

(f) Avoid duplicating review that has occurred for plan decisions when specific projects are proposed;

(g) Use environmental review on projects to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by agencies, tribes, and the public on compliance with applicable environmental laws and plans, including mitigation for site specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures;

(h) Maintain or improve the quality of environmental analysis both for plan and for project decisions, while integrating these analyses with improved state and local planning and permitting processes;

(i) Examine existing land use and environmental permits for necessity and utility. To the extent possible, existing permits should be combined into fewer permits, assuring that the values and principles intended to be protected by those permits remain protected; and

(j) Consolidate local government appeal processes to allow a single appeal of permits at local government levels, a single state level administrative appeal, and a final judicial appeal.

(4) Monitor instances state-wide of the vesting of project permit applications during the period that an appeal is pending before a growth management hearings board, as authorized under RCW 36.70A.300. The commission shall also review the extent to which such vesting results in the approval of projects that are inconsistent with a comprehensive plan or development regulation provision ultimately found to be in compliance with a board's order or remand. The commission shall analyze the impact of such approvals on ensuring the attainment of the goals and policies of chapter 36.70A RCW, and make recommendations to the governor and the legislature on statutory changes to address any adverse impacts from the provisions of RCW 36.70A.300. The commission shall provide an initial report on its findings and recommendations by November 1, 1995, and submit its further findings and recommendations subsequently in the reports required under section 803 of this act.

(5) These guidelines are intended to guide the work of the commission, without limiting its charge to integrate and consolidate Washington's land use and environmental laws into a single, manageable statutory framework.

NEW SECTION. **Sec. 805.** Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 806.** Sections 801 through 805 of this act shall expire June 30, 1998.

## PART IX - MISCELLANEOUS

NEW SECTION. **Sec. 901.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 902.** Part headings and the table of contents as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 903.** Sections 801 through 806 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995."

## MOTION

Senator Palmer moved that the following amendment to the striking amendment by Senators Sheldon, Ann Anderson, Fraser, Swecker, Drew, Hale, Haugen, Winsley, Spanel, Snyder and Gaspard be adopted:

On page 6, after line 22 of the amendment, insert the following:

"**Sec. 105.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ~~((ten))~~ seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.

Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption."

Renumber the remaining sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator Fraser: "Mr. President, a point of order. I believe this amendment to the amendment exceeds the scope and object of the bill. The bill before us, the striking amendment before us, deals with processes and procedures pertaining to how local governments plan and process permits and handle appeals under current growth laws and under current environmental laws. It doesn't change those laws and it doesn't change who has to plan under those. The amendment to the amendment does change who has to plan under some of those laws, so I feel it does exceed the scope and object of the bill."

Debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5489.

#### SECOND READING

SENATE BILL NO. 5728, by Senators Gaspard, McDonald, Wojahn, Rinehart, Rasmussen and Winsley

Modifying the business and occupation tax on international investment management companies.

The bill was read the second time.

#### MOTION

Senator Hale moved that the following amendments by Senators Hale and Ann Anderson be considered simultaneously and be adopted:

On page 3, line 11, after "(1)" strike everything through and including "(3)" on line 22 and insert the following: "~~((Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 821.04.250 or 821.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 2.5 percent.~~

(2) ~~Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of 1.70 percent.~~

~~(3))"~~

On page 3, line 27, before "Upon" strike "(4)" and insert "(2)"

On page 3, line 30, after "82.04.280, and" strike everything through and including "(3)" on line 30 and insert "subsection((s)) (1) (~~and 2)~~)"

On page 3, line 33, after "rate of" strike "2.0" and insert "~~((2.0))~~ 1.5"

#### POINT OF ORDER

Senator Gaspard: "Mr. President, I would ask you to--at least I challenge the amendment for scope and object. The bill that is before us is specifically for a category of businesses--international investment management--and a B & O tax that would be appropriate for that service. The amendment that is being offered greatly expands the intent of the legislation that is before us to not only include services for other businesses and services, but for financial services and other miscellaneous services. As it was explained earlier, it went into a myriad of other B & O tax rates for other types of services. I would contend, Mr. President, that this is a bill only for international investment management services and should not be expanded beyond that."

Further debate ensued.

There being no objection, further consideration of Senate Bill No. 5728 was deferred.

#### POINT OF ORDER

Senator Roach: "A point of order, Mr. President. For the edification of the members, and to be spread on the Journal of the Washington State Senate, I would like to announce the first runs of the ballot on the RTA show a forty-one thousand nine hundred and six in King County 'yes' votes; 'no' votes, fifty-eight thousand one hundred and sixty five, which means it is being defeated with fifty-eight percent of the vote. That was my point of order, Mr. President."

#### REPLY BY THE PRESIDENT

President Pritchard: "Well, it was a pretty bad point of order, but at this point I guess, since you have said it, we could stand a little news and you can all decide whether it is good or bad. That's up to you. Your point of order is not well taken, however."

#### SECOND READING

SENATE BILL NO. 5368, by Senator Heavey

Limiting voters of a port commissioner district to elect commissioners in districts with populations of one million or more.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5368 was substituted for Senate Bill No. 5368 and the substitute bill was placed on second reading and read the second time.

Senator Heavey moved that the following amendments by Senators Heavey, Smith, McCaslin and Schow be considered simultaneously and be adopted:

On page 1, line 11, after "population of" strike "five hundred thousand" and insert "one million"

On page 2, at the beginning of line 12, strike "five hundred thousand" and insert "one million"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Heavey, Smith, McCaslin and Schow on page 1, line 11, and page 2, at the beginning of line 12, to Substitute Senate Bill No. 5368.

The motion by Senator Heavey failed and the amendments were not adopted on a rising vote, the President voting 'nay.'

#### MOTIONS

On motion of Senator Heavey, the following amendments by Senators Heavey, Smith and Schow were considered simultaneously and were adopted:

On page 2, line 9, after "district;" strike "~~(and)~~" and insert "and"

On page 2, line 11, after "commissioner district" strike all material through "voters" on line 15, and insert ". Voters"

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5368.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5368 and the bill failed to pass the Senate by the following vote: Yeas, 18; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Senators Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Heavey, Johnson, McCaslin, Oke, Owen, Palmer, Prince, Schow, Smith, Spanel, Sutherland and West - 18.

Voting nay: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Franklin, Gaspard, Hochstatter, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Snyder, Strannigan, Swecker, Winsley, Wojahn and Wood - 30.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5368, having failed to receive the constitutional majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 6000, by Senators Snyder, Loveland, A. Anderson, Oke, Winsley and Swecker

Providing an exemption to the Washington clean air act for fire training.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6000 was substituted for Senate Bill No. 6000 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6000.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6000 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Roach, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley and Wood - 36.

Voting nay: Senators Fairley, Franklin, Heavey, Morton, Pelz, Quigley, Rasmussen, Rinehart, Schow, Smith, West and Wojahn - 12.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 6000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5728 and the pending amendments, by Senators Hale and Ann Anderson on page 3, lines, 11, 27, 30 and 33, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Gaspard, the President finds that Senate Bill No. 5728 is a measure which defines a subcategory of investment management companies as international investment management services and reduces the tax rate otherwise applicable to such businesses.

"The amendments by Senators Hale and Ann Anderson on page 3, lines 11, 27, 30 and 33, would change the tax rate on a variety of selected business services.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by Senators Hale and Ann Anderson on page 3, lines 11, 27, 30 and 33 to Senate Bill No. 5728 were ruled out of order.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5728 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5728.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5728 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Deccio, Fairley, Heavey, Palmer and Spanel - 5.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.



There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5489 and the pending amendment by Senator Palmer on page 6, after line 22, to the striking amendment by Senators Sheldon, Ann Anderson, Fraser, Swecker, Drew, Hale, Haugen, Winsley, Spanel, Snyder and Gaspard, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Fraser, the President finds that Substitute Senate Bill No. 5489 is a measure which broadly changes many of the elements and requirements of the Growth Management Act and various environmental acts and processes.

"The amendment by Senator Palmer on page 6, after line 22, to the striking amendment by Senators Sheldon, Ann Anderson, Fraser, Swecker, Drew, Hale, Haugen, Winsley, Spanel, Snyder and Gaspard would change one of the population elements for determining when the Growth Management Act is applicable.

"The President, therefore, finds that the proposed amendment to the striking amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Palmer on page 6, after line 22, to the striking amendment by Senators Sheldon, Ann Anderson, Fraser, Swecker, Drew, Hale, Haugen, Winsley, Spanel, Snyder and Gaspard to Substitute Senate Bill No. 5489 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Palmer on page 6, after line 22, to the striking amendment by Senators Sheldon, Ann Anderson, Fraser, Swecker, Drew, Hale, Haugen, Winsley, Spanel, Snyder and Gaspard to Substitute Senate Bill No. 5489.

Debate ensued.

#### MOTION

On motion of Senator Spanel, further consideration of Substitute Senate Bill No. 5489 was deferred.

#### MOTION

At 9:21 p.m., on motion of Senator Spanel, the Senate adjourned until 8:00 a.m., Wednesday, March 15 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FIFTH DAY, MARCH 14, 1995

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

**SIXTY-SIXTH DAY**

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 15, 1995

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Bauer, Fairley, Heavey, Pelz, Rasmussen, Roach and Smith. On motion of Senator Loveland, Senators Cal Anderson, Fairley, Pelz and Rasmussen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Dennis Moore and Cassandra Dick, presented the Colors. Reverend Paul Beeman, retired pastor of the United Methodist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 13, 1995

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1274,  
ENGROSSED HOUSE BILL NO. 1416,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1421,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518,  
SUBSTITUTE HOUSE BILL NO. 1549,  
SUBSTITUTE HOUSE BILL NO. 1560,  
SUBSTITUTE HOUSE BILL NO. 1597,  
SUBSTITUTE HOUSE BILL NO. 1630,  
SUBSTITUTE HOUSE BILL NO. 1643,  
HOUSE BILL NO. 1647,  
HOUSE BILL NO. 1687,  
SUBSTITUTE HOUSE BILL NO. 1738,  
SUBSTITUTE HOUSE BILL NO. 1788,  
SUBSTITUTE HOUSE BILL NO. 1802,  
SUBSTITUTE HOUSE BILL NO. 1813,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821,  
HOUSE BILL NO. 1858,  
SUBSTITUTE HOUSE BILL NO. 1878,  
SUBSTITUTE HOUSE BILL NO. 1906,  
SUBSTITUTE HOUSE BILL NO. 1917,  
SUBSTITUTE HOUSE BILL NO. 1957,  
SUBSTITUTE HOUSE BILL NO. 1968, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 13, 1995

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1770,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1774,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1810,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1837,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1890, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 13, 1995

MR. PRESIDENT:

The House has passed:  
ENGROSSED HOUSE BILL NO. 1155,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1206,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1791,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009,  
ENGROSSED HOUSE BILL NO. 2057, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 13, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1200,  
SUBSTITUTE HOUSE BILL NO. 1236,  
SUBSTITUTE HOUSE BILL NO. 1401,  
SUBSTITUTE HOUSE BILL NO. 1429,  
HOUSE BILL NO. 1436,  
SUBSTITUTE HOUSE BILL NO. 1484,  
HOUSE BILL NO. 1495,  
SUBSTITUTE HOUSE BILL NO. 1497,  
HOUSE BILL NO. 1914,  
HOUSE BILL NO. 2063,  
SUBSTITUTE HOUSE BILL NO. 2067, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1155 by Representatives Carrell, Morris, Boldt, Huff, Pennington, Dyer, McMorris, Hymes, B. Thomas, Pelesky, Van Luven, Cooke, Carlson, McMahan, Costa, Chandler, Basich, Johnson, Kessler, Sherstad, Campbell, Quall, Romero, Talcott, Buck, Brumsickle, Scott, Ballasiotes, Benton, Valle, Hatfield, Mason, Grant, Kremen, Chappell, Ebersole, Mielke, Sheahan, Sheldon, Wolfe, Foreman, Horn, L. Thomas, Blanton, Backlund, Hargrove, Dickerson, Crouse, Mulliken, Elliot, Cody, Regala, Mastin, Fuhrman, Mitchell, Hickel, Thompson, Ogden, Dellwo, Clements, Patterson, Schoesler, D. Schmidt, Conway, Skinner and Padden

Compensating sellers for collecting sales tax.

Referred to Committee on Ways and Means.

SHB 1200 by House Committee on Law and Justice (originally sponsored by Representatives Basich, Kremen, Ballasiotes, Quall, Van Luven and Carlson)

Protecting sports officials from civil actions and assaults.

Referred to Committee on Law and Justice.

ESHB 1206 by House Committee on Appropriations (originally sponsored by Representatives Carlson, Sommers, Cooke and Dellwo)

Restructuring the retirement systems.

Referred to Committee on Ways and Means.

SHB 1236 by House Committee on Government Operations (originally sponsored by Representatives Reams, R. Fisher, Talcott, Thompson, D. Schmidt, Huff, Scott, Regala, Costa, Robertson and Conway) (by request of Secretary of State Munro)

Increasing security of absentee ballot counting.

Referred to Committee on Government Operations.

ESHB 1274 by House Committee on Government Operations (originally sponsored by Representatives Reams, Sheldon, K. Schmidt, Hargrove, McMahan, Mulliken, Foreman, Sherstad, Elliot, Stevens, Johnson, Talcott and Huff)

Revising provisions relating to growth management.

Referred to Committee on Government Operations.

ESHB 1326 by House Committee on Higher Education (originally sponsored by Representatives Mulliken, Chandler, Sheahan, Carlson, Benton, Blanton and Delvin)

Requiring institutions of higher education to revise their commercial activities policies.

Referred to Committee on Higher Education.

SHB 1401 by House Committee on Education (originally sponsored by Representatives Brumsickle, Cole, Carlson, G. Fisher, Mastin, Poulsen, Elliot, Quall, Clements, Smith, Chandler, Patterson, Costa, Mielke, Campbell, Mulliken, Honeyford, Talcott, Cooke, Thompson, L. Thomas, Mitchell, Kremen, Scott, Wolfe, Boldt, Conway and McMorris)

Allowing disclosure of juvenile records to affected school districts.

Referred to Committee on Education.

EHB 1416 by Representatives Skinner, Foreman, Schoesler and Huff

Modifying certificate of need provisions.

Referred to Committee on Health and Long-Term Care.

ESHB 1421 by House Committee on Finance (originally sponsored by Representatives Sheldon, Foreman, Johnson, Hatfield, Buck, Grant, Schoesler, Chappell, Basich, Kessler, Morris, Skinner, Thompson, Campbell, Costa, Hargrove, Chandler, Mastin, Wolfe and Quall)

Providing business incentives for distressed areas.

Referred to Committee on Ways and Means.

SHB 1429 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Morris, Chandler, Chappell, L. Thomas, Thompson, Hargrove, Casada and Silver)

Lessening recreational vehicle regulation.

Referred to Committee on Labor, Commerce and Trade.

HB 1436 by Representatives Dyer and B. Thomas

Supplementing emergency services resulting from the impact of tourism in small communities.

Referred to Committee on Ways and Means.

SHB 1484 by House Committee on Finance (originally sponsored by Representative Pennington)

Revising provisions relating to the landowner contingency forest fire suppression account.

Referred to Committee on Ways and Means.

HB 1495 by Representatives Basich, Hatfield, Fuhrman, Sheldon, Foreman and Chappell

Expanding timber excise tax small harvester option.

Referred to Committee on Ways and Means.

SHB 1497 by House Committee on Government Operations (originally sponsored by Representatives B. Thomas and Dyer)

Facilitating electronic access to public records.

Referred to Committee on Energy, Telecommunications and Utilities.

ESHB 1518 by House Committee on Education (originally sponsored by Representatives Thompson, Lambert, Talcott, Brumsickle, Elliot, Radcliff, D. Schmidt, Pelesky, Padden, Veloria, Dickerson, McMahan, Quall, Johnson, Basich and Mason)

Authorizing clock hours for teachers participating in internships.

Referred to Committee on Education.

SHB 1549 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Morris, Wolfe, Campbell, Quall, Backlund, Dyer and Blanton) (by request of Sentencing Guidelines Commission)

Creating a sentencing alternative for drug offenders.

Referred to Committee on Law and Justice.

SHB 1560 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt and Blanton) (by request of Attorney General Gregoire)

Penalizing fuel tax evasion.

Referred to Committee on Law and Justice.

SHB 1597 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Johnson, Koster, Chandler, Boldt, Sheldon, Mastin, Basich, McMorris, Thompson, Beeksma, Kremen, Hatfield, McMahan, Hymes, Honeyford, D. Schmidt, Skinner, Clements, Buck, Stevens, Mielke and Kessler)

Concerning the reduction of flood damage.

Referred to Committee on Natural Resources.

SHB 1630 by House Committee on Commerce and Labor (originally sponsored by Representatives Cairnes, Kremen, Ballasiotes, Cole, Conway, Cooke, Goldsmith, Quall, Cody, Elliot, Romero, Veloria and Thompson)

Regulating the registration of contractors.

Referred to Committee on Labor, Commerce and Trade.

SHB 1643 by House Committee on Government Operations (originally sponsored by Representatives Stevens, Cairnes, Koster, L. Thomas, Dyer, Cooke, B. Thomas, Thompson, D. Schmidt, Boldt, Lambert and Backlund)

Providing procedures for creating new counties.

Referred to Committee on Government Operations.

HB 1647 by Representatives Goldsmith, Romero and Lisk (by request of Employment Security Department)

Expanding the authority of the employment security department to share data.

Referred to Committee on Labor, Commerce and Trade.

HB 1687 by Representatives Lambert, Costa, Padden, Appelwick, Fuhrman, Grant, Sheahan, Tokuda, Chappell, Thibaudeau, Veloria, Morris, Hickel, Huff, Patterson and Mastin

Providing for distribution of appropriations for court-appointed special advocate programs.

Referred to Committee on Human Services and Corrections.

SHB 1738 by House Committee on Commerce and Labor (originally sponsored by Representatives Pelesky, Cairnes, Stevens, L. Thomas, Beeksma, Silver, Thompson, Foreman, Radcliff, Fuhrman, Huff, Hargrove, Elliot, Mulliken and Goldsmith)

Providing employees notice of rights regarding union security agreements.

Referred to Committee on Labor, Commerce and Trade.

EHB 1770 by Representatives Mastin and Grant

Revising enforcement requirements for plumbing certificates of competency.

Referred to Committee on Labor, Commerce and Trade.

ESHB 1774 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, Basich and Honeyford)

Altering appeal procedures for water-related actions of the department of ecology.

Referred to Committee on Senate Select Committee on Water Policy.

ESHB 1787 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher, Johnson, Elliot, Buck, Blanton, Robertson, D. Schmidt, Mitchell, Skinner, Tokuda, Benton, Romero, Brown, Hankins, Cairnes, Hatfield, Scott, Quall, Backlund, Ogden, McMahan, Horn, Koster, Schoesler and Mielke)

Revising provision for distribution of surplus balance investment earnings.

Referred to Committee on Transportation.

SHB 1788 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Chandler, Mitchell and Robertson)

Providing for more flexibility in the motor vehicle fund distributions to cities and counties.

Referred to Committee on Transportation.

ESHB 1791 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, McMorris, Sheldon, Delvin, Kremen, Clements, Chappell, Crouse, Scott, Costa, Horn, Robertson, Quall, Hankins, Skinner, Kessler, Schoesler, Grant, Sheahan, Brumsickle, Padden, Morris, Buck, Hatfield, Patterson, Cooke, Mulliken, Honeyford, Backlund and Basich)

Revising water resource governance and planning.

Referred to Committee on Senate Select Committee on Water Policy.

SHB 1802 by House Committee on Children and Family Services (originally sponsored by Representatives Cooke, Lambert, Stevens, Thompson, Padden and Kessler)

Changing adoption provisions.

Referred to Committee on Human Services and Corrections.

ESHB 1810 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Honeyford, Thompson and L. Thomas)

Creating a legislative task force to review the model toxics control act.

Referred to Committee on Ecology and Parks.

SHB 1813 by House Committee on Higher Education (originally sponsored by Representatives Mulliken, Mason, Sheahan, Blanton, Carlson, Goldsmith, Jacobsen and Delvin)

Exempting financial disclosures by degree-granting private vocational schools from public disclosure laws.

Referred to Committee on Law and Justice.

ESHB 1821 by House Committee on Commerce and Labor (originally sponsored by Representatives Kessler, Buck, Quall, Carlson, Casada and Basich)

Modifying unemployment compensation for persons employed under public employment contracts.

Referred to Committee on Labor, Commerce and Trade.

ESHB 1837 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and Dellwo)

Establishing limitations on distributions from the water quality account for the period July 1, 1995, through June 30, 2000.

Referred to Committee on Ecology and Parks.

HB 1858 by Representatives Ballasiotes, Costa, Robertson, Cody, Morris, Regala, Chopp, Ogden, Mitchell, Tokuda, Appelwick, Honeyford, Radcliff, Blanton, Dickerson, Campbell, Conway, Kessler and Ebersole

Establishing the office of crime victims advocacy in the department of community, trade, and economic development.

Referred to Committee on Government Operations.

ESHB 1877 by House Committee on Education (originally sponsored by Representatives McMahan, Brumsickle, Benton, Sheahan, Koster, Elliot, Pelesky, Johnson, Stevens, Casada, Silver and Thompson)

Providing educational opportunities for students.

Referred to Committee on Education.

SHB 1878 by House Committee on Government Operations (originally sponsored by Representatives McMahan, Reams, Sheahan, Koster, Benton, Mielke, Blanton, Pelesky, Johnson, Stevens, Casada, Silver and Thompson)

Encouraging sales of public real property.

Referred to Committee on Government Operations.

ESHB 1890 by House Committee on Law and Justice (originally sponsored by Representatives Padden, Morris, Campbell, Casada, Stevens, Johnson, Benton and Smith)

Protecting property owners.

Referred to Committee on Government Operations.

SHB 1906 by House Committee on Children and Family Services (originally sponsored by Representatives Lambert and Cooke)

Changing child care licensing definitions.

Referred to Committee on Human Services and Corrections.

HB 1914 by Representative Stevens

Changing provisions relating to child abuse and neglect.

Referred to Committee on Law and Justice.

SHB 1917 by House Committee on Natural Resources (originally sponsored by Representatives Pennington, Fuhrman, Thompson, Goldsmith, McMorris and Kremen)

Requiring that department of natural resources contract with private entities for emergency response equipment, supplies, and services.

Referred to Committee on Natural Resources.

SHB 1957 by House Committee on Finance (originally sponsored by Representatives B. Thomas, Carrell, Mulliken, Campbell, Foreman, Van Luven, Benton, L. Thomas, Crouse, Backlund, Elliot, McMahan, Smith, Stevens and Schoesler)

Reducing the state property tax levy.

Referred to Committee on Ways and Means.

SHB 1968 by House Committee on Transportation (originally sponsored by Representatives McMorris, Mastin, Koster, Chandler, Sheahan and R. Fisher)

Adjusting requirements for regional transportation planning organizations.

Referred to Committee on Transportation.

E2SHB 2009 by House Committee on Appropriations (originally sponsored by Representatives Casada, Huff, Campbell, Clements, Goldsmith, Elliot, Pelesky, Backlund, Reams, Smith, Delvin, Blanton and Beeksma)

Eliminating the state energy office.

Referred to Committee on Energy, Telecommunications and Utilities.

EHB 2057 by Representatives Appelwick and Foreman

Changing judicial retirement eligibility.

Referred to Committee on Ways and Means.

HB 2063 by Representatives Honeyford, Sehlin and Chopp

Accelerating the implementation of projects currently eligible for funding under the public works assistance program.

Referred to Committee on Ways and Means.

SHB 2067 by House Committee on Finance (originally sponsored by Representatives Foreman and Mastin)

Extending property tax exemptions for nonprofit arts, scientific, or historical organizations.

Referred to Committee on Ways and Means.

## SECOND READING

SENATE BILL NO. 5642, by Senators Fraser and Rasmussen

Requiring annual training for educational service district staff about placing exchange students and teachers in public schools.

The bill was read the second time.

## MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5642 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5642.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5642 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 6; Absent, 4; Excused, 4.

Voting yea: Senators Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rinehart, Schow, Sellar, Sheldon, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 35.

Voting nay: Senators Anderson, A., Cantu, Johnson, McCaslin, Newhouse and Strannigan - 6.

Absent: Senators Bauer, Heavey, Roach and Smith - 4.



Excused: Senators Anderson, C., Fairley, Pelz and Rasmussen - 4.  
SENATE BILL NO. 5642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Loveland, Senators Bauer, Heavey and Smith were excused.  
On motion of Senator Ann Anderson, Senator Roach was excused.

#### SECOND READING

SENATE BILL NO. 5894, by Senators Prentice, Owen, Haugen, Wood, Kohl, Fairley, Sellar, Rasmussen, Oke, Schow and Winsley  
Planning for department of transportation wetlands.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5894 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5894.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5894 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rinehart, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 42.

Excused: Senators Anderson, C., Bauer, Heavey, Pelz, Rasmussen, Roach and Smith - 7.

SENATE BILL NO. 5894, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5830, by Senators McAuliffe, Quigley, Fairley, Loveland, Haugen, Sheldon and Rasmussen

Changing provisions for students transferring between private and public schools.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5830 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5830.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5830 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Bauer, Heavey, Pelz and Roach - 5.

SENATE BILL NO. 5830, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5900, by Senators Haugen, Prentice, Long and Heavey (by request of State Auditor Sonntag)

Administering the office of the state auditor.

The bill was read the second time.

#### MOTION

Senator Ann Anderson moved that the following amendment by Senators Ann Anderson and McAuliffe be adopted:

On page 33, after line 16, insert the following:

**"NEW SECTION. Sec. 74.** The legislature finds that the practice of some public officers and employees of using first class airplane accommodations if traveling on public business is a wasteful use of public resources.

**NEW SECTION. Sec. 75.** A new section is added to chapter 42.04 RCW to read as follows:

First class and business class commercial air carrier accommodations may not be used by any state or local government officer, whether elected or appointed, and any state or local government employee who travels by commercial airlines in the discharge of the duties of his or her position or employment at public expense unless otherwise required as a reasonable accommodation for persons with disabilities or where an emergency would warrant such travel or where the additional cost is paid personally by the traveler.

**NEW SECTION. Sec. 76.** A new section is added to chapter 42.04 RCW to read as follows:

No frequent flyer mileage credit may enure to the personal benefit of any state or local government officer, whether elected or appointed, and any state or local government employee as a result of travel on a commercial air carrier at public expense."

Renumber the remaining sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator McCaslin: "A point of order, Mr. President. My point of order would be that this amendment exceeds and extends the scope and object of Senate Bill No. 5900. Actually, this particular point about people flying first class is covered under General Administration, Travel and Transfer Regulations, 4.2, which I would be happy to share with the President. The body of the bill, of course, deals with the Auditor. I would appreciate your consideration."

There being no objection, the President deferred further consideration of Senate Bill No. 5900.

#### SECOND READING

SENATE BILL NO. 5496, by Senators Bauer, Newhouse, Loveland, Cantu, Fraser, Winsley and Long

Exempting certain employers from additional retirement contributions.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5496 was substituted for Senate Bill No. 5496 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5496 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5496.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5496 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Heavey, Pelz and Roach - 4.

SUBSTITUTE SENATE BILL NO. 5496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5800, by Senators McDonald, Wojahn, Cantu, West, Rinehart, Pelz and Bauer

Recognizing that financial savings from efficiencies in the developmental disabilities program should be redirected within the program for community-based services.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5800 was substituted for Senate Bill No. 5800 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5800.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5800 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Heavey, Pelz and Roach - 4.

SUBSTITUTE SENATE BILL NO. 5800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5591, by Senators Pelz, Kohl, Sellar and Winsley

Pertaining to longshore and harbor workers' compensation.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5591 was substituted for Senate Bill No. 5591 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5591 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5591.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5591 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senator Fairley - 1.

Excused: Senators Anderson, C., Heavey, Pelz and Roach - 4.

SUBSTITUTE SENATE BILL NO. 5591, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5876, by Senators Haugen and Winsley

Making population determinations and projections.

The bill was read the second time.

#### MOTIONS

Senator Haugen moved that the following amendment by Senators Haugen, Winsley and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.62.035 and 1991 sp.s. c 32 s 30 are each amended to read as follows:

The office of financial management shall determine the population of each county of the state annually as of April 1st of each year and on or before July 1st of each year shall file a certificate with the secretary of state showing its determination of the population for each county. The office of financial management also shall determine the percentage increase in population for each county over the preceding ten-year period, as of April 1st, and shall file a certificate with the secretary of state by July 1st showing its determination. At least once every ten years the office of financial management shall prepare twenty-year growth management planning population projections required by RCW 36.70A.110 for each county that adopts a comprehensive plan under RCW 36.70A.040 and shall review these projections with such counties and the cities in those counties before final adoption. The county and its cities may provide to the office such information as they deem relevant to the office's

projection, and the office shall consider and comment on such information before adoption. Each projection shall be expressed as a reasonable range developed within the standard state high and low projection. The middle range shall represent the office's estimate of the most likely population projection for the county. If any city or county believes that a projection will not accurately reflect actual population growth in a county, it may petition the office to revise the projection accordingly. The office shall complete the first set of ranges for every county by December 31, 1995.

A comprehensive plan adopted or amended before December 31, 1995, shall not be considered to be in noncompliance with the twenty-year growth management planning population projection if the projection used in the comprehensive plan is in compliance with the range later adopted under this section.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Senator Palmer moved that the following amendment to the striking amendment by Senators Haugen, Winsley and McCaslin be adopted:

On page 2, after line 2, insert the following:

"**Sec. 2.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ~~((ten))~~ seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.

Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption."

POINT OF ORDER

Senator Haugen: "Thank you, Mr. President. I ask you to rule on the scope and object of this amendment. The bill addresses a very narrow topic--standards for OFM projections. The proposed amendment speaks to change the threshold of the amount of population growth required to trigger the requirements of the Growth Management Act. The amendment involves not only a different section of the RCW, but a different title. The amendment has nothing to do with how population projections are determined. The only connection between this bill and the GMA is that OFM population projections are used in fixing urban growth boundaries. Population projections have nothing to do with the actual population changes which trigger whether the county must plan, under GMA. It is truly out of scope and object."

Further debate ensued.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Haugen, the President finds that Senate Bill No. 5876 is a measure which adds additional information which the Office of Financial Management must provide to counties and cities subject to the growth management planning process and creates a process to settle disputes.

"The amendment by Senator Palmer on page 2, after line 2, to the striking amendment by Senators Haugen, Winsley and McCaslin would change from ten percent, to seventeen percent, the ten year population increase which establishes part of the threshold for application of the requirements of the Growth Management Act.

"The President, therefore, finds that the proposed amendment to the striking amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Palmer on page 2, after line 2, to the striking amendment by Senators Haugen, Winsley and McCaslin to Senate Bill No. 5876 was ruled out of order.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Winsley and McCaslin to Senate Bill No. 5876.

Debate ensued.

The motion by Senator Haugen carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "management;" strike the remainder of the title and insert "amending RCW 43.62.035; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5876 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5876.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5876 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senator Deccio - 1.

Excused: Senators Anderson, C., Pelz and Roach - 3.

ENGROSSED SENATE BILL NO. 5876, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5315, by Senators Rasmussen, Morton, Loveland, Newhouse and Roach (by request of Department of Agriculture)

Modifying agriculture regulations.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5315 was substituted for Senate Bill No. 5315 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5315.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5315 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Anderson, A. and Strannigan - 2.

Excused: Senators Anderson, C. and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5409, by Senators Owen and Oke

Providing compensation for wildlife agents injured on duty.

The bill was read the second time.

## MOTION

Senator Drew moved that the following amendment by Senators Owen, Drew and Oke be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.12 RCW to read as follows:

(1) The director shall relieve from active duty full-time, commissioned fish and wildlife personnel who, while in-service, have been or may be injured or disabled to such an extent as to be incapable of active duty.

(a) Any full-time, commissioned fish and wildlife personnel injured or disabled while performing in-service line duties who is found by the department of labor and industries to be incapable of active duty shall be placed on temporary injury leave for a period not to exceed six months from the date of injury or the date the person is determined to be incapacitated. During this period, the full-time, commissioned fish and wildlife personnel is entitled to all pay, benefits, insurance, leave, and retirement contributions awarded to a full-time, commissioned fish and wildlife personnel on active status, less any compensation received through the department of labor and industries. No such temporary injury leave may be approved until a full-time, commissioned fish and wildlife personnel has been unavailable for active duty for more than five consecutive work days. Prior to the end of the six-month period, the director shall either place the full-time, commissioned fish and wildlife personnel on disability status or return the full-time, commissioned fish and wildlife personnel to full-time employment status;

(b) Benefits under this section for an injury or disability that is incurred while in other employment must be reduced by any amount the full-time, commissioned fish and wildlife personnel receives or is entitled to receive workers' compensation, social security, group insurance, other pension plan, or any other similar compensation provided by another employer for the same injury or disability;

(c) Full-time, commissioned fish and wildlife personnel on disability status shall receive one-half of their compensation at the existing wage during the time the disability continues in effect, less any compensation received through the department of labor and industries. They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the director at any time during such relief from duty to ascertain whether or not they are able to resume active duty;

(d) Should a disability beneficiary whose injury or disability was incurred while performing in-service nonline duties engage in a gainful occupation, the director shall reduce the amount of the disability compensation to an amount which, when added to the compensation earned by the beneficiary in such occupation, does not exceed the basic salary currently being paid for the state civil service range and step the full-time, commissioned fish and wildlife personnel held at the time he or she was injured or disabled. Every six months, all such disability beneficiaries shall file with the director a signed and sworn statement of earnings, and any person who knowingly swears falsely on such statement is subject to prosecution for perjury. Should the earning capacity of the beneficiary be further altered, the director may further alter the disability allowance as indicated in this subsection. The director may cancel the disability allowance for a full-time, commissioned fish and wildlife personnel who does not file the required statement of earnings or who knowingly files a false statement of earnings;

(e) A full-time, commissioned fish and wildlife personnel injured while engaging in willfully tortious or criminal conduct is not entitled to any benefits under this section.

(2) The director shall define by rule the situations in which full-time, commissioned fish and wildlife personnel are on active duty, in-service, are performing line duty, or are performing nonline duty.

(3) A person receiving disability compensation under this section shall become ineligible to receive that compensation upon becoming eligible for retirement under the applicable plan of the Washington public employees' retirement system, chapter 41.40 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 77.12 RCW to read as follows:

Section 1 of this act does not apply to persons who were fisheries patrol officers employed prior to March 1, 1994."

## POINT OF INQUIRY

Senator Ann Anderson: "Senator Drew, this bill--we've talked in committee a lot and I am always kind of nervous when we get a striker on the floor that we have never seen before. Can you point out the key reasons we needed a striker rather than to come in with just a couple amendments to the underlying bill?"

Senator Drew: "Certainly, the underlying bill simply added 'wildlife agents' to receive the same benefits fisheries patrol officers currently get and that is that they receive one-half of their salaries when relieved from active duty. We've used in the striker, the model of the state patrol which does include the deductions from Labor and Industries, which does include the deductions if you are working on another job. So, it is not quite as, I guess you would say, as generous as is the old fisheries statute, so those who are currently fisheries agents would continue

to receive that disability. This has been agreed to by the department and by the employees and I apologize for you not having seen the draft. I've seen probably about ten or twelve."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Owen, Drew and Oke to Senate Bill No. 5409.

The motion by Senator Drew carried and the striking amendment was adopted:

#### MOTIONS

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "and adding new sections to chapter 77.12 RCW."

On motion of Senator Drew, the rules were suspended, Engrossed Senate Bill No. 5409 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5409.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5409 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Cantu and Hochstatter - 2.

Excused: Senators Anderson, C. and Roach - 2.

ENGROSSED SENATE BILL NO. 5409, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5629, by Senators Pelz, Fraser, Rinehart and McCaslin (by request of Attorney General Gregoire)

Updating new motor vehicle warranty provisions.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5629 was substituted for Senate Bill No. 5629 and the substitute bill was placed on second reading and read the second time.

Senator Pelz moved that the following amendment by Senators Pelz and Hochstatter be adopted:

On page 2, beginning on line 25, after "least" strike "~~(seven)~~ five hundred (~~(fifty)~~)" and insert "seven hundred fifty"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pelz and Hochstatter on page 2, beginning on line 25, to Substitute Senate Bill No. 5629.

The motion by Senator Pelz carried and the amendment was adopted.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute Senate Bill No. 5629 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5629.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5629 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Cantu - 1.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5900 and the pending amendment by Senators Ann Anderson and McAuliffe on page 33, after 16, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator McCaslin, the President finds that Senate Bill No. 5900 is a measure which makes changes to various aspects of the organization and duties of the Office of State Auditor.

"The amendment by Senators Ann Anderson and McAuliffe on page 33, after line 16, would limit the type of air travel for state officers and employees under certain circumstances.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Ann Anderson and McAuliffe on page 33, after line 16, to Senate Bill No. 5900 was ruled out of order.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5900 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5900.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5900 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5900, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5644, by Senators Wood, Kohl, Fraser, Prince and Winsley

Developing a proposal to establish a community college in the People's Republic of China.

#### MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5644 was substituted for Senate Bill No. 5644 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5644 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5644.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5644 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Haugen, Loveland, Quigley and Strannigan - 4.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8017, by Senators Rasmussen, Roach, Hochstatter, Long, Hargrove, Johnson and Sheldon

Encouraging schools to provide an elementary gun safety program.

The joint memorial was read the second time.



#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Joint Memorial No. 8017 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8017.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8017 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Wojahn and Wood - 47.

Absent: Senator Winsley - 1.

Excused: Senator Anderson, C. - 1.

SENATE JOINT MEMORIAL NO. 8017, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5668, by Senators Hale, Wood, Fraser, Pelz, Prince, Newhouse, A. Anderson, Palmer, Franklin, Hargrove, Bauer, Deccio, C. Anderson, Prentice and Winsley

Revising provisions relating to sureties for industrial insurance self-insurers.

The bill was read the second time.

#### MOTION

On motion of Senator Hale, the rules were suspended, Senate Bill No. 5668 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5668.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5668 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Bauer - 1.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5641, by Senators McAuliffe, Fairley, Prince, Kohl, Fraser, Rasmussen and Prentice

Studying providing instruction in world languages in the common school system.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5641.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5641 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Anderson, A., Hochstatter, Schow, Strannigan and West - 5.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5677, by Senators Roach, Haugen and Winsley (by request of Department of Community, Trade, and Economic Development)

Clarifying building code and structure requirements.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5677.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5677 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5310, by Senators Haugen, Winsley, Wojahn and Prince (by request of Washington State Historical Society)

Requiring a process to solicit proposals for and prioritize heritage capital projects.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5310.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5310 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Pelz - 1.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Pelz was excused.

SECOND READING

SENATE BILL NO. 5806, by Senators Johnson and McAuliffe

Allowing the superintendent of public instruction to delay the time at which school district budgets are made public if the state's operating budget is not finally approved before June 1st.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 5806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5806.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5806 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 46.

Absent: Senator West - 1.

Excused: Senators Anderson, C. and Pelz - 2.

SENATE BILL NO. 5806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8010, by Senators Cantu, Fraser, Oke, Winsley, Johnson, Snyder, Hochstatter, Finkbeiner, Strannigan, Schow, Moyer, Palmer, Roach, Deccio and West

Postratifying Amendment XXVII.

The joint memorial was read the second time.

MOTION

On motion of Senator Cantu, the rules were suspended, Senate Joint Memorial No. 8010 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8010.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8010 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Deccio - 1.

Excused: Senator Anderson, C. - 1.

SENATE JOINT MEMORIAL NO. 8010, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5835, by Senators Johnson, Smith, Roach, McCaslin, Schow, Long and Winsley

Changing provisions relating to restraining orders.

#### MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5835 was substituted for Senate Bill No. 5835 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5835 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5835.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5835 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5835, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5868, by Senators Prentice, Fraser, Cantu, Winsley and Rasmussen (by request of Department of Community, Trade, and Economic Development)

Providing mobile home relocation assistance.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5868 was substituted for Senate Bill No. 5868 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendment by Senators Owen and Prince was adopted:

On page 10, beginning on line 9, after "The" strike all material through ";:)" on line 10, and insert "marine operating fund, the motor vehicle fund,"

#### MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5868 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5868.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5868 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate commenced consideration of Senate Bill No. 5244.

#### SECOND READING

SENATE BILL NO. 5244, by Senators Owen and Hargrove

Revising the definition of "dependent child" for purposes of aid to families with dependent children.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5244 was substituted for Senate Bill No. 5244 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the following amendments by Senators Fairley and Owen were considered simultaneously and were adopted:

On page 1, beginning on line 17, after "unless," strike "out-of-home" and insert ":

(1) Out-of-home"

On page 2, line 1, after "13.32A.175" insert " or

(2) The child has been determined by a court to meet the criteria under RCW 13.34.030(4) (a), (b), or (c)"

#### MOTIONS

On motion of Senator Fairley, the following amendment by Senators Fairley and Owen was adopted:

On page 4, line 18, after "child," insert "If an allegation of abuse or neglect has been made the department may not disclose to the parent the child's last known address or location until a shelter care hearing under chapter 13.34 RCW has been held."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 5244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5244.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5244 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5439, by Senators Hargrove, Long, Franklin, Smith, Schow, Owen, Moyer, Oke, Strannigan, Gaspard, Snyder, Heavey, Haugen, Rasmussen, Quigley, Wojahn, Loveland, Bauer, Winsley, Deccio, Spanel, Hale, Hochstatter and Palmer

Revising procedures for nonoffender at-risk youth and their families.

#### MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5439 was substituted for Senate Bill No. 5439 and the second substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following amendment by Senators Hargrove, Long and Franklin be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.32A.010 and 1979 c 155 s 15 are each amended to read as follows:

The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, the experience and maturity ((are)) of parents make them better ((qualifications for establishing)) qualified to establish guidelines beneficial to and protective of ((individual members and the group as a whole than are youth and inexperience)) their children. The legislature further finds that it is the right and responsibility of adults to establish laws for the benefit and protection of the society; and that, in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. Further, absent abuse or neglect, parents should have the right to exercise control over their children. The legislature reaffirms its position stated in RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that it should remain intact in the absence of compelling evidence to the contrary.

The legislature recognizes there is a need for services and assistance for parents and children who are in conflict. These conflicts are manifested by children who exhibit various behaviors including: Running away, substance abuse, serious acting out problems, mental health needs, and other behaviors that endanger themselves or others.

The legislature finds many parents do not know their rights regarding their adolescent children and law enforcement. Parents and courts feel they have insufficient legal recourse for the chronic runaway child who is endangering himself or herself through his or her behavior. The legislature further recognizes that for chronic runaways whose behavior puts them in serious danger of harming themselves or others, secure facilities must be provided to allow opportunities for assessment, treatment, and to assist parents and protect their children. The legislature intends to give tools to parents, courts, and law enforcement to keep families together and reunite them whenever possible.

The legislature recognizes that some children run away to protect themselves from abuse or neglect in their homes. Abused and neglected children should be dealt with pursuant to chapter 13.34 RCW and it is not the intent of the legislature to handle dependency matters under this chapter.

The legislature intends services offered under this chapter be on a voluntary basis whenever possible to children and their families and that the courts be used as a last resort.

The legislature intends to increase the safety of children through the preservation of families and the provision of assessment, treatment, and placement services for children in need of services and at-risk youth. Within available funds, the legislature intends to provide these services through crisis residential centers in which children and youth may safely reside for a limited period of time. The time in residence shall be used to conduct an assessment of the needs of the children, youth, and their families. The assessments are necessary to identify appropriate services and placement options that will reduce the likelihood that children will place themselves in dangerous or life-threatening situations.

The legislature recognizes that crisis residential centers provide an opportunity for children to receive short-term necessary support and nurturing in cases where there may be abuse or neglect. The legislature intends that center staff provide an atmosphere of concern, care, and respect for children in the center and their parents.

**Sec. 2.** RCW 13.32A.030 and 1990 c 276 s 3 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "At-risk youth" means a juvenile:

(a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent;

(b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or

(c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.

(2) "Child," "juvenile," and "youth" mean any unemancipated individual who is under the chronological age of eighteen years.

(3) "Child in need of services" means a juvenile:

(a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or other person;

(b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours from the parent's home or a crisis residential center on two or more separate occasions; and

(i) Has exhibited a serious substance abuse problem; or

(ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or

(c)(i) Who is in need of necessary services, including food, shelter, health care, clothing, educational, or services designed to maintain or reunite the family;

(ii) Who lacks access, or has declined, to utilize these services; and

(iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

(4) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department seeking adjudication of placement of the child.

(5) "Custodian" means the person who has the legal right to the custody of the child.

(6) "Department" means the department of social and health services(;

(2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;);

((3)) (7) "Extended family members" means a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

(8) "Guardian" means that person or agency that (a) has been appointed as the guardian of a child in a legal proceeding other than a proceeding under chapter 13.34 RCW, and (b) has the right to legal custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW.

(9) "Multidisciplinary team" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and his or her parent. The team shall include the parent, a department case worker, a local government representative when authorized by the local government, and when appropriate, members from the mental health and substance abuse disciplines. The team may also include, but is not limited to, the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, therapists, medical personnel, social service providers, placement providers, and extended family members. The team members shall be volunteers who do not receive compensation while acting in a capacity as a team member, unless the member's employer chooses to provide compensation or the member is a state employee.

(10) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(11) "Parent" means the ((legal) parent or parents who have the legal right to custody of the child. "Parent" includes custodian(((s) or guardian(((s) of a child;)).

((4)) (12) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away(;- PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder)). Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. The facility administrator shall notify a parent and the appropriate law enforcement agency within four hours of all unauthorized leaves(;

(5) "At-risk youth" means an individual under the chronological age of eighteen years who:

(a) Is absent from home for more than seventy-two consecutive hours without consent of his or her parent;

(b) Is beyond the control of his or her parent such that the child's behavior substantially endangers the health, safety, or welfare of the child or any other person; or

(e) Has a serious substance abuse problem for which there are no pending criminal charges related to the substance abuse).

(13) "Secure crisis residential center" means a secure facility licensed under chapter 74.13 RCW with doors, windows, or secured perimeter that operates to prevent a child from leaving without permission of the facility staff.

(14) "Temporary out-of-home placement" means an out-of-home placement of not more than fourteen days ordered by the court at a fact-finding hearing on a child in need of services petition.

**NEW SECTION. Sec. 3.** A new section is added to chapter 13.32A RCW to read as follows:

Whenever a child in need of services petition is filed by a youth pursuant to RCW 13.32A.130, or the department pursuant to RCW 13.32A.150, the youth or the department shall have a copy of the petition served on the parents of the youth. Service shall first be attempted in person and if unsuccessful, then by certified mail with return receipt.

**Sec. 4.** RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read as follows:

Families who are in conflict or who are experiencing problems with at-risk youth or a child who may be in need of services may request family reconciliation services from the department. The department may involve a multidisciplinary team in its response. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth, children in need of services, or family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family. ~~((Upon a referral by a school or other appropriate agency.))~~ Family reconciliation services may also include training in parenting, conflict management, and dispute resolution skills.

**Sec. 5.** RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended to read as follows:

~~((1))~~ (1) A law enforcement officer shall take a child into custody:

~~((1))~~ (a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

~~((2))~~ (b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

~~((3))~~ (c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

~~((4))~~ (d) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

~~((An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty-four hours.))~~

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody.

(4) If the police who initially take the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored under RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060.

(7) No child may be placed in a secure crisis residential center except as provided in this chapter.

**Sec. 6.** RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050 (1) ~~((a))~~ (b) shall inform the child of the reason for such custody and shall either:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The officer releasing a child into the custody of the parent shall inform the parent of the reason for the taking of the child into custody and shall inform the child and the parent of the nature and location of appropriate services available in their community. The parent may direct the officer to take the child to the home of an adult extended family member, responsible adult, or a licensed youth shelter. The officer releasing a child into the custody of an adult extended family member, responsible adult, or a licensed youth shelter shall inform the child and the person receiving the child of the nature and location of appropriate services available in the community; or

(b) Take the child to ~~((the home of an adult extended family member,))~~ a designated secure crisis residential center, ~~((or the home of a responsible adult))~~ or a semi-secure crisis residential center if a secure crisis residential center is full or is not available or within a reasonable distance, after attempting to notify the parent or legal guardian:

(i) If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing ~~((in the home))~~ some type of child abuse or neglect, as defined in RCW 26.44.020 ~~((, as now law or hereafter amended)); or~~

(ii) If it is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) If there is no parent available to accept custody of the child.

~~((The officer releasing a child into the custody of an extended family member or a responsible adult shall inform the child and the extended family member or responsible adult of the nature and location of appropriate services available in the community.))~~

(2) An officer taking a child into custody under RCW 13.32A.050 ~~((c))~~ (1) (c) or ~~((d))~~ (d) shall inform the child of the reason for custody, and shall take the child to a designated secure crisis residential center or, if not available or within a reasonable distance, to a semi-secure crisis residential center, licensed by the department and established pursuant to chapter 74.13 RCW. However, an officer taking a child into custody under RCW 13.32A.050 ~~((d))~~ (1) (d) may place the child in a juvenile detention facility as provided in RCW 13.32A.065. The department shall ensure that all the law enforcement authorities are informed on a regular basis as to the location of ~~((the))~~ all designated secure and semi-secure crisis residential ~~((center or))~~ centers in their ~~((judicial district))~~ jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

~~((3)) "Extended family members" means a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.))~~

**Sec. 7.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read as follows:

~~(1) (An officer taking a child into custody under RCW 13.32A.050 may, at his or her discretion, transport the child to the home of a responsible adult who is other than the child's parent where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a child with a responsible adult other than his or her parent shall immediately notify the department's local community service office of this fact and of the reason for taking the child into custody.~~

~~(2)) A law enforcement officer acting in good faith pursuant to this chapter in failing to take a child into custody, in taking a child into custody, or in releasing a child to a person (~~other than~~) at the request of a parent (of such child) is immune from civil or criminal liability for such action.~~

~~((3)) (2) A person (~~other than a parent of such child who receives~~) with whom a child is placed pursuant to this chapter and who acts reasonably and in good faith (~~in doing so~~) is immune from civil or criminal liability for the act of receiving (~~such~~) the child. (~~Such~~) The immunity does not release (~~such~~) the person from liability under any other law (~~including the laws regulating licensed child care and prohibiting child abuse~~).~~

**NEW SECTION. Sec. 8.** A new section is added to chapter 13.32A RCW to read as follows:

The parents of a child placed in a secure crisis residential center shall contribute fifty dollars per day, for not more than five consecutive days, for the expense of the child's placement. However, the secretary may establish a payment schedule that requires a lesser payment based on a parent's ability to pay. The payment shall be made to the department. No child may be denied placement in, or removed from, a secure crisis residential center based solely on the income of the parent.

**Sec. 9.** RCW 13.32A.090 and 1990 c 276 s 6 are each amended to read as follows:

(1) The person in charge of a designated crisis residential center or the department (~~(pursuant to RCW 13.32A.070))~~ shall perform the duties under subsection (2) of this section:

- (a) Upon admitting a child who has been brought to the center by a law enforcement officer under RCW 13.32A.060;
- (b) Upon admitting a child who has run away from home or has requested admittance to the center;
- (c) Upon learning from a person under RCW 13.32A.080(3) that the person is providing shelter to a child absent from home; or
- (d) Upon learning that a child has been placed with a responsible adult pursuant to RCW (~~(13.32A.070))~~ 13.32A.060.

(2) When any of the circumstances under subsection (1) of this section are present, the person in charge of a center shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state;

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department, when the child and his or her parent agrees to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home;

(e) Arrange transportation for the child to an (~~alternative residential~~) out-of-home placement which may include a licensed group care facility or foster family when agreed to by the child and parent at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department;

(f) Immediately notify the department of the placement.

**Sec. 10.** RCW 13.32A.120 and 1990 c 276 s 7 are each amended to read as follows:

(1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an (~~alternative residential~~) out-of-home placement arrived at pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an (~~alternative residential~~) out-of-home placement under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an (~~alternative residential~~) out-of-home placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

(3) If a child and his or her parent cannot agree to the continuation of an (~~alternative residential~~) out-of-home placement arrived at under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an (~~alternative residential~~) out-of-home placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

**Sec. 11.** RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended to read as follows:

(1) A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent, is not placed in a semi-secure crisis residential center pursuant to a temporary out-of-home placement order, or (~~who~~) is not placed in an (~~alternative residential~~) out-of-home placement ((under an agreement between the parent and child,)) shall (~~(, except as provided for by RCW 13.32A.140 and 13.32A.160(2);)~~) reside in the (~~(placement))~~ center under the rules (~~(established for))~~ of the center for a period not less than three and not to exceed five consecutive days from the time of intake (~~(, except as otherwise provided by this chapter).~~) The parents may remove the child at any time during the five-day period if no allegations of abuse or neglect have been made against the parents. The department may remove the child whenever a dependency petition is filed under chapter 13.34 RCW.

(2) Crisis residential center staff shall make (~~(a concerted))~~ every reasonable effort to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the person in charge shall inform the parent and child of (~~((+))~~) (a) the availability of counseling services; ((2)) (b) the right to file a child in need of services petition for an (alternative residential) out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the department to form a multidisciplinary team; and ((3)) (d) the right to request a review of any (alternative residential) out-of-home placement.



(3) At no time shall information regarding a parent's or child's rights be withheld (~~if requested~~). The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

**NEW SECTION. Sec. 12.** A new section is added to chapter 13.32A RCW to read as follows:

(1) The administrator of a crisis residential center may convene a multidisciplinary team at the request of a child placed at the center or the child's parent. If the administrator has reasonable cause to believe that a child is a child in need of services and the parent is unavailable or unwilling to continue efforts to maintain the family structure, the administrator shall immediately convene a multidisciplinary team. The parent may disband the team at any time unless the court has ordered an out-of-home placement pursuant to section 18(3) of this act. Upon the filing of an at-risk youth or dependency petition, the team shall cease to exist unless the parent requests continuation of the team.

(2) The secretary shall request participation of appropriate state agencies in the multidisciplinary teams. Those agencies that agree to participate shall provide the secretary all information necessary to facilitate forming a multidisciplinary team and the secretary shall provide this information to the administrator of each crisis residential center.

(3) The secretary shall designate within each region a department employee who shall have responsibility for coordination of the state response to a request for creation of a multidisciplinary team. The secretary shall advise the administrator of each crisis residential center of the name of the appropriate employee. Upon a request of the administrator to form a multidisciplinary team the employee shall provide a list of the agencies that have agreed to participate in the multidisciplinary team.

(4) The administrator shall also seek participation from representatives of mental health and drug and alcohol treatment providers as appropriate.

(5) A parent shall be advised of the request to form a multidisciplinary team and may select additional members of the multidisciplinary team. The parent or child may request any person or persons to participate including, but not limited to, educators, law enforcement personnel, court personnel, family therapists, licensed health care practitioners, social service providers, youth residential placement providers, other family members, church representatives, and members of their own community. The administrator shall assist in obtaining the prompt participation of persons requested by the parent or child.

(6) When an administrator of a crisis residential center requests the formation of a team, the state agencies must respond as soon as possible. The team shall have the authority to evaluate the juvenile, and family members, if appropriate and agreed to by the parent, and shall:

- (a) With parental input, develop a plan of appropriate available services and assist the family in obtaining those services;
- (b) Make a referral to the designated chemical dependency specialist or the county designated mental health professional, if

appropriate;

(c) Recommend no further intervention because the juvenile and his or her family have resolved the problem causing the family conflict; or

- (d) With the parent's consent, work with them to achieve reconciliation of the child and family.

(7) The purpose of the multidisciplinary team is to assist in a coordinated referral of the family to available social and health-related services.

(8) At the first meeting of the multidisciplinary team, it shall choose a member to coordinate the team's efforts. The parent member of the multidisciplinary team must agree with the choice of coordinator. The team shall meet or communicate as often as necessary to assist the family.

(9) The coordinator of the multidisciplinary team may assist in filing a child in need of services petition when requested by the parent or child or an at-risk youth petition when requested by the parent. The multidisciplinary team shall have no standing as a party in any action under this title.

(10) If the administrator is unable to contact the child's parent, the multidisciplinary team may be used for assistance. If the parent has not been contacted within five days the administrator shall contact the department and request the case be reviewed for a dependency filing under chapter 13.34 RCW.

**Sec. 13.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to read as follows:

The department shall file a child in need of services petition to approve an (~~alternative residential~~) out-of-home placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

- (a) The parent has been notified that the child was so admitted or placed;
- (b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;
- (c) No agreement between the parent and the child as to where the child shall live has been reached;
- (d) No child in need of services petition (~~(requesting approval of an alternative residential placement)~~) has been filed by either the

child or parent (~~(or legal custodian)~~);

- (e) The parent has not filed an at-risk youth petition; and
- (f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

- (a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;
- (b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and
- (c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

- (a) The party to whom the arrangement is no longer acceptable has so notified the department;
- (b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;
- (c) No new agreement between parent and child as to where the child shall live has been reached;
- (d) No child in need of services petition (~~(requesting approval of an alternative residential placement)~~) has been filed by either the

child or the parent;

- (e) The parent has not filed an at-risk youth petition; and
- (f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in ~~((a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until))~~ an ~~((alternative residential))~~ out-of-home placement until a child in need of services petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a child in need of services petition ~~((for alternative residential placement))~~ under this section, shall be represented as provided for in RCW 13.04.093.

If the department files a petition under this section, the department shall submit in a supporting affidavit any information provided under section 29 of this act.

**Sec. 14.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to read as follows:

(1) Except as otherwise provided in this ~~((section))~~ chapter, the juvenile court shall not accept the filing of ~~((an alternative residential placement))~~ a child in need of services petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment shall be aimed at family reconciliation and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under ~~((subsection (3) of this))~~ section 22 of this act.

(2) A child or a child's parent may file with the juvenile court a child in need of services petition to approve an ~~((alternative residential))~~ out-of-home placement for the child ~~((outside the parent's home))~~. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve ~~((such))~~ the placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an ~~((alternative residential))~~ out-of-home placement.

~~((3) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioning parent resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:~~

~~((a) The child is an at-risk youth as defined in this chapter;~~

~~((b) The petitioning parent has the right to legal custody of the child;~~

~~((c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and~~

~~((d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.~~

~~The petition shall set forth facts that support the allegations in this subsection and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child. An at-risk youth petition may not be filed if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. A petition may be accepted for filing only if alternatives to court intervention have been attempted. Juvenile court personnel may screen all at-risk youth petitions and may refuse to allow the filing of any petition that lacks merit, fails to comply with the requirements of this section, or fails to allege sufficient facts in support of allegations in the petition.)~~

**Sec. 15.** RCW 13.32A.160 and 1990 c 276 s 11 are each amended to read as follows:

(1) When a proper child in need of services petition to approve an ~~((alternative residential))~~ out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a) Schedule a ~~((date for a))~~ fact-finding hearing to be held within three judicial days; notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving an ~~((alternative residential))~~ out-of-home placement petition; (e) notify the parents of their rights under this chapter and chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to file an at-risk youth petition, the right to submit on application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition; and ~~((e))~~ (f) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of ~~((an alternative residential placement))~~ a child in need of services petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the ~~((alternative residential placement))~~ petition by the court. Any placement may be reviewed by the court within three ~~((court))~~ judicial days upon the request of the juvenile or the juvenile's parent.

**Sec. 16.** RCW 13.32A.170 and 1989 c 269 s 3 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper petition and may approve or deny ~~((alternative residential))~~ an out-of-home placement giving due weight to the intent of the legislature that families have the right to place reasonable restrictions and rules upon their children, appropriate to the individual child's developmental level. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence, including a departmental recommendation for approval or dismissal of the petition, that:

(a) The petition is not capricious;

(b) The petitioner, if a ~~((parent or the))~~ child, has made a reasonable effort to resolve the conflict;

(c) The conflict ~~((which exists))~~ cannot be resolved by delivery of services to the family during continued placement of the child in the parental home;

(d) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(e) A suitable out-of-home placement resource is available.

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent.

(2) ~~((The order approving out-of-home placement shall direct the department to submit a disposition plan for a three-month placement of the child that is designed to reunite the family and resolve the family conflict. Such plan shall delineate any conditions or limitations on parental involvement. In making the order, the court shall further direct the department to make recommendations, as to which agency or person~~

should have physical custody of the child, as to which parental powers should be awarded to such agency or person, and as to parental visitation rights. The court may direct the department to consider the cultural heritage of the child in making its recommendations.

(3) The hearing to consider the recommendations of the department for a three-month disposition plan shall be set no later than fourteen days after the approval of the court of a petition to approve alternative residential placement. Each party shall be notified of the time and place of such disposition hearing.

(4) If the court approves or denies a petition for an alternative residential placement, a written statement of the reasons shall be filed. If the court denies a petition requesting that a child be placed in a residence other than the home of his or her parent, the court shall enter an order requiring the child to remain at or return to the home of his or her parent.

(5) If the court denies the petition, the court shall impress upon the party filing the petition of the legislative intent to restrict the proceedings to situations where a family conflict is so great that it cannot be resolved by the provision of in-home services.

(6) A child who fails to comply with a court order directing that the child remain at or return to the home of his or her parent shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within ninety calendar days after the day of the order.

(7) The department may request, and the juvenile court may grant, dismissal of an alternative residential placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:

(a) The child has been absent from court approved placement for thirty consecutive days or more;

(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or

(c) The department has exhausted all available and appropriate resources that would result in reunification.)

Following the fact-finding hearing the court shall: (a) Enter a temporary out-of-home placement for a period not to exceed fourteen days pending approval of a disposition decision to be made under section 18(2) of this act; (b) approve an at-risk youth petition filed by the parents; (c) dismiss the petition; or (d) order the department to review the case to determine whether the case is appropriate for a dependency petition under chapter 13.34 RCW.

**Sec. 17.** RCW 13.32A.175 and 1987 c 435 s 13 are each amended to read as follows:

In any proceeding in which the court approves an (~~alternative residential~~) out-of-home placement, the court shall inquire into the ability of parents to contribute to the child's support. If the court finds that the parents are able to contribute to the support of the child, the court shall order them to make such support payments as the court deems equitable. The court may enforce such an order by execution or in any way in which a court of equity may enforce its orders. However, payments shall not be required of a parent who has both opposed the placement and continuously sought reconciliation with, and the return of, the child. All orders entered in a proceeding approving (~~alternative residential~~) out-of-home placement shall be in compliance with the provisions of RCW 26.23.050.

**NEW SECTION. Sec. 18.** A new section is added to chapter 13.32A RCW to read as follows:

(1) A hearing shall be held no later than fourteen days after the approval of the temporary out-of-home placement. The parents, child, and department shall be notified of the time and place of the hearing.

(2) At the commencement of the hearing the court shall advise the parents of their rights as set forth in RCW 13.32A.160(1)(e). If the court approves or denies a child in need of services petition, a written statement of the reasons shall be filed. At the conclusion of the hearing the court may: (a) Reunite the family and dismiss the petition; (b) approve an at-risk youth petition filed by the parents; (c) approve a voluntary out-of-home placement requested by the parents; (d) order any conditions set forth in RCW 13.32A.196(2); or (e) order the department to file a petition for dependency under chapter 13.34 RCW.

(3) At the conclusion of the hearing, if the court has not taken action under subsection (2) of this section it may, at the request of the child or department, enter an order for out-of-home placement for not more than ninety days. The court may only enter an order under this subsection if it finds by clear, cogent, and convincing evidence that: (a)(i) The order is in the best interest of the family; (ii) the parents have not requested an out-of-home placement; (iii) the parents have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable efforts to resolve the conflict; (v) the conflict cannot be resolved by delivery of services to the family during continued placement of the child in the parental home; (vi) reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and (vii) a suitable out-of-home placement resource is available; (b)(i) the order is in the best interest of the child; and (ii) the parents are unavailable; or (c) the parent's actions cause an imminent threat to the child's health or safety.

(4) A child who fails to comply with a court order issued under this section shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within one year after the entry of the order.

(5) The parents or the department may request, and the court may grant, dismissal of a placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:

(a) The child has been absent from court approved placement for thirty consecutive days or more;

(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or

(c) The department has exhausted all available and appropriate resources that would result in reunification.

(6) The court shall dismiss a placement made under subsection (2)(c) of this section upon the request of the parents.

**Sec. 19.** RCW 13.32A.177 and 1988 c 275 s 14 are each amended to read as follows:

A determination of (~~child~~) support payments ordered under RCW 13.32A.175 shall be based upon (~~the child support schedule and standards adopted under~~) chapter 26.19 RCW ((26.19.040)).

**Sec. 20.** RCW 13.32A.180 and 1979 c 155 s 32 are each amended to read as follows:

(1) (~~At a dispositional hearing held to consider the three-month dispositional plan presented by the department the court shall consider all such recommendations included therein. The court, consistent with the stated goal of resolving the family conflict and reuniting the family, may modify such plan and shall make its dispositional order for~~) If the court orders a three-month out-of-home placement for the child(-), the court ((dispositional order)) shall specify the person or agency with whom the child shall be placed, those parental powers which will be temporarily awarded to such agency or person including but not limited to the right to authorize medical, dental, and optical treatment, and parental visitation rights. Any agency or residence at which the child is placed must, at a minimum, comply with minimum standards for licensed family foster homes.

(2) No placement made pursuant to this section may be in a secure residence as defined by the federal Juvenile Justice and Delinquency Prevention Act of 1974 (~~and clarifying interpretations and regulations promulgated thereunder~~).

**Sec. 21.** RCW 13.32A.190 and 1989 c 269 s 5 are each amended to read as follows:

(1) Upon making a dispositional order under (~~RCW 13.32A.180~~) section 18 of this act, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel and/or a guardian ad litem to represent the child at the review hearing, advise parents of their right to be represented by legal counsel at the review hearing, and notify the parties of their

rights to present evidence at the hearing. Where resources are available, the court shall encourage the parent and child to participate in ~~((mediation))~~ programs for reconciliation of their conflict.

(2) At the review hearing, the court shall approve or disapprove the continuation of the dispositional plan in accordance with ~~((the goal of resolving the conflict and reuniting the family which governed the initial approval))~~ this chapter. The court shall determine whether reasonable efforts have been made to reunify the family and make it possible for the child to return home. The court ~~((is authorized to))~~ shall discontinue the placement and order that the child return home if the court has reasonable grounds to believe that the parents have ~~((displayed concerted))~~ made reasonable efforts to ((utilize services and)) resolve the conflict and the court has reason to believe that the child's refusal to return home is capricious. If out-of-home placement is continued, the court may modify the dispositional plan.

(3) Out-of-home placement may not be continued past one hundred eighty days from the day the review hearing commenced. The court shall order ~~((that))~~ the child to return to the home of the parent at the expiration of the placement. If ~~((continued))~~ an out-of-home placement is disapproved prior to one hundred eighty days, the court shall enter an order requiring ~~((that))~~ the child to return to the home of the child's parent.

(4) The parents and the department may request, and the juvenile court may grant, dismissal of an ~~((alternative residential))~~ out-of-home placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:

- (a) The child has been absent from court approved placement for thirty consecutive days or more;
- (b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or
- (c) The department has exhausted all available and appropriate resources that would result in reunification.

(5) The court shall terminate a placement made under this section upon the request of a parent unless the placement is made pursuant to section 18(3) of this act.

**NEW SECTION. Sec. 22.** A new section is added to chapter 13.32A RCW to read as follows:

(1) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioner resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

- (a) The child is an at-risk youth as defined in this chapter;
- (b) The petitioner has the right to legal custody of the child;
- (c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and
- (d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

(2) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child.

(3) A petition may not be filed if a dependency petition is pending under chapter 13.34 RCW.

**Sec. 23.** RCW 13.32A.192 and 1990 c 276 s 12 are each amended to read as follows:

(1) When a proper at-risk youth petition is filed by a child's parent under ~~((RCW 13.32A.120 or 13.32A.150))~~ this chapter, the juvenile court shall:

- (a) Schedule a fact-finding hearing to be held within three judicial days and notify the parent and the child of such date;
- (b) Notify the parent of the right to be represented by counsel at the parent's own expense;
- (c) Appoint legal counsel for the child;
- (d) Inform the child and his or her parent of the legal consequences of the court finding the child to be an at-risk youth; and
- (e) Notify the parent and the child of their rights to present evidence at the fact-finding hearing.

(2) Unless out-of-home placement of the child is otherwise authorized or required by law, the child shall reside in the home of his or her parent or in an ~~((alternative residential))~~ out-of-home placement requested by the parent or child and approved by the parent. ~~((Upon request by the parent, the court may enter a court order requiring the child to reside in the home of his or her parent or an alternative residential placement approved by the parent.))~~

(3) If upon sworn written or oral declaration of the petitioning parent, the court has reason to believe that a child has willfully and knowingly violated a court order issued pursuant to subsection (2) of this section, the court may issue an order directing law enforcement to take the child into custody and place the child in a juvenile detention facility or in a secure crisis residential center ~~((licensed by the department and established pursuant to chapter 74.13 RCW))~~. If the child is placed in detention, a review shall be held as provided in RCW 13.32A.065.

(4) If both ~~((an alternative residential placement))~~ a child in need of services petition and an at-risk youth petition have been filed with regard to the same child, the petitions and proceedings shall be consolidated ~~((for purposes of fact-finding))~~ as an at-risk youth petition. Pending a fact-finding hearing regarding the petition, the child may be placed ~~((;))~~ in the parent's home or in an out-of-home placement if not already placed ~~((;))~~ in ((an alternative residential)) a temporary out-of-home placement ~~((as provided in RCW 13.32A.160 unless the court has previously entered an order requiring the child to reside in the home of his or her parent.))~~. The child or the parent may request a review of the child's placement including a review of any court order requiring the child to reside in the parent's home. ~~((At the review the court, in its discretion, may order the child placed in the parent's home or in an alternative residential placement pending the hearing.))~~

**Sec. 24.** RCW 13.32A.194 and 1990 c 276 s 13 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper at-risk youth petition. The court ~~((may))~~ shall grant the petition and enter an order finding the child to be an at-risk youth if the allegations in the petition are established by a preponderance of the evidence ~~((The court shall not enter such an order if the court has approved an alternative residential placement petition regarding the child or if))~~, unless the child is the subject of a proceeding under chapter 13.34 RCW. If the petition is granted, the court shall enter an order requiring the child to reside in the home of his or her parent or ~~((in an alternative residential placement approved by the parent))~~ in an out-of-home placement as provided in RCW 13.32A.192(2).

(2) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided timely notification of all court hearings.

(3) A dispositional hearing shall be held no later than fourteen days after the court has granted an at-risk youth petition. Each party shall be notified of the time and date of the hearing.

(4) If the court grants or denies an at-risk youth petition, a statement of the written reasons shall be entered into the records. If the court denies an at-risk youth petition, the court shall verbally advise the parties that the child is required to remain within the care, custody, and control of his or her parent.

**Sec. 25.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to read as follows:

(1) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(2) The court may set conditions of supervision for the child that include:

(a) Regular school attendance;

(b) Counseling;

(c) Participation in a substance abuse or mental health outpatient treatment program;

(d) Reporting on a regular basis to the department or any other designated person or agency; and

(e) Any other condition the court deems an appropriate condition of supervision including but not limited to: Employment, participation in an anger management program, and refraining from using alcohol or drugs.

(3) No dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

(4) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled.

(5) The parent may request dismissal of an at-risk youth proceeding or out-of-home placement at any time and upon such a request, the court shall dismiss the matter and cease court supervision of the child unless a contempt action is pending in the case. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

~~((5))~~ (6) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

**Sec. 26.** RCW 13.32A.250 and 1990 c 276 s 16 are each amended to read as follows:

(1) In all ~~((alternative residential placement))~~ child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter. The court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a contempt of court as provided in chapter 7.21 RCW, subject to the limitations of subsection ~~((2))~~ (3) of this section.

(3) The court may impose a fine of up to one hundred dollars and imprisonment for up to seven days, or both for contempt of court under this section.

(4) A child imprisoned for contempt under this section shall be imprisoned only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

**NEW SECTION. Sec. 27.** A new section is added to chapter 13.32A RCW to read as follows:

No superior court may refuse to accept for filing a properly completed and presented child in need of services petition or an at-risk youth petition. To be properly presented, the petitioner shall verify that the family assessment required under RCW 13.32A.150 has been completed. In the event of an improper refusal that is appealed and reversed, the petitioner shall be awarded actual damages, costs, and attorneys' fees.

**NEW SECTION. Sec. 28.** A new section is added to chapter 13.32A RCW to read as follows:

(1) Any person who provides shelter to a child for at least six consecutive hours and who has reasonable cause to believe that the child is absent from his or her home without permission shall, not later than the end of the six-hour period:

(a) Attempt to notify the parent of the child of the location of the child and return the child to the parent unless there has been a placement ordered under this title;

(b) Notify the law enforcement agency of the jurisdiction in which the person lives if (i) the parent cannot be located; (ii) the parent declines to take custody of the child; or (iii) a placement order has been entered under this chapter; or

(c) Notify the department.

(2) If a person provides the notices required in this section he or she is immune from liability for any cause of action arising from providing shelter to the child. The immunity shall not extend to acts of intentional misconduct or gross negligence by the person providing the shelter.

**NEW SECTION. Sec. 29.** A new section is added to chapter 13.32A RCW to read as follows:

Upon the admissions of a child to a crisis residential center the administrator of the facility shall request the department to provide:

(1) The name of any sibling of the child who has been: (a) Placed under the jurisdiction of the juvenile rehabilitation administration; or (b) subject to a proceeding under chapter 13.34 RCW; and (2) information regarding whether the child has run away multiple times.

The department shall provide the information as soon as feasible. The administrator may utilize the information in assessing the needs of the child but a petition filed under this chapter may not be based solely on this information.

**Sec. 30.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove ~~((alternative residential))~~ out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110; or  
(ii) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or  
(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

(iv) The juvenile is sixteen or seventeen years old and the alleged offense is: (A) A serious violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994; or (B) a violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994, and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately. In such a case the adult criminal court shall have exclusive original jurisdiction.

If the juvenile challenges the state's determination of the juvenile's criminal history, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the diveree has attained eighteen years of age; and

(h) Relating to court validation of a voluntary consent to foster care placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) A juvenile subject to adult superior court jurisdiction under subsection (1)(e) (i) through (iv) of this section, who is detained pending trial, may be detained in a county detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

**Sec. 31.** RCW 13.04.040 and 1983 c 191 s 14 are each amended to read as follows:

The administrator shall, in any county or judicial district in the state, appoint or designate one or more persons of good character to serve as probation counselors during the pleasure of the administrator. The probation counselor shall:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition or information pursuant to chapter 13.32A or 13.34 RCW ((13.34.040, 13.34.180, and)) or RCW 13.40.070 ((as now or hereafter amended, and RCW 13.32A.150));

(2) Make recommendations to the court regarding the need for continued detention or shelter care of a child unless otherwise provided in this title;

(3) Arrange and supervise diversion agreements as provided in RCW 13.40.080, ~~((as now or hereafter amended,))~~ and ensure that the requirements of such agreements are met except as otherwise provided in this title;

(4) Prepare predisposition studies as required in RCW 13.34.120 and 13.40.130, ~~((as now or hereafter amended,))~~ and be present at the disposition hearing to respond to questions regarding the predisposition study: PROVIDED, That such duties shall be performed by the department ~~((of social and health services))~~ for cases relating to dependency or to the termination of a parent and child relationship which is filed by the department ~~((of social and health services))~~ unless otherwise ordered by the court; and

(5) Supervise court orders of disposition to ensure that all requirements of the order are met.

All probation counselors shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests of juveniles under their supervision for the violation of any state law or county or city ordinance.

The administrator may, in any county or judicial district in the state, appoint one or more persons who shall have charge of detention rooms or houses of detention.

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the legislative authority of the county, or in cases of joint counties, judicial districts of more than one county, or joint judicial districts such sums as shall be agreed upon by the legislative authorities of the counties affected, and such persons shall be paid as other county officers are paid.

The administrator is hereby authorized, and to the extent possible is encouraged to, contract with private agencies existing within the community for the provision of services to youthful offenders and youth who have entered into diversion agreements pursuant to RCW 13.40.080 ~~((as now or hereafter amended))~~.

The administrator shall establish procedures for the collection of fines assessed under RCW 13.40.080 (2)(d) and (13) and for the payment of the fines into the county general fund.

**Sec. 32.** RCW 13.04.093 and 1991 c 363 s 11 are each amended to read as follows:

It shall be the duty of the prosecuting attorney to act in proceedings relating to the commission of a juvenile offense as provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney to handle delinquency cases under chapter 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under chapter 13.24 RCW. It shall be the duty of the attorney general in contested cases brought by the department to present the evidence supporting any petition alleging dependency or seeking the termination of a parent and child relationship or any contested case filed under RCW 26.33.100 or approving or disapproving ~~((alternative residential))~~ out-of-home placement: PROVIDED, That in each county with a population of less than two hundred ten thousand, the attorney general may contract with the prosecuting attorney of the county to perform ~~((said))~~ the duties of the attorney general under this section.

**NEW SECTION. Sec. 33.** The department of social and health services shall develop a plan for the development of an intensive treatment system for children whose behavior puts them at serious risk of harm to themselves or others. In developing this plan, the department shall work with service providers, community leaders, representatives of different cultural communities, businesses, educational institutions,

community public health and safety networks, and others to propose a continuum of services, including placement alternatives, for children who might otherwise be on the street.

In developing this plan, the department shall identify existing local and state services and barriers to those services for children. The plan for intensive treatment services, to the extent possible, shall build upon those existing resources.

The plan shall be presented to the legislature and the governor no later than December 1, 1995.

**NEW SECTION. Sec. 34.** A new section is added to chapter 13.32A RCW to read as follows:

Nothing in this chapter shall be construed to create an entitlement to services nor to create judicial authority to order the provision at public expense of services to any person or family where the department has determined that such services are unavailable or unsuitable or that the child or family are not eligible for such services.

**NEW SECTION. Sec. 35.** A new section is added to chapter 13.32A RCW to read as follows:

In approving a petition under this chapter, a child may be placed in a semi-secure crisis residential center as a temporary out-of-home placement under the following conditions: (1) No other suitable out-of-home placement is available; (2) space is available in the semi-secure crisis residential center; and (3) no child will be denied access for a five-day placement due to this placement.

Any child referred to a semi-secure crisis residential center by a law enforcement officer, the department, or himself or herself shall have priority over a temporary out-of-home placement in the facility. Any out-of-home placement order shall be subject to this priority, and the administrator of the semi-secure crisis residential center shall transfer the temporary out-of-home placement youth to a new out-of-home placement as necessary to ensure access for youth needing the semi-secure crisis residential center.

**Sec. 36.** RCW 70.96A.090 and 1990 c 151 s 5 are each amended to read as follows:

(1) The department shall adopt rules establishing standards for approved treatment programs, the process for the review and inspection program applying to the department for certification as an approved treatment program, and fixing the fees to be charged by the department for the required inspections. The standards may concern the health standards to be met and standards of services and treatment to be afforded patients.

(2) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(3) No treatment program may advertise or represent itself as an approved treatment program if approval has not been granted, has been denied, suspended, revoked, or canceled.

(4) Certification as an approved treatment program is effective for one calendar year from the date of issuance of the certificate. The certification shall specify the types of services provided by the approved treatment program that meet the standards adopted under this chapter. Renewal of certification shall be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(5) Approved treatment programs shall not provide alcoholism or other drug addiction treatment services for which the approved treatment program has not been certified. Approved treatment programs may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.

(6) The department periodically shall inspect approved public and private treatment programs at reasonable times and in a reasonable manner.

(7) The department shall maintain and periodically publish a current list of approved treatment programs.

(8) Each approved treatment program shall file with the department on request, data, statistics, schedules, and information the department reasonably requires. An approved treatment program that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may be removed from the list of approved treatment programs, and its certification revoked or suspended.

(9) The department shall use the data provided in subsection (8) of this section to evaluate each program in terms of rates of successful treatment of drug or alcohol abuse. The evaluation shall be done at least once every twelve months. In addition, the department shall randomly select and review the information on individual children who are admitted on application of the child's parent for the purpose of determining whether the child was appropriately placed into treatment based on an objective evaluation of the child's condition and the success of the child's treatment.

(10) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any approved public or private treatment program refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.

**Sec. 37.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to read as follows:

(1) Any person (~~fourteen~~) thirteen years of age or older may give consent for himself or herself to the furnishing of counseling, care, treatment, or rehabilitation by a treatment program or by any person. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age is not necessary to authorize the care, except that the person shall not become a resident of the treatment program without such permission except as provided in RCW 70.96A.120 or 70.96A.140. The parent, parents, or legal guardian of a person less than eighteen years of age are not liable for payment of care for such persons pursuant to this chapter, unless they have joined in the consent to the counseling, care, treatment, or rehabilitation.

(2) The parent of any minor child may apply to an approved treatment program for the admission of his or her minor child for purposes authorized in this chapter. The consent of the minor child shall not be required for the application or admission. The approved treatment program shall accept the application and evaluate the child for admission. The ability of a parent to apply to an approved treatment program for the involuntary admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state.

**Sec. 38.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read as follows:

(1) Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent. Parental authorization is required for outpatient treatment of a minor under the age of thirteen.

(2) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility in accordance with the following requirements:

(a) ~~(A minor under thirteen years of age may only be admitted on the application of the minor's parent.~~

(b)) A minor (~~thirteen years or older~~) may be voluntarily admitted by application of the parent. (~~Such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor.~~) The consent of the minor is not required for the minor to be evaluated and admitted as appropriate.

~~((e))~~ (b) A minor thirteen years or older may, with the concurrence of the professional person in charge of an evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility, provided that notice is given by the facility to the minor's parent in accordance with the following requirements:

(i) Notice of the minor's admission shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent that the minor has been admitted to inpatient treatment; the location and telephone number of the facility providing such treatment; and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent.

(ii) The minor shall be released to the parent at the parent's request for release unless the facility files a petition with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(iii) The petition shall be signed by the professional person in charge of the facility or that person's designee.

(iv) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(v) There shall be a hearing on the petition, which shall be held within three judicial days from the filing of the petition.

(vi) The hearing shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility.

(vii) At such hearing, the facility must demonstrate by a preponderance of the evidence presented at the hearing that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

~~((d))~~ (c) Written renewal of voluntary consent must be obtained from the applicant (~~and the minor thirteen years or older~~) no less than once every twelve months.

~~((e))~~ (d) The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

(3) A notice of intent to leave shall result in the following:

(a) Any minor under the age of thirteen must be discharged immediately upon written request of the parent.

(b) Any minor thirteen years or older voluntarily admitted may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(c) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, thirteen years or older, from the facility within twenty-four hours after receipt of the minor's notice of intent to leave, unless the county-designated mental health professional or a parent or legal guardian files a petition or an application for initial detention within the time prescribed by this chapter.

(4) The ability of a parent to apply to a certified evaluation and treatment program for the involuntary admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state.

**NEW SECTION. Sec. 39.** A new section is added to chapter 71.34 RCW to read as follows:

The department shall randomly select and review the information on children who are admitted to in-patient treatment on application of the child's parent. The review shall determine whether the children reviewed were appropriately admitted into treatment based on an objective evaluation of the child's condition and the success of the child's treatment.

**Sec. 40.** RCW 74.13.031 and 1990 c 146 s 9 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, or neglected children.

(2) Develop a recruiting plan for recruiting an adequate number of prospective adoptive and foster homes, both regular and specialized, ~~((i.e.)) including~~ homes for children of ethnic minority, ~~((including))~~ Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, and annually submit the plan for review to the ~~((house and senate committees on social and health services))~~ legislature. The plan shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of neglect, abuse, or abandonment of children, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency ~~((PROVIDED, That an))~~. No investigation is ~~((not))~~ required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If ~~((the))~~ an investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report delineating the results to the ~~((house and senate committees on social and health services))~~ legislature.

(6) Have authority to accept custody of children from parents and ~~((to accept custody of children from))~~ juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children ~~((;))~~ and ~~((shall follow in general the policy of using))~~ use properly approved private agency services for the ~~((actual))~~ care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.



(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, day care, licensing of child care agencies, adoption, and related services (~~related thereto~~). At least one-third of the membership shall be (~~composed of~~) child care providers, and at least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order (~~and~~). The purchase of such care (~~shall be~~) is subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4)(~~and~~) and (6)(~~and~~(7)) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

**Sec. 41.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to read as follows:

(1) The department shall establish, by contracts with private vendors, (~~not less than eight~~) regional semi-secure crisis residential centers, which shall be structured group care facilities licensed under rules adopted by the department. Each regional center shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children. The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in RCW 13.32A.090.

(2) Within available funds appropriated for this purpose, the department shall establish, by contracts with private vendors, secure crisis residential centers which shall be facilities licensed under rules adopted by the department. The location of these facilities shall be determined by the department.

(3) The department shall, in addition to the (~~regional~~) facilities established under subsections (1) and (2) of this section, establish (~~not less than thirty~~) additional crisis residential centers pursuant to contract with licensed private group care (~~or specialized foster home~~) facilities. The staff at the facilities shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

(4) Secure crisis residential facilities shall be operated as (~~semi-secure~~) secure facilities as defined in RCW 13.32A.030. The facilities shall have an average of no more than three adult staff members to every eight children. The staffing ratio shall continue to ensure the safety of the children.

(5) Any secure center created under this section may be located within, or on the same grounds as, other secure facilities including jails, juvenile detention facilities operated by the state, or units of local government. The operation of a center located within or on the same grounds as another secure facility shall not permit in-person contact between the residents of the center and the persons held in the other secure facility.

**NEW SECTION. Sec. 42.** A new section is added to chapter 74.13 RCW to read as follows:

No contract may provide reimbursement or compensation to a center for any service delivered or provided to a resident child after five consecutive days of residence.

**Sec. 43.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises (~~which procedures are consistent with the federal juvenile justice and delinquency prevention act of 1974 and regulations and clarifying instructions promulgated thereunder~~). Nothing in this section shall prohibit a center from referring any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW or to a mental health professional pursuant to chapter 71.05 RCW whenever such action is deemed appropriate and consistent with law.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In providing these services, the facility shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible; and

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed five consecutive days.

(3) A juvenile taking unauthorized leave from this residence may be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile may be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed five consecutive days.

**Sec. 44.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032(~~(2))~~ (3) may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center (~~(or)~~), the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032. Placement in both (~~centers~~) locations shall not (~~exceed~~) be less than three nor more than five consecutive days from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to

ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

~~((5) It is the intent of the legislature that by July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.))~~

**Sec. 45.** RCW 74.13.035 and 1979 c 155 s 81 are each amended to read as follows:

Crisis residential centers shall compile ~~(yearly)~~ quarterly records which shall be transmitted to the department and which shall contain information regarding population profiles of the children admitted to the centers during each past calendar year. Such information shall include but shall not be limited to the following:

- (1) The number, county of residency, age, and sex of children admitted to custody;
- (2) Who brought the children to the center;
- (3) Services provided to children admitted to the center;
- (4) The circumstances which necessitated the children being brought to the center;
- (5) The ultimate disposition of cases;
- (6) The number of children admitted to custody who ran away from the center and their ultimate disposition, if any;
- (7) Length of stay.

The department may require the provision of additional information and may require each center to provide all such necessary information in a uniform manner.

The department shall report to the legislature within one year of the initial contracts establishing secure crisis residential centers. The report shall evaluate and compare the information required to be compiled in this section for the secure and semi-secure crisis residential centers and shall include plans for establishing secure crisis residential centers as funds are appropriated.

A center may, in addition to being licensed as such, also be licensed as a ~~((family foster home or))~~ group care facility and may house on the premises juveniles assigned for temporary out-of-home placement or foster or group care.

**Sec. 46.** RCW 74.13.036 and 1989 c 175 s 147 are each amended to read as follows:

(1) The department of social and health services shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall ~~((, by January 1, 1986,))~~ develop a plan and procedures, in cooperation with the state-wide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

- (a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the ~~((alternative residential))~~ child in need of services placement process;
- (b) Procedures for designating department staff responsible for family reconciliation services;
- (c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and
- (d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

~~((The plan and procedures required under this subsection shall be submitted to the appropriate standing committees of the legislature by January 1, 1986.))~~

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

- (a) Identify and evaluate resource needs in each region of the state;
- (b) Disseminate information collected as part of the oversight process to affected groups and the general public;
- (c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;
- (d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

(4) The secretary shall submit a quarterly report to the appropriate local government entities.

(5) Where appropriate, the department shall request opinions from the attorney general regarding correct construction of these laws.

**Sec. 47.** RCW 82.14.300 and 1990 2nd ex.s. c 1 s 1 are each amended to read as follows:

The legislature finds and declares that local government criminal justice systems are in need of assistance. Many counties and cities are unable to provide sufficient funding for additional police protection, mitigation of congested court systems, public safety education, and relief of overcrowded jails.

In order to ensure public safety, it is necessary to provide fiscal assistance to help local governments to respond immediately to these criminal justice problems, while initiating a review of the criminal justice needs of cities and counties and the resources available to address those needs.

To provide for a more efficient and effective response to these problems, the legislature encourages cities and counties to coordinate strategies against crime and use multijurisdictional and innovative approaches in addressing criminal justice problems.

(The legislature intends to provide fiscal assistance to counties and cities in the manner provided in this act until the report of the task force created under RCW 82.14.301 is available for consideration by the legislature.)

**Sec. 48.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to read as follows:

(1) The municipal criminal justice assistance account is created in the state treasury.

(2) No city may receive a distribution under this section from the municipal criminal justice assistance account unless:

(a) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010(3) at the maximum rate; and

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the state-wide average per capita yield for all cities from such local sales and use tax.

(3) The moneys deposited in the municipal criminal justice assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150. The distributions shall be made as follows:

(a) Unless reduced by this subsection, thirty percent of the moneys shall be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than one hundred seventy-five percent of the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a) but, if a city distribution is reduced as a result of exceeding the fifty percent limitation, the amount not distributed shall be distributed under (b) of this subsection.

(b) The remainder of the moneys, including any moneys not distributed in subsection (2)(a) of this section, shall be distributed to all cities eligible under subsection (2) of this section ratably based on population as last determined by the office of financial management.

(4) No city may receive more than thirty percent of all moneys distributed under subsection (3) of this section.

(5) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.

(6) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and publications and public educational efforts designed to provide information and assistance to parents in dealing with runaway or at-risk youth. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

**NEW SECTION. Sec. 49.** A new section is added to chapter 28A.225 RCW to read as follows:

For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. The local school district boards of directors may create a community truancy board. Members of the board shall be selected from representatives of the community. Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance.

**Sec. 50.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to read as follows:

If a ((juvenile)) child required to attend school under the laws of the state of Washington fails to attend school without valid justification, the ((juvenile's)) child's school shall:

(1) Inform the ((juvenile's)) child's custodial parent, parents, or guardian by a notice in writing or by telephone ((that)) whenever the ((juvenile)) child has failed to attend school ((without valid justification)) after one unexcused absence within any month during the current school year;

(2) Schedule a conference or conferences with the custodial parent, parents, or guardian and ((juvenile)) child at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the ((juvenile's)) child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(3) Take steps to eliminate or reduce the ((juvenile's)) child's absences. These steps shall include, where appropriate, adjusting the ((juvenile's)) child's school program or school or course assignment, providing more individualized or remedial instruction, ((preparing the juvenile for employment with specific)) providing appropriate vocational courses or work experience, or ((both)) refer the child to a community truancy board, ((and)) or assisting the parent or ((student)) child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

**Sec. 51.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to read as follows:

If the actions taken by a school ((pursuant to)) district under RCW 28A.225.020 ((is)) are not successful in substantially reducing ((a)) an enrolled student's absences from school, ((any of the following actions may be taken after five or more)) upon the fifth unexcused absence((s)) by a child within any month during the current school year or upon the tenth unexcused absence during the current school year((= (1) The attendance officer of)) the school district ((through its attorney may)) shall file a petition with the juvenile court ((to assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150 for the purpose of)) alleging a violation of RCW 28A.225.010: (1) By the parent; ((or)) (2) ((a petition alleging a violation of RCW 28A.225.010 by a)) by the child ((may be filed with the juvenile court by the parent of such child or by the attendance officer of the school district through its attorney at the request of the parent. If the court assumes jurisdiction in such an instance, the provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except where otherwise stated, shall apply)); or (3) by the parent and the child.

If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

**NEW SECTION. Sec. 52.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) A petition under RCW 28A.225.030 shall consist of a written notification to the court alleging that:

(a) The child has five or more unexcused absences within any month during the current school year or ten or more unexcused absences in the current school year;

- (b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and
- (c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.
- (2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.
- (3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this

chapter.

- (4) When a petition is filed under RCW 28A.225.030, the juvenile court may:
  - (a) Schedule a fact-finding hearing at which the court shall consider the petition;
  - (b) Separately notify the child, the parent of the child, and the school district of the fact-finding hearing;
  - (c) Notify the parent and the child of their rights to present evidence at the fact-finding hearing; and
  - (d) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.
- (5) The court may require the attendance of both the child and the parents at any hearing on a petition filed under RCW 28A.225.030.
- (6) The court shall grant the petition and enter an order assuming jurisdiction to intervene for the remainder of the school year, if the allegations in the petition are established by a preponderance of the evidence.
- (7) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the

child.

**NEW SECTION. Sec. 53.** A new section is added to chapter 28A.225 RCW to read as follows:

In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under RCW 28A.225.030, 28A.225.090, and section 52 of this act and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases under RCW 28A.225.030, 28A.225.090, and section 52 of this act and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

**NEW SECTION. Sec. 54.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) Each school shall document the actions taken under RCW 28A.225.020 and 28A.225.030 and report this information at the end of each grading period to the school district superintendent who shall compile the data for all the schools in the district and prepare an annual school district report for each school year and submit the report to the superintendent of public instruction. The reports shall be made upon forms furnished by the superintendent of public instruction and shall be transmitted as determined by the superintendent of public instruction.

(2) The reports under subsection (1) of this section shall include:

- (a) The number of enrolled students and the number of excused and unexcused absences;
- (b) Documentation of the steps taken by the school district under each subsection of RCW 28A.225.020;
- (c) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;
- (d) Documentation of success by the school district in substantially reducing enrolled student absences for students with five or more absences in any month or ten or more unexcused absences in any school year;
- (e) The number of petitions filed by a school district or a parent with the juvenile court; and
- (f) The disposition of cases filed with the juvenile court, including the frequency of contempt orders issued to enforce a court's order under RCW 28A.225.090.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The superintendent of public instruction shall collect these reports from all school districts and prepare an annual report for each school year to be submitted to the legislature no later than December 15th of each year.

**NEW SECTION. Sec. 55.** A new section is added to chapter 28A.225 RCW to read as follows:

A school district that fails to make a report, makes a false report, or fails to substantially comply with its responsibilities and duties under RCW 28A.225.010 through 28A.225.030 and section 54 of this act, shall be subject to a fine in superior court of not more than ten thousand dollars. A county or municipal prosecutor or the office of the attorney general may file a petition in superior court alleging a violation under this section.

**Sec. 56.** RCW 28A.225.060 and 1990 c 33 s 223 are each amended to read as follows:

Any (~~attendance officer~~) school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, (~~shall~~) may take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school (~~such child then being a truant from instruction at the school which he or she is lawfully required to attend~~) and is absent from school without an approved excuse, and shall (~~forthwith~~) deliver (~~a child so detained either~~) the child to: (1) (~~the~~) The custody of a person in parental relation to the child (~~or~~); (2) (~~the~~) the school from which the child is (~~then a truant~~) absent; or (3) a program designated by the school district.

**Sec. 57.** RCW 28A.225.090 and 1992 c 205 s 204 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of RCW 28A.225.010 shall be required to attend school and shall not be fined. If the child fails to comply with the court order to attend school, the court may: (1) Order the child be punished by detention; or (~~may~~) (2) impose alternatives to detention such as community service hours or participation in dropout prevention programs or referral to a community truancy board, if available. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the (~~juvenile's~~) child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service at the child's school instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the (~~juvenile~~) child in a supervised plan for the (~~juvenile's~~) child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(~~Attendance officers~~) School districts shall make complaint for violation of the provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the (~~superior or district~~) juvenile court.

**Sec. 58.** RCW 28A.225.110 and 1990 c 33 s 228 are each amended to read as follows:

Notwithstanding the provisions of RCW 10.82.070, all fines except as otherwise provided in RCW 28A.225.010 through 28A.225.140 shall ~~((inure and be applied to the support of the public schools in the school district where such offense was committed: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended))~~ be paid to the county treasurer who shall deposit the fine to the credit of the courts in the county for the exclusive purpose of enforcing the provisions of RCW 28A.225.010 through 28A.225.140.

**NEW SECTION. Sec. 59.** A new section is added to chapter 28A.600 RCW to read as follows:

School district boards of directors shall review school district policies regarding access and egress by students from secondary school grounds during school hours. Each school district board of directors shall adopt a policy specifying any restrictions on students leaving secondary school grounds during school hours.

**NEW SECTION. Sec. 60.** (1) Section 53 of this act shall take effect September 1, 1995.

(2) Section 59 of this act shall take effect September 1, 1996.

**NEW SECTION. Sec. 61.** The following acts or parts of acts are each repealed:

- (1) RCW 28A.225.040 and 1990 c 33 s 221 & 1969 ex.s. c 223 s 28A.27.030;
- (2) RCW 28A.225.050 and 1990 c 33 s 222, 1986 c 132 s 4, 1975 1st ex.s. c 275 s 56, 1971 c 48 s 9, 1969 ex.s. c 176 s 105, & 1969 ex.s. c 223 s 28A.27.040;
- (3) RCW 28A.225.070 and 1990 c 33 s 224, 1975 1st ex.s. c 275 s 57, 1969 ex.s. c 176 s 106, & 1969 ex.s. c 223 s 28A.27.080;
- (4) RCW 28A.225.100 and 1990 c 33 s 227, 1987 c 202 s 190, 1975 1st ex.s. c 275 s 58, & 1970 ex.s. c 15 s 14;
- (5) RCW 28A.225.120 and 1990 c 33 s 229, 1986 c 132 s 6, 1979 ex.s. c 201 s 7, & 1969 ex.s. c 223 s 28A.27.110;
- (6) RCW 28A.225.130 and 1990 c 33 s 230, 1987 c 202 s 192, & 1969 ex.s. c 223 s 28A.27.120; and
- (7) RCW 28A.225.150 and 1992 c 205 s 205, 1990 c 33 s 232, & 1986 c 132 s 7.

**NEW SECTION. Sec. 62.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void."

#### MOTION

Senator Kohl moved that the following amendment by Senators Kohl, Fairley, Haugen, Long and Fraser to the striking amendment by Senators Hargrove, Long and Franklin be adopted:

On page 6, line 9 of the amendment, after "psychological," insert "mental health, drug or alcohol treatment."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl, Fairley, Hargrove, Long and Fraser on page 6, line 9, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Kohl carried and the amendment to the striking amendment was adopted.

#### MOTION

On motion of Senator Kohl, the following amendment by Senators Kohl, Fairley, Hargrove and Long to the striking amendment by Senators Hargrove, Long and Franklin was adopted:

On page 9, line 14 of the amendment, after "custody," insert "in placing a child in a crisis residential center."

Senator Kohl moved that the following amendments by Senators Kohl, Fairley and Fraser to the striking amendment by Senators Hargrove, Long and Franklin be considered simultaneously and be adopted:

On page 11, beginning on line 35 of the amendment, after "not" strike all material through "not" on line 36

On page 43, at the beginning of line 20 of the amendment, strike all material through "more than" and insert "exceed"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl, Fairley and Fraser on page 11, beginning on line 35; and page 43, at the beginning of line 20, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Kohl failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator Kohl moved that the following amendments by Senators Kohl, Fairley and Fraser to the striking amendment by Senators Hargrove, Long and Franklin be considered simultaneously and be adopted:

On page 11, line 37 of the amendment, after "The parents" insert ", or the administrator of the crisis residential center pursuant to RCW 74.13.034,"

On page 44, line 14 of the amendment, strike "~~((5))~~" and insert "(5) ((#"

On page 44, line 19 of the amendment, after "~~structure.~~)" insert "When a child is taken to a crisis residential center, the center administrator or the administrator's designee shall immediately assess the child in order to determine whether the child requires placement in a secure crisis residential center. The assessment shall include, but not be limited to, consideration of the following information if known:

(a) A child's age and maturity;

(b) A child's condition upon arrival at the center;

(c) The circumstances which lead to the child being taken to the center;

(d) Whether the child's behavior endangers the health, safety, or welfare of the child or any other person; and

(e) The child's prior history of running away which has endangered the health, safety, and welfare of the child.

(6) The center administrator or his or her designee shall immediately place or arrange for the child's placement in a secure crisis residential center whenever the administrator or his or her designee has reasonable cause to believe, based upon the assessment under subsection (5) of this section, that:

(a) The child requires protection;

(b) A semi-secure or nonsecure placement will not be adequate to protect the child;

(c) The child's prior history of running away; and

(d) The child's behavior endangers the health, safety, or welfare of the child or any other person.

(7) A child shall not be placed in a secure crisis residential center unless the criteria in subsection (6) of this section have been satisfied. The administrator at the secured crisis residential center or the administrator's designee shall transfer a child from a secure center to a semi-secure center or other nonsecure placement whenever there is reason to believe that the circumstances that lead to placement in a secure center no longer exist and that the criteria in subsection (6) of this section cannot be satisfied.

(8) A crisis residential center administrator or his or her designee in acting in good faith in carrying out the provisions of this section is immune from criminal or civil liability for such actions."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl, Fairley and Fraser on page 11, line 37, and page 44, lines 14 and 19, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Kohl failed and the amendments to the striking amendment were not adopted.

#### MOTIONS

On motion of Senator Hargrove, the following amendments by Senators Hargrove, Long, Franklin and Kohl to the striking amendment by Senators Hargrove, Long and Franklin were considered simultaneously and were adopted:

On page 12, line 30, after "(1)" insert "(a)"

On page 12, line 32, after "parent." insert the following:

"(b)"

On page 12, line 36, after "multidisciplinary team." strike all material through "this act." on line 38, and insert the following:

"(c) A parent may disband a team twenty-four hours, excluding weekends and holidays, after receiving notice of formation of the team under (b) of this subsection unless a petition has been filed under RCW 13.32A.140. If a petition has been filed the parent may not disband the team until the hearing is held under section 18 of this act. The court may allow the team to continue if an out-of-home placement is ordered under section 18(3) of this act."

Senator Fairley moved that the following amendment by Senators Fairley and Kohl to the striking amendment by Senators Hargrove, Long and Franklin be adopted:

On page 12, beginning on line 36 of the amendment, after "team." strike all material through "act." on line 38

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fairley and Kohl on page 12, beginning on line 36, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Fairley failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Kohl moved that the following amendments by Senators Kohl, Hargrove, Fairley and Long to the striking amendment by Senators Hargrove, Long and Franklin be considered simultaneously and be adopted.

On page 18, line 20 of the amendment, after "proper" insert "child in need of services"

On page 18, beginning on line 20 of the amendment, after "petition" strike all material through "placement" on line 21, and insert "~~((and may approve or deny alternative residential placement)),~~"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl, Hargrove, Fairley and Long on page 18, line 20, and beginning on line 20, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Kohl carried and the amendments to the striking amendment were adopted.

#### MOTION

Senator Kohl moved that the following amendment by Senators Kohl, Fairley and Fraser to the striking amendment by Senators Hargrove, Long and Franklin be adopted:

On page 21, line 15 of the amendment, after "by" strike "clear, cogent, and convincing" and inset "a preponderance of the"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl, Fairley and Fraser on page 21, line 15, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Kohl failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Kohl moved that the following amendments by Senators Kohl, Fairley, Hargrove and Long to the striking amendment by Senators Hargrove, Long and Franklin be considered simultaneously and be adopted:

On page 28, line 7 of the amendment, strike "imprisonment" and insert "~~((imprisonment))~~ confinement"

On page 28, line 9 of the amendment, after "child" strike "imprisoned" and insert "~~((imprisoned))~~ placed in confinement"

On page 28, line 10 of the amendment, strike "imprisoned" and insert "~~((imprisoned))~~ placed in confinement"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl, Fairley, Hargrove and Long on page 28, lines 7, 9, and 10, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Kohl carried and the amendments to the striking amendment were adopted.

#### MOTION

Senator Fairley moved that the following amendment by Senators Fairley and Kohl to the striking amendment by Senators Hargrove, Long and Franklin be adopted:

On page 28, line 27 of the amendment, after "person" insert ", other than a person working on behalf of a nonprofit organization operating under 26 U.S.C. Sec. 501(c)(3),"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fairley and Kohl on page 28, line 27, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Fairley failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Fairley moved that the following amendments by Senators Fairley, Kohl and Fraser to the striking amendment by Senators Hargrove, Long and Franklin be considered simultaneously and be adopted:

On page 28, line 27 of the amendment, after "least" strike "six" and insert "twelve"

On page 28, line 30 of the amendment, after "of the" strike "six-hour" and insert "twelve-hour"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Fairley, Kohl and Fraser on page 28, lines 27 and 30, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Fairley failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator Long moved that the following amendments by Senators Long, Hargrove and Kohl to the striking amendment by Senators Hargrove, Long and Franklin be considered simultaneously and be adopted:

On page 36, line 15, after "state." insert "However, the state may provide services for indigent minors to the extent that funds are available therefor."

On page 38, line 25, after "state." insert "However, the state may provide services for indigent minors to the extent that funds are available therefor."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Long, Hargrove and Kohl on page 36, line 15, and page 38, line 25, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Long carried and the amendments to the striking amendment were adopted.

#### MOTION

Senator Fairley moved that the following amendments by Senators Fairley, Kohl and Fraser to the striking amendment by Senators Hargrove, Long and Franklin be considered simultaneously and be adopted:

On page 36, after line 15 of the amendment, insert the following:

"(3) If a minor child is admitted for treatment without his or her consent, and upon the parent's consent, after ninety days, an independent physician or designated chemical dependency specialist shall examine the child to determine whether continued inpatient treatment is needed. If the independent physician or designated chemical dependency specialist, who is not employed by or in a contractual relationship with the facility, determines that the child is not in need of continued treatment, the child shall be immediately released into the custody of his or her parent, guardian, or custodian. If, at the end of ninety days, the independent physician or chemical dependency specialist determines that the child needs continued inpatient treatment, the child shall remain at the facility.

(4) An independent physician or chemical dependency specialist shall reexamine the child at least every twelve months thereafter for continued treatment.

(5) The parent shall reimburse the department for the cost of the independent review or reviews for any cost incurred by the department. The reimbursement shall be based on a sliding scale of income that reflects the parent's ability to pay."

On page 38, after line 25 of the amendment, insert the following:

"(5) If a minor child is admitted for treatment without his or her consent, and upon the parent's consent, after ninety days, an independent physician or mental health professional, who is not employed by or in a contractual relationship with the facility, shall examine the child to determine whether continued inpatient treatment is needed. If the independent physician or mental health professional determines that the child is not in need of continued treatment, the child shall be immediately released into the custody of his or her parent, guardian, or custodian. If at the end of ninety days the independent physician or mental health professional determines that the child needs continued inpatient treatment, the child shall remain at the facility.

(6) An independent physician or mental health professional shall reexamine the child at least every twelve months thereafter for continued treatment.

(7) The parent shall reimburse the department for the cost of the independent review or reviews for any cost incurred by the department. The reimbursement shall be based on a sliding scale of income that reflects the parent's ability to pay."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Fairley, Kohl and Fraser on page 36, after line 15, and page 38, after line 25, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Fairley failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator Kohl moved that the following amendments by Senators Kohl, Fairley, Hargrove, Fraser and Long to the striking amendment by Senators Hargrove, Long and Franklin be considered simultaneously and be adopted:

On page 41, beginning on line 6 of the amendment, after "children." strike all material through "13.32A.090." on line 10 of the amendment and insert "~~((The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in RCW 13.32A.090.))~~"

On page 41, beginning on line 20 of the amendment, after "facilities." strike all material through "juveniles" on line 23 of the amendment and insert the following:

"(4) The staff at the facilities established under this section shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles that recognize the need for support and the varying circumstances that cause children to leave their families"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl, Fairley, Hargrove, Fraser and Long on page 41, beginning on line 6 and beginning on line 20, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Kohl carried and the amendments to the striking amendment were adopted.

#### MOTION

Senator Kohl moved that the following amendments by Senators Kohl, Fairley, Hargrove, Fraser and Long to the striking amendment be considered simultaneously and be adopted:

On page 41, beginning on line 14 of the amendment, after "department." strike all material through "department." on line 15 of the amendment

On page 41, line 31 of the amendment, after "(5)" strike "Any" and insert "A"

On page 41, line 31 of the amendment, after "may" insert "not"

On page 41, beginning on line 34 of the amendment, after "government." strike all material through "facility" on line 37 of the amendment, and insert "However, the secretary may, following consultation with the appropriate county legislative authority, make a written finding that location of a secure center on the same grounds as another secure facility is the only practical location for a secure center. Upon the written finding a secure center may be located on the same grounds as a secure facility"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl, Fairley, Hargrove, Fraser and Long on page 41, beginning on line 14, line 31 (2) and beginning on line 34, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator Kohl carried and the amendments to the striking amendment were adopted.

#### MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Hargrove to the striking amendment by Senators Hargrove, Long and Franklin be adopted:

On page 51, after line 17 of the amendment, insert the following:

**"Sec. 53.** RCW 36.18.020 and 1993 c 435 s 1 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of one hundred ten dollars except in proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee, or an unlawful detainer action under chapter 59.18 or 59.20 RCW where the plaintiff shall pay a filing fee of thirty dollars. If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional eighty dollars which shall be considered part of the filing fee. The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of one hundred ten dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of fifty dollars; if the demand is for a jury of twelve the fee shall be one hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional fifty-dollar fee will be required of the party demanding the increased number of jurors.

(7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect twenty dollars.



(8) For preparing, transcribing or certifying any instrument on file or of record in the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of twenty dollars shall be charged.

(11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of twenty dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of one hundred ten dollars.

(14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(15) For the preparation of a passport application the clerk may collect an execution fee as authorized by the federal government.

(16) For clerks' special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(17) For duplicated recordings of court's proceedings there shall be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

(18) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of one hundred ten dollars.

(19) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(20) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Hargrove on page 51, after line 17, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator McAuliffe carried and the amendment to the striking amendment was adopted.

#### MOTION

Senator McAuliffe moved that the following amendment to the striking amendment by Senators Hargrove, Long and Franklin be adopted:

On page 52, beginning on line 33 of the amendment, strike all of section 55

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 52, beginning on line 33, to the striking amendment by Senators Hargrove, Long and Franklin to Second Substitute Senate Bill No. 5439.

The motion by Senator McAuliffe failed and the amendment to the striking amendment was not adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Long and Franklin, as amended, to Second Substitute Senate Bill No. 5439.

The striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Hargrove, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "amending RCW 13.32A.010, 13.32A.030, 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.070, 13.32A.090, 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.175, 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.196, 13.32A.250, 13.04.030, 13.04.040, 13.04.093, 70.96A.090, 70.96A.095, 71.34.030, 74.13.031, 74.13.032, 74.13.033, 74.13.034, 74.13.035, 74.13.036, 82.14.300, 82.14.320, 28A.225.020, 28A.225.030, 28A.225.060, 28A.225.090, and 28A.225.110; adding new sections to chapter 13.32A RCW; adding a new section to chapter 71.34 RCW; adding a new section to chapter 74.13 RCW; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 28A.600 RCW; creating new sections; repealing RCW 28A.225.040, 28A.225.050, 28A.225.070, 28A.225.100, 28A.225.120, 28A.225.130, and 28A.225.150; prescribing penalties; and providing effective dates."

On page 55, line 28 of the title amendment, after "28A.225.030," insert "36.18.020,"

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5439.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5439 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 42.

Voting nay: Senators Anderson, C., Fairley, Fraser, Kohl, Pelz, Rinehart and Wojahn - 7.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8629

By Senator Johnson, Roach and Kohl

WHEREAS, The Kent-Meridian Girls' Basketball team is the 1995 Washington State AAA Champion; and

WHEREAS, The Royals have distinguished themselves and brought honor to their school by making their third straight appearance in the state tournament; and

WHEREAS, Under the coaching and supervision of Coach Derek Powell, Kent-Meridian girls have appeared in four of the past six state basketball tournaments; and

WHEREAS, In winning the state championship, this exemplary group of student athletes became only the third South Puget Sound League team to do so, and only the second Kent-area basketball team to win a state championship; and

WHEREAS, The Royals won their first ever Puget Sound League Northern Division Championship and their second consecutive West Central District Championship during the 1994-95 campaign; and

WHEREAS, Through four grueling state tournament contests, the Royals displayed the athletic skill, physical stamina, and poise indicative of a champion; and

WHEREAS, Benishe Dillard was named to the All-State First Team and her teammates Marcella Dooxsee and Kristin Deal received Second Team All-State honors; and

WHEREAS, The outstanding play of these individual team members is representative of the standard of excellence displayed by the entire Royals' team; and

WHEREAS, This team has deservedly, and through their own efforts, commitment, and sacrifice, achieved the title of Washington State Basketball Champion;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the 1995 Kent-Meridian Girls' Basketball team with passage of this Senate Floor Resolution; and

BE IT FURTHER RESOLVED, That with passage of this resolution the members of the Washington State Senate acknowledge the example this group of interscholastic amateurs has set, and the importance of athletic participation in the pursuit of academic achievement.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Kent-Meridian Girls' Basketball team and their coaches who were seated in the gallery.

#### MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5943, by Senators Rinehart, Prince, Sheldon, Deccio and Kohl

Providing for expansion of the Washington state convention and trade center.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5943 was substituted for Senate Bill No. 5943 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the following amendment by Senators Rinehart, West, McDonald and Gaspard was adopted:

On page 1, strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 82.14 RCW to read as follows:

(1) Subject to subsections (2) and (3) of this section, the legislative authority of any county or any city may fix and impose a sales and use tax in accordance with the terms of this chapter. The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county or city. The rate of tax shall be up to but not exceeding one-tenth of one percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax. The maximum rate of tax under this section, section 1, chapter ... (Substitute Senate Bill No. 5914), Laws of 1995, and section 1, chapter ... (Substitute Senate Bill No. 6049), Laws of 1995 shall not exceed one-tenth of one percent.

(2) No city may impose the tax under this section unless the county legislative authority waives its right to levy a tax under this section in that city. If the county legislative authority waives its right to levy the tax in that city, the city tax shall be a credit against any county tax under this section.

(3) No county or city may impose the tax under subsection (1) of this section unless the tax is first approved by a majority of the voters voting on the proposition to impose the tax.

(4) Moneys received from any tax imposed under this section shall be used exclusively for the following purposes:

(a) The purposes authorized in RCW 67.28.210, including the repair and reconstruction of a county-owned stadium with a seating capacity of forty-five thousand or more;

(b) For the purpose of paying all or any part of the cost associated with: The financing, design, acquisition, construction, equipping, operating, maintaining, and reequipping of convention center facilities under chapter 67.40 RCW related to the expansion recommended by the convention center expansion and city facilities task force created under section 148, chapter 6, Laws of 1994 sp. sess.; the acquisition, construction, and relocation costs of replacement housing; and the repayment of loans and advances from the state, including loans authorized previously under this chapter, or to pay or secure the payment of all or part of the principal of or interest on any state bonds issued for purposes authorized under chapter 67.40 RCW; and

(c) Paying all or any part of the cost of the setting, acquisition, and construction of a major league baseball stadium.

Revenues under this section may be used for facilities in other counties pursuant to an interlocal agreement under chapter 39.34 RCW.

(5) As used in this section, "city" means any city or town.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

#### MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "centers;" strike the remainder of the title and insert "adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency."

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5943 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5943.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5943 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Swecker, Winsley, Wojahn and Wood - 38.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hochstatter, Newhouse, Palmer, Quigley, Smith, Strannigan, Sutherland and West - 11.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5943, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6049, by Senators Prentice, Finkbeiner, Snyder and Pelz

Financing public stadiums used by professional sports teams.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6049 was substituted for Senate Bill No. 6049 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the following amendment by Senators Rinehart, West, McDonald and Gaspard was adopted:

On page 1, strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 82.14 RCW to read as follows:

(1) Subject to subsections (2) and (3) of this section, the legislative authority of any county or any city may fix and impose a sales and use tax in accordance with the terms of this chapter. The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county or city. The rate of tax shall be up to but not exceeding one-tenth of one percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax. The maximum rate of tax under this section, section 1, chapter ... (Substitute Senate Bill No. 5914), Laws of 1995, and section 1, chapter ... (Substitute Senate Bill No. 5943), Laws of 1995 shall not exceed one-tenth of one percent.

(2) No city may impose the tax under this section unless the county legislative authority waives its right to levy a tax under this section in that city. If the county legislative authority waives its right to levy the tax in that city, the city tax shall be a credit against any county tax under this section.

(3) No county or city may impose the tax under subsection (1) of this section unless the tax is first approved by a majority of the voters voting on the proposition to impose the tax.

(4) Moneys received from any tax imposed under this section shall be used exclusively for the following purposes:

(a) The purposes authorized in RCW 67.28.210, including the repair and reconstruction of a county-owned stadium with a seating capacity of forty-five thousand or more;

(b) For the purpose of paying all or any part of the cost associated with: The financing, design, acquisition, construction, equipping, operating, maintaining, and reequipping of convention center facilities under chapter 67.40 RCW related to the expansion recommended by the convention center expansion and city facilities task force created under section 148, chapter 6, Laws of 1994 sp. sess.; the acquisition, construction, and relocation costs of replacement housing; and the repayment of loans and advances from the state, including loans authorized previously under this chapter, or to pay or secure the payment of all or part of the principal of or interest on any state bonds issued for purposes authorized under chapter 67.40 RCW; and

(c) Paying all or any part of the cost of the setting, acquisition, and construction of a major league baseball stadium.

Revenues under this section may be used for facilities in other counties pursuant to an interlocal agreement under chapter 39.34 RCW.

(5) As used in this section, "city" means any city or town.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

#### MOTION

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 2 of the title, after "teams;" strike the remainder of the title and insert "adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency."

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 6049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6049.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6049 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Owen, Pelz, Prentice, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Snyder, Spanel, Swecker, West, Winsley and Wood - 31.

Voting nay: Senators Anderson, A., Cantu, Deccio, Franklin, Hochstatter, McCaslin, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Quigley, Roach, Smith, Strannigan, Sutherland and Wojahn - 18.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5914, by Senators Prentice, Heavey, Deccio and Finkbeiner

Providing for financing of public stadium, convention, performing arts, visual arts, and other tourism facilities.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5914 was substituted for Senate Bill No. 5914 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the following amendment by Senators Rinehart, West, McDonald and Gaspard was adopted:

On page 1, strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 82.14 RCW to read as follows:

(1) Subject to subsections (2) and (3) of this section, the legislative authority of any county or any city may fix and impose a sales and use tax in accordance with the terms of this chapter. The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county or city. The rate of tax shall be up to but not exceeding one-tenth of one percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax. The maximum rate of tax under this section, section 1, chapter ... (Substitute Senate Bill No. 5943), Laws of 1995, and section 1, chapter ... (Substitute Senate Bill No. 6049), Laws of 1995 shall not exceed one-tenth of one percent.

(2) No city may impose the tax under this section unless the county legislative authority waives its right to levy a tax under this section in that city. If the county legislative authority waives its right to levy the tax in that city, the city tax shall be a credit against any county tax under this section.

(3) No county or city may impose the tax under subsection (1) of this section unless the tax is first approved by a majority of the voters voting on the proposition to impose the tax.

(4) Moneys received from any tax imposed under this section shall be used exclusively for the following purposes:

(a) The purposes authorized in RCW 67.28.210, including the repair and reconstruction of a county-owned stadium with a seating capacity of forty-five thousand or more;

(b) For the purpose of paying all or any part of the cost associated with: The financing, design, acquisition, construction, equipping, operating, maintaining, and reequipping of convention center facilities under chapter 67.40 RCW related to the expansion recommended by the

convention center expansion and city facilities task force created under section 148, chapter 6, Laws of 1994 sp. sess.; the acquisition, construction, and relocation costs of replacement housing; and the repayment of loans and advances from the state, including loans authorized previously under this chapter, or to pay or secure the payment of all or part of the principal of or interest on any state bonds issued for purposes authorized under chapter 67.40 RCW; and

(c) Paying all or any part of the cost of the siting, acquisition, and construction of a major league baseball stadium.

Revenues under this section may be used for facilities in other counties pursuant to an interlocal agreement under chapter 39.34 RCW.

(5) As used in this section, "city" means any city or town.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

#### MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency."

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5914 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5914.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5914 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McDonald, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Swecker, Winsley and Wood - 32.

Voting nay: Senators Anderson, A., Cantu, Deccio, Franklin, Hochstatter, McCaslin, Morton, Moyer, Newhouse, Oke, Palmer, Roach, Strannigan, Sutherland, West and Wojahn - 16.

Absent: Senator Johnson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5914, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5375, by Senators Wojahn, McCaslin, Haugen, Deccio, Franklin, Spanel, Kohl, Snyder, Quigley, Prentice, Oke and Moyer

Suspending various licenses for failure to pay child support.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5375 was substituted for Senate Bill No. 5375 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the following amendment was adopted:

On page 2, line 5, after "person is" strike "ninety days" and insert "six months"

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Wood, Senator Johnson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5375.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, C., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Kohl, Loveland, McAuliffe, McDonald, Moyer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 31.

Voting nay: Senators Anderson, A., Cantu, Finkbeiner, Hargrove, Hochstatter, Long, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Prince, Roach, Schow, Sellar and Strannigan - 17.

Excused: Senator Johnson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5795, by Senator Heavey

Authorizing an alternate method for reducing city limits for cities with over fifty thousand population.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5795 was substituted for Senate Bill No. 5795 and the substitute bill was placed on second reading and read the second time.

Senator Pelz moved that the following amendment by Senators Pelz and Prentice be adopted:

On page 1, beginning on line 18, strike "in a city with a population of over four hundred thousand."

Debate ensued.

#### MOTIONS

On motion of Senator Wood, Senators Ann Anderson and McDonald were excused.

On motion of Senator Loveland, Senator Drew was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pelz and Prentice on page 1, beginning on line 18, to Substitute Senate Bill No. 5795.

The motion by Senator Pelz failed and the amendment was not adopted.

#### MOTION

Senator Pelz moved that the following amendment by Senators Pelz and Prentice be adopted:

On page 1, line 18, following "over" strike "four hundred thousand" and insert "one hundred fifty thousand"

The President declared the question before the Senate to be the adoption of the amendment by Senators Pelz and Prentice on page 1, line 18, to Substitute Senate Bill No. 5795.

The motion by Senator Pelz failed and the amendment was not adopted.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5795 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF ORDER

Senator Heavey: "Mr. President, a point of order. The Senator from the thirty-seventh district, saying, 'Dumping on Seattle,' is impugning my motives. I wish you would ask him to speak to the bill."

#### REPLY BY THE PRESIDENT

President Pritchard: "The President doesn't interpret that that way. I don't think he is impugning your motives. Senator Pelz can continue. I know Senator Pelz will watch his words."

Further debate ensued.

#### MOTION

On motion of Senator Wood, Senators Hale and Sellar were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5795.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5795 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 14; Absent, 0; Excused, 5.

Voting yea: Senators Deccio, Finkbeiner, Gaspard, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Quigley, Rasmussen, Roach, Schow, Sheldon, Smith, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 30.

Voting nay: Senators Anderson, C., Bauer, Cantu, Fairley, Franklin, Fraser, Kohl, Long, Pelz, Prentice, Rinehart, Snyder, Spanel and Wojahn - 14.

Excused: Senators Anderson, A., Drew, Hale, McDonald and Sellar - 5.

SUBSTITUTE SENATE BILL NO. 5795, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:35 p.m., on motion of Senator Spanel, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:26 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5530, by Senators Smith, Roach, Rasmussen and Winsley

Authorizing the use of automated traffic enforcement systems.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5530 was substituted for Senate Bill No. 5530 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendments by Senators Hargrove and Smith were considered simultaneously and were adopted:

On page 2, line 2, after "restrictions." insert "The restrictions shall include a conclusive presumption that no traffic infraction citation based on information obtained from an automated traffic enforcement system may be alleged at any time against a registered owner when, as a result of information obtained from an automated traffic enforcement system operated by the city or county: (i) The owner has previously been issued a citation by the same jurisdiction alleging an infraction of the same provision of state or local law; and (ii) the owner has not been notified of the previous alleged infraction."

On page 3, line 15, after "(c)" strike all material through "(d)" on line 23

#### MOTION

Senator Smith moved that the following amendment be adopted:

On page 2, line 8, after "(3)" insert "Law enforcement agencies may only use automated traffic enforcement systems to enforce speeding violations under the following conditions:

(a) An automated traffic enforcement system must be operated by a law enforcement agency in a law enforcement vehicle plainly marked with emergency lights and the agency shield or emblem on the exterior of the vehicle; and

(b) The local law enforcement agency shall plainly mark the locations where the automated traffic enforcement system is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone enforced by an automated traffic enforcement system.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Debate ensued.

#### MOTIONS

On motion of Senator Ann Anderson, Senator Moyer was excused.

On motion of Senator Loveland, Senators Fairley and Rinehart were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Smith on page 2, line 8, to Substitute Senate Bill No. 5530.

The motion by Senator Smith carried and the amendment was adopted.

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5530.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5530 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Anderson, C., Deccio, Drew, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, Loveland, McDonald, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley and Wood - 33.

Voting nay: Senators Bauer, Cantu, Franklin, Heavey, Kohl, McAuliffe, McCaslin, Morton, Owen, Quigley, Sellar, West and Wojahn - 13.

Excused: Senators Fairley, Moyer and Rinehart - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8006, by Senators Oke, Owen, Roach, Hochstatter, Snyder, Schow, Cantu, Long, Hale, Swecker, A. Anderson, Palmer, Sellar, Deccio, Morton, McDonald, Prince, Johnson, Winsley, Bauer and Rasmussen

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

The joint memorial was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Joint Memorial No. 8006 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Loveland, Senator Prentice was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8006.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8006 and the joint memorial passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 40.

Voting nay: Senators Anderson, C., Fraser, Heavey, Kohl, Pelz and Spanel - 6.

Excused: Senators Fairley, Prentice and Rinehart - 3.

SENATE JOINT MEMORIAL NO. 8006, having received the constitutional majority, was declared passed.

#### MOTION

At 1:52 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:43 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5940, by Senators Snyder, McCaslin, Loveland, Palmer, Bauer, Sutherland, Newhouse, Heavey, Moyer, Finkbeiner, Winsley, Gaspard, Drew, Sheldon, Fraser, Wojahn, Long and Spanel

Clarifying that use tax is due on certain direct mail advertising.

The bill was read the second time.

#### MOTION

Senator Palmer moved that the following amendment by Senators Palmer, Schow, Long, Swecker, Johnson and Strannigan be adopted:



On page 3, after line 34, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to imprinting done in the state for distribution and display within the state."

Renumber remaining section.

#### POINT OF ORDER

Senator Snyder: "Mr. President, I rise to a point of order. I believe the amendment expands the scope and object of the bill and I would like to speak to the point please. The amendment to Senate Bill No. 5940 accepts some sales tax on printing done in this state for distribution and display within the state. The bill itself subjects to tax, printing done outside the state for distribution and display in the state. Under the Federal Interstate Commerce clause, a state tax does not offend the Interstate Commerce clause if it; one, is applied to an activity with a substantial nexus with the taxing state; two, is fairly apportioned between all states that could tax the activity; three, does not discriminate against Interstate Commerce; and four, is fairly related to services provided by the state."

Further debate ensued.

There being no objection, the President deferred further consideration of Senate Bill No. 5940.

#### SECOND READING

SENATE BILL NO. 6037, by Senators Sheldon, Hale, Rinehart, Haugen, Drew, Oke, Kohl, Fairley, Franklin, Snyder, Quigley, Bauer, McAuliffe, Fraser, Sutherland and Gaspard

Creating the Washington Independent Regulatory Affairs Commission.

The bill was read the second time.

#### MOTION

Senator Sheldon moved that the following amendment by Senators Sheldon, Ann Anderson, Hale, Loveland, Gaspard, Haugen, Wojahn, Snyder, Winsley, Quigley and Rinehart be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature has enacted a large number of statutes conferring on boards, commissions, departments, and other agencies of the executive branch of government the authority to adopt rules to supplement and implement those statutes. The legislature has found that this delegation of its authority has resulted in rules being adopted without sufficient consideration of need, cost-effectiveness, conflict and duplication, and conformity with legislative intent. The legislature finds that it must provide a procedure for oversight and review of rules adopted under this delegation of legislative power to curtail excessive regulation and to establish a system of accountability so that a state agency must justify its use of regulatory authority before imposing undue costs on citizens that detrimentally affect the economy of Washington. It is the intent of sections 2 through 12 of this act to establish a method for early, continuing, and effective review, accountability, and oversight. It is the further intent of sections 2 through 12 of this act to provide for an initial thorough review by a commission with sufficient authority, expertise, independence, and time to perform that responsibility. It is the further intent of sections 2 through 12 of this act to provide review by the legislature of those rules disapproved by the commission. Sections 2 through 12 of this act are intended to provide a method of oversight and review of rules to assist the governor and the legislature in their supervisory and oversight functions.

**NEW SECTION. Sec. 2.** (1) The Washington independent regulatory review commission is created, to consist of five members to be known as commissioners. One member of the commission shall be appointed by the governor to serve at his or her pleasure, and one member each shall be appointed by the four caucuses of the legislature having the largest membership. No member of the legislature or any other officer or employee of state government may serve as a member of the commission. However, a commission member may serve on advisory boards and commissions, or on other boards and commissions that do not adopt any rules that may come before the commission for review under this chapter.

(2) Of the original members, the two members appointed by the house of representatives shall serve for initial terms of two years, and the two members appointed by the senate shall serve for initial terms of three years. Thereafter, each appointment is for a term of three years, and such appointments must be made in the same manner as the original appointments. From the time of original appointment to the commission, no commissioner may serve more than two full terms. A commissioner initially appointed to serve the remainder of an unexpired term is, in addition eligible to be appointed to, and to serve, two full terms.

(3) All vacancies must be filled, for the remainder of the unexpired term, in the same manner as original appointments. A commissioner, upon the expiration of his or her term, will continue to hold office until his or her successor is appointed.

(4) The commissioners shall be compensated in accordance with RCW 43.03.250. The commissioners are also entitled to reimbursement for travel and other necessary expenses incurred as a result of their duties as members of the commission. Commissioners are not eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission.

(5) Except as authorized under this section and except for the governor's appointee who serves at the governor's pleasure, no commissioner may be removed from office during his or her term. The governor may, with the approval by resolution of two-thirds of the members of the senate, upon clear and convincing evidence of misfeasance or malfeasance in office or neglect of duty, remove a commissioner before the expiration of the term. The governor shall provide the commissioner so removed with a detailed written statement of the reasons for the removal.

(6) No commissioner may participate in deliberations regarding a rule that significantly affects the operation or activities of an organization (except a nonprofit organization certified under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. Sec. 501(c)(3)) in which the commissioner holds a nonsalaried position) in which the commissioner, or any member of his or her immediate family, has a substantial economic interest or serves as an officer, director, trustee, partner, or employee. Within ninety days of appointment, and annually thereafter, each commissioner shall file with the public disclosure commission a statement of financial affairs under RCW 42.17.240. Before a vote upon a rule in which a commissioner feels he or she or any other commissioner has a potential conflict of interest,

the commissioner shall disclose the potential conflict and request a ruling from the chairman of the commission upon the question of whether the potential conflict disqualifies the commissioner from voting on the rule. Any commissioner may challenge the ruling of the chairman, and in such case the question must be resolved by majority vote of the commission. The chairman or a majority of the commissioners may request the executive ethics board under RCW 42.52.360 to provide advice regarding conflicts of interest, and such advice, when given, is binding upon the commission.

(7) The commission shall elect a chairman, who shall serve for a term of two years and until his or her successor is elected. The chairman shall preside at meetings of the commission and shall execute documents relating to the formal actions of the commission.

(8) The commission shall meet at least once a month at such times and places as set by the chairman. Meetings are subject to chapter 42.30 RCW. A commissioner who fails to attend three consecutive meetings without cause shall be removed as a commissioner by the authority appointing that commissioner.

(9) The commission shall annually file a report of its activities of the prior year with the governor, the chief clerk of the house of representatives, and the secretary of the senate.

**NEW SECTION. Sec. 3.** The commission shall appoint an executive director whose annual salary is determined under RCW 43.03.028. The executive director shall perform such duties and have such powers as the commission prescribes in order to implement and enforce sections 1 through 12 of this act. In addition to the performance of administrative duties, the commission may delegate to the executive director authority with respect to, but not limited to, determinations under sections 4 and 5 of this act. The delegation does not eliminate a party's right of appeal to the commission. In addition, the commission shall appoint a chief counsel who is not subject to the supervision of the attorney general and whose annual salary is determined under RCW 43.03.028. The commission shall employ or contract with such others as it may from time to time find necessary for the proper performance of its duties.

**NEW SECTION. Sec. 4.** (1) After receipt of the statement of inquiry under RCW 34.05.310, if the commission has reason to believe that the contemplated rule would violate the review criteria established in section 6(2) of this act, the commission shall notify the adopting agency of its concerns and the means whereby these concerns may be addressed.

(2) If an agency indicates in the statement of inquiry that it does not intend to provide an opportunity for interested parties to participate in the rule-making process before publication of the proposed rule under RCW 34.05.310(2), but the commission believes that such an opportunity may be appropriate, the commission shall so notify the agency. The notification does not create any obligation on the part of the agency. Upon request, the commission may assist an agency in facilitating the public participation.

**NEW SECTION. Sec. 5.** After the commission receives the notice of proposed rule adoption under RCW 34.05.320:

(1) If the commission has reason to believe that the proposed rule would violate the review criteria established in section 6(2) of this act, the commission shall notify the adopting agency in writing of its concerns and the means whereby these concerns may be addressed;

(2) If the commission has reason to believe that the proposed rule would not violate the review criteria established in section 6(2) of this act, or that review by the commission is otherwise not necessary to achieve the objectives of section 1 of this act, the commission may so notify the adopting agency. The commission shall submit a copy of this notification to the secretary of the senate and the chief clerk of the house of representatives, for distribution to the chairs of the appropriate standing committees.

The agency shall include any notification received under subsection (1) or (2) of this section, and any agency response in the rule-making file.

**NEW SECTION. Sec. 6.** (1) The commission shall approve without review under subsection (2) of this section: (a) A rule filed with it for which a preproposal statement of inquiry was not required under RCW 34.05.310; (b) a rule developed through the use of negotiated rule making under RCW 34.05.310 or involving pilot rule making under RCW 34.05.313 where the commission finds review of the rule is not necessary to achieve the objectives of section 1 of this act; and (c) a rule not subject to review in accordance with the notification given the agency under section 5(2) of this act.

(2) The commission shall review all rules filed with it that are not approved without review under subsection (1) of this section to determine the following:

(a) Whether the rule is within the statutory authority of the agency as expressed by the legislature when it enacted the statute upon which the rule is based. In formulating its determination, the commission shall solicit and consider written comments from the appropriate standing committees of the legislature and current members of the legislature and any pertinent opinions of the Washington courts.

(b) Whether, in adopting the rule, the agency has complied with all applicable provisions of law, including chapter 19.85 RCW and section 9 of this act.

(3) In reviewing rules filed with it, the commission shall give priority to those rules it has reason to believe are not within the statutory authority of the agency or that conflict with an existing federal or state law.

(4) The commission shall adopt rules governing the procedures it uses in reviewing rules filed with it. The rules must provide for an orderly review and specify the methods, standards, presumptions, and principles the commission uses, and the limitations it observes, in reviewing rules for compliance with the standards in subsection (2) of this section. The rules adopted by the commission must attempt to ensure: (a) Adequate and equal opportunity for all interested parties to participate in the rule review process; and (b) that the commission does not substitute its judgment for that of the rule-making agency as expressed in the substantive content of the rule under review.

(5) The commission and staff shall not accept comments regarding a rule under review within seventy-two hours before a commission meeting on that rule. The commission and staff shall note all documents, telephone calls, personal visits, or other communication regarding a rule under review and make them a part of the commission's public record.

(6) The commission may establish ad hoc advisory boards, including but not limited to, ad hoc economic or science advisory boards to assist it in the review of a rule.

**NEW SECTION. Sec. 7.** (1) By a majority vote of its members, the commission shall either approve a rule filed with it for review, and transmit it to the code reviser for filing, or disapprove it within forty-five working days after the rule has been filed with it for review. If the commission fails to act within forty-five days, the rule is deemed to have been approved, and the adopting agency may transmit it to the code reviser for filing.

(2) If the commission disapproves a rule, it shall return the rule to the adopting agency within the forty-five-day period specified in subsection (1) of this section, accompanied by a statement specifying the reasons for disapproval. Within seven days of the issuance of the notice, the commission shall provide the adopting agency with a written decision detailing the specific regulatory review criteria that the rule failed to meet, and a summary of the documents and testimony relied on by the commission in reaching its final decision. The commission may not disapprove a rule except for failure to comply with the standards set forth in section 6(2) of this act.

(3) The commission shall file the notice of disapproval required by subsection (2) of this section with the code reviser for publication in the Washington State Register. The commission shall provide the written decision required by subsection (2) of this section to anyone

requesting it, and shall submit it to the secretary of the senate and the chief clerk of the house of representatives for distribution to the chairs of the appropriate standing committees.

(4) If an agency determines on its own that a rule filed for review should be returned by the commission before the completion of the commission's review, it may request the return of the rule. The filing agency shall memorialize in writing all requests for the return of a rule no later than seven days after the request. The agency may refile the rule with the commission for review within one hundred eighty days as specified in RCW 34.05.335, or refile it in accordance with RCW 34.05.320.

(5) The commission shall not initiate the return of a rule under subsection (4) of this section as an alternative to disapproval under subsection (2) of this section.

**NEW SECTION. Sec. 8.** (1) Within one hundred twenty days of an agency's receipt of the written decision required by section 7 of this act, the agency may rewrite and refile a rule returned to it under that section without complying with the notice and hearing requirements of RCW 34.05.320, unless the provisions of the rule are substantially changed. If the rule is substantially changed or is not filed within one hundred twenty days of receipt of the written decision, the agency may start a new process to adopt the rule, in full compliance with this chapter. The commission may, upon a showing of good cause, grant an extension to the one hundred twenty-day period specified in this subsection.

(2) Upon refile of a previously disapproved rule to the commission under subsection (1) of this section, the commission shall review the refiled rule only for those reasons expressly identified in the written decision required by section 7 of this act, or for those issues arising as a result of a substantial change to a provision of the rule or as a result of intervening statutory changes or intervening court orders or decisions. Review of the refiled rule must be done according to the same time limits as for review of a newly submitted rule.

(3) When an agency refiles a withdrawn or disapproved rule with the commission, it shall identify the prior withdrawn or disapproved rule by its date of filing with the commission, shall specify the portion of the prior rule-making record that should be included in the refile, and shall submit to the commission a copy of the prior rule-making record if that record has been returned to the agency by the commission.

(4) When the commission disapproves a rule, the agency may nonetheless adopt the rule and file it with the code reviser within the sixty-day period after the last day of the next regular legislative session after the date on which the rule was disapproved, unless the statute cited by the agency as authorizing the rule is amended by the legislature.

**NEW SECTION. Sec. 9.** (1) Before adopting a rule subject to review by the commission, an agency shall:

(a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements and the specific objectives the agency seeks to achieve;

(b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule;

(c) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented;

(d) Determine, after considering alternative versions of the rule and the analysis required under (b) and (c) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with the rule that will achieve the general goals and the specific objectives stated under (a) of this subsection;

(e) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law;

(f) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same circumstances and list, by citation, duplicative, inconsistent, or conflicting laws;

(g) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law;

(h) Determine if the rule differs from any applicable federal regulation or statute and, if so, determine that the difference is justified by the following:

(i) State statutory authority that explicitly allows the agency to differ from federal standards; or

(ii) Substantial evidence that the difference is necessary to achieve the specific objectives of the authorizing state statute;

(i) Describe how the agency will monitor and evaluate on an ongoing basis whether the rule in fact achieves the general goals and specific objectives stated under (a) of this subsection, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes;

(j) Describe how the agency will implement and enforce the rule and encourage voluntary compliance with the rule;

(k) Describe which resources the agency intends to use to implement the rule; and

(l) Document compliance with the requirements of this section in the rule-making file.

(2) Before adopting a rule subject to review by the commission, an agency shall include in the rule-making file a written plan that describes:

(a) The methods the agency will use in making a reasonable attempt to notify those to whom the rule applies of the adoption of the rule and how they may get more information on how to comply with the rule; and

(b) How the agency will provide adequate sources of information and technical assistance to those to whom the rule applies to assist them in voluntarily complying with the rule.

(3) For rules implementing statutes enacted after the effective date of this act, except emergency rules adopted under RCW 34.05.350, an agency may not rely solely on the statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for its statutory authority to adopt the rule. An agency may use the statement of intent or purpose or the agency enabling provisions to interpret ambiguities in a statute's other provisions.

**NEW SECTION. Sec. 10.** In the discharge of any duty imposed under this chapter, the commission or personnel under its authority may examine and inspect all properties, equipment, facilities, files, records, and accounts of any state office, department, institution, board, committee, commission, or agency, and administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and cause the deposition of witnesses, either residing within or outside the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

In case of the failure on the part of a person to comply with any subpoena issued in behalf of the commission, or on the refusal of a witness to testify to matters regarding which he or she may be lawfully interrogated, the superior court of any county, or the judge thereof, shall, on application of the commission, compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in court.

**NEW SECTION. Sec. 11.** The commission, either on its motion or on the request of an individual, agency, corporation, member of the legislature, or any other entity that may be affected by a rule, may also petition an agency requesting the adoption, amendment, or repeal of a

rule under RCW 34.05.330. The commission shall petition an agency under RCW 34.05.330 requesting the adoption of a rule if it believes that the agency is using a policy statement or guidelines in place of a rule. The commission may also make recommendations to the legislature and the governor for statutory changes whenever it finds that an existing rule or procedure may be contrary to the public interest.

Where the commission finds that an existing rule is not being enforced as required by law, the commission shall notify the responsible agency and submit a copy of this notification to the chief clerk of the house of representatives and the secretary of the senate for distribution to the appropriate standing committees.

**NEW SECTION. Sec. 12.** The commission shall act as a clearinghouse for complaints, comments, and other input from members of the legislature and from the public regarding rules, proposed rules, and administrative procedures. The commission shall maintain accurate records regarding complaints and comments it receives and shall maintain the records according to departmental and subject matter categories. When the commission files its annual report under section 2 of this act, the commission shall include within it a summary of public complaint and comment along with any recommendations the commission may offer for statutory change as the result of public complaint and comment.

The commission shall develop and implement training programs and other aids to assist state agencies in complying with the review criteria in section 6(2) of this act.

**NEW SECTION. Sec. 13.** By January 31, 1997, and by January 31st of each odd-numbered year thereafter, the joint committee on performance audits, after consulting with state agencies and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the impact of the independent regulatory review commission on the regulatory system in this state. The report shall document:

- (1) If, and in what way, oversight and review by the commission affected the substance of rules that ultimately went into effect;
- (2) Each rule that the commission disapproved, and the legislative action, if any, in response to the disapproval;
- (3) The costs incurred by state agencies in complying with the legislative rule-making criteria and the requests of the commission;
- (4) Any legal action maintained based upon the alleged failure of an agency to adopt a rule in compliance with the rule-making criteria, the costs to the state of the action, and the result;
- (5) The extent to which the existence of the commission and the review process has resulted in the increased inappropriate use by the agencies of policy statements and guidelines in place of rules;
- (6) The extent to which the efforts of the commission have led to increased use of negotiated rule making and pilot rules, and alternative dispute resolution techniques in the regulatory process;
- (7) The extent to which agencies have responded to petitions from the commission to adopt, amend, or repeal a rule;
- (8) The extent to which the commission's decisions and activities have adversely affected the capacity of agencies to fulfill their legislatively prescribed missions;
- (9) The extent to which the commission's decisions and activities have improved the acceptability of state rules to those regulated; and
- (10) Any other information considered by the joint committee on performance audits to be useful in evaluating the impact of the commission on the regulatory system in this state.

**Sec. 14.** RCW 34.05.010 and 1992 c 44 s 10 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Adjudicative proceeding" means a proceeding before an agency in which an opportunity for hearing before that agency is required by statute or constitutional right before or after the entry of an order by the agency. Adjudicative proceedings also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law.

(2) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law and any local governmental entity that may request the appointment of an administrative law judge under chapter 42.41 RCW.

(3) "Agency action" means licensing, the implementation or enforcement of a statute, the adoption or application of an agency rule or order, the imposition of sanctions, or the granting or withholding of benefits.

Agency action does not include an agency decision regarding (a) contracting or procurement of goods, services, public works, and the purchase, lease, or acquisition by any other means, including eminent domain, of real estate, as well as all activities necessarily related to those functions, or (b) determinations as to the sufficiency of a showing of interest filed in support of a representation petition, or mediation or conciliation of labor disputes or arbitration of labor disputes under a collective bargaining law or similar statute, or (c) any sale, lease, contract, or other proprietary decision in the management of public lands or real property interests, or (d) the granting of a license, franchise, or permission for the use of trademarks, symbols, and similar property owned or controlled by the agency.

(4) "Agency head" means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head.

(5) "Commission" means the independent regulatory review commission created under section 2 of this act.

(6) "Entry" of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is to be effective.

~~((6))~~ (7) "Filing" of a document that is required to be filed with an agency means delivery of the document to a place designated by the agency by rule for receipt of official documents, or in the absence of such designation, at the office of the agency head.

~~((7))~~ (8) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions."

~~((8))~~ (9) "Interpretive statement" means a written expression of the opinion of an agency, entitled an interpretive statement by the agency head or its designee, as to the meaning of a statute or other provision of law, of a court decision, or of an agency order.

~~((9))~~ (10)(a) "License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by law, but does not include (i) a license required solely for revenue purposes, or (ii) a certification of an exclusive bargaining representative, or similar status, under a collective bargaining law or similar statute, or (iii) a license, franchise, or permission for use of trademarks, symbols, and similar property owned or controlled by the agency.

(b) "Licensing" includes the agency process respecting the issuance, denial, revocation, suspension, or modification of a license.

~~((10))~~ (11)(a) "Order," without further qualification, means a written statement of particular applicability that finally determines the legal rights, duties, privileges, immunities, or other legal interests of a specific person or persons.

(b) "Order of adoption" means the official written statement by which an agency adopts, amends, or repeals a rule.

~~((14))~~ (12) "Party to agency proceedings," or "party" in a context so indicating, means:

(a) A person to whom the agency action is specifically directed; or

(b) A person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding.

~~((12))~~ (13) "Party to judicial review or civil enforcement proceedings," or "party" in a context so indicating, means:

(a) A person who files a petition for a judicial review or civil enforcement proceeding; or

(b) A person named as a party in a judicial review or civil enforcement proceeding, or allowed to participate as a party in a judicial review or civil enforcement proceeding.

~~((13))~~ (14) "Person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character, and includes another agency.

~~((14))~~ (15) "Policy statement" means a written description of the current approach of an agency, entitled a policy statement by the agency head or its designee, to implementation of a statute or other provision of law, of a court decision, or of an agency order, including where appropriate the agency's current practice, procedure, or method of action based upon that approach.

~~((15))~~ (16) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.05.240, (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes.

~~((16))~~ "Rules review committee" or "committee" means the joint administrative rules review committee created pursuant to RCW 34.05.610 for the purpose of selectively reviewing existing and proposed rules of state agencies;)

(17) "Rule making" means the process for formulation and adoption of a rule.

(18) "Service," except as otherwise provided in this chapter, means posting in the United States mail, properly addressed, postage prepaid, or personal service. Service by mail is complete upon deposit in the United States mail. Agencies may, by rule, authorize service by electronic telefacsimile transmission, where copies are mailed simultaneously, or by commercial parcel delivery company.

**Sec. 15.** RCW 34.05.310 and 1994 c 249 s 1 are each amended to read as follows:

(1) To meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, agencies shall solicit comments from the public on a subject of possible rule making before ~~((publication of))~~ filing with the code reviser a notice of proposed rule adoption under RCW 34.05.320. The agency shall prepare a statement of ~~((intent))~~ inquiry that:

~~((States the specific statutory authority for the new rule;~~

~~(b) Identifies the reasons the new rule is needed;~~

~~(c) Identifies the goals of the new rule;~~

~~((Describes))~~ Identifies the specific statute or statutes authorizing the agency to adopt rules on this subject;

(b) Discusses why rules on this subject may be needed and what they might accomplish;

(c) Discusses the process by which the rule ~~((will))~~ might be developed, including, but not limited to, negotiated rule making, pilot rule making, or agency study; ~~((and~~

~~((e)))~~ (d) Specifies the process by which interested parties can effectively participate in the ~~((formulation of the))~~ decision to adopt a new rule and formulation of a proposed rule before its publication.

The statement of ~~((intent))~~ inquiry shall be filed with the code reviser for publication in the state register and shall be sent to the commission and any party that has requested receipt of the agency's statements of ~~((intent))~~ inquiry.

(2) Agencies are encouraged to develop and use new procedures for reaching agreement among interested parties before publication of notice and the adoption hearing on a proposed rule. Examples of new procedures include, but are not limited to:

(a) Negotiated rule making which includes:

(i) Identifying individuals and organizations that have a recognized interest in or will be significantly affected by the adoption of the proposed rule;

(ii) Soliciting participation by persons who are capable, willing, and appropriately authorized to enter into such negotiations;

(iii) Assuring that participants fully recognize the consequences of not participating in the process, are committed to negotiate in good faith, and recognize the alternatives available to other parties;

(iv) Establishing guidelines to encourage consideration of all pertinent issues, to set reasonable completion deadlines, and to provide fair and objective settlement of disputes that may arise;

(v) Agreeing on a reasonable time period during which the agency will be bound to the rule resulting from the negotiations without substantive amendment; and

(vi) Providing a mechanism by which one or more parties may withdraw from the process or the negotiations may be terminated if it appears that consensus cannot be reached on a draft rule that accommodates the needs of the agency, interested parties, and the general public and conforms to the legislative intent of the statute that the rule is intended to implement; and

(b) Pilot rule making which includes testing the draft of a proposed rule through the use of volunteer pilot study groups in various areas and circumstances.

(3)(a) An agency must make a determination whether negotiated rule making, pilot rule making, or another process for generating participation from interested parties prior to development of the rule is appropriate.

(b) An agency must include a written justification in the rule-making file if an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided.

(4) This section does not apply to:

(a) Emergency rules adopted under RCW 34.05.350;

(b) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;

(c) Rules adopting or incorporating by reference without material change federal statutes or rules, rules of other Washington state agencies, shoreline master programs other than those governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(d) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

(e) Rules whose content is explicitly and specifically dictated by statute;

(f) Rules that establish, alter, or repeal (i) a procedure, practice, or requirement relating to agency hearings, or (ii) a filing or related process requirement for applying to an agency for a license.

**Sec. 16.** RCW 34.05.320 and 1994 c 249 s 14 are each amended to read as follows:

(1) No sooner than thirty days after publication of the statement of inquiry under RCW 34.05.310, and at least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A title, a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A summary of the rule and a statement of the reasons supporting the proposed action;

(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement;

(h) When, where, and how persons may present their views on the proposed rule;

(i) The date on which the agency intends to adopt the rule;

(j) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make; and

(k) A statement indicating how a person can obtain a copy of the small business economic impact statement prepared under chapter 19.85 RCW, or an explanation for why the agency did not prepare the statement.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the notice on file and available for public inspection and shall forward three copies of the notice to the ~~((rules review committee))~~ regulatory review commission.

(3) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person who has made a request to the agency for a mailed copy of such notices. An agency may charge for the actual cost of providing individual mailed copies of these notices.

(4) In addition to the notice required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

**Sec. 17.** RCW 34.05.335 and 1989 c 175 s 8 are each amended to read as follows:

(1) A proposed rule may be withdrawn by the proposing agency at any time before adoption. A withdrawn rule may not be adopted unless it is again proposed in accordance with RCW 34.05.320.

(2) Before adopting a rule, an agency shall consider the written and oral submissions, or any memorandum summarizing oral submissions.

(3) Rules not adopted and filed with the ~~((code reviser))~~ commission within one hundred eighty days after publication of the text as last proposed in the register shall be regarded as withdrawn. An agency may not thereafter adopt the proposed rule without refiling it in accordance with RCW 34.05.320. The ~~((code reviser))~~ commission shall give notice of the withdrawal to the code reviser for publication in the register.

(4) An agency may not adopt a rule before the time established in the published notice, or such later time established on the record or by publication in the state register.

**Sec. 18.** RCW 34.05.350 and 1994 c 249 s 3 are each amended to read as follows:

(1) If an agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; or

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule,

the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the ~~((rules review committee))~~ regulatory review commission.

(2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

(3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of the rule adopted on an emergency basis by any department listed in RCW 43.17.010. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any sanction imposed based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule.

~~((4) In adopting an emergency rule, the agency shall comply with section 4 of this act or provide a written explanation for its failure to do so.))~~

**Sec. 19.** RCW 34.05.370 and 1994 c 249 s 2 are each amended to read as follows:

(1) Each agency shall maintain an official rule-making file for each rule that it (a) proposes by publication in the state register, or (b) adopts. The file and materials incorporated by reference shall be available for public inspection. Each agency shall provide a copy of all materials in its file to the commission upon its request.

(2) The agency rule-making file shall contain all of the following:

(a) Copies of all publications in the state register with respect to the rule or the proceeding upon which the rule is based;

(b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding on which the rule is based;

(c) All written petitions, requests, submissions, and comments received by the agency and all other written material regarded by the agency as important to adoption of the rule or the proceeding on which the rule is based;

(d) Any official transcript of oral presentations made in the proceeding on which the rule is based or, if not transcribed, any tape recording or stenographic record of them, and any memorandum prepared by a presiding official summarizing the contents of those presentations;

(e) The concise explanatory statement required by RCW 34.05.355;

(f) All petitions for exceptions to, amendment of, or repeal or suspension of, the rule;

(g) Citations to data, factual information, studies, or reports on which the agency relies in the adoption of the rule, indicating where such data, factual information, studies, or reports are available for review by the public;

(h) The written summary and response required by RCW 34.05.325(6); and

(i) Any other material placed in the file by the agency.

(3) Internal agency documents are exempt from inclusion in the rule-making file under subsection (2) of this section to the extent they constitute preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific document is not exempt from inclusion when it is publicly cited by an agency in connection with its decision.

(4) Upon judicial review, the file required by this section constitutes the official agency rule-making file with respect to that rule. Unless otherwise required by another provision of law, the official agency rule-making file need not be the exclusive basis for agency action on that rule.

**Sec. 20.** RCW 34.05.380 and 1989 c 175 s 11 are each amended to read as follows:

(1) Each agency shall file ~~((in the office of the code reviser))~~ with the commission a certified copy of all rules it adopts, except for rules contained in tariffs filed with or published by the Washington utilities and transportation commission. Upon its approval of a rule, the commission shall file the rule with the code reviser. The code reviser shall place upon each rule a notation of the time and date of filing and shall keep a permanent register of filed rules open to public inspection. In filing a rule, each agency shall use the standard form prescribed for this purpose by the code reviser.

(2) Emergency rules adopted under RCW 34.05.350 become effective upon filing unless a later date is specified in the order of adoption. All other rules become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the order of adoption.

(3) A rule may become effective immediately upon its filing with the code reviser or on any subsequent date earlier than that established by subsection (2) of this section, if the agency establishes that effective date in the adopting order and finds that:

(a) Such action is required by the state or federal Constitution, a statute, or court order;

(b) The rule only delays the effective date of another rule that is not yet effective; or

(c) The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare.

The finding and a brief statement of the reasons therefor required by this subsection shall be made a part of the order adopting the rule.

(4) With respect to a rule made effective pursuant to subsection (3) of this section, each agency shall make reasonable efforts to make the effective date known to persons who may be affected by it.

**Sec. 21.** RCW 42.17.2401 and 1993 sp.s. c 2 s 18, 1993 c 492 s 488, and 1993 c 281 s 43 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive director of the independent regulatory review commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, ~~((the director of trade and economic development.))~~ the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission,

state housing finance commission, human rights commission, independent regulatory review commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, (~~oil and gas conservation committee~~;) Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

**NEW SECTION. Sec. 22.** The following acts or parts of acts are each repealed:

- (1) RCW 34.05.610 and 1988 c 288 s 601, 1983 c 53 s 1, & 1981 c 324 s 5;
- (2) RCW 34.05.620 and 1994 c 249 s 17, 1988 c 288 s 602, 1987 c 451 s 1, & 1981 c 324 s 6;
- (3) RCW 34.05.630 and 1993 c 249 s 18, 1993 c 277 s 1, 1988 c 288 s 603, 1987 c 451 s 2, & 1981 c 324 s 7;
- (4) RCW 34.05.640 and 1994 c 249 s 19, 1993 c 277 s 2, 1988 c 288 s 604, 1987 c 451 s 3, & 1981 c 324 s 8;
- (5) RCW 34.05.650 and 1988 c 288 s 605, 1987 c 451 s 4, & 1981 c 324 s 9; and
- (6) RCW 34.05.660 and 1988 c 288 s 606 & 1981 c 324 s 10.

**NEW SECTION. Sec. 23.** Sections 1 through 13 of this act are added to chapter 34.05 RCW.

**NEW SECTION. Sec. 24.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Sheldon, Ann Anderson, Hale, Loveland, Gaspard, Haugen, Wojahn, Snyder, Winsley, Quigley and Rinehart to Senate Bill No. 6037.

The motion by Senator Sheldon carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Sheldon, the following title amendment was adopted:

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 34.05.010, 34.05.310, 34.05.320, 34.05.335, 34.05.350, 34.05.370, and 34.05.380; reenacting and amending RCW 42.17.2401; adding new sections to chapter 34.05 RCW; creating a new section; and repealing RCW 34.05.610, 34.05.620, 34.05.630, 34.05.640, 34.05.650, and 34.05.660."

On motion of Senator Sheldon, the rules were suspended, Engrossed Senate Bill No. 6037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Deccio: "Senator Sheldon, I sponsored a bill which would make it illegal for any department to exceed federal law. It was signed by twenty-eight members. I think I could have got most of the rest of them if I had had time. I think you indicated or maybe Senator Haugen indicated that this was going to be included in any bill that came out of Government Operations. Is that language in this bill?"

Senator Sheldon: "Senator Deccio, that language is not in this bill, but the regulatory reform bill, the main bill, has not been before this body as yet, but will before this session is over."

Senator Deccio: "Then you will include the language in the main bill?"

Senator Sheldon: "We certainly will consider your language--"

Senator Deccio: "That isn't the question that I asked you, Senator."

Senator Sheldon: "That is another bill, Senator, and in the regulatory reform bill there is strong language about the federal mandates that I think you will find to your liking."

Senator Deccio: "Well, I hope I like it better than this one. Thank you."

Senator Sheldon: "I do too, Senator."

Further debate ensued.

#### MOTION

On motion of Senator Johnson, Senator Moyer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6037.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6037 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 37.

Voting nay: Senators Deccio, Hochstatter, Johnson, McCaslin, McDonald, Morton, Newhouse, Roach, Schow, Sellar and West - 11.

Excused: Senator Moyer - 1.

ENGROSSED SENATE BILL NO. 6037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING



SENATE BILL NO. 5555, by Senators C. Anderson, Long, Kohl, A. Anderson, Fairley, Sheldon, Prentice and Moyer

Modifying taxation of massage services.

The bill was read the second time.

#### MOTIONS

On motion of Senator Rinehart, the following amendment by Senators Rinehart and West was adopted:

On page 5, after line 25, insert the following:

"Sec. 3. RCW 82.04.290 and 1993 sp.s. c 25 s 203 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 2.5 percent.

(2) Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of 1.70 percent.

(3) Upon every person engaging within this state in the business of providing massage services; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of 0.471 percent.

(4) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280, and subsections (1) ~~((and (2)))~~ through (3) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 2.0 percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

Sec. 4. RCW 82.04.2201 and 1994 sp.s. c 10 s 1 are each amended to read as follows:

There is levied and shall be collected for the period July 1, 1993, through June 30, 1997, from every person for the act or privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.280 and 82.04.290~~((3))~~(4), except RCW 82.04.250(1) and 82.04.260(15), an additional tax equal to 4.5 percent multiplied by the tax payable under those sections.

To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth."

Renumber the sections consecutively and correct any internal references accordingly

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 2 of the title, after "82.04.050" insert ", 82.04.290, and 82.04.2201"

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 5555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5555.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5555 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Moyer - 1.

ENGROSSED SENATE BILL NO. 5555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5064, by Senators Owen, Drew and Oke

Revising the regional fisheries enhancement program.

#### MOTIONS

On motion of Senator Owen, Second Substitute Senate Bill No. 5064 was substituted for Senate Bill No. 5064 and the second substitute bill was placed on second reading and read the second time.  
Senator Owen moved that the following amendments by Senators Owen and Spanel be considered simultaneously and be adopted:  
On page 3, line 10, strike "provide or approve" and insert "identify"  
On page 3, line 19, after "department" insert "prior to implementation"  
On page 3, line 26, after "purposes of" strike all material through "project. In" on line 27, and insert "defraying the ((expenses)) costs of ((the cooperative)) projects and((-In"  
On page 3, line 29, strike "projects" and insert "group projects and cooperative group projects"

#### POINT OF INQUIRY

Senator Ann Anderson: "Senator Owen, again this bill went through a lot of discussion in committee and I am just wondering on the last amendment on page 3, line 29, where we strike the word 'projects' and insert 'group projects and cooperative group projects,' what kind of projects now are we precluding by this amendment?"

Senator Owen: "We are not precluding. Actually, if you had read the language that was in there before we fixed it, it just said 'cooperative groups.' What we had intended was that they would be able to use the money for regional enhancement groups and cooperative groups, because there are two programs in the department right now--the cooperative enhancement program which is a volunteer program we established a couple of years ago funded primarily through aquatic lands enhancement accounts and then the regional enhancement groups and we are making it clear that these funds are to be used for those projects for both groups--not just cooperative groups."

The President declared the question before the Senate to be the adoption of the amendments by Senators Owen and Spanel on page 3, lines 10, 19, 26, and 29, to Second Substitute Senate Bill No. 5064.

The motion by Senator Owen carried and the amendments were adopted.

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5064.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5064 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senators Bauer and Sutherland - 2.

Excused: Senator Moyer - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5940 and the pending amendment by Senators Palmer, Schow, Long, Swecker, Johnson and Strannigan on page 3, after line 34, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Snyder, the President finds that Senate Bill No. 5940 is a measure which identifies who owes the use tax, and who is exempt therefrom, on certain property distributed to, or displaced by, persons within this state.

"The amendment by Senators Palmer, Schow, Long, Swecker, Johnson and Strannigan on page 3, after line 34, would exempt from the sales tax, a corollary of the use tax, similar property distributed or displayed within this state.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Palmer, Schow, Long, Swecker, Johnson and Strannigan on page 3, after line 34, to Senate Bill No. 5940 was ruled in order.

#### MOTION

On motion of Senator Snyder, further consideration of Senate Bill No. 5940 was deferred.

**\*EDITOR'S NOTE:** See colloquy at the end of the day regarding the deferral of Senate Bill No. 5940.

#### MOTIONS

On motion of Senator Spanel, the Senate advanced to the seventh order of business.  
On motion of Senator Spanel, the Senate resumed consideration of Substitute Senate Bill No. 5000, deferred on third reading March 11, 1995, after the motion by Senator Snyder for reconsideration of the bill was adopted.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5000, by Committee on Ways and Means (originally sponsored by Senators Loveland, Snyder, Wojahn, Sheldon, Gaspard Franklin, Haugen, Rasmussen, Quigley, Owen, McAuliffe, Winsley, McCaslin, Drew, Morton, Prentice, Bauer, Spanel, Hale and Deccio)

Reducing property taxes.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 5000 was returned to second reading and read the second time.

#### MOTION

Senator Loveland moved that the following amendment by Senators Loveland, Franklin, Snyder, Haugen, C. Anderson, Sheldon, Rasmussen, Rinehart, Gaspard, Kohl, Prentice, Bauer, Quigley, Fairley, McAuliffe, Owen, Wojahn, Fraser, Pelz and Hargrove be adopted:

On page 9, beginning on line 10, strike section 7 and insert the following:

"NEW SECTION. Sec. 7. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

#### PARLIAMENTARY INQUIRY

Senator Newhouse: "A point of parliamentary inquiry, Mr. President. It appears that this amendment, I would assume, would require a simple majority vote, but it is attached to a bill and would in effect refer that bill to the people and would amend an initiative, which would require, would it not, two-thirds vote?"

#### REPLY BY THE PRESIDENT

President Pritchard: "We are going to have a conversation. We have never ruled on this very point before."

Senator Newhouse: "It is a very ticklish point--I understand--and I wanted to make--"

#### REMARKS BY SENATOR WEST

Senator West: "Mr. President, I am not sure the point is timely, because the body hasn't adopted the amendment yet or hasn't considered the amendment yet."

#### REPLY BY THE PRESIDENT

President Pritchard: "The President believes it would be helpful for the members to know how the ruling would be when they are voting on the measure. Any more comments that want to be made?"

#### FURTHER REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Yes, it appears to me that this might well be a momentous occasion, because there is a possibility here of something happening that has never happened before in this state that the will of the people, by initiative, is challenged within two years by a simple majority vote and that would appear to me to be inappropriate."

#### REMARKS BY SENATOR LOVELAND

Senator Loveland: "I am waiting for my professional remarks, but basically the issue before us is that there was an initiative and we now have an addendum to that initiative and under the article and sections--I am going to read the professional here. We are not amending Initiative 601; we are offering the people of this state an opportunity to determine whether they want to enact a change to the measure. It is not logical to say that the people of this state cannot vote on a measure because they voted on it once before and our Constitution does not require a super majority of this body to permit them to do so. The Attorney General, in 1976, considered this question and in the Attorney General's Opinion No. 5, the reasoning in that opinion is still compelling today.

"Article II, Section 41 of our Constitution referring to whether an initiative can be amended says, 'But such an enactment may be amended or repealed at any regular or special election by direct vote of the people thereon. These provisions supersede the provisions of subsection (c) of section 1 of this article.' This is a clear statement that we may refer Substitute Senate Bill No. 5000 directly to the people of this state without a two-thirds vote requirement, because of subsection (c). The provision which requires a two-thirds vote to amend an initiative--the

Attorney General's opinion was that a referendum measure would be permitted on a prior enacted initiative without a two-thirds vote and that remains good law today."

#### FURTHER REMARKS BY SENATOR WEST

Senator West: "Thank you, Mr. President. An Attorney General's Opinion is just that; it is an Attorney General's Opinion. Until it has been adjudicated by the courts, it is not law. It may influence the arguments of law, but it is not law. A referendum is a confirmation of legislative action. The action of the Legislature would be to amend Initiative 601 and then the Legislature would then be asking, by referendum, for the people to confirm the action of the Legislature. That is what a referendum is, so I would argue that in order to even send this out to referendum, the Legislature would have to amend 601, and then by act of referendum ask the people whether or not what they did was the proper action. The Constitution prohibits, within two years, the Legislature from amending an initiative with less than a two-thirds vote. Mr. President, no ruling officer of the Legislature has ever said that it takes less than two-thirds of a vote to amend an initiative. This would be very precedent setting and I think that I would ask that you rule that this is an amendment to an initiative and that this does require the two-thirds vote."

#### REPLY BY THE PRESIDENT

President Pritchard: "The President agrees with Senator Newhouse; this is a momentous decision and we are going to set this down and we are going to have a little talk. Did you want to say something, Senator Pelz?"

#### REMARKS BY SENATOR PELZ

Senator Pelz: "I would just like to say I agree with the first part that I think this would have to be adjudicated and I think there are some very complex issues here. I am not sure that a ruling of the President should interfere, frankly, with the forward progress of this issue. I would remind the body that Initiative 601 will be two years old at the date when the electorate would be ruling on this referendum. I think that would give some additional weight to the validity of Senator Loveland's proposal and would further eradicate Senator West's logic."

#### REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "It has been precedent in this body and ruled by previous Presidents that the time the vote is taken is critical in such ways. On the other hand, we are not only amending an initiative, we are bypassing the Governor by this referendum vote and would be a rather unique way to do it and should not base our judgement on the 'off the cuff' or 'by the way' statement of an Assistant Attorney General some twenty years ago. That has no legal standing, because it has not been adjudicated."

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President. Senator West says that this has never been adjudicated and needs to be. I think the best way we can do that is go ahead and pass this measure with the referendum on it and if someone wants to challenge it and put it in court and in that way, it would be settled. I think his argument has some holes in it, because we certainly, if we want to ever--for the future-- settle this issue, regardless of how the President of the Senate rules, we want to get into court. I think that Senator West would be wise in joining the rest of us and voting for this amendment and for this measure and then we will get it settled by the courts once and for all."

#### REPLY BY THE PRESIDENT

President Pritchard: "We'll set it down. Senator Wojahn would you come up?"

#### REMARKS BY SENATOR WOJAHN

Senator Wojahn: "I just wanted to remind this body that there is a referendum coming over from the House on health care that would repeal the Health Care Bill of two years ago that will bypass the Governor anyway and you are saying that this will bypass the Governor and so would that referendum."

#### REMARKS BY SENATOR HAUGEN

Senator Haugen: "Thank you, Mr. President. I also would like to remind the body that if my reading of 601 was correct, it did call for the vote of the people on the change in the taxes. I think this amendment is in keeping with that initiative."

#### REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Thank you, Mr. President. If Aristotle was here today, he would let the President decide this issue."

#### REPLY BY THE PRESIDENT

President Pritchard: "He isn't here."

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5000.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5857, by Senators Morton, Pelz, Heavey, McCaslin, Fraser, Moyer, Hochstatter, Deccio, Palmer and Schow

Revising the procedure for identifying subcontractors for specified public works contracts.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5857 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5857.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5857 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SENATE BILL NO. 5857, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5758, by Senators Pelz, Hargrove and Long

Removing statutory restrictions on class II inmate work programs.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5758 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5758.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5758 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

SENATE BILL NO. 5758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5820, by Senators Sutherland, Finkbeiner, Snyder, Smith and Quigley

Penalizing theft of telecommunication and cable services.

#### MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5820 was substituted for Senate Bill No. 5820 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the following amendment by Senators Smith and Sutherland was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.56.010 and 1987 c 140 s 1 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(3) "Access device" means any card, plate, code, account number, or other means of account access that can be used alone or in conjunction with another access device to obtain money, goods, services, or anything else of value, or that can be used to initiate a transfer of funds, other than a transfer originated solely by paper instrument;

(4) "Deception" occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs;

(6) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another;

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his or her own use or to the use of any person other than the true owner or person entitled thereto; or

(c) Having any property or services in one's possession, custody, or control as partner, to secrete, withhold, or appropriate the same to his or her use or to the use of any person other than the true owner or person entitled thereto, where such use is unauthorized by the partnership agreement;

(8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) "Stolen" means obtained by theft, robbery, or extortion;

(12) "Subscription television service" means cable or encrypted video and related audio and data services intended for viewing on a home television by authorized members of the public only, who have agreed to pay a fee for the service. Subscription services include but are not limited to those video services presently delivered by coaxial cable, fiber optic cable, terrestrial microwave, television broadcast, and satellite transmission;

(13) "Telecommunication device" means (a) any type of instrument, device, machine, or equipment that is capable of transmitting or receiving telephonic or electronic communications; or (b) any part of such an instrument, device, machine, or equipment, or any computer circuit, computer chip, electronic mechanism, or other component, that is capable of facilitating the transmission or reception of telephonic or electronic communications;

(14) "Telecommunication service" includes any service other than subscription television service provided for a charge or compensation to facilitate the transmission, transfer, or reception of a telephonic communication or an electronic communication;

(15) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars;

~~((13))~~ (16) "Shopping cart" means a basket mounted on wheels or similar container generally used in a retail establishment by a customer for the purpose of transporting goods of any kind;

~~((14))~~ (17) "Parking area" means a parking lot or other property provided by retailers for use by a customer for parking an automobile or other vehicle.

Sec. 2. RCW 9A.56.220 and 1989 c 11 s 1 are each amended to read as follows:

(1) A person is guilty of theft of ~~((eable))~~ subscription television services if ~~((:~~ ~~(a))~~, with intent to avoid payment of the lawful charge ~~((for any communication))~~ of a subscription television service ~~((of a cable system))~~, he or she:

~~((i))~~ Tampers with the equipment of the cable system, whether by mechanical, electrical, acoustical, or other means; or

~~((ii))~~ Knowingly misrepresents a material fact; or

~~((iii))~~ Uses any other artifice, trick, deception, code, or other device; and

~~(b) He or she wrongfully obtains cable communication services for himself or herself or another.~~

~~(2) RCW 9A.56.220 through 9A.56.250 do not apply to the interception or receipt by any individual or the assisting (including the manufacture or sale), of such interception or receipt of any satellite-transmitted programming for private use.)~~

~~(a) Obtains or attempts to obtain subscription television service from a subscription television service company by trick, artifice, deception, use of a device or decoder, or other fraudulent means without authority from the company providing the service;~~

~~(b) Assists or instructs a person in obtaining or attempting to obtain subscription television service without authority of the company providing the service;~~

~~(c) Makes or maintains a connection or connections, whether physical, electrical, mechanical, acoustical, or by other means, with cables, wires, components, or other devices used for the distribution of subscription television services without authority from the company providing the services;~~

~~(d) Makes or maintains a modification or alteration to a device installed with the authorization of a subscription television service company for the purpose of interception or receiving a program or other service carried by the company that the person is not authorized by the company to receive; or~~

~~(e) Possesses without authority a device designed in whole or in part to receive subscription television services offered for sale by the subscription television service company, regardless of whether the program or services are encoded, filtered, scrambled, or otherwise made unintelligible, or to perform or facilitate the performance of any other acts set out in (a) through (d) of this subsection for the reception of subscription television services without authority.~~

~~((3))~~ (2) Theft of ~~((eable))~~ subscription television services is a gross misdemeanor.

Sec. 3. RCW 9A.56.230 and 1985 c 430 s 2 are each amended to read as follows:

(1) A person is guilty of unlawful sale of ~~((eable))~~ subscription television services if, with intent to avoid payment or to facilitate the avoidance of payment of the lawful charge for any ~~((communications service of a cable system))~~ subscription television service, he or she ~~((offers for sale or otherwise makes available any telecommunications decoder or descrambler that defeats a mechanism of electronic signal encryption, or that restricts delivery of individually addressed switching imposed by the cable system.)),~~ without authorization from the subscription television service company:

~~(a) Publishes or advertises for sale a plan for a device that is designed in whole or in part to receive subscription television or services offered for sale by the subscription television service company, regardless of whether the programming or services are encoded, filtered, scrambled, or otherwise made unintelligible;~~

~~(b) Advertises for sale or lease a device or kit for a device designed in whole or in part to receive subscription television services offered for sale by the subscription television service company, regardless of whether the programming or services are encoded, filtered, scrambled, or otherwise made unintelligible; or~~

~~(c) Manufactures, imports into the state of Washington, distributes, sells, leases, or offers for sale or lease a device, plan, or kit for a device designed in whole or in part to receive subscription television services offered for sale by the subscription television service company, regardless of whether the programming or services are encoded, filtered, scrambled, or otherwise made unintelligible.~~

(2) Unlawful sale of ~~((eable))~~ subscription television services is a ~~((gross misdemeanor))~~ class C felony.

Sec. 4. RCW 9A.56.250 and 1985 c 430 s 4 are each amended to read as follows:

(1) In addition to the criminal penalties provided in RCW 9A.56.220 and 9A.56.230, there is created a civil cause of action for theft of ~~((eable))~~ subscription television services and for unlawful sale of ~~((eable))~~ subscription television services.

~~(2) ((The prevailing party may recover actual damages, reasonable attorneys' fees, and costs.~~

~~(3)) A person who sustains injury to his or her person, business, or property by an act described in RCW 9A.56.220 or 9A.56.230 may file an action in superior court for recovery of damages and the costs of the suit, including reasonable investigative and attorneys' fees and costs.~~

~~(3) Upon finding a violation of RCW 9A.56.220 or 9A.56.230, in addition to the remedies described in this section, the court may impose a civil penalty not exceeding twenty-five thousand dollars.~~

~~(4) The superior court may grant temporary and final injunctions on such terms as it deems reasonable to prevent or restrain violations of RCW 9A.56.220 and 9A.56.230.~~

Sec. 5. RCW 9A.82.010 and 1994 c 218 s 17 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

- (5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.
- (6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.
- (7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.
- (8) "Dealer in property" means a person who buys and sells property as a business.
- (9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.
- (10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.
- (11) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.
- (12) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.
- (13) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.
- (14) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:
- (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;
- (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;
- (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;
- (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;
- (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;
- (f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;
- (g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in sections 6 and 7 of this act;
- (h) Child selling or child buying, as defined in RCW 9A.64.030;
- ~~((g))~~ (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;
- ~~((h))~~ (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;
- ~~((i))~~ (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;
- ~~((j))~~ (l) Extortionate extension of credit, as defined in RCW 9A.82.020;
- ~~((k))~~ (m) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;
- ~~((l))~~ (n) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;
- ~~((m))~~ (o) Collection of an unlawful debt, as defined in RCW 9A.82.045;
- ~~((n))~~ (p) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;
- ~~((o))~~ (q) Trafficking in stolen property, as defined in RCW 9A.82.050;
- ~~((p))~~ (r) Leading organized crime, as defined in RCW 9A.82.060;
- ~~((q))~~ (s) Money laundering, as defined in RCW 9A.83.020;
- ~~((r))~~ (t) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;
- ~~((s))~~ (u) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;
- ~~((t))~~ (v) Promoting pornography, as defined in RCW 9.68.140;
- ~~((u))~~ (w) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;
- ~~((v))~~ (x) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;
- ~~((w))~~ (y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
- ~~((x))~~ (z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
- ~~((y))~~ (aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
- ~~((z))~~ (bb) A pattern of equity skimming, as defined in RCW 61.34.020; or
- ~~((aa))~~ (cc) Commercial telephone solicitation in violation of RCW 19.158.040(1).
- (15) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.
- (16) "Records" means any book, paper, writing, record, computer program, or other material.
- (17) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.
- (18) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:
- (a) In violation of any one of the following:
- (i) Chapter 67.16 RCW relating to horse racing;



- (ii) Chapter 9A.46 RCW relating to gambling;
  - (b) In a gambling activity in violation of federal law; or
  - (c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.
- (19)(a) "Beneficial interest" means:
- (i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;
  - (ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or
  - (iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.
- (b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.
- (c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.
- (20) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.
- (21)(a) "Trustee" means:
- (i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;
  - (ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or
  - (iii) A successor trustee to a person who is a trustee under subsection (21)(a) (i) or (ii) of this section.
- (b) "Trustee" does not mean a person appointed or acting as:
- (i) A personal representative under Title 11 RCW;
  - (ii) A trustee of any testamentary trust;
  - (iii) A trustee of any indenture of trust under which a bond is issued; or
  - (iv) A trustee under a deed of trust.
- NEW SECTION. Sec. 6.** A new section is added to chapter 9A.56 RCW to read as follows:
- (1) A person is guilty of theft of telecommunication services if he or she knowingly and with intent to avoid payment:
- (a) Uses a telecommunication device to obtain telecommunication services without having entered into a prior agreement with a telecommunication service provider to pay for the telecommunication services; or
  - (b) Possesses a telecommunication device.
- (2) Theft of telecommunication services is a class C felony.
- NEW SECTION. Sec. 7.** A new section is added to chapter 9A.56 RCW to read as follows:
- (1) A person is guilty of unlawful manufacture of a telecommunication device if he or she knowingly and with intent to avoid payment or to facilitate avoidance of payment:
- (a) Manufactures, produces, or assembles a telecommunication device;
  - (b) Modifies, alters, programs, or reprograms a telecommunication device to be capable of acquiring or of facilitating the acquisition of telecommunication service without the consent of the telecommunication service provider; or
  - (c) Writes, creates, or modifies a computer program that he or she knows is thereby capable of being used to manufacture a telecommunication device.
- (2) Unlawful manufacture of a telecommunication device is a class C felony.
- NEW SECTION. Sec. 8.** A new section is added to chapter 9A.56 RCW to read as follows:
- (1) A person is guilty of unlawful sale of a telecommunication device if he or she sells, leases, exchanges, or offers to sell, lease, or exchange:
- (a) A telecommunication device, knowing that the purchaser, lessee, or recipient, or a third person, intends to use the device to avoid payment or to facilitate avoidance of payment for telecommunication services; or
  - (b) Any material, including data, computer software, or other information and equipment, knowing that the purchaser, lessee, or recipient, or a third person, intends to use the material to avoid payment or to facilitate avoidance of payment for telecommunication services.
- (2) Unlawful sale of a telecommunication device is a class C felony.
- NEW SECTION. Sec. 9.** A new section is added to chapter 9A.56 RCW to read as follows:
- (1) In addition to the criminal penalties provided in sections 6 through 8 of this act, there is created a civil cause of action for theft of telecommunication services, for unlawful manufacture of a telecommunication device, and for unlawful sale of a telecommunication device.
- (2) A person who sustains injury to his or her person, business, or property by an act described in section 6, 7, or 8 of this act may file an action in superior court for recovery of damages and the costs of the suit, including reasonable investigative and attorneys' fees and costs.
- (3) Upon finding a violation of section 6, 7, or 8 of this act, in addition to the remedies described in this section, the court may impose a civil penalty not exceeding twenty-five thousand dollars.
- (4) The superior court may grant temporary and final injunctions on such terms as it deems reasonable to prevent or restrain violations of sections 6 through 8 of this act."

## MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 9A.56.010, 9A.56.220, 9A.56.230, 9A.56.250, and 9A.82.010; adding new sections to chapter 9A.56 RCW; and prescribing penalties."

On motion of Senator Sutherland, the rules were suspended, Engrossed Substitute Senate Bill No. 5820 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5820.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5820 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5820, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5574, by Senators Hargrove, A. Anderson, Snyder, McDonald, Owen, Long, Rasmussen, Swecker, Heavey, Morton, Deccio, Johnson, Loveland, Hale, Sutherland, Strannigan, Palmer, Moyer, Hochstatter, West, Drew, Haugen, Quigley, Bauer and Roach

Concerning the return of state forest board transfer land.

## MOTIONS

On motion of Senator Drew, Second Substitute Senate Bill No. 5574 was substituted for Senate Bill No. 5574 and the second substitute bill was placed on second reading and read the second time.

Senator Fraser moved that the following amendment by Senators Fraser, Franklin, Fairley and Spanel be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that in the early 1900's and up through the 1930's, counties took possession of a number of forest land parcels as a result of tax delinquencies. In many cases, the timber had already been harvested from these lands prior to the forfeiture of the property to the counties. Since that time, the department of natural resources has reforested and managed these lands in conjunction with the state trust lands. Given changes in forest practices, recent fluctuation in income from the forest board lands, and interest by some counties in having management responsibilities transferred to them, the legislature directs that the legislative budget committee conduct a study of the statutory mandates governing state forest lands, federal statutes that impact state management of such lands, and the desirability of transferring such responsibilities to counties, including an analysis of the ability of counties to assume such responsibilities.

**NEW SECTION. Sec. 2.** The study under section 1 of this act shall include the following subjects:

(1) The role of the forest board land in the state's sustained yield calculations and the effect of removing all or part of those lands on income, yield, and management policies;

(2) Board of natural resources policies for management of forest board lands and analysis of costs to such management, including reforestation;

(3) The long- and short-term implications of separating the forest board lands from the total lands managed by the department, including costs to state and county governments, and probable revenue impacts to state programs, including firefighting and to junior taxing districts;

(4) The effects of transfer on public access, recreation, and the management of other public and private lands;

(5) A comparison of forest management procedures and costs between Grays Harbor county and similar forest board and similar state trust lands;

(6) Potential changes in state and county employees due to changes in management;

(7) Examine the best possible methods and procedures to transfer the forest board lands to the counties.

**NEW SECTION. Sec. 3.** The findings of the study, along with recommendations to the legislature, shall be submitted to the appropriate standing committees of the legislature by December 1, 1995.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void."

Debate ensued.

President Pritchard assumed the Chair.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser, Franklin, Fairley and Spanel to Second Substitute Senate Bill No. 5574.

The motion by Senator Fraser failed and the striking amendment was not adopted.

## MOTION

On motion of Senator Drew, the rules were suspended, Second Substitute Senate Bill No. 5574 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5574.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5574 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Anderson, C., Fairley, Fraser and Kohl - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5000 and the pending amendment by Senators Loveland, Franklin, Snyder, Haugen, C. Anderson, Sheldon, Rasmussen, Rinehart, Gaspard, Kohl, Prentice, Bauer, Quigley, Fairley, McAuliffe, Owen, Wojahn, Fraser, Pelz and Hargrove on page 9, beginning on line 10, as well as the parliamentary inquiry regarding the number of votes needed to pass Substitute Senate Bill No. 5000, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "The President has reviewed the constitutional provision cited and finds that the weight of the argument favors the position that final passage of Substitute Senate Bill No. 5000, if a referendum clause is added, would take a majority vote of the Senate."

The President declared the question before the Senate to be the adoption of the amendment by Senators Loveland, Franklin, Snyder, Haugen, C. Anderson, Sheldon, Rasmussen, Rinehart, Gaspard, Kohl, Prentice, Bauer, Quigley, Fairley, McAuliffe, Owen, Wojahn, Fraser, Pelz and Hargrove on page 9, beginning on line 10, to Substitute Senate Bill No. 5000.

Debate ensued.

The motion by Senator Loveland carried and the amendment was adopted.

#### MOTION

Senator Winsley moved that the following amendment by Senators Winsley, Finkbeiner and West be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.52.065 and 1991 sp.s. c 31 s 16 are each amended to read as follows:

Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of three dollars (~~and sixty cents~~) per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

**Sec. 2.** RCW 84.52.043 and 1993 c 337 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars (~~and sixty cents~~) per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105.

**Sec. 3.** RCW 84.52.065 and 1995 c . . . s 1 (section 1 of this act) are each amended to read as follows:

Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of (~~three~~) two dollars and forty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

**Sec. 4.** RCW 84.52.043 and 1995 c . . . s 2 (section 2 of this act) are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed (~~three~~) two dollars and forty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per

thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105.

**Sec. 5.** RCW 84.52.065 and 1995 c . . . s 3 (section 3 of this act) are each amended to read as follows:

Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of ~~((two))~~ one dollar~~(s)~~ and ~~((forty))~~ eighty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

**Sec. 6.** RCW 84.52.043 and 1995 c . . . s 4 (section 4 of this act) are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed ~~((two))~~ one dollar~~(s)~~ and ~~((forty))~~ eighty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105.

**Sec. 7.** RCW 84.52.065 and 1995 c . . . s 5 (section 5 of this act) are each amended to read as follows:

Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of one dollar and ~~((eighty))~~ twenty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

**Sec. 8.** RCW 84.52.043 and 1995 c . . . s 6 (section 6 of this act) are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed one dollar and ~~((eighty))~~ twenty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105.

**Sec. 9.** RCW 84.52.065 and 1995 c . . . s 7 (section 7 of this act) are each amended to read as follows:

Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of ~~((one dollar and twenty))~~ sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

**Sec. 10.** RCW 84.52.043 and 1995 c . . . s 8 (section 8 of this act) are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed ~~((one dollar and twenty))~~ sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105.

**NEW SECTION. Sec. 11.** RCW 84.52.065 and 1995 c . . . s 9 (section 9 of this act), 1995 c . . . s 7 (section 7 of this act), 1995 c . . . s 5 (section 5 of this act), 1995 c . . . s 3 (section 3 of this act), 1995 c . . . s 1 (section 1 of this act), 1991 sp.s. c 31 s 16, 1979 ex.s. c 218 s 1, 1973 1st ex.s. c 195 s 106, 1971 ex.s. c 299 s 25, 1969 ex.s. c 216 s 2, & 1967 ex.s. c 133 s 1 are each repealed.

**Sec. 12.** RCW 84.52.043 and 1995 c . . . s 10 (section 10 of this act) are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) ~~((The levy by the state shall not exceed sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b)))~~ The levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; ~~((e)))~~ (b) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and ~~((d)))~~ (c) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105.

**Sec. 13.** RCW 76.12.120 and 1988 c 128 s 32 and 1988 c 70 s 1 are each reenacted and amended to read as follows:

All land, acquired or designated by the department as state forest land, shall be forever reserved from sale, but the timber and other products thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state granted land if the department finds such sale or lease to be in the best interests of the state and approves the terms and conditions thereof.

Except as provided in RCW 79.12.035, all money derived from the sale of timber or other products, or from lease, or from any other source from the land, except where the Constitution of this state or RCW 76.12.030 requires other disposition, shall be disposed of as follows:

(1) Fifty percent shall be placed in the forest development account.

(2) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, and the county in which the land is located according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on ~~((the regular school levy rate under RCW 84.52.065 as now or hereafter amended and))~~ the levy rate for any maintenance and operation special school levies. The money distributed to the county shall be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

**NEW SECTION. Sec. 14.** (1) Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

(2) Sections 3 and 4 of this act shall take effect January 1, 1997.

(3) Sections 5 and 6 of this act shall take effect January 1, 1998.

(4) Sections 7 and 8 of this act shall take effect January 1, 1999.

(5) Sections 9 and 10 of this act shall take effect January 1, 2000.

(6) Sections 11 through 13 of this act shall take effect January 1, 2001.

**NEW SECTION. Sec. 15.** (1) Sections 1 and 2 of this act apply to taxes payable in 1996 and thereafter.

(2) Sections 3 and 4 of this act apply to taxes payable in 1997 and thereafter.

(3) Sections 5 and 6 of this act apply to taxes payable in 1998 and thereafter.

(4) Sections 7 and 8 of this act apply to taxes payable in 1999 and thereafter.

(5) Sections 9 and 10 of this act apply to taxes payable in 2000 and thereafter.

(6) Sections 11 through 13 of this act apply to taxes payable in 2001 and thereafter.

NEW SECTION. Sec. 16. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

Senator West demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Winsley, Finkbeiner and West to Substitute Senate Bill No. 5000.

#### ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 24.

Voting nay: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 25.

#### MOTIONS

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, beginning on line 4, strike the remainder of the title and insert "and providing for submission of this act to a vote of the people."

On motion of Senator Loveland, the rules were suspended, Engrossed Substitute Senate Bill No. 5000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5000, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5000, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Morton, Owen, Palmer, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 27.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Moyer, Newhouse, Oke, Pelz, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Wood - 22.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5000, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5525, by Senators Heavey, Johnson, C. Anderson and Smith

Providing for setting salaries of municipal court judges in cities over four hundred thousand.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 5525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Heavey, in Yakima County, the only place we have municipal courts are in the smaller cities. If a request was made to the Legislature next year, as Senator Haugen indicated it might happen, what would the salary be based on this bill?"

Senator Heavey: "I don't know, because each city--most smaller cities--it is only a part-time job, so they wouldn't be coming in as a full-time job. It is a part-time job; they only meet one or two days a week, so I don't know the answer to the question."

Senator Deccio: "But we have one municipal court judge who is full-time. I think that--you know, what is the salary level--what would the salaries go to for municipal court judges if this bill passes?"

Senator Heavey: "I've been told that, right now, they make about eighty thousand dollars a year and I believe district court judges make ninety-two thousand, but I don't know. That is what I think."

Senator Deccio: "Thank you."

#### MOTIONS

On motion of Senator Fraser, Senator Prentice was excused.

On motion of Senator Cal Anderson, Senator Smith was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5525.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5525 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Anderson, C., Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, Moyer, Owen, Palmer, Rasmussen, Roach, Schow, Sheldon, Spanel, Sutherland, Swecker, Wojahn and Wood - 28.

Voting nay: Senators Bauer, Cantu, Franklin, Haugen, Hochstatter, McCaslin, McDonald, Morton, Newhouse, Oke, Pelz, Prince, Quigley, Rinehart, Sellar, Snyder, Strannigan, West and Winsley - 19.

Excused: Senators Prentice and Smith - 2.

SENATE BILL NO. 5525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6029, by Senator Pelz

Revising exemptions from overtime compensation requirements.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6029 was substituted for Senate Bill No. 6029 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the following amendment by Senators Pelz, Deccio and Newhouse was adopted:

On page 1, beginning on line 13, after "RCW 49.46.010(5)" strike all material through "49.46.010(5)(c)" on line 17 and insert ". The payment of compensation or provision of compensatory time off in addition to a salary shall not be a factor in determining whether a person is exempted under RCW 49.46.010(5)(c)"

#### MOTION

On motion of Senator Pelz, the following amendment by Senators Pelz, Deccio and Newhouse was adopted:

On page 3, line 32, after "**Sec. 2.**" insert "This act is intended to clarify the original intent of RCW 49.46.010(5)(c)."

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute Senate Bill No. 6029 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6029.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6029 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Absent: Senator Franklin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6029, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5998, by Senators Sheldon, Owen, Oke, Fraser, Hochstatter and Palmer

Authorizing local government waivers from specific requirements of on-site sewage system rules adopted by the board of health.

The bill was read the second time.

#### MOTION

Senator Sheldon moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 7, after "may" strike ", with concurrence from the department,"

On page 2, after line 2, insert the following:

"Based on review of the quarterly reports, if the department finds that the waivers previously granted have not been consistent with the standards in, and intent of, the state board of health rules, the department shall provide technical assistance to the local health officer to correct the inconsistency, and may notify the local and state boards of health of the department's concerns.

If upon further review of the quarterly reports, the department finds that the inconsistency between the waivers granted and the state board of health standards has not been corrected, the department may suspend the authority of the local health officer to grant waivers under this section."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Sheldon on page 1, line 7, and page 2, after line 2, to Senate Bill No. 5998.

The motion by Senator Sheldon carried and the amendments were adopted.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 5998 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5998.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5998 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 49.

ENGROSSED SENATE BILL NO. 5998, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5106, by Senators Morton, Owen, Drew, Sellar, Hochstatter, Fraser, Newhouse, Prince, Haugen and Oke

Providing for grizzly bear management.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5106 was substituted for Senate Bill No. 5106 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5106.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 44.

Voting nay: Senators Franklin, Pelz, Rinehart, Sutherland and Wojahn - 5.

SUBSTITUTE SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5879, by Senator Winsley

Authorizing regulation of vegetation height on residential lots along shorelines.

The bill was read the second time.



#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5879 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5879.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5879 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, C., Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Haugen, Heavey, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Spanel, Swecker, Winsley, Wojahn and Wood - 28.

Voting nay: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Hale, Hargrove, Hochstatter, Johnson, Long, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, Snyder, Strannigan, Sutherland and West - 21.

SENATE BILL NO. 5879, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### POINT OF INQUIRY

Senator Gaspard: "Senator Snyder, did you defer further consideration of Senate Bill No. 5940, because current law provides the authority to collect the use tax for advertising materials printed outside the state of Washington which are delivered to customers in the state?"

Senator Snyder: "Yes, it is now my understanding that current law does authorize the state to impose the use tax on such advertising materials. The bill only sought to confirm that existing authority."

#### MOTION

At 5:07 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, March 16, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SIXTH DAY, MARCH 15, 1995

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**SIXTY-SEVENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, March 16, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORT OF STANDING COMMITTEE

March 16, 1995  
HB 1532 Prime Sponsor, Representative Dyer: Modifying certification of mental health counselors. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Refer to Committee on Health and Long-Term Care without recommendation. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Palmer, Prentice, Schow and Strannigan.

Referred to Committee on Health and Long-Term Care.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

March 16, 1995  
GA 9016 DR. DENNIS DYCK, appointed March 16, 1994, for a term ending December 31, 1999, as a member of the State Hospital, Eastern Washington Advisory Board.  
Reported by Committee on Human Service and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Palmer, Prentice, Schow and Strannigan.

Passed to Committee on Rules.

March 16, 1995

GA 9049 JOHN MURPHY, reappointed March 16, 1994, for a term ending December 5, 1996, as a member of the State Hospital, Eastern Washington Advisory Board.  
Reported by Committee on Human Service and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Palmer, Prentice, Schow and Strannigan.

Passed to Committee on Rules.

March 16, 1995

GA 9066 SHIRLEY A. SMITH, reappointed May 6, 1994, for a term ending at the pleasure of the Governor, as Director of the Department of Services for the Blind.

Reported by Committee on Human Service and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Palmer, Prentice, Schow and Strannigan.

Passed to Committee on Rules.

March 16, 1995

GA 9094 DR. DARRELL HAMILTON, appointed June 1, 1993, for a term ending December 5, 1996, as a member of the State Hospital, Western Washington Advisory Board.

Reported by Committee on Human Service and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Palmer, Prentice, Schow and Strannigan.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

March 14, 1995

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1135,  
ENGROSSED HOUSE BILL NO. 1271,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1546,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589,  
ENGROSSED HOUSE BILL NO. 1659,  
ENGROSSED HOUSE BILL NO. 1749,  
SUBSTITUTE HOUSE BILL NO. 1921,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967,  
HOUSE BILL NO. 2072, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 14, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1083,  
ENGROSSED HOUSE BILL NO. 1131,  
SUBSTITUTE HOUSE BILL NO. 1413,  
SUBSTITUTE HOUSE BILL NO. 1440,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510,  
SECOND SUBSTITUTE HOUSE BILL NO. 1537,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1604,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1611,  
SUBSTITUTE HOUSE BILL NO. 1645,  
SUBSTITUTE HOUSE BILL NO. 1700,  
SUBSTITUTE HOUSE BILL NO. 1733,  
SUBSTITUTE HOUSE BILL NO. 1736,  
SUBSTITUTE HOUSE BILL NO. 1769,  
HOUSE BILL NO. 1771,  
SUBSTITUTE HOUSE BILL NO. 1777,  
HOUSE BILL NO. 1879,  
SUBSTITUTE HOUSE BILL NO. 1880, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 14, 1995

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,  
ENGROSSED HOUSE BILL NO. 1889,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1083 by House Committee on Appropriations (originally sponsored by Representatives Carlson, Sommers, Sehlin, Cooke, Dellwo, Regala, Campbell, Conway, Kessler, Valle, Romero, Wolfe, Costa, Cody, Veloria, Mastin, Sheldon, Thibaudeau, Kremen, Dickerson, Poulsen, Mason, Scott, Quall, Basich, Morris, Chopp, Patterson, Appelwick and Tokuda)

Modifying the cost-of-living allowance for retirement purposes.

Referred to Committee on Ways and Means.

EHB 1131 by Representatives Silver and G. Fisher (by request of Office of the Forecast Council)

Changing provisions relating to economic assumptions for actuarial studies and retirement contribution rates.

Referred to Committee on Ways and Means.

ESHB 1135 by House Committee on Capital Budget (originally sponsored by Representatives McMorris, Morris, Pennington, Benton, Koster, Smith, Sheldon, Chandler, Mulliken, Foreman, L. Thomas, Schoesler, Sheahan, Honeyford, Fuhrman, Lambert, Blanton, Van Luven, Boldt, Buck, Crouse, Huff, Hickel, Thompson, Robertson, McMahan, Stevens, Sherstad, Cooke, Johnson, Delvin and Mielke)

Exempting department of corrections' incarceration, treatment, and rehabilitation facilities and department of social and health services' juvenile rehabilitation facilities from the one-half percent for art requirement for public facilities.

Referred to Committee on Ways and Means.

EHB 1271 by Representatives Morris, Blanton, Grant, Schoesler, Sheldon, Sherstad, Quall, Carlson, Hatfield, Mulliken, Elliot, Stevens, McMorris, Backlund, Johnson, Talcott, Kremen and Radcliff

Regulating public agency lobbyists.

Referred to Committee on Law and Justice.

SHB 1413 by House Committee on Finance (originally sponsored by Representatives Boldt, Morris, Lisk, Mulliken and Kremen)

Allowing a business and occupation tax deduction for certain amusement devices.

Referred to Committee on Ways and Means.

SHB 1440 by House Committee on Finance (originally sponsored by Representatives Boldt, Dyer, Morris, Backlund, Van Luven, Dellwo, Carrell, B. Thomas, L. Thomas, Thompson, Costa, Sherstad, Chandler, Kremen, Cooke and Jacobsen)

Providing tax exemptions for blood banks.

Referred to Committee on Ways and Means.

ESHB 1510 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Benton, Reams, Robertson, Chandler, Mitchell, Delvin and D. Schmidt)

Restructuring oil spill prevention and response.

Referred to Committee on Ecology and Parks.

2SHB 1537 by House Committee on Finance (originally sponsored by Representatives Honeyford, Chandler, Mastin, Chappell, Clements, Kremen, Schoesler, Robertson, McMorris, Delvin, Koster, Boldt, Johnson, L. Thomas, Goldsmith, McMahan, Mulliken and Brumsickle)

Allowing the department of agriculture to keep the interest on its accounts.

Referred to Committee on Agriculture and Agricultural Trade and Development.

ESHB 1546 by House Committee on Health Care (originally sponsored by Representatives Casada, Goldsmith, Padden, Stevens, Boldt, Sherstad, Johnson, Fuhrman, Backlund, McMahan, D. Schmidt and Koster)

Enacting the anticancer act of 1995.

Referred to Committee on Health and Long-Term Care.

ESHB 1589 by House Committee on Health Care (originally sponsored by Representatives Backlund and Dyer)

Providing health care quality assurance.

Referred to Committee on Health and Long-Term Care.

ESHB 1604 by House Committee on Trade and Economic Development (originally sponsored by Representatives Johnson and Sheldon)

Purchasing mobile home parks.

Referred to Committee on Financial Institutions and Housing.

ESHB 1611 by House Committee on Finance (originally sponsored by Representatives Costa, Radcliff, Scott, Kessler, Blanton, Koster, D. Schmidt, Beeksmma, Romero, Thompson, Regala and Kremen)

Providing a tax exemption for new construction of alternative housing for youth in need.

Referred to Committee on Ways and Means.

SHB 1645 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher and Mitchell)

Enhancing transportation planning.

Referred to Committee on Government Operations.

EHB 1659 by Representatives Mielke, Quall, Crouse, Costa, Kremen and Cooke

Regulating real estate brokerage relationships.

Referred to Committee on Labor, Commerce and Trade.

SHB 1700 by House Committee on Finance (originally sponsored by Representatives Sehlin, Chopp, Quall and B. Thomas)

Changing current use taxation provisions.

Referred to Committee on Government Operations.

ESHB 1730 by House Committee on Commerce and Labor (originally sponsored by Representative Benton)

Revising provisions regarding interest arbitration for law enforcement officers employed by cities, towns, or counties.

Referred to Committee on Labor, Commerce and Trade.

SHB 1733 by House Committee on Finance (originally sponsored by Representatives Boldt, Padden, B. Thomas, D. Schmidt, Cooke, Stevens, L. Thomas and Goldsmith)

Providing tax exemptions for nonprofit camps and conferences.

Referred to Committee on Ways and Means.

SHB 1736 by House Committee on Transportation (originally sponsored by Representatives Horn, Cairnes, Hickel, Mitchell, L. Thomas and Thompson)

Revising regulation of commercial driving instructors.

Referred to Committee on Transportation.

EHB 1749 by Representatives Clements, Lisk, Blanton, Chandler, Lambert, Honeyford, Sheldon, Horn, Skinner, Hargrove, Fuhrman, Stevens, Radcliff, Huff, Schoesler and Backlund

Defining misconduct for unemployment insurance purposes.

Referred to Committee on Labor, Commerce and Trade.

SHB 1769 by House Committee on Finance (originally sponsored by Representatives Mielke, Morris, Campbell, Appelwick, Benton, Kremen, Fuhrman, Mulliken, G. Fisher, Basich, Brumsickle, Van Luven, Skinner, Grant, Boldt, Hymes, Carrell, Chandler, Beeksma, L. Thomas, Foreman, McMahan, Schoesler, Blanton and Thompson)

Lowering business and occupation tax for insurance business.

Referred to Committee on Ways and Means.

HB 1771 by Representatives Hickel, Basich, Padden, Kremen, Chappell and Carrell

Requiring a handling fee to be paid when a check is dishonored.

Referred to Committee on Financial Institutions and Housing.

SHB 1777 by House Committee on Education (originally sponsored by Representatives Radcliff, Carrell, D. Schmidt, Thompson, Goldsmith, Pelesky, McMahan, Johnson, Smith, Fuhrman, Campbell, Lambert, Casada, Lisk, Mulliken, McMorris, Hargrove, Brumsickle, Clements, Silver, Koster, Backlund, Boldt, Hymes, Mitchell, Skinner and Blanton)

Requiring specificity in school board resolutions for ballot propositions authorizing indebtedness.

Referred to Committee on Education.

ESHB 1820 by House Committee on Transportation (originally sponsored by Representative K. Schmidt)

Regulating towing of vehicles.

Referred to Committee on Transportation.

HB 1879 by Representative Boldt

Revising provision for costs of support, treatment, and confinement of juvenile offenders.

Referred to Committee on Human Services and Corrections.

SHB 1880 by House Committee on Children and Family Services (originally sponsored by Representatives Boldt, Benton, Schoesler, L. Thomas, Carrell, Johnson, Radcliff, Blanton, McMahan, Campbell, Smith, Honeyford, Silver and Thompson)

Making persons convicted of certain crimes relating to receipt of public assistance ineligible for public assistance for five years.

Referred to Committee on Health and Long-Term Care.

EHB 1889 by Representatives L. Thomas, Backlund, Huff and Chappell (by request of State Auditor Sonntag)

Administering the office of the state auditor.

Referred to Committee on Government Operations.

ESHB 1913 by House Committee on Finance (originally sponsored by Representatives Van Luven, Sheldon and Smith)

Providing sales and use tax exemptions for film and video production companies.

Referred to Committee on Ways and Means.

SHB 1921 by House Committee on Transportation (originally sponsored by Representatives Benton, Elliot, Chopp, Thompson, Carlson, D. Schmidt, Ogden and Mason)

Providing for existing general aviation airport land use encroachment planning.

Referred to Committee on Government Operations.

ESHB 1967 by House Committee on Transportation (originally sponsored by Representatives Romero, Robertson, R. Fisher, K. Schmidt, Tokuda, Chopp, Patterson, Regala, Hatfield, Wolfe, Cole, Dellwo, Valle and Ogden)

Increasing penalties for repeat violations of vehicle licensing requirements.

Referred to Committee on Transportation.

HB 2072 by Representatives Foreman, B. Thomas, Silver, Sehlín, Padden, Cooke, Lambert, Huff, Carlson, Crouse, Pelesky, Beeksmá, Híckel, Sheahan, Reams, Pennington, Mielke, Mulliken, Radcliff, Robertson, Ballasiotes, Talcott, Stevens, K. Schmidt, Cairnes, Thompson, Schoesler, Dyer, Casada, Backlund, L. Thomas, Mitchell, Campbell, Elliot, Chandler, Johnson, Benton, Carrell, D. Schmidt, Smith, McMahan, Sherstad and Boldt

Reducing business and occupation tax rates.

Referred to Committee on Ways and Means.

#### MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, March 17, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SEVENTH DAY, MARCH 16, 1995

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**SIXTY-EIGHTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, March 17, 1995  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Ann Anderson, Cal Anderson, Owen and Smith.

The Sergeant at Arms Color Guard, consisting of Pages Jesse Anderson and Robin Hunt, presented the Colors. Reverend Paul Beeman, retired pastor of the United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 16, 1995  
HB 1015 Prime Sponsor, Representative Padden: Correcting double amendments from the 1994 legislative sessions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995  
SHB 1017 Prime Sponsor, House Committee on Government Operations: Transferring emergency management functions from the department of community development to the military department. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 16, 1995  
SHB 1018 Prime Sponsor, House Committee on Law and Justice: Amending the Washington uniform limited partnership act. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995  
HB 1019 Prime Sponsor, Representative Padden: Transferring certain interests in individual retirement accounts. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995



HB 1049 Prime Sponsor, Representative Padden: Removing a defense to the crime of criminal conspiracy. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995

HB 1051 Prime Sponsor, Representative Padden: Authorizing certain court commissioners to impose sanctions for contempt of court. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995

HB 1063 Prime Sponsor, Representative Padden: Making technical corrections. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995

HB 1086 Prime Sponsor, Representative Hickel: Revising provisions relating to personal property liens and security interests. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995

HB 1087 Prime Sponsor, Representative Hickel: Correcting an unconstitutional provision concerning jurisdiction for violations dealing with motor vehicles. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995

SHB 1100 Prime Sponsor, House Committee on Law and Justice: Notifying parents of their children's driver's license suspensions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995

ESHB 1125 Prime Sponsor, House Committee on Energy and Utilities: Exempting federally licensed dams from state regulation. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

March 16, 1995

HB 1176 Prime Sponsor, Representative Delvin: Authorizing Benton county to have one additional district court judge. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995

SHB 1182 Prime Sponsor, House Committee on Law and Justice: Modifying the uniform commercial code. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995

SHB 1185 Prime Sponsor, House Committee on Law and Justice: Revising regulations for the investment of trust funds. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995

HB 1186 Prime Sponsor, Representative Appelwick: Concerning social security benefits. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995

SHB 1241 Prime Sponsor, House Committee on Energy and Utilities: Providing waivers of electric and gas utility connection charges. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

March 16, 1995

HB 1302 Prime Sponsor, Representative Delvin: Revising provisions relating to food stamp crimes. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995

ESHB 1452 Prime Sponsor, House Committee on Government Operations: Allowing voters to protect a portion of metropolitan park district property taxes from prorationing. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 16, 1995

HB 1457 Prime Sponsor, Representative Veloria: Renaming the commission on Asian Pacific American affairs. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 16, 1995

HB 1468 Prime Sponsor, Representative Hymes: Modifying advisory council on historic preservation representation. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 16, 1995

HB 1702 Prime Sponsor, Representative Horn: Regulating wheelchair warranties. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 16, 1995

SHB 1744 Prime Sponsor, House Committee on Energy and Utilities: Regulating small telecommunications companies. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

March 16, 1995

HJM 4003 Prime Sponsor, Representative Chandler: Petitioning Congress to amend the food, drug, and cosmetic act to establish a negligible risk standard for pesticide residue in processed foods. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

March 16, 1995

EHJM 4004 Prime Sponsor, Representative Chandler: Petitioning Congress to introduce legislation on pesticide use for minor crops. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

March 16, 1995

GA 9129 MATTHEW J. COYLE, reappointed March 1, 1995, for a term ending September 1, 2001, as a member of the Tax and Appeals Board. Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Hargrove, Fraser, Gaspard, Hochstatter, Long, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland and Wojahn.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:  
The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1066,

March 15, 1995

ENGROSSED HOUSE BILL NO. 1305,  
SUBSTITUTE HOUSE BILL NO. 1447,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1451,  
ENGROSSED HOUSE BILL NO. 1461,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,  
HOUSE BILL NO. 1601,  
SUBSTITUTE HOUSE BILL NO. 1660,  
SUBSTITUTE HOUSE BILL NO. 1671,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724,  
HOUSE BILL NO. 1727,  
HOUSE BILL NO. 1851,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1860,  
SECOND SUBSTITUTE HOUSE BILL NO. 1882,  
ENGROSSED HOUSE BILL NO. 1934,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1066 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Dyer, R. Fisher, Cairnes, Grant, Chandler, Sheldon, Scott and Ballasiotes)

Authorizing agreements regarding smoking in the workplace that provide for a designated enclosed smoking room.

Referred to Committee on Labor, Commerce and Trade.

EHB 1305 by Representatives Johnson, Sheldon, Reams, Mastin, L. Thomas and Basich

Revising restrictions on growth outside of urban growth areas.

Referred to Committee on Government Operations.

SHB 1447 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Romero, Fuhrman and Horn)

Changing certain local government gambling taxes.

Referred to Committee on Labor, Commerce and Trade.

ESHB 1451 by House Committee on Commerce and Labor (originally sponsored by Representatives Mielke, Lisk, McMorris, Sheldon, Mastin, Horn, Thompson, Hargrove, Sherstad and Basich)

Expanding employer workers' compensation group self-insurance.

Referred to Committee on Labor, Commerce and Trade.

EHB 1461 by Representatives Benton, R. Fisher, Horn, Romero, Chopp, Chandler, Boldt and Robertson (by request of Department of Licensing)

Increasing motor vehicle damage threshold amounts.

Referred to Committee on Transportation.

ESHB 1523 by House Committee on Law and Justice (originally sponsored by Representatives Boldt, Mulliken, Fuhrman, Goldsmith, Benton, Pennington, Stevens, Johnson, Sherstad, McMahan, Hargrove, Padden, Sheahan, Campbell, Chandler, D. Schmidt, Koster, Beekma, Backlund and Smith)

Requiring parental notice of abortion.

Referred to Committee on Law and Justice.

ESHB 1592 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Dellwo, Mielke and G. Fisher)

Crediting certain insurance premium taxes.

Referred to Committee on Ways and Means.

HB 1601 by Representatives D. Schmidt, Carlson, Mulliken, Jacobsen, Koster, Sheldon, Costa, Radcliff, Lambert, Robertson, Carrell, Backlund, Ballasiotes, Skinner, Huff, Johnson, Thompson, Elliot, Wolfe, Talcott, Conway, Kremen, Campbell, Benton, Mason, Cooke and Kessler

Providing tuition and fee waivers for members of the Washington national guard.

Referred to Committee on Higher Education.

SHB 1660 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk and Romero) (by request of Governor Lowry)

Authorizing the director of labor and industries to issue approvals based on national consensus codes and external professional certification.

Referred to Committee on Labor, Commerce and Trade.

SHB 1671 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Clements, Chandler, Grant and Mastin)

Revising commodity commission assessment authority.

Referred to Committee on Agriculture and Agricultural Trade and Development.

ESHB 1724 by House Committee on Government Operations (originally sponsored by Representatives Reams, Rust, L. Thomas, Goldsmith, Ogden, Patterson, Poulsen, Scott, Regala, Mastin, Valle and Chopp) (by request of Governor Lowry)

Revising provisions relating to growth management.

Referred to Committee on Ecology and Parks.

HB 1727 by Representatives Beeksma, Wolfe, L. Thomas, Dyer, Costa and Mielke (by request of Insurance Commissioner Senn)

Eliminating the mandatory offering of personal injury protection insurance.

Referred to Committee on Financial Institutions and Housing.

HB 1851 by Representatives Pennington, Morris, Crouse, Sherstad, Dyer, Radcliff, Honeyford, Mielke, Kremen, Carlson, Sheldon, Campbell, Reams, Mitchell, Horn, Koster, Padden, Elliot, Robertson, Van Luven, D. Schmidt, Schoesler, L. Thomas, Smith, Lisk, Chandler, Fuhrman, McMorris, Benton, Sehlin, Foreman, Hargrove, Brumsickle, Hymes, Buck, Skinner, Blanton, Thompson, B. Thomas and Hickel

Deleting the increased tax on beer allocable to the health services account.

Referred to Committee on Health and Long-Term Care.

ESHB 1860 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Goldsmith and Robertson)

Regulating real estate appraisers.

Referred to Committee on Financial Institutions and Housing.

2SHB 1882 by House Committee on Appropriations (originally sponsored by Representatives Stevens and Boldt)

Creating the position of inspector general in the Washington state patrol.

Referred to Committee on Ways and Means.

EHB 1934 by Representatives Mielke, Silver, Sommers, L. Thomas, Hankins, Blanton and Honeyford

Establishing benefits for state patrol retirement system members who serve as legislators.

Referred to Committee on Ways and Means.

E2SHB 1941 by House Committee on Appropriations (originally sponsored by Representatives Johnson, Brumsickle, Talcott and Thompson)

Improving student learning by focusing on reading literacy.

Referred to Committee on Education.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the 1995 Washington State Apple Blossom royalty and appointed Senators Hale, Morton, Sellar, Loveland, Sheldon and Snyder to escort the honored guests to the rostrum.

The President introduced the Apple Blossom Queen Mari Foreman and Princesses Tanya Rodrigues and Tabitha Alexander.

With permission of the Senate, business was suspended to permit Queen Mari to address the Senate.

The committee escorted the special guests from the Senate Chamber and the committee was discharged.

#### ST. PATRICK'S DAY SINGER

With permission of the Senate, business was suspended to permit Senate Staff member, Patrick Woods, to sing Irish ballads in honor of St. Patrick's Day. Mr. Woods was joined by Senate Counsel, Tony Cook, in singing "Irish Eyes are Smiling."

#### PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. On behalf of Senator Wood and Senator McAuliffe, each year I am compelled to tell the rest of the story. Saint Patrick was originally from Italy. His name was Pasquale. The Irish had become so decadent and so immoral in living their lives that the Pope in Rome sent Bishop Pasquale to convert them and convert them, he did. But, in order to save their pride, they persuaded him to change his name to the Anglicized version of Patrick. That's the rest the story."

Further debate ensued.

#### MOTION

At 10:30 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, March 20, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-EIGHTH DAY, MARCH 17, 1995

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**SEVENTY-FIRST DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, March 20, 1995  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Oke and Owen.

The Sergeant at Arms Color Guard, consisting of Pages Wes Hough and Julie Christianson, presented the Colors. Reverend Jan Friend, retired army chaplain and representing the Christian Reform Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 17, 1995  
HB 1188 Prime Sponsor, Representative L. Thomas: Concerning the loan security ratio. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

March 17, 1995  
SHB 1348 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating escrow agents. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

March 17, 1995  
HB 1371 Prime Sponsor, Representative L. Thomas: Regulating investments by insurers. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

March 17, 1995  
HB 1498 Prime Sponsor, Representative L. Thomas: Extending the expiration date for the pollution liability insurance program. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

March 17, 1995

SHB 1573 Prime Sponsor, House Committee on Financial Institutions and Insurance: Providing for heating oil liability protection. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach and Sellar.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

March 16, 1995

GA 9051 EUGENE G. "PAT" PATTERSON, appointed August 24, 1994, for a term ending June 30, 1999, as a member of the Transportation Commission.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Fairley, Haugen, Kohl, Morton, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules.

March 16, 1995

GA 9073 RICHARD THOMPSON, reappointed August 24, 1994, for a term ending June 30, 2000, as a member of the Transportation Commission.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Fairley, Haugen, Morton, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

March 14, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following reappointment, subject to your confirmation.  
Larry Phillips, reappointed March 14, 1995, for a term ending July 5, 1997, as a member of the Puget Sound Water Quality Authority.  
Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

FURTHER MESSAGE FROM THE GOVERNOR

March 17, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to advise you that on March 16, 1995, Governor Lowry approved the following Senate Bill entitled:  
Engrossed Senate Bill No. 5925  
Relating to determining unemployment insurance compensation rates.

Sincerely,  
KENT CAPUTO, Legal Counsel to the Governor

INTRODUCTION AND FIRST READING

SB 6061 by Senators Rasmussen, Morton, Haugen, Swecker and Winsley

AN ACT Relating to water; amending RCW 43.21A.064, 90.03.070, 90.03.470, 90.03.340, 90.03.270, 90.03.280, 90.03.290, 90.03.320, 90.03.260, 90.44.060, 90.03.250, 89.30.001, 90.40.090, and 90.46.020; amending 1993 c 495 s 3 (uncodified); reenacting and amending RCW 43.84.092; adding new sections to chapter 43.27A RCW; adding new sections to chapter 90.44 RCW; adding new sections to chapter 90.03 RCW; adding new sections to chapter 43.21B RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 90.03.471; making an appropriation; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.



## MOTIONS

On motion of Senator Spanel, Senate Bills No. 5050, 5145, 5177, 5178, 5186, 5230, 5233, 5252, 5314, 5356, 5357, 5362, 5395, 5396, 5638, 5700, 5708, 5839, 5878, 5915, 5940, 5948, 5975, 5994 and 6033, which were on the second reading calendar, were returned to the Committee on Rules.

On motion of Senator Spanel, Substitute Senate Bills No. 5231 and 5489, which were on the second reading calendar, were returned to the Committee on Rules.

## MOTIONS

On motion of Senator Spanel, Senate Joint Memorial No. 8007 and Senate Joint Resolution No. 8215, which were on the second reading calendar, were returned to the Committee on Rules.

On motion of Senator Spanel, Senate Bill No. 5163, which was on the third reading calendar, was returned to the Committee on Rules.

## MOTION

On motion of Senator Spanel, Senate Concurrent Resolution No. 8400 will remain on the second reading calendar.

## MOTION

At 10:14 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

At 10:14 a.m., the Senate retired to the House Chamber for the purpose of a Joint Session.

## JOINT SESSION

### WASHINGTON STATE MEDAL OF MERIT AWARD CEREMONY

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

The Speaker Pro Tempore instructed the Sergeants at Arms of the House and the Senate to escort the President of the Senate, Joel Pritchard; President Pro Tempore, R. Lorraine Wojahn; Vice President Pro Tempore, Rosa Franklin; Majority Leader, Marcus S. Gaspard; and Republican Leader, Dan McDonald to seats on the rostrum.

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

## REMARKS BY SPEAKER PRO TEMPORE HORN

Speaker Pro Tempore Horn: "It is our privilege to again host the award ceremony for the winners of the Medal of Merit. We welcome you, President Pritchard, our colleagues from the Senate, medal recipients and all other guests who are with us today. It is a pleasure for me to give you, President Pritchard, the gavel to preside over this Joint Session."

The Secretary of the Senate called the roll of the Senate.

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

## APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appointed Senators McAuliffe and Finkbeiner and Representatives Stevens and Tokuda as a special committee to advise the Governor that the Joint Session had assembled and to escort him from his Office to the bar of the House.

The President of the Senate appointed Senators Spanel and Morton and Representatives Robertson and Regala as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senator Haugen and Representatives Schoesler and Conway to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President of the Senate introduced the Supreme Court Justices and the State Elected Officials.

The President of the Senate introduced a delegation of political leaders from Uruguay, who were seated in the gallery.

The Sergeant at Arms announced the arrival of Governor Mike Lowry and escorted him to his seat on the rostrum.

## REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "Ladies and gentlemen, it is my pleasure to welcome the Governor, members of the Supreme Court, and our State Elected Officials who are with us for this Medal of Merit Ceremony."

The President of the Senate appointed Senators Deccio and Prentice and Representatives Ballasiotes, Jacobsen, Honeyford and Cody to escort the honorees from the State Reception Room to the rostrum.

The President of the Senate introduced Ralph Munro, Secretary of State.

#### REMARKS BY RALPH MUNRO, SECRETARY OF STATE

Secretary of State Munro: "Mr. Speaker, Mr. President, members of the court, elected officials and distinguished guests all. In the mid 1980's, Speaker John O'Brien and others proposed an award to be offered by the Washington State government to any person who has been distinguished by his exceptionally meritorious conduct in performing outstanding services to the people of Washington State. The Legislature passed Speaker O'Brien's proposal and it was signed by Governor Booth Gardner.

"Each year the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chief Justice of the Washington State Supreme Court and the Secretary of State meet to discuss candidates for the Medal of Merit. Some proposed nominations come from the public, some from the members of the Legislature and other elected officials throughout the state, and some from the committee itself.

"Previous winners include the very best of Washington State: Doctor Lester Sauvage, world renown heart surgeon and scientist who now leads the Hope Heart Clinic in Seattle; Professor Orville Vogel, researcher and inventor of Washington's super wheat to feed the world, from Pullman in the Palouse; Senator Henry M. 'Scoop' Jackson, defender of freedom around the globe, the school kid from Everett who went to the top; Dorothy Bullitt, benefactor and entrepreneur and philanthropist from Seattle, a pioneer in broadcasting; Senator Warren G. Magnuson, prosecutor, politician and President Pro Tempore of the United States Senate. In the era of bringing home the bacon, Maggie brought home the whole pig; Edward Carlson, who went from bellhop at the Olympic to civic leader of the Pacific Northwest; Julia Butler Hansen, Chairman of the Interior Committee of the United States House of Representatives. Because of her, every cabinet member in the United States government learned exactly where Cathlamet, Washington, was located; Dr. Belding Scribner, physician, inventor, research and development of the kidney dialysis equipment for the world; Frances Penrose Owen, civic leader, business executive, organizer of numerous charitable and elocutionary activities and long time Regent at Washington State University; James Reed Ellis, Seattle advocate and attorney, founder of Metro, cleaning up Western Washington waters, the forward thinker of Forward Thrust; Dr. Charles Odegaard, professor, educator and a leader who struggled during the difficult and often tumultuous 1960's to build one of the finest universities in the world, the University of Washington; and finally, Dr. William Hutchinson, the ballplayer's brother who went to medical school and who refused to strike out against cancer, and continues to beat it on a daily basis, the founder of the Freddy Hutchinson Cancer Research Center.

"During the years of 1991, 1992, 1993 and 1994, your committee met, reviewed nominations and decided to wait. We have always remembered that the law says 'exceptional meritorious conduct and outstanding service.' It is with greatest respect today that the committee reports that two names have been selected for 1995. These two outstanding individual Washingtonians are Dr. Michael Copass of Seattle and King County and Dr. Kathleen Ross of Toppenish in Yakima County. Thank you."

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced guests of Dr. Kathleen Ross and guests of Dr. Michael Copass, who were seated in the gallery.

#### REMARKS BY SPEAKER BALLARD

Speaker Ballard: "The purpose of the Joint Session is to present Medal of Merit Awards for the fifth time, honoring two deserving Washington State citizens who have been distinguished by exceptionally meritorious conduct in performing outstanding services to the people and the state of Washington. At this time, I will take the gavel from the President for the purpose of introducing him as a participant in the ceremony.

"Ladies and gentlemen, the Speaker has the honor to present to you, Lieutenant Governor Joel Pritchard, for the purpose of introducing and honoring Dr. Michael Copass."

#### REMARKS BY PRESIDENT PRITCHARD INTRODUCTION OF DR. MICHAEL COPASS

President Pritchard: "I believe all of you have read in the program, but just to remind you, Dr. Copass directed the Emergency Center at Harborview, the Medical Director of the Airlift Northwest, Medical Director of the King County Medic One Program 911, a spectacular achievement. You realize that, and it's said not in jest, but in truth, that the safest place in the world to have a heart attack is Seattle. And this gentleman was the driving force; he was the key to putting in this team. Besides that he also has time to work and teach at the University of Washington as a professor of neurology.

"I think the easiest way to explain what Mike has accomplished--I was over on Bainbridge Island and I was watching a playfield where some children were playing and there was a father there and he was playing with the children. I realized that was the same man who two years ago was hit--he was on a bike--and he was hit by a car and he was run over and dragged two hundred feet. People thought he was dead, but he was alive. They said he isn't going to make it, but they got a hold of a helicopter and they flew him to Harborview. They said he may live; he may not. He, obviously, is going to be in terrible shape if he does live. Two years later he's playing with his children--playing baseball.

"That's the legacy that this man has left. I know he'd be the first one to say, 'Many, many other people are involved; I don't do it alone.' Personally, he's saved hundreds of people by his actions. His staff has saved thousands and because the system he put together has been replicated in so many other systems, now he's saved thousands. Just two weeks ago, I had someone from a foreign country come and say, 'We want to go up to Harborview and see how they do it. We're going to put this system in our country.' He is going to affect the lives of millions of people.

"So it's with great pleasure that I introduce Mike Copass, Doctor Michael Copass, the Medal of Merit winner."

President Pritchard presented the Medal of Merit to Dr. Michael Copass.

#### REMARKS BY DR. MICHAEL COPASS

Dr. Copass: "It is an intimidating job to face down things that are said about you. I frequently start speeches by reminding people that I could be prematurely grey and likewise prematurely senile, but I'll let you be the judge of that. I one time started a speech by the phrase, 'in my farming days.' I was eighteen; I was practicing that speech in a courtroom of a man whose standards I wasn't sure I could meet. He was a little man from west Texas, who was absolutely sure that I needed as much work as I could possibly do. So, he guaranteed that I could work for one of his friends who farmed a fairly large, somewhat desperate collection of sand in Franklin County.

"When you think about activities that impress you, farming for an eighteen year old, when you're all alone, always hot--insufferably so--always cold, the same does leave you with a memory. I think my life passed fairly quickly. The second real impact came upon me and that was that I could start a speech and say, 'In my Harborview days.' I've been at Harborview for a long time, my entire professional life, save that spent in the military. Education passes by like the speed of light, no matter whether it's collegiate or medical school, but one's professional duties add like the skin of an onion. I think about that particular facility which has existed in this state under the largess of the University, and I think about the contribution that that facility has made to this State, to the county of King, to the city of Seattle, and to the region. And I think we are very lucky and I think it is a privilege to serve there.

"So, the truth of this speech is that I thank you for allowing me the privilege to be one of your servants. I've enjoyed my time in that institution. We've spent every day trying to make ourselves better; we've spent every day trying to get the most we can out of what resources we have and we use them wisely. Our goal and our ambition is to provide reasonable care for the citizens of this place and to provide an educational format for those individuals who come from this state who need to be the next generation's physicians--people that we see as leaders in their communities--they are chosen to go to school for their talent, they must leave the school professionally skilled and leaders.

"So, I thank you for this monumental award. I also thank you for allowing me this last twenty-two years to function as a member of this intellectual community--the University of Washington School of Medicine--to participate in the activities of this remarkable state and to be able to do the things that we had done in the institution under the golden dome at Ninth and Jefferson, for the people who need our help. May I thank you?"

#### INTRODUCTION OF GOVERNOR LOWRY

President Pritchard introduced Mike Lowry for the purpose of introducing and honoring Dr. Kathleen Ross.

#### REMARKS BY GOVERNOR LOWRY INTRODUCTION OF DR. KATHLEEN ROSS

Governor Lowry: "Thank you Mr. President, Mr. Speaker, members of the State Supreme Court, fellow elected officials, members of the State Legislature, citizens of the state of Washington, thank you for allowing me the honor to make this next presentation of our Medal of Merit.

"Dr. Kathleen Ross has dedicated her life to education. As founding President of Heritage College, Dr. Ross has sought to bring higher education to culturally diverse students who otherwise might not have a four-year college opportunity. The success of Heritage College has been phenomenal. In 1982, the college had an initial class of approximately eighty students. Now, the college enrolls more than eleven hundred students a year. Fifty percent of the undergraduate students are either Native American or Hispanic, and eighty-five percent are the first persons from their families to attend college. In addition, seventy percent of the students are women and sixty percent live below the poverty level.

"Heritage College started as an outreach effort of Fort Wright College in Spokane where Dr. Ross was academic Vice President. When Fort Wright closed, community leaders from the Yakima Indian Nation and the Yakima Valley refused to let the program die. Along with Dr. Ross, they established a new college specifically for the people of the Yakima Valley region. Today, the college graduates between seven hundred and eight hundred students a year in education, social sciences, liberal arts and business management. Heritage College also offers a Masters of Education degree that produces close to one hundred graduates each year, making Heritage College the school that graduates the most minority teachers in Washington State. Importantly, many Heritage graduates return to their home communities to teach.

"Dr. Ross is nationally known as a leader in higher education, especially in the field of cross cultural communication. In 1989, she was one of three recipients of the National Harold McGraw prize in education. In 1991, Georgetown University presented her with the John Carroll Award. She has honorary degrees from Dartmouth, Alverno, Pomona and Whitworth Colleges and Seattle University. Dr. Ross holds a Ph.D. and is an instrumental member of the Sisters of the Holy Names of Jesus and Mary.

"I'm very honored to present her with the 1995 Washington State Medal of Merit. Dr. Ross."

Governor Lowry presented the Medal of Merit to Dr. Kathleen Ross.

#### REMARKS BY DR. KATHLEEN ROSS

Dr. Ross: "Thank you, Governor Lowry; Speaker of the House, Clyde Ballard, from a city dear to my heart, Wenatchee; Lieutenant Governor Joel Pritchard; Secretary of State, Ralph Munro; and distinguished members of the Legislature; Chief Justice Durham and Justices of the Court; and all of my new friends and my old friends here.

"I'm really thrilled to accept this medal today because it symbolizes to me how people who dream together, who create a vision together, who support each other in pursuit of that vision and who trust in God's providence together, can make a difference. I accept this medal today, not just for myself, but on behalf of all those people who have made a difference by creating and nurturing and sustaining Heritage College. This includes the more than five thousand individual students who have taken at least one course at Heritage College, in a place where

no four-year college existed fourteen years ago. It also includes the faculty, the staff, the administrators, the board of directors. The faculty, staff and administrators work for private college wages, but they provide a tremendous public service for the state of Washington and are proud of it.

"I accept this on behalf, also, of the hundreds of persons in the Yakima Valley and throughout the state who have given, not only a beautiful new library to Heritage--and there's a nice picture of it out in that display--but have also given dozens of vital scholarships and other operational support. I also think, most especially, in accepting this award of the Yakima Indian Nation whose educational leaders provided the original vision of what could be and who continue to support the growth of our multi-ethnic college. Unfortunately, all of those education leaders are in Washington D.C., for a major Indian education conference today, so they couldn't join us here.

"My sharing this award also includes thanks to the Sisters of the Holy Name who supported the college at the very beginning even though it was to be a nonsectarian institution. I also want to thank the members of this Legislature, especially, and the Governor's office, because you have provided financial aid in the form of the Washington State Need Grant, the Education Opportunity Grant, the Work Study Funds--and without these vital funds Heritage would be without ninety-five percent of its students. That would be a pretty small school. Last but not least, in people who have made a difference for me, I include my Mother, Mary Ross, of Wenatchee, and my sister, Rosemary, of the Dalles in Oregon.

"In receiving this medal today, I was asking myself what makes the Heritage story so unique and seemingly deserving of recognition. My answer is a very simple word--opportunity. Heritage has demonstrated that creating opportunities for people brings success for an entire community which could not even have been imagined before hand. What do I mean when I say, 'opportunity?' Well, I mean an opportunity that knocks at each citizens door regardless of the geographic location, regardless of the financial condition, regardless of the ethnic background; opportunity that expresses the belief that each citizen can become a contributor to society-- not just a consumer of society's benefits; an opportunity that comes into being when each person is treated with dignity empowering each to have the courage to reach for his or her full God-given human potential. This is the kind of opportunity which Heritage is dedicated to creating.

"As I was thinking of what to share with you the last couple of days, one of our faculty brought a thank you note to me that he had received in the mail and I would like to share it with all of you. It reads, 'Dear Doctor, I just wanted to take this opportunity to thank you for the enormous changes your work has wrought in my life. When we met the first time in 1991, I was living on public assistance with not much hope for anything. Since that time, I have not only managed to become self-supporting, but to increase my income by about \$10,000 a year. This has certainly improved my and my childrens' lives. The work you do is so important and you'll always have my respect and gratitude. Thanks again. Signed as one of our students.' That is what opportunity is about.

"I thank you today for this very high honor bestowed on me and on Heritage College, and in accepting it, I challenge each of us to measure what we are doing against that yard stick of creating opportunities. Opportunities which will allow the creation of a better world for the generations yet to come. This will mean creating opportunities proportionally for all people at all levels of society. Opportunities for individuals to become contributors to society and not just bigger consumers of either private or public wealth. How exciting it is to me to think of the future if all our expectations are focused on increasing opportunities for everybody at every level of society and not simply meeting the popular short-term expectations of increasing everyone's disposable income.

"I feel a great joy and pride in accepting this medal today. The joy and satisfaction of creating opportunities which allow people to change their lives is a far greater reward than any material reward I can imagine and this medal today celebrates that joy and pride. On a spiritual level, I have to say it is truly an awesome privilege to participate in God's own work of creating new life in others. My wish for each of you here today is that you would experience the same joy and satisfaction.

"Again, thank you. To our legislators, please consider continuing your support for financial aid and God bless everyone of you."

The President of the Senate instructed the special committee to escort Dr. Ross and Dr. Copass to the State Reception Room.

The President of the Senate instructed the special committee to escort Governor Lowry to the State Reception Room.

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

The President of the Senate instructed the special committee to escort the Supreme Court Justices to the State Reception Room.

#### MOTION

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

The President of the Senate returned the gavel to the Speaker Pro Tempore of the House of Representatives.

The Speaker Pro Tempore instructed the Sergeant at Arms of the House, and the Sergeant at Arms of the Senate to escort President Joel Pritchard; President Pro Tempore, R. Lorraine Wojahn; Vice President Pro Tempore, Rosa Franklin; Majority Leader, Marcus S. Gaspard; Republican Leader, Dan McDonald; and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 11:14 a.m. by President Pritchard.

#### MOTION

At 11:14 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, March 21, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-FIRST DAY, MARCH 20, 1995

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**SEVENTY-SECOND DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, March 21, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 20, 1995  
SHB 1008 Prime Sponsor, House Committee on Commerce and Labor: Providing wine and beer educator's licenses. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Franklin, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 20, 1995  
HB 1041 Prime Sponsor, Representative Quall: Authorizing a trade association representing manufactured housing dealers to use a manufactured home as an office. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Franklin, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 20, 1995  
SHB 1062 Prime Sponsor, House Committee on Corrections: Using juvenile serious violent offenses as criminal history for adult sentencing. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

March 20, 1995  
SHB 1069 Prime Sponsor, House Committee on Law and Justice: Exempting retired law enforcement officers from restrictions on carrying firearms. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

March 16, 1995

HB 1193 Prime Sponsor, Representative Benton: Giving the department of transportation discretion in setting capital facility rental rates.  
Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Fairley, Haugen, Morton, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 20, 1995

SHB 1248 Prime Sponsor, House Committee on Trade, Technology and Economics: Providing tax deferrals for a new thoroughbred race track facility. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Deccio, Franklin, Hale and Newhouse.

Referred to Committee on Ways and Means.

March 20, 1995

HB 1424 Prime Sponsor, Representative Padden: Concerning the use of court seals. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

March 20, 1995

HB 1433 Prime Sponsor, Representative Conway: Penalizing defacement of a state monument. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

October 7, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Denise Machenstadt, appointed October 7, 1994, for a term ending July 1, 1998, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Education.

#### MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, March 22, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-SECOND DAY, MARCH 21, 1995

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**SEVENTY-THIRD DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, March 22, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Ann Anderson and Heavey.

The Sergeant at Arms Color Guard, consisting of Pages Rachelle Martin and Alex Newhouse, presented the Colors. Reverend Philip Ling, pastor of the North Shore Christian Church in Everett, and a guest of Senator Strannigan, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

HB 1081 Prime Sponsor, Representative Radcliff: Specifying sentencing conditions for felons who commit additional felonies. Reported by  
Committee on Human Services and Corrections March 21, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

HB 1088 Prime Sponsor, Representative Hatfield: Clarifying the definition of "sex offense". Reported by Committee on Human Services and  
Corrections March 21, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Palmer, Prentice, Schow and Strannigan.

Passed to Committee on Rules for second reading.

HB 1096 Prime Sponsor, Representative Padden: Modifying the limited liability company act. Reported by Committee on Law and Justice March 21, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

HB 1280 Prime Sponsor, Representative Sherstad: Revising procedures for offenders who violate conditions or requirements of sentences.  
Reported by Committee on Human Services and Corrections March 21, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

2SHB 1318 Prime Sponsor, House Committee on Appropriations: Revising provisions for the Washington scholars program. Reported by  
Committee on Higher Education March 21, 1995



MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, Sheldon, West and Wood.

Referred to Committee on Ways and Means.

March 21, 1995

HB 1321 Prime Sponsor, Representative Mulliken: Correcting citations to the tuition recovery trust fund. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules for second reading.

March 21, 1995

HB 1425 Prime Sponsor, Representative Scott: Protecting privileged communication. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

March 21, 1995

SHB 1700 Prime Sponsor, House Committee on Finance: Changing current use taxation provisions. Reported by Committee on Government Operations

MAJORITY Recommendation: Refer to Committee on Ways and Means without recommendation. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, McCaslin and Winsley.

Referred to Committee on Ways and Means.

March 21, 1995

2SHB 1814 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to the Washington award for vocational excellence. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, Sheldon, West and Wood.

Referred to Committee on Ways and Means.

March 21, 1995

SHB 1873 Prime Sponsor, House Committee on Law and Justice: Regulating consumer leases. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

March 21, 1995

HJM 4009 Prime Sponsor, Representative Mastin: Asking Congress to consider various options regarding alien offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 21, 1995

GA 9015 DONNA DeJARNATT, appointed December 19, 1994, for a term ending September 30, 1999, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

March 21, 1995

GA 9024 ELLING B. HALVORSON, appointed May 4, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

March 21, 1995

GA 9031 EMMITT JACKSON, appointed November 14, 1994, for a term ending September 30, 1995, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

March 21, 1995

GA 9055 FELIX RAMON, appointed April 7, 1994, for a term ending September 30, 1996, as a member of the Board of Trustees for Big Bend Community College District No. 18.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

March 21, 1995

GA 9070 JOHN P. SULLIVAN, appointed August 10, 1994, for a term ending June 15, 1997, as a member of the Marine Employees' Commission.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prince, Schow, Sellar and Wood.

Passed to Committee on Rules.

March 21, 1995

GA 9108 LONNA K. MALONE-PURTLE, appointed January 6, 1994, for a term ending September 30, 1997, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

March 21, 1995

GA 9123 DAVID WILLIAMS, appointed January 12, 1995, for a term ending June 15, 1996, as a member of the Marine Employees' Commission.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prince, Schow, Sellar and Wood.

Passed to Committee on Rules.

March 21, 1995

GA 9127 MIKE SELLS, appointed February 3, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Central Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince, Sheldon, West and Wood.

Passed to Committee on Rules.

#### MOTION

On motion of Senator Snyder, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8618

By Senators Snyder, Owen and Kohl

WHEREAS, The Washington State Senate has a noble tradition of honoring excellence in all fields of endeavor; and  
WHEREAS, The Montesano High School Bulldogs have achieved the pinnacle of excellence by winning both the 1994 Class "A" State Football Championship and the 1994 Ladies Volleyball Academic Championship; and  
WHEREAS, The mighty Bulldog Football Team fought to a perfect record of thirteen wins and no losses, and won the championship with a dramatic come-from-behind victory over the powerful Royal City Knights; and  
WHEREAS, Head football coach Brent Whitaker and assistant coaches Tim Bates, Curtis Crites, Jeff Klinger and Brian Hollatz guided the undefeated Bulldogs to their first state championship since 1983; and  
WHEREAS, The Montesano Bulldogs' Ladies Volleyball Varsity Team went undefeated during the regular season while earning the coveted State Academic Championship; and  
WHEREAS, The Ladies Volleyball Team achieved an astonishing 3.86 team grade point average, the best of any sports classification, to win the State Academic Championship; and  
WHEREAS, The Ladies Volleyball Team's outstanding performance in both athletics and academics is a tribute to its members and to its fine coaches, Debbie Gibson, Lori Pritchett, and Louise Rota; and  
WHEREAS, The members of the Girls' Basketball Team also brought honor to themselves and their school by winning the State Academic Championship with a team grade point average of 3.86; and  
WHEREAS, Montesano Junior-Senior High School Principal Ron Bennet proclaimed that the fantastic support of teachers, staff, parents, fans, and the entire community has earned them all a share of the honor due to champions;  
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acclaim and honor the Montesano Bulldogs for their 1994 State Football Championship and their Ladies Volleyball Academic Championship; and  
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Montesano Junior-Senior High School Principal Ron Bennet and to the coaches of Montesano High's State Football Champions and Ladies Volleyball Academic Champions.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Montesano High School students who were seated in the gallery.

#### MOTION

At 10:10 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, March 23, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-THIRD DAY, MARCH 22, 1995

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**SEVENTY-FOURTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, March 23, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 22, 1995  
HB 1064 Prime Sponsor, Representative Padden: Correcting unconstitutional provisions relating to resident employees on public works.  
Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1995  
HB 1112 Prime Sponsor, Representative Silver: Clarifying and streamlining the use of funds within the department of general administration.  
Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 21, 1995  
SHB 1205 Prime Sponsor, House Committee on Health Care: Modifying physician self-referral provisions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

March 21, 1995  
HB 1213 Prime Sponsor, Representative Brumsickle: Revising provisions relating to liability in training of emergency service medical personnel. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Deccio, Fairley, Franklin, Moyer, Winsley and Wood.

Passed to Committee on Rules for second reading.

March 22, 1995  
SHB 1233 Prime Sponsor, House Committee on Government Operations: Avoiding conflicts of interest on election canvassing boards. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 21, 1995

HB 1285 Prime Sponsor, Representative L. Thomas: Allowing persons that provide the insurance commissioner with surplus line insurance information to gain immunity from civil liability. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Smith.

Passed to Committee on Rules for second reading.

March 21, 1995

HB 1361 Prime Sponsor, Representative Robertson: Authorizing arrest warrants to be served by facsimile transmission. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

March 21, 1995

SHB 1364 Prime Sponsor, House Committee on Financial Institutions and Insurance: Disclosing material transactions. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Smith.

Passed to Committee on Rules for second reading.

March 21, 1995

HB 1370 Prime Sponsor, Representative L. Thomas: Regulating the capital and surplus requirements of insurance companies. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Smith.

Passed to Committee on Rules for second reading.

March 21, 1995

HB 1373 Prime Sponsor, Representative L. Thomas: Amending licensing requirements of general agents. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Smith.

Passed to Committee on Rules for second reading.

March 22, 1995

SHB 1432 Prime Sponsor, House Committee on Finance: Providing for notice statements regarding county financial matters. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1995

SHB 1434 Prime Sponsor, House Committee on Government Operations: Increasing the limit for public utility districts to use alternative bid procedures. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 21, 1995

HB 1445 Prime Sponsor, Representative Silver: Streamlining hospital regulation and inspection. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin and Moyer.

Passed to Committee on Rules for second reading.

March 22, 1995

SHB 1453 Prime Sponsor, House Committee on Appropriations: Providing for reserve officers' retirement. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1995

SHB 1517 Prime Sponsor, House Committee on Capital Budget: Revising guidelines for receipt and expenditure of federal and private funds by local governments. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1995

ESHB 1527 Prime Sponsor, House Committee on Appropriations: Recognizing veterans of World War II. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 1553 Prime Sponsor, Representative L. Thomas: Concerning the proper form of certain ballot titles. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 1583 Prime Sponsor, Representative L. Thomas: Changing whistleblower provisions. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 1624 Prime Sponsor, Representative Hymes: Increasing to five years the time after a preliminary plat is approved before a final plat must be submitted for approval. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1995

SHB 1645 Prime Sponsor, House Committee on Transportation: Enhancing transportation planning. Reported by Committee on Government Operations

MAJORITY Recommendation: Refer to Committee on Transportation. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Referred to Committee on Transportation.

March 22, 1995

SHB 1669 Prime Sponsor, House Committee on Finance: Extending hotel/motel tax authorization for tourist promotional structures in cities located in counties composed of islands. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1995

SHB 1776 Prime Sponsor, House Committee on Financial Institutions and Insurance: Extending authority to enter into payment agreements. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 1790 Prime Sponsor, Representative Reams: Changing appointment provisions for the director of a combined city and county health department. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1995

SHB 1813 Prime Sponsor, House Committee on Higher Education: Exempting financial disclosures by degree-granting private vocational schools from public disclosure laws. Reported by Committee on Law and Justice

MAJORITY Recommendation: Refer to Committee on Higher Education without recommendation. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Johnson, McCaslin and Schow.

Referred to Committee on Higher Education.

March 21, 1995

SHB 1856 Prime Sponsor, House Committee on Financial Institutions and Insurance: Clarifying the liability of lenders under the model toxics control act. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Smith.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 22, 1995

GA 9003 CHARLES ALEXANDER, appointed December 30, 1993, for a term ending July 26, 1995, as a member of the Personnel Appeals Board.

Reported by Committee on Government Operations

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew and Winsley.

Passed to Committee on Rules.

March 22, 1995

GA 9079 ART WANG, appointed August 24, 1994, for a term ending June 26, 1997, as a member of the Personnel Appeals Board.

Reported by Committee on Government Operations

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew and Winsley.

Passed to Committee on Rules.

March 22, 1995

GA 9109 NORA REYNOLDS, appointed December 30, 1993, for a term ending July 26, 1999, as a member of the Personnel Appeals Board.  
Reported by Committee on Government Operations

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew and Winsley.

Passed to Committee on Rules.

March 22, 1995

GA 9131 EUGENE MATT, appointed February 14, 1995, for a term ending January 4, 2001, as a member of the Personnel Resources Board.  
Reported by Committee on Government Operations

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew and Winsley.

Passed to Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

March 14, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bruce F. Brennan, reappointed March 14, 1995, for a term ending February 21, 1998, as a member of the Washington State Apprenticeship and Training Council.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Labor, Commerce and Trade

#### MOTION

At 12:03 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, March 24, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate



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SEVENTY-FOURTH DAY, MARCH 23, 1995

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**SEVENTY-FIFTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, March 24, 1995  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson and Moyer.

The Sergeant at Arms Color Guard, consisting of Pages Travis Eberle and Bill Raney, presented the Colors. Reverend Jan Friend, retired army chaplain, representing the Christian Reform Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 22, 1995  
SHB 1053 Prime Sponsor, House Committee on Agriculture and Ecology: Changing the limitations on the use of wood stoves. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 23, 1995  
SHB 1111 Prime Sponsor, House Committee on Energy and Utilities: Promoting competition for long distance telecommunications. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Hochstatter and Owen.

MINORITY Recommendation: Do not pass. Signed by Senator Finkbeiner.

Passed to Committee on Rules for second reading.

March 22, 1995  
SHB 1195 Prime Sponsor, House Committee on Transportation: Excluding site exploration as a substantial shoreline development. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 22, 1995  
SHB 1220 Prime Sponsor, House Committee on Agriculture and Ecology: Providing a SEPA exemption for air operating permits. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 23, 1995

HB 1706 Prime Sponsor, Representative Koster: Extending the dairy inspection program assessment. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

March 23, 1995

HB 1761 Prime Sponsor, Representative Casada: Clarifying physical conditions for determining the output of major energy projects. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

March 23, 1995

SHJM 4012 Prime Sponsor, House Committee on Energy and Utilities: Requesting permission to use personal locator beacons. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

March 23, 1995

HJM 4027 Prime Sponsor, Representative Casada: Requesting that Congress transfer jurisdiction to regulate one-way video and audio communications to the states. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 23, 1995

GA 9037 TOM LESCHINE, appointed July 13, 1994, for a term ending December 26, 1997, as a member of the Board of Pilotage Commissioners.  
Reported by the Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules.

March 23, 1995

GA 9081 WILLIAM S. WILLIAMS, appointed October 13, 1994, for a term ending December 26, 1995, as a member of the Board of Pilotage Commissioners.  
Reported by the Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules.

March 23, 1995

GA 9113 BENJAMIN L. WATSON, reappointed February 9, 1993, for a term ending December 26, 1995, as a member of the Board of Pilotage Commissioners.

Reported by the Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules.

March 23, 1995

GA 9119 PETER BADAME, reappointed January 12, 1995, for a term ending December 26, 1998, as a member of the Board of Pilotage Commissioners.

Reported by the Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules.

March 23, 1995

GA 9120 CAPTAIN MICHAEL T. GAVIN, reappointed January 12, 1995, for a term ending December 26, 1996, as a member of the Board of Pilotage Commissioners.

Reported by the Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules.

March 23, 1995

GA 9121 DENNIS MARSHALL, appointed January 12, 1995, for a term ending December 26, 1996, as a member of the Board of Pilotage Commissioners.

Reported by the Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules.

March 22, 1995

GA 9138 TIM DOUGLAS, reappointed March 7, 1995, for a term ending July 5, 1998, as a member of the Puget Sound Water Quality Authority.

Reported by the Committee on Ecology and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SJM 8021 by Senators Haugen, Oke, Drew, Spanel and Snyder

Requesting the United States Forest Service to allow steelhead boat fishing on the Skagit River.

Referred to Committee on Natural Resources.

#### MOTION

On motion of Senator Kohl, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8631

By Senators Kohl and Rasmussen

WHEREAS, A year ago today, sixteen-year-old Melissa "Missy" Fernandes, who aspired to become a marine biologist, died as a result of a drive-by shooting; and

WHEREAS, The Ballard High School student was an innocent bystander when the spat between two local gangs erupted into senseless gunfire; and

WHEREAS, Missy was the first student to be killed on a high-school campus in Washington State; and  
WHEREAS, Missy's tragic fate inspired Ballard High School to institute a peer-mediation group to resolve problems without resorting to violence; and

WHEREAS, Missy was neither the first nor the last teenager in Washington State to be a victim of youth gang violence; and  
WHEREAS, The death of Missy and too many like her has spawned the formation within the Seattle School District of a Safe Schools Committee to stem the rising tide of violence in our schools; and

WHEREAS, Other groups in Ballard have worked to stem youth violence, such as Mothers Against Violence in America, the Ballard District Council's Anti-Violence Task Force, Students Against Violence in Everywhere; and

WHEREAS, The Crown Hill Chamber of Commerce placed a bench in memory of Melissa at the site where she was gunned down at Ballard High School; and

WHEREAS, The specter of youth-on-youth violence continues to instill a growing and gnawing fear among students and parents; and  
WHEREAS, Nearly five hundred firearms were confiscated from Washington high school students during the 1993-94 school year;

and

WHEREAS, Youth violence is only yet another symptom of how pervasive violence has become in our society; and

WHEREAS, Our youth represent our future;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby observe a moment of silence in the hope that Melissa Fernandes' death will serve to remind us from now until the shooting ends, that too many youngsters have died from gunfire and that we as a community have much work to do to ensure that her untimely death not be in vain.

Senators Kohl, Wojahn, Long, Franklin and McAuliffe spoke to Senate Resolution 1995-8631.

#### MOMENT OF SILENCE

The members of the Senate stood for a moment of silence in memory of Melissa "Missy" Fernandes.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced the mother of Melissa Fernandes, Mrs. Tammy Fernandes, who was seated in the gallery.

#### MOTION

At 10:28 a.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, March 27, 1995.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SEVENTY-FIFTH DAY, MARCH 24, 1995

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**SEVENTY-EIGHTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, March 27, 1995  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson and Oke.

The Sergeant at Arms Color Guard, consisting of Pages Seth Blystone and Scott DeViney, presented the Colors. Reverend Lee Forstrom, pastor of the Westwood Baptist Church of Olympia, and a guest of Senator McDonald, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 24, 1995  
SB 5384 Prime Sponsor, Senator Quigley: Changing health care authority responsibilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5384 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin, Winsley and Wood.

Referred to Committee on Ways and Means.

March 23, 1995  
SB 5622 Prime Sponsor, Senator Rinehart: Modifying provision of long-term care services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5622 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Moyer, Pelz, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 24, 1995  
HB 1012 Prime Sponsor, Representative L. Thomas: Regulating loans made by pawnbrokers. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1995  
HB 1157 Prime Sponsor, Representative Van Luven: Modifying sales and use tax exemptions regarding motor vehicles and trailers used for transporting persons or property for hire. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 23, 1995

ESHB 1165 Prime Sponsor, House Committee on Finance: Making technical corrections to excise and property tax statutes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 23, 1995

HB 1226 Prime Sponsor, Representative Buck: Authorizing shellfish to be taken under a salmon charter license. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 23, 1995

HB 1228 Prime Sponsor, Representative L. Thomas: Authorizing the director of fish and wildlife to administer game fish catch record cards. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 23, 1995

SHB 1246 Prime Sponsor, House Committee on Transportation: Regulating private school buses. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Haugen, Kohl, Morton, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 23, 1995

HB 1310 Prime Sponsor, Representative K. Schmidt: Strengthening the provisions of the pilotage act affecting marine safety and protection of the marine environment. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 23, 1995

HB 1311 Prime Sponsor, Representative K. Schmidt: Providing for enforcement and administration of the pilotage act. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 23, 1995

HB 1359 Prime Sponsor, Representative Van Luven: Affecting the administration and collection of the cigarette tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 24, 1995  
HB 1360 Prime Sponsor, Representative Dyer: Addressing discriminatory practices against osteopathic physicians and surgeons. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin and Wood.

Passed to Committee on Rules for second reading.

March 23, 1995  
HB 1374 Prime Sponsor, Representative L. Thomas: Regulating unearned premium, loss, and loss expense reserves. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 24, 1995  
SHB 1387 Prime Sponsor, House Committee on Law and Justice: Revoking the license of a massage practitioner who has been convicted of prostitution. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin and Wood.

Passed to Committee on Rules for second reading.

March 24, 1995  
SHB 1398 Prime Sponsor, House Committee on Health Care: Regulating acupuncture licensing. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading.

March 23, 1995  
SHB 1404 Prime Sponsor, House Committee on Natural Resources: Revising shellfish sanitation requirements to enhance the safety of recreationally and commercially harvested seafood. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 23, 1995  
HB 1407 Prime Sponsor, Representative K. Schmidt: Transferring functions of the Maritime Commission to a nonprofit corporation. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 24, 1995  
SHB 1427 Prime Sponsor, House Committee on Health Care: Modifying provisions for emergency medical service professionals. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading.

March 23, 1995

SHB 1437 Prime Sponsor, House Committee on Natural Resources: Revising lease rates for amateur radio electronic repeater sites. Reported by Committee on Natural Resources

MAJORITY Recommendation: Refer to Committee on Ways and Means without recommendation. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Referred to Committee on Ways and Means.

March 23, 1995

HB 1501 Prime Sponsor, Representative L. Thomas: Correcting double amendments related to insurance examination expenses. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1995

ESHB 1512 Prime Sponsor, House Committee on Transportation: Expanding the adopt-a-highway program. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Haugen, Kohl, Morton, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 23, 1995

HB 1525 Prime Sponsor, Representative L. Thomas: Lowering the number of items provided by banks for customers' examination of negotiable instruments. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1995

2SHB 1539 Prime Sponsor, House Committee on Appropriations: Establishing a single-application process for watershed restoration projects. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 24, 1995

SHB 1547 Prime Sponsor, House Committee on Financial Institutions and Insurance: Pertaining to longshore and harbor workers' compensation. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1995

ESHB 1574 Prime Sponsor, House Committee on Natural Resources: Clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 23, 1995



EHB 1603 Prime Sponsor, Representative L. Thomas: Disclosing deposit account information. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 23, 1995

SHB 1871 Prime Sponsor, House Committee on Transportation: Providing equalization for transit systems imposing an utility tax. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Haugen, Kohl, Morton, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 24, 1995

EHB 1876 Prime Sponsor, Representative Dyer: Modifying provision of dental services by certified health plans. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin and Wood.

Passed to Committee on Rules for second reading.

March 23, 1995

HB 1891 Prime Sponsor, Representative Smith: Providing parity among financial institutions. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 24, 1995

EHB 2005 Prime Sponsor, Representative Dyer: Modifying certified health plan provision of vision benefits. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading.

March 23, 1995

HB 2032 Prime Sponsor, Representative K. Schmidt: Depositing certain sales or use tax revenue into the transportation fund. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Haugen, Kohl, Morton, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

March 23, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Scott Lukins appointed March 23, 1995, for a term ending September 30, 1998, as an ex-officio member of the Spokane Joint Center for Higher Education.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MESSAGES FROM THE HOUSE

March 24, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6029, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6029.

MOTION

On motion of Senator Bauer, the following resolution was adopted:

SENATE RESOLUTION 1995-8620

By Senators Bauer, Sutherland and Kohl

WHEREAS, The Senate of the state of Washington recognizes people who have made significant contributions to our state; and  
WHEREAS, Nadia Nava was one of five students in the nation selected to win a five thousand dollar grant from the National Institute for Dispute Resolution; and

WHEREAS, In the Spring of 1994, Nadia, at the time a sophomore at Fort Vancouver High School, wrote an essay focusing on her school's challenges in developing interaction between multicultural students and the alienation experienced by ethnic groups. Nadia also led a student group to develop a conflict resolution proposal; and

WHEREAS, Based on Nadia's essay, Fort Vancouver High School was awarded the grant to expand multicultural efforts and student conflict programs, assist in implementing a violence prevention program, and support enhanced mediation skills for students; and

WHEREAS, Teachers Jim Morrisey and Virginia Shorey promote student multicultural groups to talk about and solve problems and apply these concepts in the classroom, and have developed a crosscultural curriculum for their school and others; and

WHEREAS, Fort Vancouver High School has already held a workshop for at-risk students, which resulted in a student mediation team to resolve conflicts;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor Nadia Nava for her leadership and successful essay, and all the students, teachers, and staff of Fort Vancouver High School for their multicultural efforts and student conflict resolution programs; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the principal of Fort Vancouver High School, and to Jim Morrisey, Virginia Shorey, and Nadia Nava.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Nadia Nava who was seated in the gallery.

MOTION

At 10:16 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, March 28, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-EIGHTH DAY, MARCH 27, 1995

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**SEVENTY-NINTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, March 28, 1995  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

SHB 1047 Prime Sponsor, House Committee on Law and Justice: Clarifying the process for defendants to pay restitution to their victims. March 27, 1995  
Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

SHB 1140 Prime Sponsor, House Committee on Corrections: Revising procedures for using criminal history in sentencing of offenders. March 27, 1995  
Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules for second reading.

HB 1189 Prime Sponsor, Representative Robertson: Revising provisions relating to dissemination of criminal history information by the Washington state patrol. Reported by Committee on Law and Justice March 27, 1995

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Referred to Committee on Ways and Means.

SHB 1289 Prime Sponsor, House Committee on Law and Justice: Specifying the duties of an operator of a vessel involved in an accident. March 27, 1995  
Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 27, 1995

HB 1450 Prime Sponsor, Representative Appelwick: Including certain judgments to be summarized. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 27, 1995

SHB 1680 Prime Sponsor, House Committee on Law and Justice: Revising the distribution of interest on court fines. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Hargrove, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 27, 1995

HB 1712 Prime Sponsor, Representative Lambert: Prescribing procedures for pretrial release. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 27, 1995

HB 1792 Prime Sponsor, Representative Padden: Prescribing procedures for release of offenders. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 27, 1995

2SHB 1882 Prime Sponsor, House Committee on Appropriations: Creating the position of inspector general in the Washington state patrol. Reported by Committee on Ways and Means

MAJORITY Recommendation: Refer to Committee on Human Services and Corrections without recommendation. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Finkbeiner, Hargrove, Johnson, Long, McDonald, Moyer, Quigley, Roach, Snyder and Strannigan.

Referred to Committee on Human Services and Corrections.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-0095

March 22, 1995

Marty Brown  
Secretary of the Senate  
Mailstop: 40482  
Olympia, Washington 98504-0482

Dear Secretary Brown:

Enclosed is our Report to the Legislature from the Medical Assistance Administration, Defining Medical Necessity: An Exploratory Study.

If you have any questions regarding the report, please contact me.

Sincerely,  
JEAN SOLIZ, Secretary

The Report from the Medical Assistance Administration is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE GOVERNOR

March 24, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Ramon L. Barnes, reappointed March 24, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for  
Pierce Community College District No. 11.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 24, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Barbara A. Koerber, appointed March 24, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for  
Peninsula Community College District No. 1.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 24, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Dan C. Wilder, appointed March 24, 1995, for a term ending September 30, 1997, as a member of the Board of Trustees for Peninsula  
Community College District No. 1.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MESSAGES FROM THE HOUSE

March 24, 1995

MR. PRESIDENT:  
The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,  
ENGROSSED HOUSE BILL NO. 2071,  
HOUSE BILL NO. 2086, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 27, 1995

MR. PRESIDENT:  
The Speaker has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 6029, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1410 by House Committee on Appropriations (originally sponsored by Representatives Silver and Sommers) (by request of Office of  
Financial Management)

Making appropriations for the 1995-97 biennium.

Referred to Committee on Ways and Means.

EHB 2071 by Representatives Dyer, Dellwo, Backlund and Hymes

Concerning health treatment for individuals with developmental disabilities.

Referred to Committee on Health and Long-Term Care.

HB 2086 by Representative Brumsickle

Changing learning assistance program funding provisions.

Referred to Committee on Ways and Means.

MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, March 29, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-NINTH DAY, MARCH 28, 1995

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**EIGHTIETH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, March 29, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner and Palmer.

The Sergeant at Arms Color Guard, consisting of Pages Julio Hayes and Matthew Killingsworth, presented the Colors. Reverend William Riker, pastor of St. Benedict's Episcopal Church in Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

ESHB 1006 Prime Sponsor, House Committee on Education: Defining school bus driver. Reported by Committee on Labor, Commerce and Trade  
March 27, 1995

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale and Newhouse.

Passed to Committee on Rules for second reading.

EHB 1014 Prime Sponsor, Representative Padden: Correcting obsolete references to the department of community development and the department of trade and economic development. Reported by Committee on Labor, Commerce and Trade  
March 28, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

SHB 1123 Prime Sponsor, House Committee on Trade and Economic Development: Establishing a special trade representative and Washington state trade advisory council. Reported by Committee on Labor, Commerce and Trade  
March 28, 1995

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale and Palmer.

Passed to Committee on Rules for second reading.

2SHB 1162 Prime Sponsor, House Committee on Appropriations: Changing collection of hazardous waste fees. Reported by Committee on Ecology and Parks  
March 28, 1995

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1178 Prime Sponsor, House Committee on Commerce and Labor: Exempting persons under age twenty-one employed on the family farm from industrial insurance coverage. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

March 28, 1995

ESHB 1203 Prime Sponsor, House Committee on Law and Justice: Prohibiting the purchase or consumption of liquor on licensed premises by persons under the influence of liquor. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

March 28, 1995

HB 1223 Prime Sponsor, Representative Brumsickle: Changing state board of education staff provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1229 Prime Sponsor, House Committee on Law and Justice: Modifying options for payment of retirement allowances. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1230 Prime Sponsor, House Committee on Education: Changing teacher preparation provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Finkbeiner, Hochstatter and Johnson.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1231 Prime Sponsor, House Committee on Agriculture and Ecology: Promoting the recycled content of products and buildings. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1237 Prime Sponsor, House Committee on Law and Justice: Specifying responsibility for payment of costs incurred on appeal by indigent persons. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Referred to Committee on Ways and Means.

March 28, 1995

SHB 1414 Prime Sponsor, House Committee on Commerce and Labor: Defining "acting in the course of employment." Reported by Committee on Labor, Commerce and Trade



MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1508 Prime Sponsor, House Committee on Commerce and Labor: Creating new funds under the control of the department of labor and industries. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chair; Franklin, Hale, Newhouse and Palmer.

Referred to Committee on Ways and Means.

March 28, 1995

EHB 1550 Prime Sponsor, Representative Smith: Allowing warrantless arrest for criminal trespass. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long and McCaslin.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1658 Prime Sponsor, House Committee on Agriculture and Ecology: Providing that filled or altered wetlands shall not be considered or treated as wetlands. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1660 Prime Sponsor, House Committee on Commerce and Labor: Authorizing the director of labor and industries to issue approvals based on national consensus codes and external professional certification. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1677 Prime Sponsor, House Committee on Education: Requiring school districts to obtain an appraisal before purchasing real property. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1692 Prime Sponsor, House Committee on Law and Justice: Clarifying clerks' fees. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 28, 1995

EHB 1770 Prime Sponsor, Representative Mastin: Revising enforcement requirements for plumbing certificates of competency. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1777 Prime Sponsor, House Committee on Education: Requiring specificity in school board resolutions for ballot propositions authorizing indebtedness. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

March 28, 1995

GA 9063 DON SIMMONSON, appointed March 15, 1994, for a term ending July 1, 1997, as a member of the Board of Trustees for the State School for the Blind.  
Reported by the Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules.

March 28, 1995

GA 9137 HUGH SPITZER, reappointed March 7, 1995, for a term ending July 5, 1997, as a member of the Puget Sound Water Quality Authority.  
Reported by the Committee on Ecology and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules.

March 28, 1995

GA 9140 DENISE MACKENSTADT, appointed October 7, 1994, for a term ending July 1, 1998, as a member of the State School for the Blind.  
Reported by the Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

March 24, 1995

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4406, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4406 by Representatives Foreman and Ebersole

Authorizing the operation of equipment to provide unedited television coverage of events within legislative facilities.

Referred to Committee on Ways and Means.

MOTION

At 10:06 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, March 30, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTIETH DAY, MARCH 29, 1995

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

**EIGHTY-FIRST DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, March 30, 1995  
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 28, 1995  
HB 1016 Prime Sponsor, Representative K. Schmidt: Exempting state and county ferry fuel sales and use tax. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Morton, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 28, 1995  
ESHB 1076 Prime Sponsor, House Committee on Capital Budget: Revising account names and accounting procedures of the IAC. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 28, 1995  
SHB 1144 Prime Sponsor, House Committee on Health Care: Amending the veterinary practice act to include implanting of electronic identification devices. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

March 28, 1995  
E2SHB 1156 Prime Sponsor, House Committee on Appropriations: Requiring the SPI to provide support to individuals and organizations for the establishment of nonprofit education foundations. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Finkbeiner, Hochstatter and Johnson.

Passed to Committee on Rules for second reading.

March 28, 1995

HB 1224 Prime Sponsor, Representative Brumsickle: Authorizing waivers for educational restructuring. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1342 Prime Sponsor, House Committee on Appropriations: Creating the parks renewal and stewardship account. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Referred to Committee on Ways and Means.

March 28, 1995

SHB 1350 Prime Sponsor, House Committee on Commerce and Labor: Authorizing voluntary contributions for unemployment insurance. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1401 Prime Sponsor, House Committee on Education: Allowing disclosure of juvenile records to affected school districts. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Finkbeiner, Hochstatter and Johnson.

Passed to Committee on Rules for second reading.

March 28, 1995

ESHB 1518 Prime Sponsor, House Committee on Education: Authorizing clock hours for teachers participating in internships. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Referred to Committee on Ways and Means.

March 29, 1995

2SHB 1537 Prime Sponsor, House Committee on Finance: Allowing the department of agriculture to keep the interest on its accounts. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Bauer, Morton, Newhouse and Snyder.

Referred to Committee on Ways and Means.

March 29, 1995

SHB 1671 Prime Sponsor, House Committee on Agriculture and Ecology: Revising commodity commission assessment authority. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

March 28, 1995

ESHB 1679 Prime Sponsor, House Committee on Commerce and Labor: Revising regulation of security guards and private investigators.  
Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

March 28, 1995

HB 1687 Prime Sponsor, Representative Lambert: Providing for distribution of appropriations for court-appointed special advocate programs.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Schow and Strannigan.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1741 Prime Sponsor, House Committee on Agriculture and Ecology: Providing moneys for wine and wine grape research. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Referred to Committee on Ways and Means.

March 28, 1995

SHB 1788 Prime Sponsor, House Committee on Transportation: Providing for more flexibility in the motor vehicle fund distributions to cities and counties. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Morton, Prentice, Prince, Rasmussen, Schow and Wood.

Passed to Committee on Rules for second reading.

March 28, 1995

SHB 1862 Prime Sponsor, House Committee on Appropriations: Promoting the development of model home-matching programs. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 28, 1995

ESHB 2036 Prime Sponsor, House Committee on Financial Institutions and Insurance: Concerning the sale of consumer credit unemployment insurance. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 29, 1995

HJM 4017 Prime Sponsor, Representative Thompson: Requesting Congress to control or eradicate nonnative noxious weeds. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

March 28, 1995

HJM 4018 Prime Sponsor, Representative Casada: Requesting a variance in order to preserve man-made wetlands. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 30, 1995

HJM 4030 Prime Sponsor, Representative Hankins: Concerning federal funds for the cleanup of the Hanford waste disposal site. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 6062 by Senators Quigley, Moyer, Fairley, Wood, Wojahn and Winsley

AN ACT Relating to making welfare work; amending RCW 74.12.255, 74.25.010, 74.20A.020, 74.20A.280, 46.20.291, 46.20.311, 18.04.335, 18.11.160, 18.27.060, 18.39.181, 18.46.050, 18.96.120, 18.104.110, 18.130.150, 18.160.080, 43.20A.205, 43.70.115, 36.70A.450, 35.63.185, 35A.63.215, and 74.15.020; reenacting and amending RCW 18.130.050; adding new sections to chapter 74.12 RCW; adding new sections to chapter 74.25 RCW; adding new sections to chapter 74.20A RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a new section to chapter 18.16 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 18.106 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new section to chapter 18.170 RCW; adding a new section to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW; adding a new section to chapter 26.18 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 74.15 RCW; adding a new section to chapter 74.04 RCW; adding a new chapter to Title 82 RCW; adding a new chapter to Title 74 RCW; creating new sections; repealing RCW 74.08.120, 74.08.125, 74.12.420, and 74.12.425; prescribing penalties; making an appropriation; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

#### MOTION

At 12:03 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, March 31, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-FIRST DAY, MARCH 30, 1995

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**EIGHTY-SECOND DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, March 31, 1995  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators McCaslin and Moyer. On motion of Senator Ann Anderson, Senators McCaslin and Moyer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tim Turner and Barry Ulrich, presented the Colors. Reverend William Riker, pastor of St. Benedict's Episcopal Church of Lacey, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

March 30, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 30, 1995, Governor Lowry approved the following Senate Bill entitled:

Engrossed Substitute Senate Bill No. 6029

Relating to exemptions from overtime compensation requirements.

Sincerely,  
KENT CAPUTO, Legal Counsel to the Governor

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

March 29, 1995  
E2SHB 1009 Prime Sponsor, House Committee on Appropriations: Establishing a commission on pesticide registration. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

March 30, 1995  
SHB 1032 Prime Sponsor, House Committee on Law and Justice: Revising the procedure for reviewing orders under the administrative procedure act. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1995  
HB 1048 Prime Sponsor, Representative Sheahan: Adopting the uniform unincorporated nonprofit association act. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.



March 30, 1995

HB 1058 Prime Sponsor, Representative Horn: Affecting the repeal of liquor vendors' appeals as authorized by RCW 41.06.150. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1059 Prime Sponsor, Representative Lisk: Improving the enforcement provisions of the Washington state liquor act. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1060 Prime Sponsor, Representative Lisk: Improving the licensing sections of the Washington state liquor act. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1068 Prime Sponsor, Representative Brumsickle: Preserving port district debt limits. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1995

ESHB 1080 Prime Sponsor, House Committee on Agriculture and Ecology: Establishing an exemption to the outdoor burning permit program for certain nonurban areas. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1104 Prime Sponsor, Representative McMorris: Removing requirements relating to carrying firearms unloaded and enclosed in an opaque case or wrapper. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Johnson, Long, McCaslin, Quigley, Roach and Schow.

MINORITY Recommendation: Do not pass. Signed by Senators Smith, Chair; and Haugen.

Passed to Committee on Rules for second reading.

March 30, 1995

ESHB 1107 Prime Sponsor, House Committee on Government Operations: Eliminating and consolidating boards and commissions. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 28, 1995

2EHB 1130 Prime Sponsor, Representative Crouse: Restricting the ringing of bells or sounding of whistles on locomotives. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Sellar.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1151 Prime Sponsor, Representative Pennington: Modifying licensing requirements for the sale of ammunition. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Johnson, Long, McCaslin, Quigley, Roach and Schow.

MINORITY Recommendation: Do not pass. Signed by Senators Smith, Chair; and C. Anderson, Vice Chair.

Passed to Committee on Rules for second reading.

March 30, 1995

2SHB 1214 Prime Sponsor, House Committee on Appropriations: Revising provision for registration of sex offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Prentice, Schow, Smith and Strannigan.

Referred to Committee on Ways and Means.

March 30, 1995

ESHB 1247 Prime Sponsor, House Committee on Commerce and Labor: Promoting horse racing. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1250 Prime Sponsor, House Committee on Commerce and Labor: Providing for prompt payment of industrial insurance awards. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1287 Prime Sponsor, House Committee on Agriculture and Ecology: Authorizing silvicultural burning to correct a forest health problem under certain circumstances. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1336 Prime Sponsor, House Committee on Higher Education: Requiring institutions of higher education to report on precollege class enrollments. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995

ESHB 1410 Prime Sponsor, House Committee on Appropriations: Making appropriations for the 1995-97 biennium. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

HOLD.

March 30, 1995

SHB 1446 Prime Sponsor, House Committee on Commerce and Labor: Requiring alcohol servers to have alcohol servers permits. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Deccio, Franklin, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1465 Prime Sponsor, Representative Silver: Concerning the employee suggestion program. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Vice Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1497 Prime Sponsor, House Committee on Government Operations: Facilitating electronic access to public records. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Referred to Committee on Ways and Means.

March 30, 1995

SHB 1507 Prime Sponsor, House Committee on Capital Budget: Requiring a process to solicit proposals for and prioritize heritage capital projects. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 29, 1995

2SHB 1524 Prime Sponsor, House Committee on Appropriations: Changing weights and measures regulations. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Morton and Newhouse.

Referred to Committee on Ways and Means.

March 30, 1995

HB 1534 Prime Sponsor, Representative Cairnes: Changing the registration requirements relating to professional land surveyors and engineers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Deccio, Franklin, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1601 Prime Sponsor, Representative D. Schmidt: Providing tuition and fee waivers for members of the Washington national guard.  
Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1607 Prime Sponsor, Representative Van Luven: Creating opportunities for international education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1643 Prime Sponsor, House Committee on Government Operations: Providing procedures for creating new counties. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senator Winsley.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1707 Prime Sponsor, Representative Hargrove: Correcting references to classification of cities and towns. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1722 Prime Sponsor, House Committee on Law and Justice: Exempting the UTC from administrative law judge requirements. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1725 Prime Sponsor, Representative Brumsickle: Regulating housing authorities. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1995

ESHB 1810 Prime Sponsor, House Committee on Agriculture and Ecology: Creating a legislative task force to review the model toxics control act. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Referred to Committee on Ways and Means.

March 30, 1995

SHB 1813 Prime Sponsor, House Committee on Higher Education: Exempting financial disclosures by degree-granting private vocational schools from public disclosure laws. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, McAuliffe, Prince and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1853 Prime Sponsor, House Committee on Law and Justice: Requiring juvenile offenders to post a probation bond in specified cases. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1921 Prime Sponsor, House Committee on Transportation: Providing for existing general aviation airport land use encroachment planning. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1995

E2SHB 2009 Prime Sponsor, House Committee on Appropriations: Eliminating the state energy office. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sutherland, Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

March 30, 1995

EHB 2033 Prime Sponsor, Representative D. Schmidt: Providing an exemption to the Washington clean air act for fire training. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 30, 1995

HJM 4001 Prime Sponsor, Representative Campbell: Petitioning the federal government to cease and desist mandates that are beyond the scope of its powers. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 30, 1995

GA 9125 JAMES L. KIRSCHBAUM, reappointed January 25, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for Eastern Washington University. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince and Wood.

Passed to Committee on Rules.

March 30, 1995

GA 9130 JOE W. JACKSON, reappointed February 13, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Eastern Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; McAuliffe, Prince and Wood.

Passed to Committee on Rules.

March 30, 1995

GA 9139 LARRY PHILLIPS, appointed March 14, 1995, for a term ending July 5, 1997, as a member of the Puget Sound Water Quality Authority.  
Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Passed to Committee on Rules.

#### MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute House Bill No. 1410 was advanced to second reading and placed on the second reading calendar.

#### MOTION

At 10:13 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:02 a.m. by President Pritchard.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, by House Committee on appropriations (originally sponsored by Representatives Silver and Sommers) (by request of Office of Financial Management)

Making appropriations for the 1995-97 biennium.

The bill was read the second time.

#### MOTION

Senator Rinehart moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

#### PART I

**GENERAL GOVERNMENT**

**NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund Appropriation (FY 1996) \$ 23,746,000  
General Fund Appropriation (FY 1997) \$ 23,748,000  
TOTAL APPROPRIATION \$ 47,494,000

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund Appropriation (FY 1996) \$ 17,281,000  
General Fund Appropriation (FY 1997) \$ 19,262,000  
TOTAL APPROPRIATION \$ 36,543,000

**NEW SECTION. Sec. 103. FOR THE WASHINGTON PERFORMANCE PARTNERSHIP COUNCIL**

General Fund Appropriation (FY 1996) \$ 250,000  
General Fund Appropriation (FY 1997) \$ 250,000  
TOTAL APPROPRIATION \$ 500,000

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE OFFICE OF PERFORMANCE  
AUDIT AND FISCAL ANALYSIS**

General Fund Appropriation (FY 1996) \$ 2,431,000  
General Fund Appropriation (FY 1997) \$ 2,431,000  
Performance Audit Revolving Account  
Appropriation \$ 2,093,000  
TOTAL APPROPRIATION \$ 6,955,000

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY**

Department of Retirement Systems Expense Account  
Appropriation \$ 1,574,000

**NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund Appropriation (FY 1996) \$ 4,212,000  
General Fund Appropriation (FY 1997) \$ 4,212,000  
TOTAL APPROPRIATION \$ 8,424,000

**NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE**

General Fund Appropriation (FY 1996) \$ 3,056,000  
General Fund Appropriation (FY 1997) \$ 3,336,000  
TOTAL APPROPRIATION \$ 6,392,000

The appropriations in this section are subject to the following conditions and limitations: \$55,000 is provided for the uniform legislation commission.

**NEW SECTION. Sec. 108. FOR THE SUPREME COURT**

General Fund Appropriation (FY 1996) \$ 4,419,000  
General Fund Appropriation (FY 1997) \$ 4,456,000  
TOTAL APPROPRIATION \$ 8,875,000

**NEW SECTION. Sec. 109. FOR THE LAW LIBRARY**

General Fund Appropriation (FY 1996) \$ 1,632,000  
General Fund Appropriation (FY 1997) \$ 1,633,000  
TOTAL APPROPRIATION \$ 3,265,000

**NEW SECTION. Sec. 110. FOR THE COURT OF APPEALS**

General Fund Appropriation (FY 1996) \$ 8,709,000  
General Fund Appropriation (FY 1997) \$ 8,709,000  
Public Safety and Education Account  
Appropriation \$ 200,000  
TOTAL APPROPRIATION \$ 17,618,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the public safety and education account appropriation is provided on a one-time basis for pro tempore judges and staff to reduce court backlog. The court is requested to report to the appropriate committees of the legislature by October 1, 1996, on its use of expanded technology funded through the judicial information system and the use of innovative court management practices to reduce case backlog in the judicial system.

**NEW SECTION. Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund Appropriation (FY 1996) \$ 607,000  
General Fund Appropriation (FY 1997) \$ 620,000  
TOTAL APPROPRIATION \$ 1,227,000

**NEW SECTION. Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation (FY 1996) \$ 11,658,000  
General Fund Appropriation (FY 1997) \$ 11,728,000  
Public Safety and Education Account  
Appropriation \$ 42,525,000  
Judicial Information Systems Account  
Appropriation \$ 6,446,000  
TOTAL APPROPRIATION \$ 72,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution, it is the intent of the legislature that the cost of these

employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

(2) \$63,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5235 (judgeship for Clark county). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) \$9,326,000 of the public safety and education account is provided solely for the indigent appeals program.

(5) \$26,000 of the public safety and education account and \$110,000 of the judicial information systems account are to implement Engrossed Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(6) \$5,650,000 of the judicial information system account provides a funding pool for various judicial computer equipment items requested by the courts, the law library and the commission on judicial conduct. It is expected that expanding services to courts, technology improvements, and criminal justice proposals would receive priority consideration.

(7) \$138,000 of the public safety and education account is provided solely for Thurston county impact costs.

(8) \$223,000 of the public safety and education account is provided solely for the gender and justice commission.

(9) \$220,000 of the public safety and education account appropriation is provided solely for an assessment of the courts of limited jurisdiction.

(10) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

**NEW SECTION. Sec. 113. FOR THE OFFICE OF THE GOVERNOR**

General Fund Appropriation (FY 1996) \$ 2,899,000

General Fund Appropriation (FY 1997) \$ 2,899,000

TOTAL APPROPRIATION \$ 5,798,000

**NEW SECTION. Sec. 114. FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation (FY 1996) \$ 242,000

General Fund Appropriation (FY 1997) \$ 243,000

TOTAL APPROPRIATION \$ 485,000

**NEW SECTION. Sec. 115. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation (FY 1996) \$ 1,112,000

General Fund Appropriation (FY 1997) \$ 1,049,000

Industrial Insurance Premium Refund Account

Appropriation \$ 725

TOTAL APPROPRIATION \$ 2,161,725

**NEW SECTION. Sec. 116. FOR THE SECRETARY OF STATE**

General Fund Appropriation (FY 1996) \$ 8,167,000

General Fund Appropriation (FY 1997) \$ 6,738,000

Archives and Records Management Account

Appropriation \$ 4,318,000

Department of Personnel Service Account

Appropriation \$ 647,000

TOTAL APPROPRIATION \$ 19,870,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,133,975 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$6,243,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet, including \$1,285,000 for the implementation of Engrossed Substitute Senate Bill No. 5576 (primary candidates pamphlet). If the bill is not enacted by June 30, 1995, \$1,285,000 of the general fund appropriation shall lapse.

(3) \$140,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

**NEW SECTION. Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ 151,000

General Fund Appropriation (FY 1997) \$ 152,000

TOTAL APPROPRIATION \$ 303,000

**NEW SECTION. Sec. 118. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ 169,000

General Fund Appropriation (FY 1997) \$ 170,000

TOTAL APPROPRIATION \$ 339,000

**NEW SECTION. Sec. 119. FOR THE STATE TREASURER**

State Treasurer's Service Account

Appropriation \$ 9,921,000

**NEW SECTION. Sec. 120. FOR THE STATE AUDITOR**

General Fund Appropriation (FY 1996) \$ 10,000

General Fund Appropriation (FY 1997) \$ 10,000

Municipal Revolving Account Appropriation \$ 24,952,000

Auditing Services Revolving Account

Appropriation \$ 11,846,000

TOTAL APPROPRIATION \$ 36,818,000

The appropriations in this section are subject to the following conditions and limitations:

Audits of school districts shall include a finding regarding the accuracy of student enrollment data and the experience and education of the district's certificated instructional staff reported to the superintendent of public instruction for the purposes of allocation of state funding.



**NEW SECTION. Sec. 121. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund Appropriation (FY 1996) \$ 6,000

General Fund Appropriation (FY 1997) \$ 59,000

TOTAL APPROPRIATION \$ 65,000

**NEW SECTION. Sec. 122. FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 1996) \$ 3,304,000

General Fund--State Appropriation (FY 1997) \$ 3,301,000

General Fund--Federal Appropriation \$ 1,624,000

Public Safety and Education Account

Appropriation \$ 1,242,000

State Investment Board Expense Account

Appropriation \$ 4,000,000

New Motor Vehicle Arbitration Account

Appropriation \$ 1,782,000

Legal Services Revolving Account

Appropriation \$ 114,278,000

Health Services Account Appropriation \$ 176,000

TOTAL APPROPRIATION \$ 129,707,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. The attorney general may, with approval of the office of financial management, change its billing system to meet the needs of its user agencies.

(3) \$4,000,000 from the state investment board expense account appropriation is provided solely for attorney general costs and related expenses in aggressively pursuing litigation related to real estate investments on behalf of the state investment board. To the maximum extent possible, attorney general staff shall be used in pursuing this litigation.

(4) Recognizing that state legal costs and the financial risk to the state and taxpayers decrease with the retention of experienced legal staff, the legislature directs the attorney general to distribute funds available for salaries in a way which will maintain or increase the quality and experience of staff. Market value, specialization, retention, and merit (including billable hours) shall be the factors in determining the distribution of these funds.

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS**

General Fund Appropriation (FY 1996) \$ 96,000

General Fund Appropriation (FY 1997) \$ 96,000

Securities Regulation Account Appropriation \$ 4,517,000

TOTAL APPROPRIATION \$ 4,709,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are provided solely for implementing Senate Bill No. 5389 (regulating escrow agents). If the bill, or similar legislation, is not enacted by June 30, 1995, the general fund appropriations shall be transferred to the department of licensing.

**NEW SECTION. Sec. 124. DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 1996) \$ 51,627,000

General Fund--State Appropriation (FY 1997) \$ 50,106,000

General Fund--Federal Appropriation \$ 167,155,000

General Fund--Private/Local Appropriation \$ 1,691,000

Public Safety and Education Account

Appropriation \$ 8,930,000

Enhanced 911 Account Appropriation \$ 18,544,000

Waste Reduction, Recycling, and Litter Control

Account Appropriation \$ 2,006,000

Marketplace Account Appropriation \$ 150,000

Public Works Assistance Account

Appropriation \$ 1,068,000

Building Code Council Account

Appropriation \$ 1,289,000

Administrative Contingency Account

Appropriation \$ 1,476,000

Low-Income Weatherization Assistance Account

Appropriation \$ 923,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 4,699,000

Manufactured Home Installation Training Account

Appropriation \$ 150,000

Washington Housing Trust Account

Appropriation \$ 6,887,000

Public Facility Construction Loan Revolving

Account Appropriation \$ 238,000

Prostitution Prevention and Intervention Account

Appropriation \$ 266,000  
Solid Waste Management Account  
Appropriation \$ 700,000  
TOTAL APPROPRIATION \$ 317,905,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,065,000 of the general fund--state appropriation is provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1993-95 biennium.

(2) If House Bill No. 1017 (transferring emergency management services) is enacted by June 30, 1995, funds appropriated in this section for the division of emergency management shall be transferred to the military department pursuant to House Bill No. 1017.

(3) \$6,610,000 of the general fund--state appropriation is provided solely for grants to local jurisdictions for planning and implementation activities resulting from the growth management act. \$1,646,000 of this amount is provided for grants or contracts with local jurisdictions in compliance with the requirements of the growth management act to address ongoing planning, integration, and implementation issues. \$2,000,000 is provided only in the first fiscal year of the biennium for local jurisdictions which, for various reasons, have not met the planning deadlines established in the act. If at the end of the first fiscal year any portion of the \$2,000,000 is unspent, the department shall combine the remaining balance with the amount provided under this subsection to fund ongoing planning, integration, and implementation issues.

(4) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$4,800,000 of federal community development block grant funds for distribution to local governments to allocate to community action agencies state-wide.

(5) \$8,915,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1996 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional drug task forces;

(b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;

(c) \$430,000 to the department of community, trade, and economic development to continue the state-wide drug prosecution assistance program;

(d) \$93,000 to the department of community, trade, and economic development to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$744,000 to the department of community, trade, and economic development to continue the youth violence prevention and intervention projects;

(f) \$250,000 to the department of community, trade, and economic development for grants to support tribal law enforcement needs;

(g) \$433,000 to the Washington state patrol for a state-wide integrated narcotics system;

(h) \$440,000 to the department of community, trade, and economic development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(i) \$445,750 to the office of financial management for the criminal history records improvement program;

(j) \$42,000 to the department of community, trade, and economic development to support local services to victims of domestic violence;

(k) \$700,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment;

(l) \$200,000 to local units of government for drug diversion courts;

(m) \$300,000 to the department of community, trade, and economic development for grants to provide training to defense attorneys in sentencing alternatives; and

(n) \$300,000 to the department of community, trade, and economic development for domestic violence legal advocacy.

(6) \$60,000 of the general fund--state appropriation is provided solely for the Pacific northwest economic region.

(7) \$1,200,000 of the general fund--state appropriation is provided solely for vendor rate increases in the early childhood education and assistance program. The department is directed to provide vendor rate increases while maintaining at least 6,172 slots in the program.

(8) Not more than \$458,000 of the general fund--state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to implement a plan for assessing fees for services provided by the project. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996 and seventy-five percent of the expenditures in fiscal year 1997. Beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(9) The prostitution prevention and intervention account appropriation is provided solely for grants to local governments and organizations to provide prostitution prevention and intervention services pursuant to Engrossed Second Substitute Senate Bill No. 5262. If the bill is not enacted by June 30, 1995, the prostitution prevention and intervention account appropriation in this section shall lapse.

(10) \$350,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

(11) \$150,000 of the general fund--state appropriation is provided solely for operation of the marketplace program and to provide state matching funds for a federal grant.

(12) \$200,000 of the general fund--state appropriation is provided solely for the center for international trade in forest products program.

(13) \$70,000 of the general fund--state appropriation is provided solely for the north county emergency medical service. If House Bill No. 1017 (transferring emergency management services) is enacted by June 30, 1995, funds appropriated in this subsection shall be transferred to the military department pursuant to House Bill No. 1017.

(14) \$50,000 of the general fund--state appropriation is provided solely for the Pierce county long-term care ombudsman program.

(15) \$300,000 of the general fund--state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(16) \$50,000 of the general fund--state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

**NEW SECTION. Sec. 125. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund Appropriation (FY 1996) \$ 410,000  
General Fund Appropriation (FY 1997) \$ 410,000  
TOTAL APPROPRIATION \$ 820,000

**NEW SECTION. Sec. 126. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 1996) \$ 9,059,000  
General Fund--State Appropriation (FY 1997) \$ 9,060,000  
General Fund--Federal Appropriation \$ 12,432,000  
General Fund--Private/Local Appropriation \$ 720,000  
Judicial Information System Account  
Appropriation \$ 200,000  
TOTAL APPROPRIATION \$ 31,471,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the judicial information system appropriation is provided solely for a feasibility study on consolidation of state and local criminal justice telecommunications systems.

**NEW SECTION. Sec. 127. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account  
Appropriation \$ 13,961,000  
Ombudsman Account \$ 641,000  
TOTAL APPROPRIATION \$ 14,602,000

The appropriations in this account are subject to the following conditions and limitations: The ombudsman account is provided solely for the ombudsman office for private property rights, pursuant to Engrossed Second Substitute Senate Bill No. 5262. If the bill is not enacted by June 30, 1995, the ombudsman account appropriation in this section shall lapse.

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF PERSONNEL**

General Fund--State Appropriation (FY 1996) \$ 360,000  
General Fund--State Appropriation (FY 1997) \$ 360,000  
General Fund--Federal Appropriation \$ 700,000  
Personnel Data Revolving Account  
Appropriation \$ 880,000  
Department of Personnel Service Account  
Appropriation \$ 16,187,000  
Higher Education Personnel Board Service Account  
Appropriation \$ 1,659,000  
TOTAL APPROPRIATION \$ 20,146,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) \$811,000 of the department of personnel service account appropriation is provided solely for a career transition program to assist state employees who are separated or are at risk of layoff due to reduction-in-force, including employee retraining and career counseling.
- (3) \$32,000 of the department of personnel service account appropriation is provided solely for creation, printing, and distribution of the personal benefits statement for state employees.
- (4) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation for the deferred compensation program to the deferred compensation administrative account. Department billings to the committee shall be for actual costs only.
- (5) The department of personnel service account appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.
- (6) \$500,000 of the department of personnel service account appropriation is provided solely to implement Senate Bill No. 5841 (personnel system reform). If Senate Bill No. 5841 or substantially similar legislation is not enacted by June 30, 1995, the amount provided in this section shall lapse.
- (7) The general fund--state appropriation, the general fund--federal appropriation, the personnel data revolving account appropriation, and \$300,000 of the department of personnel service account appropriation shall be used solely for the establishment of a state-wide human resource information data system and network within the department of personnel and to improve personnel data integrity. Authority to expend these amounts is conditioned on compliance with section 902 of this act. The personnel data revolving account is hereby created in the state treasury to facilitate the transfer of moneys from dedicated funds and accounts. To allocate the appropriation from the personnel data revolving account among the state's dedicated funds and accounts based on each fund or account's pro rata share of the state salary base, the state treasurer is directed to transfer sufficient money from each fund or account to the personnel data revolving account in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 129. FOR THE COMMITTEE FOR DEFERRED COMPENSATION**

Dependent Care Administrative Account  
Appropriation \$ 161,000

**NEW SECTION. Sec. 130. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account  
Appropriation \$ 18,815,000

**NEW SECTION. Sec. 131. FOR THE WASHINGTON STATE GAMBLING COMMISSION**

Industrial Insurance Premium Refund Account  
Appropriation \$ 14,000

**NEW SECTION. Sec. 132. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund Appropriation (FY 1996) \$ 191,000  
General Fund Appropriation (FY 1997) \$ 192,000  
TOTAL APPROPRIATION \$ 383,000

**NEW SECTION. Sec. 133. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ 144,000

General Fund Appropriation (FY 1997) \$ 143,000  
TOTAL APPROPRIATION \$ 287,000

**NEW SECTION. Sec. 134. FOR THE PERSONNEL APPEALS BOARD**

Department of Personnel Service Account  
Appropriation \$ 1,593,000

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Dependent Care Administrative Account  
Appropriation \$ 188,000  
Department of Retirement Systems Expense Account  
Appropriation \$ 30,264,000

TOTAL APPROPRIATION \$ 30,452,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$857,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$779,000 is provided solely for the in-house design, development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(3) The department shall report to the fiscal committees of the legislature by January 1, 1996, on recoveries made by audit positions in the employer audit unit. The report shall contain information regarding total recoveries and recoveries per FTE for the 1993-95 biennium by January 1, 1996, and for fiscal year 1996 by January 1, 1997.

**NEW SECTION. Sec. 136. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account  
Appropriation \$ 8,077,000

The appropriation in this section is subject to the following conditions and limitations: The board shall conduct a feasibility study on the upgrade or replacement of the state-wide investment accounting system and report its findings to the fiscal committees of the legislature by January 1, 1996.

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation (FY 1996) \$ 62,322,000  
General Fund Appropriation (FY 1997) \$ 62,828,000

Timber Tax Distribution Account  
Appropriation \$ 4,519,000

Waste Reduction, Recycling, and Litter Control  
Account Appropriation \$ 95,000

State Toxics Control Account  
Appropriation \$ 67,000

Solid Waste Management Account  
Appropriation \$ 88,000

Oil Spill Administration Account  
Appropriation \$ 14,000

Pollution Liability Insurance Program Trust  
Account Appropriation \$ 230,000

TOTAL APPROPRIATION \$ 130,163,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,161,000 of the general fund appropriation is provided solely to reimburse counties for the senior citizen property tax deferral. \$67,000 of this amount is provided solely to reimburse counties for the expansion of the senior citizen property tax deferral enacted by Senate Bill No. 5819 (senior/disabled citizen property tax deferral). If the bill is not enacted by June 30, 1995, \$67,000 of this amount shall lapse.

(2) The general fund appropriation contains sufficient funds for the department of revenue to collect use tax on advertising materials printed outside the state and mailed directly to Washington residents at the direction of an in-state business to promote sales of products or services, pursuant to RCW 82.12.010(5).

**NEW SECTION. Sec. 138. FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation (FY 1996) \$ 993,000  
General Fund Appropriation (FY 1997) \$ 996,000

TOTAL APPROPRIATION \$ 1,989,000

**NEW SECTION. Sec. 139. FOR THE MUNICIPAL RESEARCH COUNCIL**

General Fund Appropriation (FY 1996) \$ 1,593,000  
General Fund Appropriation (FY 1997) \$ 1,637,000

TOTAL APPROPRIATION \$ 3,230,000

**NEW SECTION. Sec. 140. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account Appropriation \$ 2,199,000

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ 280,000  
General Fund--State Appropriation (FY 1997) \$ 283,000

General Fund--Federal Appropriation \$ 1,304,000

General Fund--Private/Local Appropriation \$ 388,000

Motor Transport Account Appropriation \$ 10,815,000

Industrial Insurance Premium Refund Account  
Appropriation \$ 140,000

Air Pollution Control Account  
Appropriation \$ 111,000

General Administration Facilities and Services  
Revolving Fund Appropriation \$ 20,942,000  
Central Stores Revolving Account  
Appropriation \$ 3,561,000  
Risk Management Account Appropriation \$ 2,034,000

TOTAL APPROPRIATION \$ 39,858,000

The appropriations in this section are subject to the following conditions and limitations: \$1,776 of the industrial insurance premium refund account appropriation is provided solely for the Washington school directors association.

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF INFORMATION SERVICES**

Data Processing Revolving Account  
Appropriation \$ 3,483,000

The appropriation in this section is subject to the following conditions and limitations: The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment, and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.

**NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation \$ 104,000  
Insurance Commissioner's Regulatory Account  
Appropriation \$ 18,474,000

TOTAL APPROPRIATION \$ 18,578,000

**NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account  
Appropriation \$ 1,296,000

**NEW SECTION. Sec. 145. FOR THE DEATH INVESTIGATION COUNCIL**

Death Investigations Account Appropriation \$ 1,672,000

The appropriations in this section are subject to the following conditions and limitations: \$1,660,000 of the death investigations account appropriation is provided solely to implement Second Substitute Senate Bill No. 5082 (death investigations). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 146. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Account Appropriation \$ 4,737,000

The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) This appropriation shall not be expended unless the commission approves at least sixty satellite wagering days for the three licensed state horse racing associations.

**NEW SECTION. Sec. 147. FOR THE LIQUOR CONTROL BOARD**

Liquor Revolving Account Appropriation \$ 110,465,000

**NEW SECTION. Sec. 148. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Account--State  
Appropriation \$ 25,863,000

Public Service Revolving Account--Federal  
Appropriation \$ 200,000

TOTAL APPROPRIATION \$ 26,063,000

**NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS**

Volunteer Fire Fighters' Relief and Pension

Administrative Account Appropriation \$ 435,000

**NEW SECTION. Sec. 150. FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ 4,194,000

General Fund--State Appropriation (FY 1997) \$ 4,197,000

General Fund--Federal Appropriation \$ 8,676,000

General Fund--Private/Local Appropriation \$ 222,000

Industrial Insurance Premium Refund Account

Appropriation \$ 34,000

TOTAL APPROPRIATION \$ 17,323,000

The appropriations in this section are subject to the following conditions and limitations: \$205,238 of the total appropriation is provided solely to pay loan obligations on the energy partnership contract number 90-07-01. This obligation includes unpaid installments from September 1993 through June 1997. This amount may be reduced by any payments made in the 1993-95 biennium on installments made in the 1993-95 biennium on installments due between September 1993 and June 1995.

**NEW SECTION. Sec. 151. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund Appropriation (FY 1996) \$ 1,649,000

General Fund Appropriation (FY 1997) \$ 1,669,000

TOTAL APPROPRIATION \$ 3,318,000

**NEW SECTION. Sec. 152. FOR THE GROWTH PLANNING HEARINGS BOARD**

General Fund Appropriation (FY 1996) \$ 1,331,000

General Fund Appropriation (FY 1997) \$ 1,334,000

TOTAL APPROPRIATION \$ 2,665,000

**NEW SECTION. Sec. 153. FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Operations Account

Appropriation \$ 25,610,000

**NEW SECTION. Sec. 154. FOR THE WASHINGTON INDEPENDENT REGULATORY REVIEW COMMISSION**

General Fund Appropriation (FY 1996) \$ 622,000  
Regulatory Review Revolving Account  
Appropriation \$ 753,000

TOTAL APPROPRIATION \$ 1,375,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely to implement Engrossed Senate Bill No. 6037 (regulatory review). If the bill is not enacted by June 30, 1995, the appropriations in this section shall lapse.

(2) The regulatory review revolving account is established in the state treasury. Expenditures from the account may be made only by appropriation. The account is established to assist in recovering the cost of regulatory rule reviews from the agency proposing the rules. Subject to appropriation, the independent regulatory review commission shall assess agencies all or a portion of the cost of the regulatory reviews, including any direct or indirect costs incurred by the commission. Costs of reviews may also be paid from other funds appropriated to the commission.

**PART II  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is prohibited from requiring special authorization for nonmedical reasons for prescription drugs and medications for medicaid-eligible recipients.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 147,811,000  
General Fund--State Appropriation (FY 1997) \$ 153,176,000  
General Fund--Federal Appropriation \$ 269,236,000  
General Fund--Private/Local Appropriation \$ 400,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 11,894,000

TOTAL APPROPRIATION \$ 582,517,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,660,000 of the general fund--state appropriation for fiscal year 1996 and \$10,086,000 of the general fund--federal appropriation are provided solely for the modification of the case and management information system (CAMIS). Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) \$10,350,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. Of this amount, \$150,000 is provided in fiscal year 1996 to develop a plan for the development of an intensive treatment system for children at risk. The department shall work with a variety of service providers and community representatives, including the community public health and safety networks, and shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$5,000,000, \$7,000,000, and \$9,000,000. Of the amount provided in this subsection, \$5,000,000 is provided in fiscal year 1997 for secure crisis residential centers.

(3) \$8,202,000 of the violence reduction and drug enforcement account appropriation, \$8,247,000 of the general fund--federal appropriation, and \$151,000 of the general fund--state appropriation are provided solely to the family policy council and the community public health and safety networks. In addition to the ongoing activities of the family policy council and the community networks, the family policy council is directed to: (a) Form time-limited steering committees of several state agencies to link and eliminate access barriers to the following services: Teen pregnancy prevention, substance abuse prevention, youth suicide prevention, and domestic violence/sexual assault; (b) establish and make available a state-wide prevention resource center which includes an array of materials and resources; and (c) provide training, design, technical assistance, consultation, and direct service dollars to community public health and safety networks to assist them in the development and implementation of their comprehensive plans.

(4) \$150,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5885 (family preservation services). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. The amount is provided in fiscal year 1996 to develop an implementation and evaluation plan for providing intensive family preservation services and family preservation services. The department shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$3,000,000, \$5,000,000, and \$7,000,000.

(5) \$3,827,000 of the general fund--state appropriation for fiscal year 1996 and \$3,827,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(6) \$208,000 of the general fund--state appropriation for fiscal year 1996 and \$3,250,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services child care providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(7) \$854,000 of the violence reduction and drug enforcement account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996) \$ 28,033,000  
General Fund--State Appropriation (FY 1997) \$ 28,800,000  
General Fund--Federal Appropriation \$ 17,642,000  
General Fund--Private/Local Appropriation \$ 286,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 7,141,000

TOTAL APPROPRIATION \$ 81,902,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$650,000 of the general fund--state appropriation for fiscal year 1996 and \$650,000 of the general fund--state appropriation for fiscal year 1997 are provided solely for operation of learning and life skills centers established pursuant to chapter 152, Laws of 1994.

(b) \$1,141,000 of the general fund--state appropriation for fiscal year 1996 and \$1,141,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 30,926,000  
General Fund--State Appropriation (FY 1997) \$ 29,755,000  
General Fund--Federal Appropriation \$ 19,993,000  
General Fund--Private/Local Appropriation \$ 830,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 7,674,000

TOTAL APPROPRIATION \$ 89,178,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 1,429,000  
General Fund--State Appropriation (FY 1997) \$ 1,431,000  
General Fund--Federal Appropriation \$ 156,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 421,000

TOTAL APPROPRIATION \$ 3,437,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 107,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 1,177,000

TOTAL APPROPRIATION \$ 1,284,000

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 1996) \$ 166,423,000  
General Fund--State Appropriation (FY 1997) \$ 169,983,000  
General Fund--Federal Appropriation \$ 244,396,000  
General Fund--Private/Local Appropriation \$ 9,000,000  
Health Services Account Appropriation \$ 19,802,000

TOTAL APPROPRIATION \$ 609,604,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$6,741,000 of the general fund--state appropriation for fiscal year 1996 and \$6,741,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(b) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(c) From the general fund--state appropriation in this section, the secretary of social and health services shall transfer sufficient funds to the aging and adult services program to cover the general fund--state cost of medicaid personal care services used by enrolled regional support network consumers. The transfers shall be made at the end of each calendar quarter, based on actual utilization and costs of personal care services for enrolled consumers.

(d) The appropriations in this section assume that expenditures for voluntary psychiatric hospitalization total \$23,600,000 from the general fund--state appropriation and \$4,300,000 from the health services account appropriation in fiscal year 1996, and \$26,200,000 from the general fund--state appropriation and \$4,600,000 from the health services account appropriation in fiscal year 1997. To the extent that regional support networks succeed in reducing hospitalization costs below these levels, one-half of the funds saved shall be provided as bonus payments to regional support networks for delivery of additional community mental health services, and one-half shall revert to the state treasury. Actual

expenditures and bonus payments shall be calculated at the end of each biennial quarter, except for the final quarter, when expenditures and bonuses shall be projected based on actual experience through the end of April 1997.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 56,033,000  
General Fund--State Appropriation (FY 1997) \$ 56,579,000  
General Fund--Federal Appropriation \$ 112,097,000  
General Fund--Private/Local Appropriation \$ 42,512,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 747,000

TOTAL APPROPRIATION \$ 267,968,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at Western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so.

(3) CIVIL COMMITMENT

General Fund Appropriation (FY 1996) \$ 2,665,000  
General Fund Appropriation (FY 1997) \$ 2,665,000  
TOTAL APPROPRIATION \$ 5,330,000

The appropriations in this section are subject to the following conditions and limitations: No funds appropriated in this subsection shall be used to reimburse counties for costs incurred in legal proceedings to commit persons to the civil commitment center.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 6,341,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,557,000  
General Fund--State Appropriation (FY 1997) \$ 2,539,000  
General Fund--Federal Appropriation \$ 1,511,000  
TOTAL APPROPRIATION \$ 6,607,000

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996) \$ 121,232,000  
General Fund--State Appropriation (FY 1997) \$ 122,961,000  
General Fund--Federal Appropriation \$ 168,474,000  
Health Services Account Appropriation \$ 4,704,000  
TOTAL APPROPRIATION \$ 417,371,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 62,357,000  
General Fund--State Appropriation (FY 1997) \$ 62,953,000  
General Fund--Federal Appropriation \$ 139,600,000  
General Fund--Private/Local Appropriation \$ 9,100,000  
TOTAL APPROPRIATION \$ 274,010,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,861,000  
General Fund--State Appropriation (FY 1997) \$ 2,855,000  
General Fund--Federal Appropriation \$ 8,657,000  
TOTAL APPROPRIATION \$ 14,373,000

(4) The appropriations in this section are subject to the following conditions and limitations:

(a) \$5,402,000 of the general fund--state appropriation for fiscal year 1996 and \$5,402,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(b) \$482,000 of the fiscal year 1996 general fund--state appropriation and \$1,466,000 of the fiscal year 1997 general fund--state appropriation are provided solely for employment or other day programs for eligible persons who complete a high school curriculum during the 1995-97 biennium.

(c) \$500,000 of the health services account appropriation is provided solely for fiscal year 1996 and \$3,500,000 of the health services account appropriation is provided solely for fiscal year 1997 for family support services for families who need but are currently unable to receive such services because of funding limitations. The fiscal year 1996 amount shall be prioritized for unserved families who have the most critical need for assistance. The fiscal year 1997 amount shall be distributed among unserved families according to priorities developed in consultation with organizations representing families of people with developmental disabilities.

(d) The secretary of social and health services shall work with provider organizations and advocacy groups to plan and implement strategies for increasing the efficiency of community residential services funded under this section. As a result of those efforts, the average number of persons receiving out-of-home community residential care, on a full-time rather than respite basis, shall be increased by at least 50 persons during fiscal year 1996, to an average of at least 3,361, and by at least 100 more during fiscal year 1997, to an average of at least 3,461. Priority for such services shall be given to persons who are residing with elderly parents or relatives. The secretary shall report on plans and progress to the appropriate fiscal and policy committees of the legislature by November 15, 1995, and November 15, 1996.

(e) If, at the end of any calendar quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels.

(f) The secretary of social and health services shall investigate and by November 15, 1995, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the feasibility of obtaining a federal managed-care waiver under



which growth which would otherwise occur in state and federal spending for the medicaid personal care and targeted case management programs is instead capitated and used to provide a flexible array of employment, day program, and in-home supports.

(g) \$1,015,000 of the program support general fund--state appropriation is provided solely for distribution among the five regional deaf centers for services for the deaf and hard of hearing.

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 374,905,000

General Fund--State Appropriation (FY 1997) \$ 388,395,000

General Fund--Federal Appropriation \$ 771,401,000

TOTAL APPROPRIATION \$ 1,534,701,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,251,000 of the general fund--state appropriation for fiscal year 1996 and \$5,251,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(2) If, at the end of any calendar quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels.

(3) If, at the end of any calendar quarter, either the total expenditures or the average cost per recipient for the community options program entry system exceed allotted levels, the secretary of social and health services shall immediately take action to adjust functional eligibility standards, service levels, and/or the terms of the medicaid waiver sufficiently to bring expenditures back within appropriated levels.

(4) The department shall seek a federal plan amendment to increase the home maintenance needs allowance for unmarried COPES recipients only to 100 percent of the federal poverty level. No changes shall be implemented in COPES home maintenance needs allowances until the amendment has been approved.

(5) The secretary of social and health services shall transfer funds appropriated under section 207(2) of this act to this section for the purpose of integrating and streamlining programmatic and financial eligibility determination for long-term care services.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

(1) GRANTS AND SERVICES TO CLIENTS

General Fund--State Appropriation (FY 1996) \$ 406,430,000

General Fund--State Appropriation (FY 1997) \$ 411,600,000

General Fund--Federal Appropriation \$ 698,590,000

TOTAL APPROPRIATION \$ 1,516,620,000

The appropriations in this section are subject to the following conditions and limitations:

(a) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more

Exemption: \$55 71 86 102 117 133 154 170

(b) \$129,000 of the general fund--state appropriation for fiscal year 1996 and \$130,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(2) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 113,227,000

General Fund--State Appropriation (FY 1997) \$ 109,770,000

General Fund--Federal Appropriation \$ 204,368,000

Health Services Account Appropriation \$ 750,000

TOTAL APPROPRIATION \$ 428,115,000

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 8,503,000

General Fund--State Appropriation (FY 1997) \$ 8,539,000

General Fund--Federal Appropriation \$ 76,866,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 73,616,000

Health Services Account Appropriation \$ 969,000

TOTAL APPROPRIATION \$ 168,493,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$400,000 of the health services account appropriation is provided solely to implement Second Substitute Senate bill No. 5688 (fetal alcohol syndrome). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$1,254,000 of the general fund--state appropriation for fiscal year 1996 and \$1,256,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 695,360,000  
General Fund--State Appropriation (FY 1997) \$ 726,620,000  
General Fund--Federal Appropriation \$ 1,754,009,000  
General Fund--Private/Local Appropriation \$ 242,525,000  
Health Services Account Appropriation \$ 110,406,000  
TOTAL APPROPRIATION \$ 3,528,920,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. The department shall also continue to provide consistent reporting on other medicaid children served through the basic health plan.
- (2) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.
- (3) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.
- (4) \$9,206,000 of the general fund--state appropriation for fiscal year 1996 and \$9,206,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted medical services providers.
- (5)(a) Pursuant to RCW 74.09.700, the medically needy program shall be limited to include only the following groups: Those persons who, except for income and resources, would be eligible for the medicaid categorically needy aged, blind, or disabled programs and medically needy persons under age 21 or over age 65 in institutions for mental diseases or in intermediate care facilities for the mentally retarded. Existing departmental rules concerning income, resources, and other aspects of eligibility for the medically needy program shall continue to apply to these groups. The medically needy program will not provide coverage for caretaker relatives of medicaid-eligible children or for adults in families with dependent children who, except for income and resources, would be eligible for the medicaid categorically needy aid to families with dependent children program.
- (b) Notwithstanding (a) of this subsection, the medically needy program shall provide coverage until December 31, 1995, to those persons who, except for income and resources, would be eligible for the medicaid aid to families with dependent children program. Not more than \$2,020,000 of the general fund--state appropriation may be expended for this purpose.
- (6) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.
- (7) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.
- (8) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 7,813,000  
General Fund--State Appropriation (FY 1997) \$ 7,854,000  
General Fund--Federal Appropriation \$ 73,187,000  
General Fund--Private/Local Appropriation \$ 2,904,000  
TOTAL APPROPRIATION \$ 91,758,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$33,000 of the general fund--state appropriation for fiscal year 1996 and \$33,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in the direct delivery of service to clients.
- (2) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies.
- (3) \$361,000 of the general fund--state appropriation and \$1,336,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals with developmental disabilities who complete a high school curriculum during the 1995-97 biennium.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 25,819,000  
General Fund--State Appropriation (FY 1997) \$ 25,818,000  
General Fund--Federal Appropriation \$ 41,493,000  
General Fund--Private/Local Appropriation \$ 270,000  
TOTAL APPROPRIATION \$ 93,400,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.
- (2) If Substitute Senate Bill No. 5653 (public assistance fraud) is enacted by June 30, 1995, the department shall enter into an interagency agreement with the office of the attorney general to transfer the appropriate funds, personnel, and equipment to implement the bill.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 14,602,000  
General Fund--State Appropriation (FY 1997) \$ 14,463,000  
General Fund--Federal Appropriation \$ 134,160,000

General Fund--Local Appropriation \$ 33,835,000  
TOTAL APPROPRIATION \$ 197,060,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 20,391,000  
General Fund--State Appropriation (FY 1997) \$ 20,320,000  
General Fund--Federal Appropriation \$ 17,718,000  
TOTAL APPROPRIATION \$ 58,429,000

**NEW SECTION. Sec. 214. FOR THE HEALTH SERVICES COMMISSION**

General Fund--Private/Local Appropriation \$ 110,000  
Health Services Account Appropriation \$ 4,462,000  
TOTAL APPROPRIATION \$ 4,572,000

**NEW SECTION. Sec. 215. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 1996) \$ 3,403,000  
General Fund--State Appropriation (FY 1997) \$ 3,403,000  
State Health Care Authority Administrative  
Account Appropriation \$ 19,499,000  
Health Services Account Appropriation \$ 315,632,000  
TOTAL APPROPRIATION \$ 341,937,000

**NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 1,910,000  
General Fund--State Appropriation (FY 1997) \$ 1,918,000  
General Fund--Federal Appropriation \$ 1,347,000  
General Fund--Private/Local Appropriation \$ 403,000  
TOTAL APPROPRIATION \$ 5,578,000

**NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account  
Appropriation \$ 20,000  
Accident Account Appropriation \$ 9,807,000  
Medical Aid Account Appropriation \$ 9,808,000  
TOTAL APPROPRIATION \$ 19,635,000

**NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Death Investigations Account Appropriation \$ 38,000  
Public Safety and Education Account  
Appropriation \$ 10,972,000  
TOTAL APPROPRIATION \$ 11,010,000

The appropriations in this section are subject to the following conditions and limitations: \$28,000 of the public safety and education account is provided solely to implement Engrossed Second Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation (FY 1996) \$ 5,025,000  
General Fund Appropriation (FY 1997) \$ 5,004,000  
Public Safety and Education Account--State  
Appropriation \$ 19,547,000  
Public Safety and Education Account--Federal  
Appropriation \$ 6,002,000  
Public Safety and Education Account--Private/Local  
Appropriation \$ 102,000  
Electrical License Account Appropriation \$ 19,321,000  
Farm Labor Revolving Account--Private/Local  
Appropriation \$ 28,000  
Worker and Community Right-to-Know Account  
Appropriation \$ 2,138,000  
Public Works Administration Account  
Appropriation \$ 1,928,000  
Accident Account--State Appropriation \$ 135,934,000  
Accident Account--Federal Appropriation \$ 9,112,000  
Medical Aid Account--State Appropriation \$ 145,980,000  
Medical Aid Account--Federal Appropriation \$ 1,592,000  
Plumbing Certificate Account Appropriation \$ 682,000  
Pressure Systems Safety Account Appropriation \$ 2,053,000  
TOTAL APPROPRIATION \$ 354,448,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "crime victims--prime migration" and "document imaging--field offices" are conditioned upon compliance with section 902 of this act. In addition, funds for the "document imaging--field offices" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) Institute copayments for services; (b) develop preferred provider and managed care contracts; and (c) coordinate with the department of social and health services to use public safety and education account funds as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$108,000 of the general fund appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(5) By November 1, 1995, the director of labor and industries shall report to the appropriate policy and fiscal committees of the legislature with a plan for establishing within existing resources a designated claims unit to specialize in claims by state employees.

**NEW SECTION. Sec. 220. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund Appropriation (FY 1996) \$ 1,201,000

General Fund Appropriation (FY 1997) \$ 1,088,000

TOTAL APPROPRIATION \$ 2,289,000

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**(1) HEADQUARTERS**

General Fund Appropriation (FY 1996) \$ 1,229,000

General Fund Appropriation (FY 1997) \$ 1,228,000

Industrial Insurance Refund Account

Appropriation \$ 25,000

Charitable, Educational, Penal, and Reformatory

Institutions Account Appropriation \$ 4,000

TOTAL APPROPRIATION \$ 2,486,000

**(2) FIELD SERVICES**

General Fund--State Appropriation (FY 1996) \$ 1,896,000

General Fund--State Appropriation (FY 1997) \$ 1,867,000

General Fund--Federal Appropriation \$ 736,000

General Fund--Private/Local Appropriation \$ 85,000

TOTAL APPROPRIATION \$ 4,584,000

**(3) VETERANS HOME**

General Fund--State Appropriation (FY 1996) \$ 4,210,000

General Fund--State Appropriation (FY 1997) \$ 4,076,000

General Fund--Federal Appropriation \$ 10,534,000

General Fund--Private/Local Appropriation \$ 7,526,000

TOTAL APPROPRIATION \$ 26,346,000

**(4) SOLDIERS HOME**

General Fund--State Appropriation (FY 1996) \$ 3,206,000

General Fund--State Appropriation (FY 1997) \$ 3,126,000

General Fund--Federal Appropriation \$ 6,010,000

General Fund--Private/Local Appropriation \$ 4,667,000

TOTAL APPROPRIATION \$ 17,009,000

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 1996) \$ 43,897,000

General Fund--State Appropriation (FY 1997) \$ 43,896,000

General Fund--Federal Appropriation \$ 233,192,000

General Fund--Private/Local Appropriation \$ 24,971,000

Hospital Commission Account Appropriation \$ 3,020,000

Medical Disciplinary Account Appropriation \$ 1,798,000

Health Professions Account Appropriation \$ 31,234,000

Safe Drinking Water Account Appropriation \$ 8,717,000

Public Health Services Account Appropriation \$ 27,003,000

Waterworks Operator Certification

Appropriation \$ 605,000

Water Quality Account Appropriation \$ 2,980,000

State Toxics Control Account Appropriation \$ 2,825,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 1,074,000

Medical Test Site Licensure Account

Appropriation \$ 1,822,000

Youth Tobacco Prevention Account Appropriation \$ 1,412,000

Health Services Account Appropriation \$ 18,440,000

TOTAL APPROPRIATION \$ 446,886,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,466,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.
- (2) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.
- (3) \$7,000,000 of the public health account appropriation is provided solely for distribution to local health departments for capacity building and community assessment and mobilization.
- (4) \$2,000,000 of the health services account appropriation is provided solely for public health information systems development. Authority to expend this amount is conditioned on compliance with section 902 of this act.
- (5) \$1,000,000 of the health services account appropriation is provided solely for state level capacity building.
- (6) \$1,000,000 of the health services account appropriation is provided solely for training of public health professionals.
- (7) \$200,000 of the health services account appropriation is provided solely for the American Indian health plan.
- (8) \$3,530,000 of the health services account appropriation is provided solely for data activities associated with health care reform.
- (9) \$1,000,000 of the health services account appropriation is provided solely for development of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.
- (10) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND PROGRAM SUPPORT**

General Fund Appropriation (FY 1996) \$ 12,038,000  
General Fund Appropriation (FY 1997) \$ 12,029,000  
TOTAL APPROPRIATION \$ 24,067,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) \$211,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5088 (sexually violent predators). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (a) shall lapse.
- (b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

**(2) INSTITUTIONAL SERVICES**

General Fund--State Appropriation (FY 1996) \$ 260,295,000  
General Fund--State Appropriation (FY 1997) \$ 268,740,000  
General Fund--Federal Appropriation \$ 2,000,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 830,000  
TOTAL APPROPRIATION \$ 531,865,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) \$7,425,000 of the general fund appropriation is provided solely to implement Initiative 159 (hard time for armed crime). If the initiative is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.
- (b) The department shall coordinate educational programs among its facilities and each superintendent shall ensure that offenders are given the maximum opportunity to participate and complete these programs.
- (c) The department may collect fees from inmates to support recreational services.

**(3) COMMUNITY CORRECTIONS**

General Fund Appropriation (FY 1996) \$ 79,426,000  
General Fund Appropriation (FY 1997) \$ 82,804,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 770,000  
TOTAL APPROPRIATION \$ 163,000,000

The appropriations in this section are subject to the following conditions and limitations: The department of corrections, county probation departments, superior and district court judges, and the misdemeanor corrections association shall recommend standards for the supervision of misdemeanor probationers sentenced in superior court to the Washington state law and justice advisory council. The council shall report the legislative fiscal committees by October 30, 1995, on the adoption of misdemeanor supervision standards and present a proposal for equitable division of supervision responsibilities and costs between the state and local government entities.

**(4) CORRECTIONAL INDUSTRIES**

General Fund Appropriation (FY 1996) \$ 3,196,000  
General Fund Appropriation (FY 1997) \$ 3,503,000  
TOTAL APPROPRIATION \$ 6,699,000

**(5) INTERAGENCY PAYMENTS**

General Fund Appropriation (FY 1996) \$ 6,302,000  
General Fund Appropriation (FY 1997) \$ 6,302,000  
TOTAL APPROPRIATION \$ 12,604,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 1996) \$ 1,466,000

General Fund--State Appropriation (FY 1997) \$ 1,123,000  
General Fund--Federal Appropriation \$ 9,686,000  
General Fund--Private/Local Appropriation \$ 80,000  
TOTAL APPROPRIATION \$ 12,355,000

**NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund Appropriation (FY 1996) \$ 677,000  
General Fund Appropriation (FY 1997) \$ 609,000  
TOTAL APPROPRIATION \$ 1,286,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5491 (juvenile offender dispositions). If the bill is not enacted by June 30, 1995, the amount provided in the subsection shall lapse.  
(2) \$102,000 of the general fund--state appropriation is provided solely to implement Initiative 159 (hard time for armed crime). If the initiative is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ 334,000  
General Fund--State Appropriation (FY 1997) \$ 334,000  
General Fund--Federal Appropriation \$ 190,949,000  
General Fund--Private/Local Appropriation \$ 21,965,000  
Unemployment Compensation Administration  
Account--Federal Appropriation \$ 177,537,000  
Administrative Contingency Account--Federal  
Appropriation \$ 8,446,000  
Employment Services Administrative Account--  
Federal Appropriation \$ 12,199,000  
Employment and Training Trust Account  
Appropriation \$ 8,769,000  
TOTAL APPROPRIATION \$ 420,533,000

The appropriations in this section are subject to the following conditions and limitations: The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project. Authority to expend this amount is conditioned on compliance with section 902 of this act.

**PART III  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE**

General Fund--State Appropriation (FY 1996) \$ 666,000  
General Fund--Federal Appropriation \$ 8,901,000  
General Fund--Private/Local Appropriation \$ 3,419,000  
Geothermal Account--Federal Appropriation \$ 21,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 2,000  
Building Code Council Account  
Appropriation \$ 10,000  
Air Pollution Control Account  
Appropriation \$ 3,140,000  
Energy Efficiency Services Account  
Appropriation \$ 493,000  
TOTAL APPROPRIATION \$ 16,652,000

The appropriations in this section are subject to the following conditions and limitations: \$144,466 of the total appropriation is provided solely to pay the difference between the debt service on the energy partnerships project as obligated in the 1991-93 capital budget and the loan payments from the departments of the military and social and health services.

**NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 288,000  
General Fund--State Appropriation (FY 1997) \$ 291,000  
General Fund--Private/Local Appropriation \$ 524,000  
TOTAL APPROPRIATION \$ 1,103,000

The appropriations in this section are subject to the following conditions and limitations: State agencies shall provide to the commission, without charge, all available data and information necessary to complete its review of the Columbia river gorge management plan.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 1996) \$ 20,790,000  
General Fund--State Appropriation (FY 1997) \$ 20,804,000  
General Fund--Federal Appropriation \$ 40,919,000  
General Fund--Private/Local Appropriation \$ 1,635,000  
Special Grass Seed Burning Research Account  
Appropriation \$ 42,000  
Reclamation Revolving Account  
Appropriation \$ 2,664,000

Flood Control Assistance Account	
Appropriation	\$ 3,932,000
Emergency Water Projects Revolving Account	
Appropriation	\$ 312,000
Waste Reduction, Recycling, and Litter Control	
Account Appropriation	\$ 5,407,000
State and Local Improvements Revolving Account	
Appropriation	\$ 1,000,000
State and Local Improvements Revolving Account--	
Water Supply Facilities Appropriation	\$ 1,294,000
Stream Gaging Basic Data Fund Appropriation	\$ 182,000
Vehicle Tire Recycling Account	
Appropriation	\$ 3,283,000
Water Resources Administration Account	
Appropriation	\$ 19,950,000
Water Quality Account Appropriation	\$ 2,487,000
Wood Stove Education Account	
Appropriation	\$ 1,251,000
Worker and Community Right-to-Know Account	
Appropriation	\$ 408,000
State Toxics Control Account	
Appropriation	\$ 49,658,000
Local Toxics Control Account	
Appropriation	\$ 3,192,000
Water Quality Permit Account Appropriation	\$ 21,424,000
Underground Storage Tank Account	
Appropriation	\$ 2,336,000
Solid Waste Management Account	
Appropriation	\$ 3,631,000
Hazardous Waste Assistance Account	
Appropriation	\$ 3,476,000
Air Pollution Control Account	
Appropriation	\$ 13,412,000
Used Motor Oil Recycling Account Appropriation	\$ 1,078,000
Oil Spill Administration Account	
Appropriation	\$ 2,943,000
Air Operating Permit Account Appropriation	\$ 4,378,000
Freshwater Aquatic Weed Control Account	
Appropriation	\$ 1,187,000
Oil Spill Response Account Appropriation	\$ 7,060,000
Metals Mining Account Appropriation	\$ 300,000
Water Pollution Control Revolving Account--	
State Appropriation	\$ 165,000
Water Pollution Control Revolving Account--	
Federal Appropriation	\$ 1,019,000
	<b>TOTAL APPROPRIATION</b>
	<b>\$ 241,619,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$5,983,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$394,000 of the general fund--federal appropriation, \$819,000 of the state toxics control account appropriation, \$3,591,000 of the water quality permit account appropriation, and \$2,715,000 of the oil spill administration account appropriation may be used for the implementation of the Puget Sound water quality management plan.
- (2) \$2,000,000 of the water resources administration account appropriation is provided solely for the watershed resource management planning efforts. This amount is intended for local and tribal participants in the watershed resource management plans for technical studies, facilitation services and other relevant activities.
- (3) \$12,950,000 of the water resources administration account appropriation is provided solely to implement approved regional water management plans. Funds are to be expended by local planning groups for projects including but not limited to water conservation and reuse, water meters, and maintenance of instream flows. Local planning groups may create private sector programs including river keepers and student citizen monitoring.
- (4) \$600,000 of the water resources administration account appropriation is provided solely to continue basin assessment activities in priority watersheds.
- (5) \$950,000 of the water resources administration account appropriation is provided solely to implement information management systems related to water resources.
- (6) \$500,000 of the water resources administration account appropriation and a minimum of \$1,854,000 of the general fund--state appropriation is provided solely for continuing the department's participation in the Yakima adjudication process.
- (7) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:
  - (a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;
  - (b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(8) \$250,000 of the flood control assistance account is provided solely for a grant or contract to the lead local entity for technical analysis and coordination with the army corps of engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

(9) The department is authorized to raise waste water discharge permit fees authorized in RCW 90.48.465 in excess of the fiscal growth factors established in RCW 43.135.055. This subsection does not authorize the department to raise and expend permit fees in excess of the revenue level assumed in the water quality permit account appropriation in this section.

**NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 17,984,000  
General Fund--State Appropriation (FY 1997) \$ 17,843,000  
General Fund--Federal Appropriation \$ 1,931,000  
General Fund--Private/Local Appropriation \$ 1,464,000  
Winter Recreation Program Account  
Appropriation \$ 727,000  
Off Road Vehicle Account Appropriation \$ 241,000  
Snowmobile Account Appropriation \$ 2,178,000  
Aquatic Lands Enhancement Account  
Appropriation \$ 314,000  
Public Safety and Education Account  
Appropriation \$ 48,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 10,000  
Waste Reduction, Recycling, and Litter Control  
Account Appropriation \$ 34,000  
Parks Renewal and Stewardship Account  
Appropriation \$ 22,471,000  
Water Trail Program Account Appropriation \$ 26,000  
TOTAL APPROPRIATION \$ 65,271,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.
- (2) \$1,800,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.
- (3) \$3,591,000 of the parks renewal and stewardship account appropriation is provided for operation of a centralized reservation system.

**NEW SECTION. Sec. 305. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms Range Account Appropriation \$ 108,000  
Recreation Resources Account--State  
Appropriation \$ 2,388,000  
Recreation Resources Account--Federal  
Appropriation \$ 200,000  
Nonhighway Off-Road Vehicle Activities Project  
Account Appropriation \$ 524,000  
TOTAL APPROPRIATION \$ 3,220,000

The appropriations in this section are subject to the following conditions and limitations: \$338,000 of the recreation resources account--state appropriation, \$150,000 of the recreation resources account--federal appropriation, and \$82,000 of the firearms range account appropriation are provided solely for the development and implementation of PRISM, a grant tracking and management system.

**NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund Appropriation (FY 1996) \$ 716,000  
General Fund Appropriation (FY 1997) \$ 714,000  
TOTAL APPROPRIATION \$ 1,430,000

**NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION**

General Fund Appropriation (FY 1996) \$ 810,000  
General Fund Appropriation (FY 1997) \$ 811,000  
Water Quality Account Appropriation \$ 202,000  
TOTAL APPROPRIATION \$ 1,823,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.
- (2) \$362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan. In addition, \$130,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.
- (3) \$750,000 of the general fund appropriation is provided solely for grants to local conservation districts.

**NEW SECTION. Sec. 308. FOR THE PUGET SOUND WATER QUALITY AUTHORITY**

General Fund--State Appropriation (FY 1996) \$ 1,298,000  
General Fund--State Appropriation (FY 1997) \$ 1,247,000  
General Fund--Federal Appropriation \$ 188,000  
Water Quality Account Appropriation \$ 883,000  
Puget Sound License Plate Account



Appropriation \$ 766,000  
TOTAL APPROPRIATION \$ 4,382,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$682,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan. In addition, \$879,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.

(2) \$766,000 of the Puget Sound license plate account appropriation may be used for grants to local entities for the implementation of the Puget Sound water quality management plan.

**NEW SECTION. Sec. 309. FOR THE OFFICE OF MARINE SAFETY**

State Toxics Control Account  
Appropriation \$ 276,000  
Oil Spill Administration Account  
Appropriation \$ 3,506,000

TOTAL APPROPRIATION \$ 3,782,000

The appropriations in this section are subject to the following conditions and limitations: \$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington's SeaGrant program in order to develop an educational program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 1996) \$ 32,339,000  
General Fund--State Appropriation (FY 1997) \$ 32,211,000  
General Fund--Federal Appropriation \$ 52,315,000  
General Fund--Private/Local Appropriation \$ 16,200,000  
Off Road Vehicle Account Appropriation \$ 476,000  
Aquatic Lands Enhancement Account  
Appropriation \$ 5,412,000  
Public Safety and Education Account  
Appropriation \$ 590,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 156,000  
Recreational Fisheries Enhancement Account  
Appropriation \$ 2,200,000  
State Wildlife Account Appropriation \$ 50,312,000  
Special Wildlife Account Appropriation \$ 1,884,000  
Oil Spill Administration Account  
Appropriation \$ 831,000

TOTAL APPROPRIATION \$ 194,926,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,532,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$289,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fish and wildlife, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interest in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(3) \$140,000 of the state wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

(4) \$1,320,000 of the general fund--state appropriation is provided solely for the purposes of implementing Substitute Senate Bill No. 5157 (hatchery salmon marking).

(5) \$900,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

(6) \$110,000 of the aquatic lands enhancement account may be used for publishing a brochure concerning hydraulic permit application requirements for the control of spartina and purple loosestrife.

(7) \$500,000 of the general fund--state appropriation is provided solely for the purposes of implementing Substitute Senate Bill No. 5632 (flood damage reduction). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(8) The department shall request a reclassification study be conducted by the personnel resources board for hatchery staff. Any implementation of the study, if approved by the board, shall be pursuant to section 911 of this act.

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 1996) \$ 21,603,000  
General Fund--State Appropriation (FY 1997) \$ 21,521,000  
General Fund--Federal Appropriation \$ 6,707,000  
General Fund--Private/Local Appropriation \$ 414,000  
Forest Development Account Appropriation \$ 36,529,000  
Off Road Vehicle Account Appropriation \$ 3,074,000  
Surveys and Maps Account Appropriation \$ 1,788,000  
Aquatic Lands Enhancement Account  
Appropriation \$ 2,512,000  
Resource Management Cost Account  
Appropriation \$ 76,408,000  
Waste Reduction, Recycling, and Litter Control  
Account Appropriation \$ 440,000

Surface Mining Reclamation Account  
 Appropriation \$ 1,263,000  
 Aquatic Land Dredged Material Disposal Site  
 Account Appropriation \$ 734,000  
 Natural Resource Conservation Areas Stewardship  
 Account Appropriation \$ 1,003,000  
 Air Pollution Control Account  
 Appropriation \$ 843,000  
 Metals Mining Account Appropriation \$ 41,000  
**TOTAL APPROPRIATION \$ 174,880,000**

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$5,383,000 of the general fund--federal appropriation, and \$7,998,000 of the general fund--state appropriation are provided solely for the emergency fire suppression subprogram.
- (2) \$36,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$957,000 of the aquatics lands enhancement account is provided for the implementation of the Puget Sound water quality management plan.
- (3) \$450,000 of the general fund--state appropriation and \$900,000 of the resource management cost account appropriation are provided solely for the displaced forest-products worker program under chapter 50.70 RCW.
- (4) \$1,400,000 of the general fund--state appropriation is provided solely to address stewardship needs on state lands. Of this amount, \$1,250,000 shall be expended for the Washington conservation corps program established under chapter 43.220 RCW.
- (5) \$450,000, of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation, is provided solely for the control and eradication of spartina.
- (6) \$548,000 of the general fund--state appropriation and \$120,000 of the resource management cost account appropriation are provided solely to conduct a condition inventory and to complete coordinated resource management plans on agency range and agricultural lands in order to bring these lands into compliance with habitat management standards developed for the protection of wild salmonid species as required by RCW 79.01.295(5). To the extent possible, the department shall prioritize planning efforts to coincide with high priority watersheds as identified by the watershed coordinating council.
- (7) \$22,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1437 (amateur radio repeater sites). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.
- (8) \$13,000 of the general fund--state appropriation is provided solely to pay a portion of the rent charged to nonprofit television reception improvement districts pursuant to chapter 294, Laws of 1994.
- (9) \$1,448,000 of the resource management cost account appropriation is provided solely for attorney general support and associated costs for the clean-up of contaminated aquatic lands.
- (10) \$1,695,000 of the resource management cost account appropriation is provided solely for the development of an aquatic lands geographic information system, increased management of leases on state aquatic lands, and to assess resource damage and develop restoration plans for state aquatic lands.
- (11) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.
- (12) Up to \$572,000 of the general fund--state appropriation is provided solely for the natural heritage program.

**NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 1996) \$ 6,414,000  
 General Fund--State Appropriation (FY 1997) \$ 6,317,000  
 General Fund--Federal Appropriation \$ 4,278,000  
 General Fund--Private/Local Appropriation \$ 406,000  
 Weights and Measures Account Appropriation \$ 591,000  
 Aquatic Lands Enhancement Account  
 Appropriation \$ 800,000  
 Industrial Insurance Premium Refund Account  
 Appropriation \$ 178,000  
 State Toxics Control Account  
 Appropriation \$ 1,013,000  
**TOTAL APPROPRIATION \$ 19,997,000**

The appropriations in this section are subject to the following conditions and limitations: \$800,000 of the aquatic lands enhancement account appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5633 (spartina control).

**NEW SECTION. Sec. 313. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Pollution Liability Insurance Program Trust  
 Account Appropriation \$ 967,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the pollution liability insurance program trust account appropriation is provided solely to conduct a study of privatization of the functions performed by the pollution liability insurance program. The study will be conducted by the pollution liability insurance program management. Results of the study shall be reported to the financial institutions and housing committees of the legislature by November 30, 1995.

**PART IV  
 TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund Appropriation (FY 1996) \$ 3,301,000  
 General Fund Appropriation (FY 1997) \$ 3,303,000  
 Architects' License Account Appropriation \$ 869,000

Cemetery Account Appropriation \$ 171,000  
Professional Engineers' Account  
    Appropriation \$ 2,184,000  
Real Estate Commission Account  
    Appropriation \$ 6,564,000  
Master License Account Appropriation \$ 5,977,000  
Uniform Commercial Code Account  
    Appropriation \$ 5,074,000  
Real Estate Education Account  
    Appropriation \$ 618,000  
Funeral Directors and Embalmers Account  
    Appropriation \$ 431,000  
                                  TOTAL APPROPRIATION \$ 28,492,000

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

General Fund--State Appropriation (FY 1996) \$ 7,201,000  
General Fund--State Appropriation (FY 1997) \$ 7,891,000  
General Fund--Federal Appropriation \$ 1,035,000  
General Fund--Private/Local Appropriation \$ 254,000  
Public Safety and Education Account  
    Appropriation \$ 4,510,000  
County Criminal Justice Assistance Account  
    Appropriation \$ 3,572,000  
Municipal Criminal Justice Assistance Account  
    Appropriation \$ 1,430,000  
Fingerprint Identification Account  
    Appropriation \$ 1,199,000  
Fire Services Trust Account  
    Appropriation \$ 90,000  
Fire Services Training Account  
    Appropriation \$ 1,740,000  
State Toxics Control Account  
    Appropriation \$ 425,000  
                                  TOTAL APPROPRIATION \$ 29,347,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Expenditures from the county criminal justice assistance account appropriation and municipal criminal justice assistance account appropriation contained in this section shall be solely for enhancements to crime laboratory services.
- (2) The Washington state patrol shall report to the department of information services and office of financial management by October 30, 1995, on the implementation and financing plan for the state-wide integrated narcotics system.
- (3) \$90,000 of the fire services trust account appropriation \$1,740,000 from the fire services training account appropriation, and \$425,000 from the state toxics account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5093 (fire protection). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall be transferred to the department of community, trade, and economic development.
- (4) \$3,572,000 of the county criminal justice assistance account appropriation and \$1,430,000 of the municipal criminal justice assistance account appropriation are provided solely to implement Substitute Senate Bill No. 5977 (forensic investigations). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.
- (5) \$1,833,000 of the judicial information systems account appropriation is provided solely for upgrades and improvements to the WACIC and WASIS judicial information network.

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ 15,862,000  
General Fund--State Appropriation (FY 1997) \$ 15,093,000  
General Fund--Federal Appropriation \$ 39,820,000  
Health Services Account Appropriation \$ 400,000  
Public Safety and Education Account  
    Appropriation \$ 338,000  
Violence Reduction and Drug Enforcement Account  
    Appropriation \$ 3,122,000  
                                  TOTAL APPROPRIATION \$ 74,635,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) AGENCY OPERATIONS
  - (a) \$732,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.
  - (b) \$423,000 of the general fund--state appropriation is provided solely for investigation activities of the office of professional practices.

(c) \$1,700,000 of the general fund--state appropriation is provided solely to reprogram computer applications for collecting and processing school fiscal, personnel, and student data and for calculating apportionment payments and to upgrade agency computer hardware. A maximum of \$600,000 of this amount shall be used for computer hardware.

(d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) STATE-WIDE PROGRAMS

(a) \$46,000 of the general fund--state appropriation is provided for state-wide curriculum development.

(b) \$2,234,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(d) \$65,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(e) \$3,179,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(f) \$4,491,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30C as developed on December 17, 1994, at 10:19 hours.

(g) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(h) Districts receiving allocations from subsection (2) (e) and (f) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building. The superintendent of public instruction shall make copies of reports available to the office of financial management and fiscal committees of the legislature.

(i) \$500,000 of the general fund--federal appropriation is provided for plan development and coordination as required by the federal goals 2000: Educate America Act. The superintendent shall contract with the commission of student learning for the plan development and coordination.

(j) \$400,000 of the health services account appropriation is provided solely for media productions by students at up to 40 sites to focus on issues and consequences of teenage pregnancy and child rearing.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL**

**APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation (FY 1996) \$ 3,192,457,000

General Fund Appropriation (FY 1997) \$ 3,308,143,000

TOTAL APPROPRIATION \$ 6,500,600,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for certificated staff salaries for the 1995-96 and 1996-97 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; and

(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students;

(ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(iii) Indirect cost charges to vocational-secondary programs shall not exceed 10 percent;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1995-96 and 1996-97 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty average annual full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 20.71 percent in the 1995-96 school year and 20.71 percent in the 1996-97 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.77 percent in the 1995-96 school year and 18.77 percent in the 1996-97 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section multiplied by 1.018 for the 1995-96 school year and 1.026 for the 1996-97 school year;

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.144 for the 1995-96 school year and 1.14 for the 1996-97 school year;

(c) Factors in subsections (a) and (b) of this subsection adjust allocations assuming full benefits for employees working half time or more and prorated benefits for less than half-time employees based on the percent of full-time employment.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,656 per certificated staff unit in the 1995-96 school year and a maximum of \$7,893 per certificated staff unit in the 1996-97 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$14,587 per certificated staff unit in the 1995-96 school year and a maximum of \$15,039 per certificated staff unit in the 1996-97 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1995-96 school year and \$341 per year for the 1996-97 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1994-95 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$3,122,000 outside the basic education formula during fiscal years 1996 and 1997 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$431,000 may be expended in fiscal year 1996 and a maximum of \$444,000 may be expended in fiscal year 1997;

(b) For summer vocational programs at skills centers, a maximum of \$1,938,000 may be expended in fiscal year 1996; and

(c) A maximum of \$309,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 3.9 percent from the 1994-95 school year to the 1995-96 school year, and 1.8 percent from the 1995-96 school year to the 1996-97 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12C, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12C.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100;

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and

(c) "LEAP Document 12C" means the computerized tabulation of 1995-96 and 1996-97 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 16, 1995, at 15:27 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 20.07 percent for certificated staff and 15.27 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

**STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR SCHOOL YEARS 1995-96 AND 1996-97**

Years of

Service BA BA+15 BA+30 BA+45 BA+90

0	22,496	23,103	23,733	24,363	26,388
1	23,233	23,860	24,511	25,182	27,266
2	23,985	24,632	25,301	26,038	28,157
3	24,775	25,442	26,130	26,907	29,063
4	25,579	26,287	26,995	27,814	30,026
5	26,420	27,147	27,875	28,755	31,004
6	27,296	28,021	28,789	29,733	32,015
7	28,187	28,930	29,717	30,721	33,060
8	29,090	29,874	30,680	31,767	34,138
9	30,853	31,698	32,825	35,251	
10	32,728	33,936	36,394		
11	35,080	37,592			
12	36,188	38,822			
13	40,081				
14	41,348				
15 or more	42,423				

Years of MA+90

Service BA+135 MA MA+45 or PHD

0	27,692	26,971	28,996	30,301
1	28,588	27,790	29,874	31,196
2	29,519	28,646	30,765	32,126
3	30,485	29,515	31,672	33,093

4 31,487 30,422 32,634 34,095  
 5 32,523 31,363 33,612 35,131  
 6 33,573 32,341 34,623 36,181  
 7 34,677 33,330 35,668 37,285  
 8 35,814 34,375 36,747 38,422  
 9 36,984 35,432 37,859 39,592  
 10 38,185 36,544 39,003 40,793  
 11 39,419 37,688 40,201 42,027  
 12 40,703 38,878 41,430 43,312  
 13 42,019 40,107 42,690 44,628  
 14 43,385 41,375 44,038 45,993  
 15 or more 44,513 42,450 45,183 47,189

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1993-94 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund Appropriation (FY 1996) \$ 126,273,000

General Fund Appropriation (FY 1997) \$ 165,804,000

TOTAL APPROPRIATION \$ 292,077,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$276,939,000 is provided for cost of living adjustments of 5.0 percent effective September 1, 1995, for state-formula staff units. The appropriation includes associated incremental fringe benefit allocations for both years at rates 20.07 percent for certificated staff and 15.27 percent for classified staff.

(a) The appropriation in this section includes the increased portion of salaries and incremental fringe benefits for all state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act.

(b) The appropriation in this section provides salary increase and incremental fringe benefit allocations for the following programs based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.97 per weighted pupil-mile for the 1995-96 school year and maintained for the 1996-97 school year;

(ii) For learning assistance, an increase of \$14.05 per eligible student for the 1995-96 school year and maintained for the 1996-97 school year;

(iii) For education of highly capable students, an increase of \$10.99 per formula student for the 1995-96 school year and maintained for the 1996-97 school year; and

(iv) For transitional bilingual education, an increase of \$28.59 per eligible bilingual student for the 1995-96 school year and maintained for the 1996-97 school year.

(2) \$13,726,000 is provided to increase insurance benefit allocations above the maintenance rate of \$322.90 per month provided through appropriations made in other sections of part V of this act.

(a) Effective September 1 of each year, the insurance benefit allocations shall be increased by \$5.37 and \$5.34 for 1995-96 and 1996-97 respectively, per state funded certificated and classified employee for the following programs: General apportionment, special education, educational service districts and institutional education. Increases for these programs are applied directly to state formula certificated and classified staff insurance benefit units as adjusted for part-time factors used in each program.

(b) Effective September 1 of each year, the insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection:

(i) For pupil transportation, increases of \$.05 per weighted pupil-mile for the 1995-96 school year and \$.09 for the 1996-97 school year;

(ii) For learning assistance, increases of \$.71 per eligible student for the 1995-96 school year and \$1.43 for the 1996-97 school year;  
(iii) For education of highly capable students, increases of \$.36 per formula student for the 1995-96 school year and \$.73 for the 1996-97 school year; and

(iv) For transitional bilingual education, increases of \$.90 per eligible bilingual student for the 1995-96 school year and \$1.83 for the 1996-97 school year.

(c) The rates specified in this subsection are subject to revision each year by the legislature.

(3) Effective September 1, 1995, a maximum of \$1,411,000 is provided for a 5 percent increase in the state allocation for substitute teachers in the general apportionment programs.

**NEW SECTION. Sec. 505. INCREMENT SALARY INCREASES** The appropriations in sections 502 through 519 of this act contain \$27,880,000 in fiscal year 1996 and \$63,950,000 in fiscal year 1997 for funding of experience and education increments for certificated instructional staff. This provides an average salary increase of 1.55 percent per year.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund Appropriation (FY 1996) \$ 161,308,000

General Fund Appropriation (FY 1997) \$ 166,841,000

TOTAL APPROPRIATION \$ 328,149,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$1,347,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. The 1994 travel time to contiguous school district study shall be continued and a report submitted to the fiscal committees of the legislature by December 1, 1995.

(3) A maximum of \$40,000 is provided to complete the computerized state map project containing school bus routing information. This information and available data on school buildings shall be consolidated. Data formats shall be compatible with the geographic information system (GIS) and included insofar as possible in the GIS system.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(5) Beginning with the 1995-96 school year, the superintendent of public instruction shall implement a centralized state bid process for the purchase of school buses pursuant to Senate Bill No. 5408.

(6) Of this appropriation, a maximum of \$7,046,000 may be allocated in the 1995-96 school year and a maximum of \$8,878,000 may be allocated in the 1996-97 school year for hazardous walking conditions. The superintendent shall ensure that the conditions specified in RCW 28A.160.160(4) for state funding of hazardous walking conditions for any district are fully and strictly adhered to, and that no funds are allocated in any instance in which a district is not actively and to the greatest extent possible engaged in efforts to mitigate hazardous walking conditions.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 3,000,000

General Fund--State Appropriation (FY 1997) \$ 3,000,000

General Fund--Federal Appropriation \$ 183,619,000

TOTAL APPROPRIATION \$ 189,619,000

**NEW SECTION. Sec. 508. SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 383,367,000

General Fund--State Appropriation (FY 1997) \$ 381,664,000

General Fund--Federal Appropriation \$ 98,684,000

TOTAL APPROPRIATION \$ 863,715,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) In recognition of the need for increased flexibility at the local district level to facilitate the provision of appropriate education to children with disabilities, and the need for substantive educational reform for a significant portion of the school population, the funding formula for special education is modified. These changes result from a 1994 study and recommendations by the institute for public policy and the legislative budget committee, aided by the office of the superintendent of public instruction and the statewide task force for the development of special education funding alternatives. The new formula is for allocation purposes only and is not intended to prescribe or imply any particular pattern of special education service delivery other than that contained in a properly formulated locally determined individualized education program.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the mandatory special education program for special education students ages three to twenty-one and the optional birth through age two program for developmentally delayed infants and toddlers. The superintendent shall review current state eligibility criteria for the fourteen special education categories and consider changes which would reduce assessment time and administrative costs associated with the special education program.

(4) For the 1995-96 and 1996-97 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the enrollment percent, times the district's average basic education allocation per full-time equivalent student times 0.943.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff in grades K-3, and 46/1000 in grades 4-12), including the part-time health benefit ratio for the special education program, and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).



(c) "Enrollment percent" shall mean the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1995-96 and the 1996-97 school years, each district's enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:

(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or  
(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined; or

(C) For 1995-96, the 1994-95 enrollment percent reduced by 25 percent of the difference between the district's 1994-95 enrollment percent and 12.7. For 1996-97, the 1994-95 enrollment percent reduced by 50 percent of the difference between the district's 1994-95 enrollment percent and 12.7.

(6) A minimum of \$4.5 million of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of individual special education students.

(7) From the general fund--state appropriation, \$14,600,000 is provided for the 1995-96 school year, and \$22,500,000 for the 1996-97 school year, for safety net purposes for districts with demonstrable funding needs for special education beyond the combined amounts provided in subsection (4) of this section. By July 1, 1995, the superintendent of public instruction shall, by rule, establish procedures and standards by which such determinations shall be made at each educational service district. The superintendent shall distribute safety net moneys to educational service districts and establish procedures for regional committees to consider district applications and make allocations, without deduction, based on the procedures and standards established by the superintendent subject to the following conditions and limitations:

(a) For a school district requesting state safety net funds due to special characteristics of the district and costs of providing services which differ significantly from the assumptions contained in the funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(iii) The district's programs are operated in a reasonably efficient manner and that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices.

(iv) Indirect costs charged to this program do not exceed the allowable percent for the federal special education program;

(v) Any available federal funds are insufficient to address the additional needs; and

(vi) The costs of any supplemental contracts are not charged to this program for purposes of making these determinations.

(b) For districts requesting safety net funds due to federal maintenance of effort requirements, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(ii) Calculations made in accordance with subsection (8) of this section with respect to state fund allocations justify a need for additional funds for compliance with federal maintenance of effort requirements.

(8)(a) For purposes of making safety net determinations pursuant to subsection (7) of this section, the superintendent shall make available to each school district, from available data, prior to June 1st of each year:

(i) The district's 1994-95 enrollment percent;

(ii) For districts with a 1994-95 enrollment percent over 12.7 percent, the maximum 1995-96 enrollment percent, and prior to 1996-97 the maximum 1996-97 enrollment percent;

(iii) The estimate to be used for purposes of subsection (7) of this section of each district's 1994-95 special education allocation showing the excess cost and the basic education portions; and

(iv) If necessary, a process for each district to estimate the 1995-96 school year excess cost allocation for special education and the portion of the basic education allocation formerly included in the special education allocation. This process may utilize the allocations generated pursuant to subsection (5) of this section, each district's 1994-95 estimated basic education backout percent for the 1994-95 school year, and state compensation increases for 1995-96.

(b) The superintendent, in consultation with the state auditor, shall take all necessary steps to successfully transition to the new formula and minimize paperwork at the district level associated with maintenance of effort calculations. The superintendent shall develop such rules and procedures as are necessary to implement this process for the 1995-96 school year, and may use the same process for the 1996-97 school year if found necessary for federal maintenance of effort calculations.

(9) Prior to adopting any standards, procedures, or processes required to implement this section, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The superintendent of public instruction, in cooperation with the office of financial management and the fiscal committees of the legislature, shall evaluate the operation of the safety nets under subsections (6) and (7) of this section and shall prepare an interim report by December 15, 1995 and a final report on the first school year of operation by October 15, 1996.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(12) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) Not more than \$80,000 of the general fund--federal appropriation shall be expended for development of an inservice training program to identify students with dyslexia who may be in need of special education.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY**

#### **EDUCATION PROGRAMS**

Public Safety and Education Account

Appropriation \$ 17,488,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.
- (3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1995-96 and 1996-97 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1995-96 and 1996-97 school years.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE**

**DISTRICTS**

General Fund Appropriation (FY 1996) \$ 4,741,000  
 General Fund Appropriation (FY 1997) \$ 4,511,000  
 TOTAL APPROPRIATION \$ 9,252,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$250,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$400,000 of the general fund appropriation is provided solely to continue implementation of chapter 109, Laws of 1993 (collaborative development school projects).

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT**

**ASSISTANCE**

General Fund Appropriation (FY 1996) \$ 78,642,000  
 General Fund Appropriation (FY 1997) \$ 86,628,000  
 TOTAL APPROPRIATION \$ 165,270,000

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FUNDED**

**UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT**

General Fund--Federal Appropriation \$ 222,376,000

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATION OF INDIAN**

**CHILDREN**

General Fund--Federal Appropriation \$ 370,000

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL**

**EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 15,475,000  
 General Fund--State Appropriation (FY 1997) \$ 15,902,000  
 General Fund--Federal Appropriation \$ 8,548,000  
 TOTAL APPROPRIATION \$ 39,925,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution and other state funding assumptions shall be those specified in the legislative budget notes. Health benefit allocations for the 1995-96 and 1996-97 school years shall include part-time benefit factors of 1.034 and 1.051 respectively for certificated staff and 1.328 and 1.416 respectively for classified staff.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR**

**HIGHLY CAPABLE STUDENTS**

General Fund Appropriation (FY 1996) \$ 4,466,000  
 General Fund Appropriation (FY 1997) \$ 4,355,000  
 TOTAL APPROPRIATION \$ 8,821,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full-time equivalent basic education act enrollment.

(3) \$403,000 of the appropriation is for the Centrum program at Fort Worden state park.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM**

**PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 59,235,000  
 General Fund--State Appropriation (FY 1997) \$ 59,393,000  
 General Fund--Federal Appropriation \$ 12,500,000  
 TOTAL APPROPRIATION \$ 131,128,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature intends that education reform in Washington not be limited to a few schools or a single part of the educational system. This is consistent with the federal goals 2000: Educate America Act, Title III, "State and Local Education Systemic Improvement", and the legislature intends to pursue education reform in partnership with the federal government. All school districts may compete to participate in education reform by submitting grant applications which meet the requirements of RCW 28A.300.138 as amended by chapter . . . , Laws of 1995 (Substitute Senate Bill No. 5447). Grants shall be awarded to all districts which meet the requirements of RCW 28A.300.138 as amended by chapter . . . , Laws of 1995 (Substitute Senate Bill No. 5447). The superintendent of public instruction shall work with the United States secretary of education as necessary to carry out the intent of both the legislature and congress to achieve systemic education reform. Student learning improvement grant funds are provided as follows:

(a) \$39,960,000 of the general fund--state appropriation and \$4,500,000 of the general fund--federal appropriation are provided for the 1995-96 school year. Grants shall be allocated based on a maximum of \$800 times the number of full-time equivalent certificated staff employed in eligible schools of a district. Allocations from state funds shall be made between September 1, 1995, and June 30, 1996.

(b) \$39,969,000 of the general fund--state appropriation and \$5,500,000 of the general fund--federal appropriation are provided for the 1996-97 school year. Grants shall be allocated based on a maximum of \$800 times the number of full-time equivalent certificated staff employed in eligible schools of a district. Allocations from state funds shall be made between September 1, 1996, and June 30, 1997.

(2) \$3,860,000 of the general fund--state appropriation is provided solely for the operation of the commission on student learning under RCW 28A.630.883 through 28A.630.953. The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(3) \$1,100,000 of the general fund--federal appropriation is provided to the commission on student learning for special student learning improvement grants to school districts.

(4) \$5,390,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for development of assessments as required in RCW 28A.630.885 as amended by Senate Bill No. 5499.

(5) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistance as provided in RCW 28A.415.310.

(6) \$3,300,000 is provided for school-to-work transition projects in the common schools, including state support activities, under RCW 28A.630.861 through 28A.630.880.

(7) \$3,300,000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260.

(8) \$1,800,000 is provided for superintendent and principal internships, including state support activities, under RCW 28A.415.270 through 28A.415.300.

(9) \$4,500,000 is provided for improvement of technology infrastructure, the creation of a student database, and educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(10) \$8,000,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(11) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs; and

(b) \$4,558,000 is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(12) \$1,400,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS**

General Fund--Federal Appropriation \$ 51,216,000

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation (FY 1996) \$ 27,494,000

General Fund Appropriation (FY 1997) \$ 29,883,000

TOTAL APPROPRIATION \$ 57,377,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) The superintendent shall distribute a maximum of \$629.15 per eligible bilingual student in the 1995-96 school year and \$630.16 in the 1996-97 school year.

These amounts include additional health benefit units based on part-time factors of 1.038 and 1.058 for certificated employees for the 1995-96 and 1996-97 school years respectively.

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation (FY 1996) \$ 56,440,000

General Fund Appropriation (FY 1997) \$ 58,054,000

TOTAL APPROPRIATION \$ 114,494,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.

(3) Funding for school district learning assistance programs shall be allocated at a maximum rate of \$368.22 per unit for the 1995-96 school year and a maximum of \$368.87 per unit in the 1996-97 school year. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(a) A school district's units for the 1995-96 school year shall be the sum of the following:

(i) The 1995-96 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(ii) The 1995-96 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(iii) If the district's percentage of October 1994 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 11.46 percent.

(b) A school district's units for the 1996-97 school year shall be the sum of the following:

- (i) The 1996-97 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and
- (ii) The 1996-97 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and
- (iii) If the district's percentage of October 1995 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 22.00 percent.

**NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT**

**FUNDS**

General Fund Appropriation (FY 1996) \$ 22,830,000

General Fund Appropriation (FY 1997) \$ 22,138,000

TOTAL APPROPRIATION \$ 44,968,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.
- (3) Allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$24.99 for the 1995-96 school year and \$23.67 for the 1996-97 school year. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:
  - (a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;
  - (b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and
  - (c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.
- (4) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding).

**NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** The appropriations in sections 502, 504, 506, 508, 510, 514, 515, 518, 519, and 714 of this act include amounts to pay increased state retirement system contributions resulting from enactment of Substitute Senate Bill No. 5119 (Uniform COLA).

**PART VI  
HIGHER EDUCATION**

**NEW SECTION. Sec. 601.** The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

- (1) "Institutions of higher education" means the institutions receiving appropriations under sections 602 through 608 of this act.
- (2) Resources made available under Substitute Senate Bill No. 5325 that are not used to meet authorized salary increases and other mandated expenses shall be invested in measures which (a) reduce the time-to-degree, (b) provide additional access to postsecondary education, (c) improve the quality of undergraduate education, (d) provide improved access to courses and programs that meet core program requirements and are consistent with needs of the state labor market, (e) provide up-to-date equipment and facilities for training in current technologies, (f) expand the integration between the K-12 and postsecondary systems and among the higher education institutions, (g) provide additional access to postsecondary education for place-bound and remote students, and (h) improve teaching and research capability through the funding of distinguished professors. By December 15, 1995, the higher education coordinating board and the state board for community and technical colleges shall report to the appropriate committees of the legislature regarding the actions and plans that have been instituted in response to the directives in this subsection.
- (3) The salary increases provided or referenced in this subsection shall be the maximum allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention.
  - (a) No more than \$300,000 of the appropriations provided in sections 602 through 608 of this act may be expended for purposes designated in sections 911 and 912 of this act.
  - (b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 5.0 percent on July 1, 1995. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 5.0 percent on July 1, 1995. Funding provided for these salary increases in sections 602 through 608 of this act reflect the savings achieved as a result of the budget reductions required by section 601(3), chapter 6, Laws of 1994 sp. sess.
  - (c) Funds under section 718 of this act are in addition to any increases provided in (a) and (b) of this subsection. Specific salary increases authorized in sections 602 and 603 of this act are in addition to any salary increase provided in this subsection.
- (4) The appropriations in sections 602 through 608 of this act provide state general fund or employment and training trust account support for student full-time equivalent enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

Annual Annual  
Average Average  
FTE FTE

University of Washington

Main campus 29,857 29,888  
Evening Degree Program 570 617  
Tacoma branch 588\* 687\*\*  
Bothell branch 533 617

Washington State University  
Main campus 16,211 16,419  
Spokane branch 283 308  
Tri-Cities branch 594 647  
Vancouver branch 675 758

Central Washington University 6,903 6,997  
Eastern Washington University 7,638 7,704  
The Evergreen State College 3,277 3,298  
Western Washington University 9,462 9,566  
State Board for Community and  
Technical Colleges 111,549 112,711  
Higher Education Coordinating  
Board 50 50

\*Includes 35 FTE for Olympic 2+2 Program

\*\*Includes 50 FTE for Olympic 2+2 Program

**NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund Appropriation (FY 1996) \$ 346,767,000

General Fund Appropriation (FY 1997) \$ 366,762,000

Employment and Training Trust Account

Appropriation \$ 56,596,000

TOTAL APPROPRIATION \$ 770,119,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,883,000 of the general fund appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (timber-dependent communities).
- (2) \$56,596,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount:
  - (a) \$39,860,000 is to provide enrollment opportunity for 5,840 full-time equivalent students in fiscal year 1996 and 6,680 full-time equivalent students in fiscal year 1997. The state board for community and technical colleges shall allocate the enrollments.
  - (b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.
  - (c) \$7,633,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility has been exhausted.
  - (d) \$700,000 is to provide the operating resources for seven department of employment security job service centers located on community and technical college campuses.
- (3) \$3,725,000 of the general fund appropriation is provided solely for assessment of student outcomes at community and technical colleges.
- (4) \$1,412,000 of the general fund appropriation is provided solely to recruit and retain minorities.
- (5) Up to \$4,200,000 of the appropriations in this section may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments.
- (6) \$3,296,720 of the general fund appropriation is provided solely for instructional equipment.
- (7) \$688,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.
- (8) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in Substitute Senate Bill No. 5325.
- (9) Up to \$6,000,000 of the appropriations in this section may be used to address accreditation issues at the technical colleges.
- (10) Sufficient funds are available in the appropriations in this section to address settlements relating to separation of the technical colleges from the K-12 system and subsequent merger with the community college system. Specifically, state funds are available to meet one half the cost of payments associated with the lease purchase/development authorized for Clover Park technical college in section 802(3)(b) of House Bill No. 1070.
- (11) Up to \$50,000, if matched by an equal amount from private sources, may be used to initiate an international trade education consortium, composed of selected community colleges, to fund and promote international trade education and training services in a variety of locations throughout the state, which services shall include specific business skills needed to develop and sustain international business opportunities that are oriented toward vocational, applied skills. The board shall report to appropriate legislative committees on these efforts at each regular session of the legislature.

**NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation (FY 1996) \$ 264,021,000

General Fund Appropriation (FY 1997) \$ 272,170,000

Accident Account Appropriation \$ 4,191,000  
Medical Aid Account Appropriation \$ 4,185,000  
Health Services Account Appropriation \$ 5,993,000  
TOTAL APPROPRIATION \$ 550,560,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,636,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. Of this amount, \$491,000 of the appropriation is provided solely for 30 student full-time equivalent enrollments in the two-plus-two program operated jointly with the Olympic Community College.

(2) \$9,698,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) \$2,300,000 of the health services account appropriation is provided solely for the implementation of chapter 492, Laws of 1993 (health care reform) to increase the supply of primary health care providers.

(4) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants.

(5) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program.

(6) \$2,909,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to chapter 9, Laws of 1993 1st sp. sess. (graduate service appointment health insurance).

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(9) \$1,471,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(10) \$227,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(11) The university shall begin implementation of the professional staff and librarian market gap remedy plan II, which was submitted to the legislature in response to section 603(3), chapter 24, Laws of 1993 sp. sess. and section 603(3), chapter 6, Laws of 1994 sp. sess. As part of the implementation of the plan, an average salary increase of 5.0% may be provided to librarians and professional staff on July 1, 1995, to meet salary gaps as described in the plan.

(12) \$184,000 of the health services account appropriation is provided solely for participation of the University of Washington dental school in migrant/community health centers in the Yakima valley.

(13) At least \$50,000 of the general fund appropriation shall be used for research at the Olympic natural resources center.

**NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 152,072,000

General Fund Appropriation (FY 1997) \$ 162,933,000

Industrial Insurance Premium Refund Account

Appropriation \$ 33,000

Health Services Account Appropriation \$ 1,400,000

TOTAL APPROPRIATION \$ 316,438,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,511,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus.

(2) \$7,200,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus.

(3) \$8,068,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to chapter 9, Laws of 1993 1st sp. sess. (graduate service appointment health insurance).

(7) \$3,418,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) \$314,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

**NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 37,085,000

General Fund Appropriation (FY 1997) \$ 39,355,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ 76,640,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to chapter 9, Laws of 1993 sp. sess. (graduate service appointment health insurance).

**NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 33,916,000

General Fund Appropriation (FY 1997) \$ 36,095,000

Industrial Insurance Premium Refund Account

Appropriation \$ 10,000

Health Services Account Appropriation \$ 140,000

TOTAL APPROPRIATION \$ 70,161,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minorities.
- (3) \$140,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to chapter 9, Laws of 1993 sp. sess. (graduate service appointment health insurance).

**NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation (FY 1996) \$ 18,520,000

General Fund Appropriation (FY 1997) \$ 19,595,000

TOTAL APPROPRIATION \$ 38,115,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minorities.
- (3) \$976,000 of the general fund appropriation is provided solely for the Washington state institute for public policy to conduct studies requested by the legislature.
- (4) \$58,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 42,079,000

General Fund Appropriation (FY 1997) \$ 44,840,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ 87,119,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.
- (3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to chapter 9, Laws of 1993 sp. sess. (graduate service appointment health insurance).
- (4) \$275,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ 2,002,000

General Fund--State Appropriation (FY 1997) \$ 1,880,000

General Fund--Federal Appropriation \$ 1,076,000

TOTAL APPROPRIATION \$ 5,026,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations:

- (1) \$560,000 of the general fund--state appropriation is provided solely for enrollment to implement sections 18 through 21, chapter 315, Laws of 1991 (timber dependent communities). The number of students served shall be 50 full-time equivalent students per fiscal year. The higher education coordinating board (HECB) in cooperation with the state board for community and technical college education (SBCTC) shall review the outcomes of the timber program and report to the governor and legislature by November 1, 1995. The review should include programs administered by the HECB and SBCTC. The review should address student satisfaction, academic success, and employment success resulting from expenditure of these funds. The board should consider a broad range of recommendations from strengthening the program with existing resources to terminating the program.

- (2) \$200,000 of the general fund--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5557 (assessment of prior experiential learning). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 71,309,000

General Fund--State Appropriation (FY 1997) \$ 71,310,000

General Fund--Federal Appropriation \$ 3,580,000

State Educational Grant Account--State  
Appropriation \$ 40,000

Health Services Account Appropriation \$ 2,230,000

TOTAL APPROPRIATION \$ 148,469,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,046,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.
- (2) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, health professional conditional scholarship program. This appropriation amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.
- (3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan.
- (4) \$431,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.
- (5) \$141,083,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

- (a) \$111,571,000 is provided solely for the state need grant program;
- (b) \$24,200,000 is provided solely for the state work study program;
- (c) \$1,000,000 is provided solely for educational opportunity grants;
- (d) A maximum of \$2,628,000 may be expended for financial aid administration; and
- (e) \$633,000 is provided solely for the educator's excellence awards.

- (6) For the purposes of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington.

**NEW SECTION. Sec. 611. FOR THE JOINT CENTER FOR HIGHER EDUCATION**

General Fund Appropriation (FY 1996) \$ 1,048,000  
General Fund Appropriation (FY 1997) \$ 1,197,000  
TOTAL APPROPRIATION \$ 2,245,000

The appropriation in this section is subject to the following conditions and limitations: \$765,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 1996) \$ 1,635,000  
General Fund--State Appropriation (FY 1997) \$ 1,634,000  
General Fund--Federal Appropriation \$ 34,641,000  
TOTAL APPROPRIATION \$ 37,910,000

**NEW SECTION. Sec. 613. FOR WASHINGTON STATE LIBRARY**

General Fund--State Appropriation (FY 1996) \$ 7,070,000  
General Fund--State Appropriation (FY 1997) \$ 7,071,000  
General Fund--Federal Appropriation \$ 4,799,000  
General Fund--Private/Local Appropriation \$ 46,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 7,000  
TOTAL APPROPRIATION \$ 18,993,000

The appropriations in this section are subject to the following conditions and limitations: \$2,439,516 of the general fund--state appropriation and federal funds are provided for a contract with the Seattle public library for library services for the Washington talking book and braille library.

**NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 2,236,000  
General Fund--State Appropriation (FY 1997) \$ 1,929,000  
General Fund--Federal Appropriation \$ 934,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 1,000  
TOTAL APPROPRIATION \$ 5,100,000

**NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) \$ 1,965,000  
General Fund Appropriation (FY 1997) \$ 2,186,000  
TOTAL APPROPRIATION \$ 4,151,000

The appropriation in this section is subject to the following conditions and limitations: \$1,731,000 of the general fund appropriation is provided solely for the new Washington state historical society operations and maintenance located in Tacoma.

**NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) \$ 498,000  
General Fund Appropriation (FY 1997) \$ 499,000  
TOTAL APPROPRIATION \$ 997,000

**NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund Appropriation (FY 1996) \$ 3,422,000  
General Fund Appropriation (FY 1997) \$ 3,441,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 7,000  
TOTAL APPROPRIATION \$ 6,870,000

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF**

General Fund Appropriation (FY 1996) \$ 6,183,000  
General Fund Appropriation (FY 1997) \$ 6,216,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 15,000  
TOTAL APPROPRIATION \$ 12,414,000

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT**

General Fund Appropriation \$ 852,640,000  
State Building and Construction Account  
Appropriation \$ 32,821,000  
TOTAL APPROPRIATION \$ 885,461,000

The general fund appropriation is for deposit into the account listed in section 801 of this act.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account  
Appropriation \$ 24,179,990  
Accident Account Appropriation \$ 5,546,065  
Medical Account Appropriation \$ 5,546,065



TOTAL APPROPRIATION \$ 35,272,120

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund Appropriation \$ 37,031,000  
Higher Education Reimbursable Construction Account  
Appropriation \$ 197,000  
Community College Capital Construction Bond  
Retirement Fund 1975 Appropriation \$ 450,000  
Higher Education Bond Retirement Fund 1979  
Appropriation \$ 2,887,000

TOTAL APPROPRIATION \$ 40,565,000

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Common School Building Bond Redemption Fund 1967  
Appropriation \$ 6,922,856  
State Building and Parking Bond Redemption  
Fund 1969 Appropriation \$ 2,453,400

TOTAL APPROPRIATION \$ 9,376,256

**NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund Appropriation \$ 1,535,000  
State Convention and Trade Center Account  
Appropriation \$ 15,000  
State Building Construction Account  
Appropriation \$ 364,456  
Higher Education Reimbursable Construction  
Account Appropriation \$ 3,940

TOTAL APPROPRIATION \$ 1,918,396

Total Bond Retirement and Interest Appropriations  
contained in sections 701 through 705 of this  
act \$ 1,083,889,306

**NEW SECTION. Sec. 706. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

General Fund Appropriation (FY 1996) \$ 1,815,000  
General Fund Appropriation (FY 1997) \$ 1,815,000  
Wildlife Fund Appropriation \$ 78,000

TOTAL APPROPRIATION \$ 3,708,000

**NEW SECTION. Sec. 707. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT**

Americans with Disabilities Special Revolving Fund  
Appropriation \$ 426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation shall be used solely to fund requests from state agencies complying with the program requirements of the federal Americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the Americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 708. FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided as follows:

To the department of retirement systems for  
payment of death benefits in fiscal year 1996  
to members of state retirement systems pursuant  
to Substitute Senate Bill No. 5322 \$ 900,000

**NEW SECTION. Sec. 709. FOR THE GOVERNOR--TORT DEFENSE SERVICES**

General Fund Appropriation (FY 1996) \$ 1,050,000  
General Fund Appropriation (FY 1997) \$ 1,050,000  
Special Fund Agency Tort Defense Services  
Revolving Fund Appropriation \$ 1,400,000

TOTAL APPROPRIATION \$ 3,500,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

**NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**

General Fund Appropriation (FY 1996) \$ 750,000  
General Fund Appropriation (FY 1997) \$ 750,000  
TOTAL APPROPRIATION \$ 1,500,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 711. BELATED CLAIMS.** The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 712. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 1996) \$ 7,058,000  
General Fund--State Appropriation (FY 1997) \$ 8,303,000  
General Fund--Federal Appropriation \$ 5,695,000  
General Fund--Private/Local Appropriation \$ 422,000  
Salary and Insurance Increase Revolving Account

Appropriation \$ 12,735,000  
TOTAL APPROPRIATION \$ 34,213,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$626,000 of the general fund--state appropriation, \$233,000 of the general fund--federal appropriation, \$17,000 of the general fund--local appropriation, and \$519,000 of the salary/insurance increase revolving fund appropriation are provided solely to pay, beginning January 1, 1996, for prorated insurance benefit premiums for state employees working less than half time.

(2)(a) The monthly contributions for insurance benefit premiums shall not exceed \$322.38 per eligible employee for fiscal year 1996, and \$327.38 for fiscal year 1997.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$7.68 per eligible employee for fiscal year 1996, and \$6.23 for fiscal year 1997.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1995-97 biennium shall be held in reserve within the public employees' and retirees' insurance account until appropriated by the legislature.

(3) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(4) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From July 1, 1995, through December 31, 1995, the subsidy shall be \$34.20 per month. From January 1, 1996, through December 31, 1996, the subsidy shall be \$36.77 per month. Starting January 1, 1997, the subsidy shall be \$39.52 per month. The public employees' benefits board may adjust the subsidy amounts in this subsection based on actual retiree enrollments.

(5) School districts and educational service districts shall remit to the health care authority for the months of October, November, and December 1995, for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:

(a) For each full-time employee of the district, \$16.04 per month;

(b) For each part-time employee of the district who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits as defined in RCW 28A.400.270, \$16.04 each month, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a school district or educational service district who receive insurance benefits through contracts with the health care authority.

**NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

**FY 1996 FY 1997**

General Fund Appropriation \$ 87,500,000 87,500,000

(2) There is appropriated for contributions to the judicial retirement system:

**FY 1996 FY 1997**

General Fund Appropriation \$ 6,500,000 6,500,000

(3) There is appropriated for contributions to the judges retirement system:

**FY 1996 FY 1997**

General Fund Appropriation \$ 800,000 800,000

**NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

**FY 1996 FY 1997**

General Fund--State Appropriation \$ 1,007,000 1,224,000

General Fund--Federal Appropriation \$ 414,000 504,000

Special Retirement Contributions

Increase Revolving Account Appropriation \$ 1,018,000 1,226,000

Pension Funding Account Appropriation \$ 896,000 1,141,000

TOTAL APPROPRIATION \$ 7,430,000

The appropriations in this section are subject to the following conditions and limitations: The general fund--state appropriation, the general fund--federal appropriation, the special retirement contribution increase revolving account appropriation, and \$283,000 of the pension funding account appropriation are provided solely to pay the state's share of increased retirement contributions on behalf of state employees, excluding employees of institutions of higher education, resulting from the enactment of Substitute Senate Bill No. 5119 (uniform cost of living adjustment). \$1,754,000 of the pension funding account appropriation is provided solely to allocated to school districts to pay for part of the increased contributions resulting from enactment of Substitute Senate Bill No. 5119. If Substitute Senate Bill No. 5119 is not enacted by June 30, 1995, the amounts provided in this section shall lapse.

**NEW SECTION. Sec. 715. SALARY COST OF LIVING ADJUSTMENT**

General Fund--State Appropriation (FY 1996) \$ 44,203,000  
General Fund--State Appropriation (FY 1997) \$ 44,557,000  
General Fund--Federal Appropriation \$ 36,822,000  
Salary and Insurance Increase Revolving Account  
Appropriation \$ 74,328,000

TOTAL APPROPRIATION \$ 199,910,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) In addition to the purposes set forth in subsection (3) of this section, appropriations in this section are provided solely for a 5.0 percent cost-of-living adjustment effective July 1, 1995, for all classified employees (including those employees in the Washington management service); exempt employees under the jurisdiction of the personnel resources board; commissioned officers of the state patrol; and general government, legislative and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials.

(2) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

(3) A maximum of \$6,726,000 of the salary and insurance increase revolving account appropriation in this section may be expended for salary increases for ferry workers consistent with the 1995-97 transportation appropriations act.

**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund Appropriation (FY 1997) \$ 5,000,000  
Salary and Insurance Increase Revolving  
Account Appropriation (FY 1997) \$ 5,000,000

TOTAL APPROPRIATION \$ 10,000,000

The appropriations in this section shall be expended solely for the purposes designated in sections 911 and 912 of this act.

**NEW SECTION. Sec. 717. SALARY INCREMENT INCREASES.** General government and higher education general service employees whose salaries were frozen in the 1993-95 biennium and who are below step K of their salary range will receive a step increase on their next periodic increment date after July 1, 1995. Thereafter, any remaining periodic increments will occur on the subsequent increment dates. Affected Washington management service (WMS) employees may receive increments as provided in the pertinent WMS rules after July 1, 1995. Civil service exempt employees who are below step K may receive an increase at the discretion of the relevant appointing authority.

**NEW SECTION. Sec. 718. INCREMENT SALARY INCREASES.** The appropriations in Parts I through VI of this act to the agencies and institutions of the state contain \$28,000,000 from the general fund--state and \$34,000,000 from other funds for the purposes of providing increment salary increases for longevity to employees of the state pursuant to RCW 41.06.150(18) and other statutes. This amount will provide average salary increases of 1.0 percent during the 1995-97 biennium.

**NEW SECTION. Sec. 719. FOR THE STATE TREASURER--LOANS**

General Fund Appropriation--For transfer to the  
Community College Capital Projects  
Account \$ 427,000

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

State General Obligation Bond Retirement Fund 1979  
Fund Appropriation \$ 726,267,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 701 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY AS PRESCRIBED BY STATUTE**

State General Obligation Bond Retirement Fund 1979  
Appropriation \$ 91,815,077

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance  
premiums distribution \$ 6,025,000  
General Fund Appropriation for public utility  
district excise tax distribution \$ 29,694,000  
General Fund Appropriation for prosecuting  
attorneys' salaries \$ 2,800,000  
General Fund Appropriation for motor vehicle  
excise tax distribution \$ 73,422,000  
General Fund Appropriation for local mass  
transit assistance \$ 336,606,000  
General Fund Appropriation for camper and  
travel trailer excise tax distribution \$ 3,628,000  
General Fund Appropriation for boating

safety/education and law enforcement  
distribution \$ 3,224,000

General Fund Appropriation for public health  
distribution \$ 36,837,000

Aquatic Lands Enhancement Account Appropriation  
for harbor improvement revenue  
distribution \$ 130,000

Liquor Excise Tax Account Appropriation for  
liquor excise tax distribution \$ 23,081,000

Liquor Revolving Fund Appropriation for liquor  
profits distribution \$ 48,320,000

Timber Tax Distribution Account Appropriation  
for distribution to "Timber" counties \$ 109,425,000

Municipal Sales and Use Tax Equalization Account  
Appropriation \$ 58,181,000

County Sales and Use Tax Equalization Account  
Appropriation \$ 12,940,000

Death Investigations Account Appropriation  
for distribution to counties for publicly  
funded autopsies \$ 1,200,000

County Criminal Justice Account Appropriation \$ 69,940,000

Municipal Criminal Justice Account  
Appropriation \$ 27,972,000

TOTAL APPROPRIATION \$ 847,449,000

The appropriations in this section are subject to the following conditions and limitations: The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

Forest Reserve Fund Appropriation for federal  
forest reserve fund distribution \$ 50,740,000

General Fund Appropriation for federal flood  
control funds distribution \$ 48,000

General Fund Appropriation for federal grazing  
fees distribution \$ 73,000

General Fund Appropriation for distribution of  
federal funds to counties in conformance with  
P.L. 97-99 Federal Aid to Counties \$ 220,000

TOTAL APPROPRIATION \$ 51,081,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS**

General Fund: For transfer to the Flood Control  
Assistance Account \$ 4,000,000

General Fund: For transfer to the Natural  
Resources Fund--Water Quality Account \$ 19,699,000

New Motor Vehicle Arbitration Account: For  
transfer to the Public Safety and Education  
Account \$ 3,200,000

Water Quality Account: For transfer to the Water  
Pollution Revolving Fund. Transfers shall be  
made at intervals coinciding with deposits of  
federal capitalization grant money into the  
revolving fund. The amounts transferred shall  
not exceed the match required for each federal  
deposit \$ 13,000,000

Trust Land Purchase Account: For transfer to the  
Parks Renewal and Stewardship Account \$ 1,304,000

Oil Spill Response Account: For transfer to the  
Oil Spill Administration Account \$ 1,718,000

Air Pollution Control Account: For transfer to  
the General Fund pursuant to 1994  
c 270 s 4 \$ 36,000

General Government Special Revenue Fund--State  
Treasurer's Service Account: For transfer to  
the general fund on or before June 30, 1997,  
an amount up to \$7,361,000 in excess of the  
cash requirements of the state treasurers  
service account \$ 7,361,000

Health Services Account: For transfer to the  
Public Health Services Account \$ 27,003,000

Basic Health Plan Trust Account: For transfer to

the General Fund--State Account (FY 1996) \$ 2,664,778  
Basic Health Plan Trust Account: For transfer to  
the General Fund--State Account (FY 1997) \$ 2,664,778  
General Fund--Federal: For transfer to the  
Violence Reduction and Drug Enforcement  
Account from federal emergency management  
reimbursement funds \$ 3,500,000  
Water Quality Account: For transfer to the Water  
Resources Administration Account \$ 17,000,000  
**NEW SECTION. Sec. 806. FOR THE STATE TREASURER--TRANSFERS**  
General Fund: For transfer to  
the Health Services Account prior to  
June 30, 1995 \$ 20,000,000  
**NEW SECTION. Sec. 807. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**  
General Fund Appropriation: For transfer to  
the department of retirement systems expense  
fund \$ 20,000

## PART IX MISCELLANEOUS

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, costs and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and postimplementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written postimplementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the postimplementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the postimplementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

**NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit

the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 904. EMERGENCY FUND ALLOCATIONS.** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 905. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapter 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 906. BOND EXPENSES.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 907. LEGISLATIVE FACILITIES.** Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1995.

**NEW SECTION. Sec. 908. AGENCY RECOVERIES.** Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to, payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

**NEW SECTION. Sec. 909. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

**Sec. 910.** RCW 19.118.110 and 1995 c . . . s 7 (ESSB 5629) are each amended to read as follows:

A three-dollar arbitration fee shall be collected by either the new motor vehicle dealer or vehicle lessor from the consumer upon execution of a retail sale or lease agreement. The fee shall be forwarded to the department of licensing at the time of title application for deposit in the new motor vehicle arbitration account hereby created in the state treasury. Moneys in the account shall be used for the purposes of this chapter, subject to appropriation. During the 1995-97 fiscal biennium, the legislature may transfer moneys from the account to the extent that the moneys are not necessary for the purposes of this chapter.

At the end of each fiscal year, the attorney general shall prepare a report listing the annual revenue generated and the expenses incurred in implementing and operating the arbitration program under this chapter.

**Sec. 911.** RCW 41.06.070 and 1994 c 264 s 13 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

- (a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;
- (b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;
- (c) Officers, academic personnel, and employees of technical colleges;
- (d) The officers of the Washington state patrol;
- (e) Elective officers of the state;
- (f) The chief executive officer of each agency;
- (g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;
- (h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:
  - (i) All members of such boards, commissions, or committees;
  - (ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;
  - (iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;
  - (iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;
- (i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;
- (j) Assistant attorneys general;
- (k) Commissioned and enlisted personnel in the military service of the state;
- (l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;
- (m) The public printer or to any employees of or positions in the state printing plant;

- (n) Officers and employees of the Washington state fruit commission;
- (o) Officers and employees of the Washington state apple advertising commission;
- (p) Officers and employees of the Washington state dairy products commission;
- (q) Officers and employees of the Washington tree fruit research commission;
- (r) Officers and employees of the Washington state beef commission;
- (s) Officers and employees of any commission formed under chapter 15.66 RCW;
- (t) Officers and employees of the state wheat commission formed under chapter 15.63 RCW;
- (u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;
- (v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;
- (w) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER,

That rules adopted by the Washington personnel resources board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(x) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(y) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(z) All employees of the marine employees' commission;

(aa) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997.

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) Student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board, employed by institutions of higher education and related boards;

(c) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(d) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the Washington personnel resources board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Washington personnel resources board stating the reasons for requesting such exemptions. The Washington personnel resources board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Washington personnel resources board shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The Washington personnel resources board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections (1) (x) and (y) and (2) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1) (j) through (v) and (2) of this section, shall be determined by the Washington personnel resources board. However, during the 1995-97 biennium, changes to exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.150(15).

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

**Sec. 912.** RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s 27 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;

(2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Training and career development;

(6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(7) Transfers;

(8) Sick leaves and vacations;

(9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment, both according to seniority;

(11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. However, beginning July 1, ~~((1993))~~ 1995, through June 30, ~~((1995, the board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW))~~ 1997:

(a) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium, including those actions arising from the merger of the higher education personnel system and the state personnel system, only if:

(i) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW; or

(ii) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the appropriation provided by the legislature specifically for this purpose.

(b) The board may approve the implementation of salary increases resulting from adjustments to the classification plan for implementation in the 1997-99 fiscal biennium only if the implementation will not result in additional net costs or the implementation has been approved by the legislature in the omnibus appropriations act or other legislation.

(c) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than ten percent.

(d) Adjustments made to the higher education hospital special pay plan are exempt from (a) through (c) of this subsection;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. ~~((However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds three thousand seven hundred fifty dollars;))~~

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the



armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

**Sec. 913.** RCW 70.47.030 and 1993 c 492 s 210 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

**Sec. 914.** RCW 43.08.250 and 1993 sp.s. c 24 s 917 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, ~~((1995))~~ 1997, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, local drug prosecution assistance, the treatment alternatives to street crimes program, sexual assault treatment, operations of the office of administrator for the courts and court of appeals, and Washington state patrol criminal justice activities.

**Sec. 915.** RCW 70.146.030 and 1991 sp.s. c 13 s 61 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

(4) During the fiscal biennium ending June 30, 1997, moneys in the account may be appropriated for water activities including regional plans, implementation of regional plans, and other activities relating to the water permit program in the department of ecology.

**Sec. 916.** RCW 90.56.510 and 1994 sp.s. c 6 s 903 are each amended to read as follows:

(1) The oil spill administration account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. On July 1 of each odd-numbered year, if receipts deposited in the account from the tax imposed by RCW 82.23B.020(2) for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account. If, on the first day of any calendar month, the balance of the oil spill response account is greater than twenty-five million dollars and the balance of the oil spill administration account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, ~~((1995))~~ 1997, the state treasurer may transfer funds from the oil spill response account to the oil spill administration account in amounts necessary to support appropriations made from the oil spill administration account in the omnibus appropriations act adopted not later than June 30, ~~((1994))~~ 1995.

(2) Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill administration account. Costs of administration include the costs of:

- (a) Routine responses not covered under RCW 90.56.500;
- (b) Management and staff development activities;
- (c) Development of rules and policies and the state-wide plan provided for in RCW 90.56.060;
- (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (e) Interagency coordination and public outreach and education;
- (f) Collection and administration of the tax provided for in chapter 82.23B RCW; and
- (g) Appropriate travel, goods and services, contracts, and equipment.

**Sec. 917.** RCW 79.24.580 and 1994 c 219 s 12 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock. During the fiscal biennium ending June 30, 1997, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

**Sec. 918.** RCW 2.68.020 and 1994 c 8 s 1 are each amended to read as follows:

There is created an account in the custody of the state treasurer to be known as the judicial information system account. The office of the administrator for the courts shall maintain and administer the account, in which shall be deposited all moneys received from in-state noncourt users and any out-of-state users of the judicial information system and moneys as specified in RCW 2.68.040 for the purposes of providing judicial information system access to noncourt users and providing an adequate level of automated services to the judiciary. The legislature shall appropriate the funds in the account for the purposes of the judicial information system or, during the 1995-97 fiscal biennium, for other criminal justice information purposes. The account shall be used for the acquisition of equipment, software, supplies, services, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies, and equipment, including the payment of principal and interest on items paid in installments.

**NEW SECTION. Sec. 919. FISCAL YEAR EXPENDITURE LIMITS.** An agency's total general fund--state expenditures by fiscal year shall not exceed the amount approved by the office of financial management in expenditure plans authorized under RCW 43.88.070 and 43.88.110. The office of financial management shall ensure that these plans conform with fiscal year expenditures in the office of financial management budget database as updated to reflect legislative appropriations and governor's vetoes. In no case shall the state-wide total of agency allotments exceed the Initiative 601 expenditure limit under RCW 43.135.025. The general fund--state allotments of appropriations for agencies headed by elected officials shall match the general fund--state fiscal year splits contained in the updated budget database.

**NEW SECTION. Sec. 920.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 921.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Section 806 of this act shall take effect immediately. The remainder of the act shall take effect July 1, 1995.

#### MOTIONS

On motion of Senator Smith, the following amendments by Senators Smith and Sutherland to the Committee on Ways and Means striking amendment were considered simultaneously and were adopted:

On page 18, line 14, strike "3,483,000" and insert "3,487,000".

On page 18, line 16, after "limitations:" insert the following:

"(1)"

On page 18, after line 26, insert the following:

"(2) \$364,000 of the data processing revolving account appropriation is provided solely for maintenance and support of the WIN network. The department is authorized to recover the costs through billings to affected agencies."

On motion of Senator Rinehart, the following amendments by Senators Rinehart, West and Smith to the Committee on Ways and Means striking amendment were considered simultaneously and were adopted:

On page 35, line 13, increase the FY 1996 General Fund--State Appropriation by \$391,000.

On page 35, line 14, increase the FY 1997 General Fund--State Appropriation by \$731,000.

On page 35, line 15, increase the General Fund--Federal appropriation by \$2,178,000.

Adjust the total appropriation accordingly.

#### MOTION

Senator Schow moved that the following amendments by Senators Schow and Heavey to the Committee on Ways and Means striking amendment be considered simultaneously and be adopted:

On page 17, line 3 of the amendment, strike "(1)"

On page 17, beginning on line 10 of the amendment, strike all of subsection (2)

#### POINT OF INQUIRY

Senator Snyder: "Senator Rinehart, if this language is removed from the budget would it, in any way, prohibit the Department of Revenue, in light of recent court decisions, for them to levy the tax?"

Senator Rinehart: "No, Senator Snyder, the Department of Revenue would still be guided by the court cases."

The President declared the question before the Senate to be the adoption of the amendments by Senators Schow and Heavey on page 17, lines 3 and 10, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1410.

The motion by Senator Schow carried and the amendments to the committee amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amendment, to Engrossed Substitute House Bill No. 1410.

The Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1410 was adopted.

#### MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997; amending RCW 19.118.110, 41.06.070, 70.47.030, 43.08.250, 90.56.510, 79.24.580, 70.146.030, and 2.68.020; reenacting and amending RCW 41.06.150; creating new sections; providing an effective date; and declaring an emergency."

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 1410, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1410, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1410, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley, Wojahn and Wood - 28.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McDonald, Morton, Newhouse, Oke, Palmer, Roach, Schow, Sellar, Strannigan, Swecker and West - 19.

Excused: Senators McCaslin and Moyer - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8633

By Senators Gaspard and Rasmussen

WHEREAS, Ronald G. Hyland has served his community and the citizens of the city of Sumner as Chief of Police since 1967; and  
WHEREAS, Chief Hyland was first hired as a police officer in 1962, and has protected and served his community for the past thirty-three years; and

WHEREAS, Chief Hyland's service to his community and to the law enforcement profession over the years has greatly contributed to public safety and the quality of life in Sumner and throughout the state of Washington; and

WHEREAS, Chief Hyland has been extensively involved in efforts to fight crime and promote public safety through his membership on the Washington State Law Enforcement Advisory Board, the Tacoma Narcotic Enforcement Task Force, the Washington State D.W.I. Task Force, and as Treasurer for the Washington Association of Sheriffs and Police Chiefs; and

WHEREAS, Chief Hyland's involvement in civic activities including the Sumner Summer Festival, Boy Scouts, Rotary, and the Sumner Promotion Association, reflects his commitment to making his community a better place to live; and

WHEREAS, The people of the city of Sumner have the highest regard and appreciation for the dedication and professionalism demonstrated by Chief Hyland; and

WHEREAS, March 31, 1995, marks the end of Chief Ronald G. Hyland's distinguished career with his retirement from service;  
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors Chief Ronald G. Hyland upon his retirement and recognizes his outstanding effort to serve and protect the citizens of the city of Sumner for the past thirty-three years; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Chief Hyland and to the city of Sumner.

#### MOTION

At 11:39 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 5:19 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

March 30, 1995

SB 5935 Prime Sponsor, Senator Quigley: Enacting the consumer protection in the purchase of health care act. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5935 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

March 31, 1995

SB 6062 Prime Sponsor, Senator Quigley: Making welfare work. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6062 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Winsley and Wood.

Referred to Committee on Ways and Means.

March 30, 1995

ESHB 1010 Prime Sponsor, House Committee on Government Operations: Implementing regulatory reform. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, McCaslin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Referred to Committee on Ways and Means.

March 31, 1995

2SHB 1027 Prime Sponsor, House Committee on Appropriations: Redirecting school administrative resources to the classroom. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 1035 Prime Sponsor, House Committee on Child and Family Service: Establishing notification and referral procedures for deaths occurring in children's residential facilities and in facilities serving developmentally disabled persons. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Fairley, Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995

ESHB 1046 Prime Sponsor, House Committee on Health Care: Amending the health services act of 1993. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Fairley, Franklin and Winsley.

Referred to Committee on Ways and Means.

March 30, 1995

2SHB 1078 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to instruction in Braille. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Referred to Committee on Ways and Means.

March 30, 1995

SHB 1091 Prime Sponsor, House Committee on Education: Changing education provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1093 Prime Sponsor, House Committee on Transportation: Revising bidding procedures for public agencies. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sheldon, Vice Chair; Hale, Heavey, McCaslin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Chair; and Drew.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 1110 Prime Sponsor, House Committee on Natural Resources: Prohibiting the department of natural resources from entering into certain agreements with the federal government without prior legislative and gubernatorial approval. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Snyder, Strannigan and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Spanel, Vice Chair.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1117 Prime Sponsor, Representative Lambert: Providing a deterrence for crimes committed at county or local penal institutions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Prentice, Schow and Strannigan.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1133 Prime Sponsor, House Committee on Law and Justice: Revising provisions relating to firearm dealers' licenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Referred to Committee on Ways and Means.

March 30, 1995

HB 1136 Prime Sponsor, Representative Ballasiotes: Requiring twenty-five percent of inmate welfare accounts to be used for victims' compensation. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1152 Prime Sponsor, House Committee on Law and Justice: Changing fees regarding concealed pistol licenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Referred to Committee on Ways and Means.

March 30, 1995

EHB 1173 Prime Sponsor, Representative Cooke: Modifying adoption support provisions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Prentice, Schow and Strannigan.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1183 Prime Sponsor, House Committee on Law and Justice: Updating uniform commercial code provisions on investment securities. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1190 Prime Sponsor, Representative K. Schmidt: Transferring the aeronautics account and the aircraft search and rescue, safety, and education account to the transportation fund. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1192 Prime Sponsor, House Committee on Transportation: Revising vehicle load fees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995

ESHB 1209 Prime Sponsor, House Committee on Transportation: Regulating commercial vehicle safety. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Rasmussen, Schow and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1221 Prime Sponsor, House Committee on Transportation: Regulating length of log trucks. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1225 Prime Sponsor, Representative K. Schmidt: Regulating vehicle and fuel licensing. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 31, 1995

HB 1249 Prime Sponsor, Representative Brumsickle: Extending the time for developing essential academic learning requirement Goal 2 assessments. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

March 30, 1995

EHB 1271 Prime Sponsor, Representative Morris: Regulating public agency lobbyists. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Hargrove, Johnson, Quigley, Roach and Schow.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Haugen.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1276 Prime Sponsor, House Committee on Corrections: Specifying who may be an execution witness. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Schow, Smith and Strannigan.

MINORITY recommendation: Do not pass. Signed by Senators Fairley, Palmer and Prentice.

Passed to Committee on Rules for second reading.

March 31, 1995

HB 1282 Prime Sponsor, Representative Fuhman: Authorizing landowners to kill coyotes and Columbian ground squirrels. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 31, 1995

2SHB 1286 Prime Sponsor, House Committee on Appropriations: Regulating forest practices. Reported by Committee on Natural Resources

MAJORITY Recommendation: Refer to Committee on Ways and Means as amended without recommendation. Signed by Senators Drew, Chair; Hargrove, Haugen, Oke, Owen, Snyder, Strannigan and Swecker.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Spanel, Vice Chair; and Morton.

Referred to Committee on Ways and Means.

March 30, 1995

ESHB 1298 Prime Sponsor, House Committee on Child and Family Service: Enlarging the scope of the methadone treatment program to the opiate substitution treatment program. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Schow and Strannigan.

Passed to Committee on Rules for second reading.

March 30, 1995

EHB 1305 Prime Sponsor, Representative Johnson: Revising restrictions on growth outside of urban growth areas. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 1354 Prime Sponsor, House Committee on Natural Resources: Allowing only Washington residents to purchase hound permits. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 30, 1995

ESHB 1357 Prime Sponsor, House Committee on Corrections: Authorizing counties to supervise misdemeanor offenders placed on probation. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1362 Prime Sponsor, Representative Robertson: Providing for retrocession of criminal jurisdiction by the Muckleshoot Tribe. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1383 Prime Sponsor, House Committee on Government Operations: Clarifying annexation authority by municipal corporations providing sewer or water service of unincorporated territory. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1995

ESHB 1389 Prime Sponsor, House Committee on Health Care: Concerning the supervision of apprentice opticians. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Winsley and Wood.



Passed to Committee on Rules for second reading.

March 30, 1995

E2SHB 1417 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to juveniles. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Palmer, Prentice, Schow, Smith and Strannigan.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and Kohl.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 1429 Prime Sponsor, House Committee on Commerce and Labor: Lessening recreational vehicle regulation. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Fraser, Hale, Newhouse and Palmer.

Referred to Committee on Ways and Means.

March 30, 1995

EHB 1461 Prime Sponsor, Representative Benton: Increasing motor vehicle damage threshold amounts. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995

ESHB 1471 Prime Sponsor, House Committee on Law and Justice: Regulating homeowners' associations. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 1483 Prime Sponsor, House Committee on Natural Resources: Revising provisions on the prevention and suppression of forest wild fires. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1491 Prime Sponsor, House Committee on Corrections: Restricting work release eligibility. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1522 Prime Sponsor, House Committee on Law and Justice: Prohibiting delays or denials of adoptions on the basis of race, color, or national origin. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Palmer, Schow, Smith and Strannigan.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Kohl and Prentice.

Passed to Committee on Rules for second reading.

March 31, 1995  
HB 1532 Prime Sponsor, Representative Dyer: Modifying certification of mental health counselors. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading.

March 31, 1995  
SHB 1540 Prime Sponsor, House Committee on Natural Resources: Expanding the authority of the fish and wildlife commission. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators A. Anderson, Hargrove, Haugen, Oke, Owen, Strannigan and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Drew, Chair; and Spanel, Vice Chair.

Referred to Committee on Ways and Means.

March 30, 1995  
SHB 1549 Prime Sponsor, House Committee on Corrections: Creating a sentencing alternative for drug offenders. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Referred to Committee on Ways and Means.

March 30, 1995  
ESHB 1556 Prime Sponsor, House Committee on Law and Justice: Revising procedures for determining visitation rights for persons other than a parent. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

March 30, 1995  
E2SHB 1557 Prime Sponsor, House Committee on Appropriations: Combatting insurance fraud. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1995  
SHB 1560 Prime Sponsor, House Committee on Transportation: Penalizing fuel tax evasion. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

March 31, 1995  
ESHB 1589 Prime Sponsor, House Committee on Health Care: Providing health care quality assurance. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Deccio, Fairley, Franklin, Winsley and Wood.

Referred to Committee on Ways and Means.

March 31, 1995

SHB 1597 Prime Sponsor, House Committee on Agriculture and Ecology: Concerning the reduction of flood damage. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 30, 1995

ESHB 1604 Prime Sponsor, House Committee on Trade, Technology and Economics: Purchasing mobile home parks. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1610 Prime Sponsor, House Committee on Law and Justice: Increasing involvement of victims in criminal prosecutions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Haugen, Johnson, Quigley, Rinehart and Roach.

Passed to Committee on Rules for second reading.

March 30, 1995

EHB 1619 Prime Sponsor, Representative Appelwick: Revising child support provision for day care expenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 1630 Prime Sponsor, House Committee on Commerce and Labor: Regulating the registration of contractors. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 1632 Prime Sponsor, House Committee on Natural Resources: Exchanging certain public lands. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 31, 1995

HB 1647 Prime Sponsor, Representative Goldsmith: Expanding the authority of the employment security department to share data. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey, Vice Chair.

Passed to Committee on Rules for second reading.

SHB 1654 Prime Sponsor, House Committee on Education: Revising advisement regulations for AIDS education. Reported by Committee on Education  
March 30, 1995

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

HB 1709 Prime Sponsor, Representative Carrell: Limiting certain offenses to no more than fifteen percent good time credits. Reported by Committee on Human Services and Corrections  
March 30, 1995

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Long, Palmer, Schow, Smith and Strannigan.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Referred to Committee on Ways and Means.

ESHB 1719 Prime Sponsor, House Committee on Child and Family Service: Creating the office of inspector general within the department of social and health services. Reported by Committee on Human Services and Corrections  
March 30, 1995

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

ESHB 1724 Prime Sponsor, House Committee on Government Operations: Revising provisions relating to growth management. Reported by Committee on Ecology and Parks  
March 30, 1995

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Referred to Committee on Ways and Means.

HB 1727 Prime Sponsor, Representative Beeksma: Eliminating the mandatory offering of personal injury protection insurance. Reported by Committee on Financial Institutions and Housing  
March 30, 1995

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Hale, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

ESHB 1730 Prime Sponsor, House Committee on Commerce and Labor: Revising provisions regarding interest arbitration for law enforcement officers employed by cities, towns, or counties. Reported by Committee on Labor, Commerce and Trade  
March 30, 1995

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin and Hale.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Newhouse, Palmer and Wojahn.

Referred to Committee on Ways and Means.

March 30, 1995

SHB 1756 Prime Sponsor, House Committee on Child and Family Service: Changing provisions relating to dependent children. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1771 Prime Sponsor, Representative Hickel: Requiring a handling fee to be paid when a check is dishonored. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1802 Prime Sponsor, House Committee on Child and Family Service: Changing adoption provisions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Palmer, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 1809 Prime Sponsor, House Committee on Health Care: Authorizing naturopaths to give direction to registered nurses. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Deccio, Fairley, Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995

ESHB 1821 Prime Sponsor, House Committee on Commerce and Labor: Modifying unemployment compensation for persons employed under public employment contracts. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Hale, Newhouse and Palmer.

Passed to Committee on Rules for second reading.

March 30, 1995

EHB 1835 Prime Sponsor, Representative Schoesler: Revising standards relating to manufactured homes. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Referred to Committee on Ways and Means.

March 30, 1995

ESHB 1837 Prime Sponsor, House Committee on Agriculture and Ecology: Establishing limitations on distributions from the water quality account for the period July 1, 1995, through June 30, 2000. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Referred to Committee on Ways and Means.

March 30, 1995

HB 1858 Prime Sponsor, Representative Ballasiotes: Establishing the office of crime victims advocacy in the department of community, trade, and economic development. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1995

ESHB 1860 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating real estate appraisers. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale and Smith.

Referred to Committee on Ways and Means.

March 30, 1995

SHB 1865 Prime Sponsor, House Committee on Law and Justice: Clarifying numerous miscellaneous guardianship provisions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

March 31, 1995

HB 1872 Prime Sponsor, Representative Crouse: Modifying the authority of the board of physical therapy. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1879 Prime Sponsor, Representative Boldt: Revising provision for costs of support, treatment, and confinement of juvenile offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Prentice, Schow and Strannigan.

Passed to Committee on Rules for second reading.

March 30, 1995

EHB 1889 Prime Sponsor, Representative L. Thomas: Administering the office of the state auditor. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1995

HB 1893 Prime Sponsor, Representative Ballasiotes: Authorizing the secretary of corrections to delegate authority to certify records and documents. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1906 Prime Sponsor, House Committee on Child and Family Service: Changing child care licensing definitions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Palmer and Schow.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 1911 Prime Sponsor, House Committee on Commerce and Labor: Expanding authority for retrospective rating plans. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Deccio, Fraser, Hale, Newhouse and Palmer.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Heavey, Vice Chair.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 1917 Prime Sponsor, House Committee on Natural Resources: Requiring that department of natural resources contract with private entities for emergency response equipment, supplies, and services. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 30, 1995

SHB 1929 Prime Sponsor, House Committee on Corrections: Concerning the employment of inmates. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Palmer, Prentice, Schow, Smith and Strannigan.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 1938 Prime Sponsor, House Committee on Financial Institutions and Insurance: Modifying the administration of the responsibilities of self-insurers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse and Palmer.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Heavey, Vice Chair.

Passed to Committee on Rules for second reading.

March 31, 1995

E2SHB 1941 Prime Sponsor, House Committee on Appropriations: Improving student learning by focusing on reading literacy. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 1995 Prime Sponsor, House Committee on Health Care: Providing an exemption and an offset for insurance premium and prepayment obligations for the high risk pool. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Franklin, Winsley and Wood.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Fairley.

Referred to Committee on Ways and Means.

March 31, 1995

2SHB 2004 Prime Sponsor, House Committee on Appropriations: Taking emergency measures to protect the health of the Loomis state forest.  
Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; A. Anderson, Hargrove, Haugen, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 31, 1995

HB 2022 Prime Sponsor, Representative Fuhrman: Making mining claims. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 31, 1995

SHB 2058 Prime Sponsor, House Committee on Commerce and Labor: Defining employment. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Fraser, Hale, Newhouse, Palmer and Wojahn.

Passed to Committee on Rules for second reading.

March 31, 1995

HJM 4008 Prime Sponsor, Representative Basich: Requesting modification of the federal Marine Mammal Protection Act. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

March 30, 1995

HJM 4020 Prime Sponsor, Representative Campbell: Encouraging schools to provide an elementary gun safety program. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Finkbeiner, Gaspard, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

March 30, 1995

HJM 4028 Prime Sponsor, Representative K. Schmidt: Urging passage of legislation authorizing the National Highway System. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

March 30, 1995



HJM 4029 Prime Sponsor, Representative K. Schmidt: Urging Congress to use transportation funds for transportation purposes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

MOTION

At 5:21 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Monday, April 3, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SECOND DAY, MARCH 31, 1995

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

**EIGHTY-FIFTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, April 3, 1995  
The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Ann Anderson, Cal Anderson and Moyer.

The Sergeant at Arms Color Guard, consisting of Pages Ryan Baldwin and Angie Downing, presented the Colors. Reverend Sandra Lee, pastor of the Olympia Unitarian Universalist Church, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

February 28, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joseph W. Duffy, appointed February 28, 1995, for a term ending September 8, 1999, as a member of the Public Employment Relations Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Labor, Commerce and Trade

MOTION

At 9:07 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 6:11 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

April 3, 1995  
SHB 1057 Prime Sponsor, House Committee on Agriculture and Ecology: Lowering the tax rate on canola. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1995  
SHB 1067 Prime Sponsor, House Committee on Finance: Reforming the property taxation of short-rotation hardwoods. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Pelz, Roach, Snyder, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1082 Prime Sponsor, House Committee on Appropriations: Calculating excess compensation for retirement purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1083 Prime Sponsor, House Committee on Appropriations: Modifying the cost-of-living allowance for retirement purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1129 Prime Sponsor, House Committee on Finance: Modifying tax exemptions for nonprofit organizations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Roach, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

EHB 1131 Prime Sponsor, Representative Silver: Changing provisions relating to economic assumptions for actuarial studies and retirement contribution rates. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1133 Prime Sponsor, House Committee on Law and Justice: Revising provisions relating to firearm dealers' licenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Law and Justice. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Strannigan, Sutherland and West.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1152 Prime Sponsor, House Committee on Law and Justice: Changing fees regarding concealed pistol licenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Law and Justice. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Strannigan, Sutherland and West.

Passed to Committee on Rules for second reading.

April 3, 1995

HB 1163 Prime Sponsor, Representative Kremen: Providing a tax exemption for property used by nonprofit organizations for camping and recreational purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1995

HB 1189 Prime Sponsor, Representative Robertson: Revising provisions relating to dissemination of criminal history information by the Washington state patrol. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland,

West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

ESHB 1206 Prime Sponsor, House Committee on Appropriations: Restructuring the retirement systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Roach, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1237 Prime Sponsor, House Committee on Law and Justice: Specifying responsibility for payment of costs incurred on appeal by indigent persons. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Cantu, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1248 Prime Sponsor, House Committee on Trade, Technology and Economics: Providing tax deferrals for a new thoroughbred race track facility. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Labor, Commerce and Trade. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Roach, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1270 Prime Sponsor, House Committee on Transportation: Excusing small tree harvesters from the commercial driver's license requirements. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1273 Prime Sponsor, House Committee on Transportation: Refunding motor vehicle fuel and special fuel taxes to Indian tribes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

April 3, 1995

HB 1295 Prime Sponsor, Representative Carlson: Providing retirement system benefits upon death of member or retiree. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Vice Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Roach, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

HB 1296 Prime Sponsor, Representative Sommers: Making retirement contributions and payments. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Pelz, Roach, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

HB 1297 Prime Sponsor, Representative Sehlin: Calculating retiree benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Roach, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

ESHB 1317 Prime Sponsor, House Committee on Transportation: Revising the selection process for transportation systems and facilities demonstration projects. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Prentice, Prince, Rasmussen, Schow and Wood.

MINORITY Recommendation: Do not pass. Signed by Senator Haugen.

Passed to Committee on Rules for second reading.

April 3, 1995

EHB 1322 Prime Sponsor, Representative Van Luven: Affecting the property taxation of senior citizens and persons retired because of physical disabilities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Bauer, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Johnson, Long, McDonald, Pelz, Roach, Snyder, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1342 Prime Sponsor, House Committee on Appropriations: Creating the parks renewal and stewardship account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

HB 1343 Prime Sponsor, Representative Casada: Removing the requirement that a schedule of port rates and charges be filed with the utilities and transportation commission. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1399 Prime Sponsor, House Committee on Appropriations: Providing for a modified zero-based budget review. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Pelz, Roach, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1429 Prime Sponsor, House Committee on Commerce and Labor: Lessening recreational vehicle regulation. Reported by Committee on Ways and Means

MAJORITY Recommendation: Refer to Rules without recommendation. Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Long, McDonald, Pelz, Roach, Snyder, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1430 Prime Sponsor, House Committee on Appropriations: Exempting certain employers from additional retirement contributions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Long, Pelz, Roach, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

ESHB 1431 Prime Sponsor, House Committee on Appropriations: Paying for department of retirement system expenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Pelz, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

HB 1436 Prime Sponsor, Representative Dyer: Supplementing emergency services resulting from the impact of tourism in small communities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Finkbeiner, Fraser, Gaspard, Pelz, Quigley, Sheldon, Snyder, Spanel, Strannigan and West.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1437 Prime Sponsor, House Committee on Natural Resources: Revising lease rates for amateur radio electronic repeater sites. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1995

HB 1495 Prime Sponsor, Representative Basich: Expanding timber excise tax small harvester option. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1497 Prime Sponsor, House Committee on Government Operations: Facilitating electronic access to public records. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Finkbeiner, Fraser, Gaspard, Hochstatter, Johnson, Long, McDonald, Pelz, Roach, Strannigan, Sutherland and West.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1549 Prime Sponsor, House Committee on Corrections: Creating a sentencing alternative for drug offenders. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

HB 1567 Prime Sponsor, Representative R. Fisher: Affecting the transportation authority of first class cities. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

April 3, 1995

ESHB 1611 Prime Sponsor, House Committee on Finance: Providing a tax exemption for new construction of alternative housing for youth in need. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Long, Pelz, Roach, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1645 Prime Sponsor, House Committee on Transportation: Enhancing transportation planning. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Fairley, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Sellar and Wood.

MINORITY Recommendation: Do not pass. Signed by Senators Heavey, Vice Chair; Haugen and Schow.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1700 Prime Sponsor, House Committee on Finance: Changing current use taxation provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Roach, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

ESHB 1724 Prime Sponsor, House Committee on Government Operations: Revising provisions relating to growth management. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Long, McDonald, Pelz, Quigley, Roach, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

ESHB 1730 Prime Sponsor, House Committee on Commerce and Labor: Revising provisions regarding interest arbitration for law enforcement officers employed by cities, towns, or counties. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Bauer, Drew, Finkbeiner, Gaspard, Johnson, Pelz, Quigley, Roach, Sheldon, Spanel, Sutherland and Winsley.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

April 3, 1995

ESHB 1787 Prime Sponsor, House Committee on Transportation: Revising provision for distribution of surplus balance investment earnings. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1818 Prime Sponsor, House Committee on Appropriations: Providing for criminal justice funding. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

ESHB 1820 Prime Sponsor, House Committee on Transportation: Regulating towing of vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

April 3, 1995

EHB 1835 Prime Sponsor, Representative Schoesler: Revising standards relating to manufactured homes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Government Operations. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.



Passed to Committee on Rules for second reading.

April 3, 1995

ESHB 1860 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating real estate appraisers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Finkbeiner, Gaspard, Hochstatter, Johnson, Long, McDonald, Pelz, Roach, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1995

HB 1866 Prime Sponsor, Representative Elliot: Revising certain aeronautics statutes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey, Vice Chair.

Passed to Committee on Rules for second reading.

April 3, 1995

ESHB 1922 Prime Sponsor, House Committee on Transportation: Regulating excursion vessels. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Fairley, Haugen, Kohl, Oke, Prince, Rasmussen and Wood.

MINORITY Recommendation: Do not pass. Signed by Senator Prentice.

Passed to Committee on Rules for second reading.

April 3, 1995

EHB 1934 Prime Sponsor, Representative Mielke: Establishing benefits for state patrol retirement system members who serve as legislators. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Fraser, Gaspard, Hargrove, McDonald, Pelz, Quigley, Sheldon, Snyder, West and Winsley.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1964 Prime Sponsor, House Committee on Transportation: Simplifying accident report record-keeping. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Rasmussen and Wood.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey, Vice Chair.

Passed to Committee on Rules for second reading.

April 3, 1995

ESHB 1967 Prime Sponsor, House Committee on Transportation: Increasing penalties for repeat violations of vehicle licensing requirements. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Oke, Prentice, Prince, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1968 Prime Sponsor, House Committee on Transportation: Adjusting requirements for regional transportation planning organizations.  
Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Morton, Oke, Prince, Rasmussen, Schow, Sellar and Wood.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Haugen, Kohl and Prentice.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 1995 Prime Sponsor, House Committee on Health Care: Providing an exemption and an offset for insurance premium and prepayment obligations for the high risk pool. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Health and Long-Term Care. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, McDonald, Pelz, Roach, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1995

EHB 2057 Prime Sponsor, Representative Appelwick: Changing judicial retirement eligibility. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 2060 Prime Sponsor, House Committee on Appropriations: Redefining budget document. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1995

HB 2063 Prime Sponsor, Representative Honeyford: Accelerating the implementation of projects currently eligible for funding under the public works assistance program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Sutherland, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Finkbeiner.

Passed to Committee on Rules for second reading.

April 3, 1995

SHB 2067 Prime Sponsor, House Committee on Finance: Extending property tax exemptions for nonprofit arts, scientific, or historical organizations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Snyder, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

#### MOTION

At 6:12 p.m., on motion of Senator Snyder, the Senate adjourned until 9:00 a.m., Tuesday, April 4, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-FIFTH DAY, APRIL 3, 1995

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

**EIGHTY-SIXTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Tuesday, April 4, 1995

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Cantu, Drew, Hargrove, Moyer, Pelz and Rinehart. On motion of Senator Ann Anderson, Senators Cantu and Moyer were excused. On motion of Senator Loveland, Senators Cal Anderson, Drew, Hargrove and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kris Mabry and Jarrod Stimmel, presented the Colors. Reverend Norm Willis, pastor of Christ Church in Kirkland, and a guest of Senator Bill Finkbeiner, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

March 29, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William Selby, to be reappointed May 1, 1995, for a term ending April 30, 1999, as a member of the State Board for Community and Technical Colleges.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 29, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mitchell Bower, Jr., to be reappointed May 1, 1995, for a term ending April 30, 1999, as a member of the State Board for Community and Technical Colleges.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9138, Tim Douglas, as a member of the Puget Sound Water Quality Authority, was confirmed.

APPOINTMENT OF TIM DOUGLAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 42.

Absent: Senator Pelz - 1.

Excused: Senators Anderson, C., Cantu, Drew, Hargrove, Moyer and Rinehart - 6.

#### MOTION

On motion of Senator Loveland, Senator Pelz was excused.

#### MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9003, Charles Alexander, as a member of the Personnel Appeals Board, was confirmed.

#### APPOINTMENT OF CHARLES ALEXANDER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 42.

Absent: Senator Deccio - 1.

Excused: Senators Anderson, C., Drew, Hargrove, Moyer, Pelz and Rinehart - 6.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Kohl, Gaspard, Pelz, Winsley, Franklin, Snyder, Sutherland, Haugen, Sheldon, Prentice, Deccio, C. Anderson and Bauer

Establishing a joint select committee on fire suppression.

The concurrent resolution was read the second time.

#### MOTIONS

On motion of Senator Kohl, the following amendment was adopted:

On page 2, beginning on line 31, after "Committee" strike all material through "25" on line 32

On motion of Senator Kohl, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Concurrent Resolution No. 8404.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 8404 and the concurrent resolution passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Hargrove and Moyer - 3.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8404, having received the constitutional majority, was declared passed.

#### SECOND READING

HOUSE BILL NO. 1624, by Representatives Hymes, Carlson, Brumsickle, Hargrove, Morris, Casada, Buck, Radcliff, Benton, Grant, Reams and Thompson

Increasing to five years the time after a preliminary plat is approved before a final plat must be submitted for approval.

The bill was read the second time.

## MOTION

On motion of Senator Heavey, the rules were suspended, House Bill No. 1624 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Roach: "Senator Heavey, I just have a question--a friendly question--does this include short plats, I mean the smaller, not subdivisions, but short plats?"

Senator Heavey: "I believe it does."

Senator Roach: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1624.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1624 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Hargrove and Moyer - 3.

HOUSE BILL NO. 1624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1517, by House Committee on Capital Budget (originally sponsored by Representatives L. Thomas, Rust, Horn, Sommers and Ballasiotes)

Revising guidelines for receipt and expenditure of federal and private funds by local governments.

The bill was read the second time.

## MOTIONS

On motion of Senator Winsley, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The purpose of this act is to assist community and economic development by clarifying the authority of all cities, towns, counties, and public corporations to engage in federally guaranteed "conduit financings" and to specify procedures that may be used for such conduit financings. Generally, in such a conduit financing a municipality borrows funds from the federal government or from private sources with the help of federal guarantees, without pledging the credit or tax revenues of the municipality, and then lends the proceeds for private projects that both fulfill public purposes, such as community and economic development, and provide the revenues to retire the municipal borrowings. Such conduit financings include issuance by municipalities of federally guaranteed notes under section 108 of the housing and community development act of 1974, as amended, to finance projects eligible under federal community development block grant regulations.

**Sec. 2.** RCW 35.21.735 and 1985 c 332 s 3 are each amended to read as follows:

(1) The legislature hereby declares that carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for ~~((such))~~ a city, town, county, or public corporation. The provisions of RCW 35.21.730 through 35.21.755 and RCW 35.21.660 and 35.21.670 and the enabling authority herein conferred to implement these provisions shall be construed to accomplish the purposes of RCW 35.21.730 through 35.21.755.

(2) All cities, towns ~~((and))~~, counties, and public corporations shall have the power and authority to enter into agreements with the United States or any agency or department thereof, or any agency of the state government or its political subdivisions, and pursuant to such agreements may receive and expend, or cause to be received and expended by a custodian or trustee, federal or private funds for any lawful public purpose. Pursuant to any such agreement, a city, town, county, or public corporation may issue bonds, notes, or other evidences of indebtedness that are guaranteed or otherwise secured by funds or other instruments provided by or through the federal government or by the federal government or an agency or instrumentality thereof under section 108 of the housing and community development act of 1974 (42 U.S.C. Sec. 5308), as amended, or its successor, and may agree to repay and reimburse for any liability thereon any guarantor of any such bonds, notes, or other evidences of indebtedness issued by such jurisdiction or public corporation, or issued by any other public entity. For purposes of this subsection federal housing mortgage insurance shall not constitute a federal guarantee or security.

(3) A city, town, county, or public corporation may pledge, as security for any such bonds, notes, or other evidences of indebtedness or for its obligations to repay or reimburse any guarantor thereof, its right, title, and interest in and to any or all of the following: (a) Any federal grants or payments received or that may be received in the future; (b) any of the following that may be obtained directly or indirectly from the use of any federal or private funds received as authorized in this section: (i) Property and interests therein, and (ii) revenues; (c) any payments received or owing from any person resulting from the lending of any federal or private funds received as authorized in this section; (d) any

proceeds under (a), (b), or (c) of this subsection and any securities or investments in which (a), (b), or (c) of this subsection or proceeds thereof may be invested; (e) any interest or other earnings on (a), (b), (c), or (d) of this subsection.

(4) A city, town, county, or public corporation may establish one or more special funds relating to any or all of the sources listed in subsection (3)(a) through (e) of this section and pay or cause to be paid from such fund the principal, interest, premium if any, and other amounts payable on any bonds, notes, or other evidences of indebtedness authorized under this section, and pay or cause to be paid any amounts owing on any obligations for repayment or reimbursement of guarantors of any such bonds, notes, or other evidences of indebtedness. A city, town, county, or public corporation may contract with a financial institution either to act as trustee or custodian to receive, administer, and expend any federal or private funds, or to collect, administer, and make payments from any special fund as authorized under this section, or both, and to perform other duties and functions in connection with the transactions authorized under this section. If the bonds, notes, or other evidences of indebtedness and related agreements comply with subsection (6) of this section, then any such funds held by any such trustee or custodian, or by a public corporation, shall not constitute public moneys or funds of any city, town, or county and at all times shall be kept segregated and set apart from other funds.

(5) For purposes of this section, "lawful public purpose" includes, without limitation, any use of funds, including loans thereof to public or private parties, authorized by the agreements with the United States or any department or agency thereof under which federal or private funds are obtained, or authorized under the federal laws and regulations pertinent to such agreements.

(6) If any such federal or private funds are loaned or granted to any private party or used to guarantee any obligations of any private party, then any bonds, notes, other evidences of indebtedness issued or entered into for the purpose of receiving or causing the receipt of such federal or private funds, and any agreements to repay or reimburse guarantors, shall not be obligations of any city, town, or county and shall be payable only from a special fund as authorized in this section or from any of the security pledged pursuant to the authority of this section, or both. Any bonds, notes, or other evidences of indebtedness to which this subsection applies shall contain a recital to the effect that they are not obligations of the city, town, or county or the state of Washington and that neither the faith and credit nor the taxing power of the state or any municipal corporation or subdivision of the state or any agency of any of the foregoing, is pledged to the payment of principal, interest, or premium, if any, thereon. Any bonds, notes, other evidences of indebtedness, or other obligations to which this subsection applies shall not be included in any computation for purposes of limitations on indebtedness. To the extent expressly agreed in writing by a city, town, county, or public corporation, this subsection shall not apply to bonds, notes, or other evidences of indebtedness issued for, or obligations incurred for, the necessary support of the poor and infirm by that city, town, county, or public corporation.

(7) Any bonds, notes, or other evidences of indebtedness issued by, or reimbursement obligations incurred by, a city, town, county, or public corporation consistent with the provisions of this section but prior to the effective date of this section, and any loans or pledges made by a city, town, or county in connection therewith substantially consistent with the provisions of this section but prior to the effective date of this section, are deemed authorized and shall not be held void, voidable, or invalid due to any lack of authority under the laws of this state.

**NEW SECTION. Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 4.** The authority granted by this act is additional and supplemental to any other authority of any city, town, county, or public corporation. Nothing in this act may be construed to imply that any of the power or authority granted hereby was not available to any city, town, county, or public corporation under prior law. Any previous actions consistent with the provisions of this act are ratified and confirmed.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Winsley, the following title amendment was adopted:

On page 1, line 2 of the title, after "governments;" strike the remainder of the title and insert "amending RCW 35.21.735; creating new sections; and declaring an emergency."

#### MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No. 1517, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1517, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1517, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Hargrove and Moyer - 3.

SUBSTITUTE HOUSE BILL NO. 1517, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1246, by House Committee on Transportation (originally sponsored by Representatives Kremen, Goldsmith, Mastin, Kessler, Van Luven, Dyer, Sheldon, Hymes, Quall, Basich, Morris, Chandler, Backlund, Talcott and Sheahan)

Regulating private school buses.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1246.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1246 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Hargrove and Moyer - 3.

SUBSTITUTE HOUSE BILL NO. 1246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1088, by Representatives Hatfield, Ballasiotes, Kessler, Poulsen, Sheldon, Schoesler, Brumsickle, Blanton, Campbell, Pennington, Costa, Sherstad and Benton

Clarifying the definition of "sex offense".

The bill was read the second time.

#### MOTIONS

On motion of Senator Long, the following amendments by Senators Long and Hargrove were considered simultaneously and were adopted:

On page 8, line 2, after "9.94A.127" insert "or 13.40.135"

On page 15, after line 6, insert the following:

"**Sec. 5.** RCW 13.40.150 and 1992 c 205 s 109 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

- (a) Violations which are current offenses count as misdemeanors;
- (b) Violations may not count as part of the offender's criminal history;
- (c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

- (a) Consider the facts supporting the allegations of criminal conduct by the respondent;
- (b) Consider information and arguments offered by parties and their counsel;
- (c) Consider any predisposition reports;
- (d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;
- (e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;
- (f) Determine the amount of restitution owing to the victim, if any;
- (g) Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender;
- (h) Consider whether or not any of the following mitigating factors exist:
  - (i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;
  - (ii) The respondent acted under strong and immediate provocation;
  - (iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;
  - (iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and
  - (v) There has been at least one year between the respondent's current offense and any prior criminal offense;
- (i) Consider whether or not any of the following aggravating factors exist:
  - (i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;



(ii) The offense was committed in an especially heinous, cruel, or depraved manner;  
(iii) The victim or victims were particularly vulnerable;  
(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;  
(v) The current offense included a finding of sexual motivation pursuant to RCW ((9.94A.127)) 13.40.135;  
(vi) The respondent was the leader of a criminal enterprise involving several persons; and  
(vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.

(4) The following factors may not be considered in determining the punishment to be imposed:  
(a) The sex of the respondent;  
(b) The race or color of the respondent or the respondent's family;  
(c) The creed or religion of the respondent or the respondent's family;  
(d) The economic or social class of the respondent or the respondent's family; and  
(e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.  
(5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community."

On motion of Senator Snyder, the following title amendment was adopted:  
On page 1, line 2 of the title, after "9A.44.130," strike "and 9A.44.140" and insert "9A.44.140, and 13.40.150"

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 1088, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1088, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1088, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Hargrove and Moyer - 3.

HOUSE BILL NO. 1088, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1186, by Representatives Appelwick and Padden

Concerning social security benefits.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.18.190 and 1990 1st ex.s. c 2 s 17 are each amended to read as follows:

(1) When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of the injured worker for whom the injured worker owes a duty of child support, the amount of compensation the department or self-insurer pays on behalf of the child or children shall be treated for all purposes as if the injured worker paid the compensation toward satisfaction of the injured worker's child support obligations.

(2) When the social security administration pays social security disability dependency benefits, retirement benefits, or survivors insurance benefits on behalf of or on account of the child or children of ((the)) a disabled person, a retired person, or a deceased person, the amount of ((compensation)) benefits paid for the child or children shall be treated for all purposes as if the disabled person, the retired person, or the deceased person paid the ((compensation)) benefits toward the satisfaction of ((the disabled)) that person's child support obligation for that period for which benefits are paid.

(3) Under no circumstances shall the person who has the obligation to make the transfer payment have a right to reimbursement of any compensation paid under subsection (1) or (2) of this section."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "benefits;" strike the remainder of the title and insert "and amending RCW 26.18.190."

MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 1186, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1186, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1186, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senator Bauer - 1.

Excused: Senators Anderson, C., Hargrove and Moyer - 3.

HOUSE BILL NO. 1186, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Haugen, Winsley, Owen, C. Anderson and Oke

Creating the Joint Select Committee on Veterans and Military Personnel Affairs.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Concurrent Resolution No. 8400 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8400.

SENATE CONCURRENT RESOLUTION NO. 8400 was adopted by voice vote.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1427, by Committee on Health Care (originally sponsored by Representatives Dyer, Dellwo, Backlund, Thibaudeau and Skinner)

Modifying provisions for emergency medical service professionals.

The bill was read the second time.

MOTION

On motion of Senator Quigley, the rules were suspended, Substitute House Bill No. 1427 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1427.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1427 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Hargrove and Moyer - 3.

SUBSTITUTE HOUSE BILL NO. 1427, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 9:54 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:05 a.m. by President Pritchard.

#### MOTIONS

On motion of Senator Wood, Senator Cantu was excused.

On motion of Senator Loveland, Senator Rinehart was excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Palmer, Gubernatorial Appointment No. 9015, Donna DeJarnatt, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

Senators Palmer and Snyder spoke to the confirmation of Donna DeJarnatt as a member of the Board of Trustees for Lower Columbia community College.

#### APPOINTMENT OF DONNA DeJARNATT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 42.

Absent: Senators Anderson, A., McDonald and Sellar - 3.

Excused: Senators Anderson, C., Cantu, Moyer and Rinehart - 4.

#### MOTIONS

On motion of Senator Oke, Senators Ann Anderson, McDonald and Sellar were excused.

#### SECOND READING

HOUSE BILL NO. 1702, by Representatives Horn, Romero, Cole, Carlson, Cody, Cooke, Rust, Poulsen, Veloria, Mitchell, Reams, Jacobsen, Fuhrman and Costa

Regulating wheelchair warranties.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 1702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1702.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1702 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, A., Anderson, C., McDonald, Moyer and Sellar - 5.

HOUSE BILL NO. 1702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1706, by Representatives Koster, Chandler, Johnson, McMorris, Honeyford, Mastin, Boldt, Clements, Benton, McMahan, Smith, Kremen and Robertson

Extending the dairy inspection program assessment.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1706 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1706.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1706 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

HOUSE BILL NO. 1706, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1453, by House Committee on Appropriations (originally sponsored by Representatives Foreman, Ogden, Chappell, Costa, Dickerson, Schoesler, Stevens and Radcliff)

Providing for reserve officers' retirement.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute House Bill No. 1453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Sheldon, I haven't read the bill, but if they serve without pay, what would be the basis of the pension?"

Senator Sheldon: "Pardon me, I'm looking frantically through the bill, Senator. You are asking about the basis of, I think it is paid into the Volunteer Firefighter's Program and currently it is thirty dollars--paid by the community and thirty by the firefighter. That has being changed, so that the community can pay the whole thing. I think it would be on the same basis as the Volunteer Firefighter's Program currently is, exactly the same."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1453.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1453 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

SUBSTITUTE HOUSE BILL NO. 1453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1157, by Representatives Van Luven and Sheldon (by request of Department of Revenue)

Modifying sales and use tax exemptions regarding motor vehicles and trailers used for transporting persons or property for hire.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 1157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1157.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1157 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

HOUSE BILL NO. 1157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1086, by Representatives Hickel and Appelwick (by request of Law Revision Commission)

Revising provisions relating to personal property liens and security interests.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 1086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1086.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1086 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

HOUSE BILL NO. 1086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1188, by Representatives L. Thomas, Dyer, Grant, Benton, Campbell, Costa, Pelesky, Huff and Mielke

Concerning the loan security ratio.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1188.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1188 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz,

Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

HOUSE BILL NO. 1188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1687, by Representatives Lambert, Costa, Padden, Appelwick, Fuhrman, Grant, Sheahan, Tokuda, Chappell, Thibaudeau, Veloria, Morris, Hickel, Huff, Patterson and Mastin

Providing for distribution of appropriations for court-appointed special advocate programs.

The bill was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1687 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1687.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1687 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

HOUSE BILL NO. 1687, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1285, by Representatives L. Thomas, Dellwo, Mielke, Benton, Huff, Wolfe, Campbell, Costa, Pelesky, Dyer, Kessler, Smith and Beeksma

Allowing persons that provide the insurance commissioner with surplus line insurance information to gain immunity from civil liability.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1285.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1285 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Owen - 1.

Excused: Senators Anderson, C. and Moyer - 2.

HOUSE BILL NO. 1285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1041, by Representatives Quall, Schoesler, Robertson and Sheldon

Authorizing a trade association representing manufactured housing dealers to use a manufactured home as an office.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 1041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1041.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1041 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 40.

Voting nay: Senators Drew, Fairley, Haugen, Kohl, Prentice, Rinehart and Wojahn - 7.

Excused: Senators Anderson, C. and Moyer - 2.

HOUSE BILL NO. 1041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1053, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Horn, Chandler and Sheldon)

Changing the limitations on the use of wood stoves.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

On page 4, after line 2, insert the following:

"Sec. 3. RCW 70.94.457 and 1991 c 199 s 501 are each amended to read as follows:

The department of ecology shall establish by rule under chapter 34.05 RCW:

(1) State-wide emission performance standards for new solid fuel burning devices. Notwithstanding any other provision of this chapter which allows an authority to adopt more stringent emission standards, no authority shall adopt any emission standard for new solid fuel burning devices other than the state-wide standard adopted by the department under this section.

(a) After January 1, 1995, no solid fuel burning device shall be offered for sale in this state to residents of this state that does not meet the following particulate air contaminant emission standards under the test methodology of the United States environmental protection agency in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by the United States environmental protection agency subsequent to such date: (i) Two and one-half grams per hour for catalytic wood stoves; and (ii) four and one-half grams per hour for all other solid fuel burning devices. For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection multiplied by a statistically reliable conversion factor determined by the department that compares the difference between the emission test methodology established by the United States environmental protection agency prior to May 15, 1991, with the test methodology adopted subsequently by the agency. Subsection (a) of this subsection does not apply to fireplaces.

(b) After January 1, 1997, no fireplace, except masonry fireplaces, shall be offered for sale unless such fireplace meets the 1990 United States environmental protection agency standards for wood stoves or equivalent standard that may be established by the state building code council by rule. Prior to January 1, 1997, the state building code council shall establish by rule a methodology for the testing of factory-built fireplaces. The methodology shall be designed to achieve a particulate air emission standard equivalent to the 1990 United States environmental protection agency standard for wood stoves. In developing the rules, the council shall include on the technical advisory committee at least one representative from the masonry fireplace builders and at least one representative of the factory-built fireplace manufacturers.

(c) Prior to January 1, 1997, the state building code council shall establish by rule design standards for the construction of new masonry fireplaces in Washington state. In developing the rules, the council shall include on the technical advisory committee at least one representative from the masonry fireplace builders and at least one representative of the factory-built fireplace manufacturers. It shall be the goal of the council to develop design standards that generally achieve reductions in particulate air contaminant emissions commensurate with the reductions being achieved by factory-built fireplaces at the time the standard is established.

(d) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by this act.

(e) Subsection (1)(a) of this section shall not apply to fireplaces.

(f) Notwithstanding (a) of this subsection, the department is authorized to adopt, by rule, emission standards adopted by the United States environmental protection agency for new wood stoves sold at retail. For solid fuel burning devices for which the United States environmental protection agency has not established emission standards, the department may exempt or establish, by rule, state-wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves and fireplaces regulated under this subsection.

(2) A program to:  
(a) Determine whether a new solid fuel burning device complies with the state-wide emission performance standards established in subsection (1) of this section; and  
(b) Approve the sale of devices that comply with the state-wide emission performance standards.

**Sec. 4.** RCW 70.94.460 and 1987 c 405 s 7 are each amended to read as follows:

After July 1, 1988, no person shall sell, offer to sell, or knowingly advertise to sell a new wood stove in this state to a resident of this state unless the wood stove has been approved by the department under the program established under RCW 70.94.457."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "RCW" strike the remainder of the title and insert "70.94.473, 70.94.477, 70.94.457, and 70.94.460."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1053, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1053, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1053, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

SUBSTITUTE HOUSE BILL NO. 1053, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:52 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:05 p.m. by President Pritchard.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9137, Hugh Spitzer, as a member of the Puget Sound Water Quality Authority, was confirmed.

#### APPOINTMENT OF HUGH SPITZER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 1; Absent, 3; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senator Finkbeiner - 1.

Absent: Senators Cantu, Pelz and Roach - 3.

Excused: Senators Anderson, C. and Moyer - 2.

#### MOTION

On motion of Senator Ann Anderson, Senators Cantu and Oke were excused.

#### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9139, Larry Phillips, as a member of the Puget Sound Water Quality Authority, was confirmed.

Senators Fraser and Kohl spoke to the confirmation of Larry Phillips as a member of the Puget Sound Water Quality Authority.



## APPOINTMENT OF LARRY PHILLIPS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Cantu, Moyer and Oke - 4.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, by House Committee on Energy and Utilities (originally sponsored by Representatives Kessler, Casada, Chandler, Kremen, Patterson, Mastin, Morris, Quall, Foreman, L. Thomas, Brumsickle, Buck, Huff and Schoesler)

Exempting federally licensed dams from state regulation.

The bill was read the second time.

## MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed Substitute House Bill No. 1125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1125.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1125 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Cantu, Moyer and Oke - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1761, by Representatives Casada, Hankins, Patterson, Crouse, Huff, Carlson, Morris, Mielke, Mitchell and Kessler

Clarifying physical conditions for determining the output of major energy projects.

The bill was read the second time.

## MOTION

On motion of Senator Sutherland, the rules were suspended, House Bill No. 1761 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Hochstatter: "Senator Bauer, for purposes of clarification, does the term 'continuous' include a thermal power plant's planned or unplanned shutdown periods? For example, would the shutdown of a plant for maintenance interrupt the 'continuous' nature of the power rating for purposes of the measurement?"

Senator Bauer: "No, the term 'continuous' means or refers to what the plant can sustain over a continuous period of time. This is the performance level which would be certified by the manufacturer for continuous operation of the plant for an extended period of time. So, to respond to your example, planned or unplanned shutdowns for maintenance or other operational reasons would not affect the calculation of the two hundred fifty thousand kilowatts, as that term is defined under this amendment, which would be measured using the continuous power rating, less minimum auxiliary load, at average ambient temperature and pressure."

Senator Hochstatter: "Does then that whole phrase 'maximum continuous electric generating capacity' mean the highest possible amount of electric generation the plant is capable of achieving?"

Senator Bauer: "No, the phrase 'maximum continuous electric generation capacity' means the electric generating level that the plant can sustain when operated at the performance level guaranteed by the electric generating equipment manufacturer for continuous operation of the plant for an extended period of time."

Senator Hochstatter: "Also, for purposes of clarification, does the term 'plant' mean only the electric generating equipment?"

Senator Bauer: "No, the term 'plant' means the entire electric generation facility, including all associated facilities, together with all integrated control devices."

Senator Hochstatter: "For further clarification, is that a specific location at which the electric generation capacity is 'measured' as referenced in the statute?"

Senator Bauer: "Yes, the term 'measured' means at the plant interconnect with the electric distribution system to which the plant supplies electricity."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1761.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1761 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Finkbeiner and Long - 2.

Excused: Senators Anderson, C., Cantu, Moyer and Oke - 4.

HOUSE BILL NO. 1761, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1223, by Representatives Brumsickle, Cole, B. Thomas, Silver and Carlson (by request of Board of Education and Superintendent of Public Instruction)

Changing state board of education staff provisions.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1223.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1223 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Cantu, Moyer and Oke - 4.

HOUSE BILL NO. 1223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1498, by Representatives L. Thomas, Wolfe, Dyer, Dellwo, Huff, Tokuda, Basich, Kessler, Blanton, Beeksma, Mielke, Hatfield and Hymes

Extending the expiration date for the pollution liability insurance program.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1498 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1498.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1498 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Cantu, Moyer and Oke - 4.

HOUSE BILL NO. 1498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1001, by House Committee on Higher Education (originally sponsored by Representatives Carlson, Sommers, Brumsickle, Jacobsen, Foreman, Silver, Schoesler, Kessler, Blanton, Morris, Dyer, Lisk, Van Luven, Ballasiotes, Reams, Horn, Sehlin, Chandler, Cooke, L. Thomas, B. Thomas, Scott, Tokuda, Benton, Costa, Delvin, Mason, Thompson, Beeksmas, Brown, Backlund, Pennington, Mastin, Mitchell, Cole, Quall, Basich, Smith, Mulliken, Huff, Talcott and Chopp)

Exempting institutions of higher education from certain expenditure requirements.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1001.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1001 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senator Heavey - 1.

Excused: Senators Anderson, C., Cantu, Moyer and Oke - 4.

SUBSTITUTE HOUSE BILL NO. 1001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Gaspard, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8637

By Senators Gaspard, Wojahn, McDonald, Winsley, Rasmussen, Spanel and Kohl

WHEREAS, Persons of character, integrity, intelligence, and dedication have made significant contributions to the people of this state and to the growth and development of the state of Washington; and

WHEREAS, Dr. Robert L. Hollister, Jr., Ph.D., is representative of these qualities and contributions; and

WHEREAS, Dr. Hollister served his country with distinction as a member of the United States Army, rising to the rank of Colonel;  
and

WHEREAS, Dr. Hollister earned a Doctorate Degree in Business Administration after retirement from military service and became a member of the faculty at the University of Puget Sound; and

WHEREAS, In 1977, chosen by Governor Dixie Lee Ray, Dr. Hollister became the first Director of the Department of Retirement Systems confirmed by the State Senate, where he was given the task of combining the individual administration of the six major retirement systems of the state; and

WHEREAS, Dr. Hollister remained to serve as Director under three Governors of both political parties for twelve years, during which time he made major contributions to the development of Washington's Retirement Systems; and

WHEREAS, As Director of the Department of Retirement Systems, Dr. Hollister served as a member of the State Investment Board and became its chairman exercising experienced and innovative judgement in investing the funds of the retirement trusts; and

WHEREAS, Dr. Hollister was a tireless advocate for equitable treatment for all members under pension statutes and was always readily available to assist the Legislature in finding solutions to often complex retirement issues; and

WHEREAS, After retirement, Dr. Hollister continued his involvement by generously volunteering his time and knowledge to the Office of the State Actuary and the Joint Committee on Pension Policy in the development of options for the improvement of public retirement systems in this state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognizes, honors and gives its profound thanks to Dr. Robert L. Hollister, Jr. for his contributions to our nation, this state, and the public employees of the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dr. Hollister.

Senators Gaspard and Winsley spoke to Senate Resolution 1995-8637.

#### MOTION

At 2:48 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Wednesday, April 5, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SIXTH DAY, APRIL 4, 1995

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

**EIGHTY-SEVENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, April 5, 1995

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Cantu, Drew, Finkbeiner, Franklin, Long, McDonald, Moyer, Owen and Pelz. On motion of Senator Loveland, Senators Cal Anderson, Drew and Pelz were excused. On motion of Senator Ann Anderson, Senators Cantu, Finkbeiner, Long, McDonald and Moyer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Glenda Bailey and Chad Hoffman, presented the Colors. Reverend Sandra Lee, pastor of the Olympia Unitarian Universalist Church, offered the prayer.

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Hale, Gubernatorial Appointment No. 9031, Emmitt Jackson, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

APPOINTMENT OF EMMITT JACKSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 2; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Deccio, Fairley, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 39.

Absent: Senators Franklin and Owen - 2.

Excused: Senators Anderson, C., Cantu, Drew, Finkbeiner, Long, McDonald, Moyer and Pelz - 8.

STATEMENT FOR THE JOURNAL

RE: House Bill No. 1457, House Bill No. 1360, Substitute House Bill No. 1062, House Bill No. 1525 and Engrossed Substitute House Bill No. 1527, as amended by the Senate.

I was absent for the vote on final passage on these measures, which I support, because I had not moved my clock forward to daylight savings time at my session residence and was continuing to operate on standard time.

SENATOR ROSA FRANKLIN, 29th District

SECOND READING

HOUSE BILL NO. 1457, by Representatives Voloria, Tokuda, Brumsickle, Regala, Conway and Huff (by request of Commission on Asian American Affairs)

Renaming the commission on Asian Pacific American affairs.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1457 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Franklin was excused.  
The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1457.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1457 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Deccio, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Cantu, Drew, Franklin, McDonald and Moyer - 6.

HOUSE BILL NO. 1457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1360, by Representatives Dyer, Dellwo, Backlund and Cody.

Addressing discriminatory practices against osteopathic physicians and surgeons.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, House Bill No. 1360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1360.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1360 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Cantu, Franklin, McDonald and Moyer - 5.

HOUSE BILL NO. 1360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1062, by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Koster, Cooke, Costa, Schoesler, Morris, Boldt, Benton, Foreman, Sheldon, Kremen, Mastin, Lisk, Chandler and Carlson)

Using juvenile serious violent offenses as criminal history for adult sentencing.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1062.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1062 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Cantu, Franklin, McDonald and Moyer - 5.

SUBSTITUTE HOUSE BILL NO. 1062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1525, by Representatives L. Thomas, Beeksmas, Benton, Smith and McMahan

Lowering the number of items provided by banks for customers' examination of negotiable instruments.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1525.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1525 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 8; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Loveland, McAuliffe, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wood - 36.

Voting nay: Senators Fairley, Heavey, Kohl, Long, McCaslin, Pelz, Swecker and Wojahn - 8.

Excused: Senators Anderson, C., Cantu, Franklin, McDonald and Moyer - 5.

HOUSE BILL NO. 1525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1527, by House Committee on Appropriations (originally sponsored by Representatives Benton, Clements, Koster, Dellwo, Campbell, Boldt, Kessler, Wolfe, Mielke, Thompson, Delvin, Carlson, Pelesky, D. Schmidt, Chopp, Van Loven, R. Fisher, Hickel, Sehlin, Costa, Ballasiotes, Pennington, Radcliff, Carrell, Hatfield, Romero, B. Thomas, Beeksmas, Cody, Cooke, Dickerson, Conway, Jacobsen, Basich, Hargrove, L. Thomas, Chandler, Kremen, Robertson, Johnson, K. Schmidt, Smith, Dyer, Elliot, Blanton, Goldsmith, Mulliken, Schoesler and Brumsickle)

Recognizing veterans of World War II.

The bill was read the second time.

#### MOTIONS

On motion of Senator Sheldon, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to remember the thousands of men and women from Washington state who served in World War II. This year, nineteen hundred and ninety-five, marks the fiftieth anniversary of the end of World War II and yet there is no monument on the state capitol campus to specifically recognize the dedication of the men and women of this state who served or were wounded, killed, or missing in action during World War II. These brave people should be recognized for their dedication to freedom and bravery that brought a victorious end to the war. The legislature pledges strong support for a war memorial on the state capitol campus to honor all those who served in the armed forces during World War II.

**NEW SECTION. Sec. 2.** (1) The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the state general fund to the department of veterans affairs for the purpose of erecting a monument on the state capitol campus to honor and thank all who served during World War II.

(2) Prior to expending the appropriation the department of veterans affairs shall convene an advisory committee to make recommendations to the department on the type, size, and cost of the memorial and recommend a site on the capitol campus, subject to approval of the state capitol committee, for the memorial. The advisory committee shall consist of eleven members: Two from the house of representatives, one from each caucus; two from the senate, one from each caucus; one member appointed by the governor; and six public

members representing veterans or veteran organizations. Members of the advisory committee shall not be compensated or reimbursed for any expenses incurred by attending advisory committee meetings."

On motion of Senator Sheldon, the following title amendment was adopted:

On page 1, line 1 of the title, after "veterans;" strike the remainder of the title and insert "creating a new section; and making an appropriation."

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 1527, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Sheldon, I am curious about why it says, 'Members of the advisory Committee shall not be compensated or reimbursed for any expenses.' That would pretty well leave any Eastern Washington legislators off this committee, I assume. Senator Prentice agrees with me."

Senator Sheldon: "Well, I certainly am sure they didn't want to slight any Eastern Washington legislators. I would assume, Senator, that this is following the lines of the earlier memorial for the Korean conflict and the Asian conflict--that they used the same guidelines--but I am sure they would be happy to consider you."

Senator McCaslin: "Oh, no, no, I am not interested, believe me, even if they compensated me. I served my time in World War II, along with Senator Oke, and I really do not want to serve any more time going over the war stories that most of us pass along. Anyway, I just wanted to bring that up. You've excluded Eastern Washington veterans from coming and serving on that committee, because we really can't afford to fly over here, especially when we have to give up our free mileage, you know."

Senator Sheldon: "Thank you for mentioning it. You know, possibly, they could meet either at the mountains or the pass or maybe in Eastern Washington and maybe take turns meeting back and forth."

Senator McCaslin: "If they could meet on South Sullivan, I would even be happier. Thank you."

Senator Sheldon: "You are welcome."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1527, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1527, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Cantu, Franklin, McDonald and Moyer - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1527, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 9:35 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:05 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the first order of business.

#### REPORT OF STANDING COMMITTEE

April 4, 1995

2SHB 1524 House Committee on Appropriations: Changing weights and measures regulations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair, Loveland, Vice-Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Quigley, Sheldon, Snyder, Spanel, Sutherland and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter, McDonald and West.

Passed to Committee on Rules for second reading.

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

#### MESSAGES FROM THE HOUSE



April 4, 1995

MR. PRESIDENT:

The House has passed Engrossed Substitute Senate Bill No. 5156, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 4, 1995

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5022,  
SENATE BILL NO. 5027,  
SUBSTITUTE SENATE BILL NO. 5129,  
SUBSTITUTE SENATE BILL NO. 5279,  
SENATE BILL NO. 5630,  
SUBSTITUTE SENATE BILL NO. 5660,  
SUBSTITUTE SENATE BILL NO. 5997, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 4, 1995

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5042,  
SENATE BILL NO. 5046,  
SENATE BILL NO. 5052,  
SUBSTITUTE SENATE BILL NO. 5067,  
SENATE BILL NO. 5083,  
SUBSTITUTE SENATE BILL NO. 5222,  
SENATE BILL NO. 5266,  
SENATE BILL NO. 5274,  
SENATE BILL NO. 5330,  
SENATE BILL NO. 5332,  
SUBSTITUTE SENATE BILL NO. 5370,  
SUBSTITUTE SENATE BILL NO. 5400,  
SUBSTITUTE SENATE BILL NO. 5419,  
SENATE BILL NO. 5432,  
SENATE BILL NO. 5668,  
SUBSTITUTE SENATE BILL NO. 5957,  
SUBSTITUTE SENATE BILL NO. 6002,  
SENATE JOINT MEMORIAL NO. 8012,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8015, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 4, 1995

MR. PRESIDENT:

The House has passed House Bill No. 2074, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5022,  
SENATE BILL NO. 5027,  
SUBSTITUTE SENATE BILL NO. 5129,  
SUBSTITUTE SENATE BILL NO. 5279,  
SENATE BILL NO. 5630,  
SUBSTITUTE SENATE BILL NO. 5660,  
SUBSTITUTE SENATE BILL NO. 5997.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5042,  
SENATE BILL NO. 5046,  
SENATE BILL NO. 5052,  
SUBSTITUTE SENATE BILL NO. 5067,  
SENATE BILL NO. 5083,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5156,  
SUBSTITUTE SENATE BILL NO. 5222,  
SENATE BILL NO. 5266,  
SENATE BILL NO. 5274,  
SENATE BILL NO. 5330,  
SENATE BILL NO. 5332,  
SUBSTITUTE SENATE BILL NO. 5370,  
SUBSTITUTE SENATE BILL NO. 5400,  
SUBSTITUTE SENATE BILL NO. 5419,  
SENATE BILL NO. 5432,  
SENATE BILL NO. 5668,  
SUBSTITUTE SENATE BILL NO. 5957,  
SUBSTITUTE SENATE BILL NO. 6002,  
SENATE JOINT MEMORIAL NO. 8012,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8015.

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2074 by Representatives Backlund, Lambert, Reams, Van Luven, Dyer, Horn, K. Schmidt and R. Fisher

Clarifying a 1994 transportation appropriation.

Referred to Committee on Transportation.

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Hargrove, Gubernatorial Appointment No. 9016, Dr. Dennis Dyck, as a member of the State Hospital Eastern Washington Advisory Board, was confirmed.

#### MOTIONS

On motion of Senator Newhouse, Senators Ann Anderson and West were excused.  
On motion of Senator Kohl, Senator Loveland was excused.

#### APPOINTMENT OF DR. DENNIS DYCK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.  
Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 41.  
Absent: Senators Haugen, Quigley and Rinehart - 3.  
Excused: Senators Anderson, A., Anderson, C., Loveland, Moyer and West - 5.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, by House Committee on Commerce and Labor (originally sponsored by Representatives Kessler, Buck, Quall, Carlson, Casada and Basich)

Modifying unemployment compensation for persons employed under public employment contracts.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendment was adopted:  
Strike everything after the enacting clause and insert the following:  
"Sec. 1. RCW 50.04.320 and 1986 c 21 s 1 are each amended to read as follows:

(1) For the purpose of payment of contributions, "wages" means the remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in RCW 50.24.010. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in the individual's trade or business an individual who immediately before the acquisition was employed in the trade or business of the predecessor employer, then, for the purposes of determining the amount of remuneration paid by the successor employer to the individual during the calendar year which is subject to contributions, any remuneration paid to the individual by the predecessor employer during that calendar year and before the acquisition shall be considered as having been paid by the successor employer.

(2) For the purpose of payment of benefits, "wages" means the remuneration paid by one or more employers to an individual for employment under this title during his base year: PROVIDED, That at the request of a claimant, wages may be calculated on the basis of remuneration payable. The department shall notify each claimant that wages are calculated on the basis of remuneration paid, but at the claimant's request a redetermination may be performed and based on remuneration payable.

(3) For the purpose of payment of benefits and payment of contributions, the term "wages" includes tips which are received after January 1, 1987, while performing services which constitute employment, and which are reported to the employer for federal income tax purposes.

(4)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner. Remuneration does not include payments to members of a reserve component of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, shall be considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an employment contract with a public agency prior to its expiration date shall be considered remuneration. The proceeds shall be deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Except as provided in (c) of this subsection, the provisions of this ((section)) subsection (4) pertaining to the assignment of previously accrued compensation shall not apply to individuals subject to RCW 50.44.050.

**Sec. 2.** RCW 50.44.050 and 1990 c 33 s 587 are each amended to read as follows:

Except as otherwise provided in subsections (1) through (4) of this section, benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title.

(1) Benefits based on service in an instructional, research or principal administrative capacity for an educational institution shall not be paid to an individual for any week of unemployment which commences during the period between two successive academic years or terms within an academic year (or, when an agreement provides instead for a similar period between two regular but not successive terms within an academic year, during such period) if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms. Any employee of a common school district who is presumed to be reemployed pursuant to RCW 28A.405.210 shall be deemed to have a contract for the ensuing term.

(2) Benefits shall not be paid based on services in any other capacity for an educational institution for any week of unemployment which commences during the period between two successive academic years or terms within an academic year, if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms: PROVIDED, That if benefits are denied to any individual under this subsection and that individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.

(3) Benefits shall not be paid based on any services described in subsections (1) and (2) of this section for any week of unemployment which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(4) Benefits shall not be paid (as specified in subsections (1), (2), or (3) of this section) based on any services described in subsections (1) or (2) of this section to any individual who performed such services in an educational institution while in the employ of an educational service district which is established pursuant to chapter 28A.310 RCW and exists to provide services to local school districts.

(5) As used in subsections (1) and (2) of this section, "academic year" includes fall, winter, spring, and summer quarters and comparable semesters unless, based upon objective criteria including enrollment and staffing, the quarter or comparable semester is not in fact a part of the academic year for the particular institution.

**Sec. 3.** RCW 50.44.053 and 1985 ex.s. c 5 s 9 are each amended to read as follows:

The term "reasonable assurance," as used in RCW 50.44.050, means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term as in the first academic year or term, provided that the agreement is not contingent on enrollment, funding, or program changes. A person shall not be deemed to be performing services "in the same capacity" unless those services are rendered under the same terms or conditions of employment in the ensuing year as in the first academic year or term.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 50.04.320, 50.44.050, and 50.44.053; and declaring an emergency."

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 1821, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1821, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1821, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Loveland and Moyer - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1224, by Representatives Brumsickle, Cole, Silver and Carlson (by request of Board of Education and Superintendent of Public Instruction Billings)

Authorizing waivers for educational restructuring.

The bill was read the second time.

#### MOTIONS

On motion of Senator McAuliffe, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.630 RCW to read as follows:

(1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district.

(2) School districts may use the application process in RCW 28A.305.140 or 28A.300.138 to apply for the waivers under subsection (1) of this section.

(3) The joint select committee on education restructuring shall study which waivers of state laws or rules are necessary for school districts to implement education restructuring. The committee shall study whether the waivers are used to implement specific essential academic learning requirements and student learning goals. The committee shall study the availability of waivers under the schools for the twenty-first century program created by chapter 525, Laws of 1987, and the use of those waivers by schools participating in that program. The committee shall also study the use of waivers authorized under RCW 28A.305.140. The committee shall report its findings to the legislature by December 1, 1997."

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 1 of the title, after "waivers;" strike the remainder of the title and insert "and adding a new section to chapter 28A.630 RCW."

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1224, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator McCaslin, Senator Cantu was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1224, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1224, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley,

Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, A., Anderson, C., Cantu, Loveland and Moyer - 5.

HOUSE BILL NO. 1224, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1249, by Representatives Brumsickle and Cole (by request of Office of Financial Management and Superintendent of Public Instruction Billings)

Extending the time for developing essential academic learning requirement Goal 2 assessments.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1249 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator McAuliffe, further consideration of House Bill No. 1249 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1350, by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Chandler and Veloria) (by request of Joint Task Force on Unemployment Insurance)

Authorizing voluntary contributions for unemployment insurance.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendment was adopted:

On page 2, beginning on line 14, strike all of subsection (2) and insert the following:

"(2) This section does not apply to any employer who has not had an increase of at least six rate classes from the previous tax rate year.

**NEW SECTION. Sec. 2.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "adding a new section to chapter 50.29 RCW; and creating a new section."

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1350, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1350, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1350, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince,

Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Absent: Senator Rinehart - 1.

Excused: Senators Anderson, A., Anderson, C., Cantu and Moyer - 4.

SUBSTITUTE HOUSE BILL NO. 1350, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND ENGROSSED HOUSE BILL NO. 1130, by Representatives Crouse, Dellwo, Padden, Brown, Silver, Johnson, McMorris, Elliot, Stevens, Koster and Schoesler

Restricting the ringing of bells or sounding of whistles on locomotives.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

On page 1, after line 14, insert:

"This section shall not apply to an engineer operating a locomotive within yard limits or when on track, which is not main line track, where crossing speed is restricted by published special instruction or bulletin to ten miles per hour or less."

On motion of Senator Owen, the rules were suspended, Second Engrossed House Bill No. 1130, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed House Bill No. 1130, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed House Bill No. 1130, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 41.

Voting nay: Senators Haugen, Loveland and Pelz - 3.

Excused: Senators Anderson, A., Anderson, C., Cantu and Moyer - 4.

SECOND ENGROSSED HOUSE BILL NO. 1130, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1348, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Cole, Fuhrman and Wolfe) (by request of Department of Licensing)

Regulating escrow agents.

The bill was read the second time.

#### MOTIONS

On motion of Senator Prentice, the following Committee on Financial Institutions and Housing amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.44.010 and 1985 c 7 s 47 are each amended to read as follows:

Unless the context otherwise requires terms used in this chapter shall have the following meanings:

(1) "Department" means the department of (~~licensing~~) financial institutions.

(2) "Director" means the director of (~~licensing~~) financial institutions, or his or her duly authorized representative.

(3) "Escrow" means any transaction wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.

(4) "Escrow agent" means any sole proprietorship, firm, association, partnership, or corporation engaged in the business of performing for compensation the duties of the third person referred to in RCW 18.44.010(3) above.

- (5) "Certificated escrow agent" means any sole proprietorship, firm, association, partnership, or corporation holding a certificate of registration as an escrow agent under the provisions of this chapter.
- (6) "Person" unless a different meaning appears from the context, includes an individual, a firm, association, partnership or corporation, or the plural thereof, whether resident, nonresident, citizen or not.
- (7) "Escrow officer" means any natural person handling escrow transactions and licensed as such by the director.
- (8) "Escrow commission" means the escrow commission of the state of Washington created by RCW 18.44.208.
- (9) "Controlling person" is any person who owns or controls ten percent or more of the beneficial ownership of any escrow agent, regardless of the form of business organization employed and regardless of whether such interest stands in such person's true name or in the name of a nominee.

**Sec. 2.** RCW 18.44.080 and 1985 c 340 s 1 are each amended to read as follows:

The director shall charge and collect the following fees:

(1) For filing an original or a renewal application for registration as an escrow agent, annual fees for the first office or location and for each additional office or location.

(2) For filing an application for a change of address, for each certificate of registration and for each escrow officer license being so changed.

(3) For filing an application for a duplicate of a certificate of registration or of an escrow officer license lost, stolen, destroyed, or for replacement.

(4) For providing administrative support to the escrow commission.

All fees under this chapter shall be set by rule by the director (~~in accordance with RCW 43.24.086~~). In fixing these fees, the director shall set the fees at a sufficient level to defray the costs of administering this chapter.

All fees received by the director under this chapter shall be paid (~~by him~~) into the state treasury to the credit of the (~~general fund~~) banking examination fund.

**Sec. 3.** RCW 18.44.208 and 1985 c 340 s 3 are each amended to read as follows:

There is established an escrow commission of the state of Washington, to consist of the director of (~~licensing~~) financial institutions or his or her designee as chairman, and five ~~other~~ members who shall act as advisors to the director as to the needs of the escrow profession, including but not limited to the design and conduct of tests to be administered to applicants for escrow licenses, the schedule of license fees to be applied to the escrow licensees, educational programs, audits and investigations of the escrow profession designed to protect the consumer, and such other matters determined appropriate. (~~Such members shall be appointed by the governor~~) The director is hereby empowered to and shall appoint the other members, each of whom shall have been a resident of this state for at least five years and shall have at least five years experience in the practice of escrow as an escrow agent or as a person in responsible charge of escrow transactions.

The members of the first commission shall serve for the following terms: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the commission shall receive a certificate of appointment from the (~~governor~~) director and before beginning the member's term of office shall file with the secretary of state a written oath or affirmation for the faithful discharge of the member's official duties. On the expiration of the term of each member, the (~~governor~~) director shall appoint a successor to serve for a term of five years or until the member's successor has been appointed and qualified.

The (~~governor~~) director may remove any member of the commission for cause. Vacancies in the commission for any reason shall be filled by appointment for the unexpired term.

Members shall be compensated in accordance with RCW 43.03.240, and shall be reimbursed for their travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 4.** RCW 18.44.290 and 1977 ex.s. c 156 s 22 are each amended to read as follows:

Any person desiring to be an escrow officer shall meet the requirements of RCW 18.44.220 as provided in this chapter. The applicant shall make application endorsed by a certificated escrow agent to the director on a form to be prescribed and furnished by the director. Such application must be received by the director within one year of passing the escrow officer examination. With this application the applicant shall:

(1) Pay a license fee as set forth (~~in this chapter~~) by rule; and

(2) Furnish such proof as the director may require concerning his or her honesty, truthfulness, good reputation, and identity, including but not limited to fingerprints.

**Sec. 5.** RCW 18.44.380 and 1987 c 471 s 10 are each amended to read as follows:

A request for a waiver of the required errors and omissions policy may be accomplished under the statute by submitting to the director an affidavit that substantially addresses the following:

#### REQUEST FOR WAIVER OF ERRORS AND OMISSIONS POLICY

I, . . . . ., residing at . . . . ., City of . . . . ., County of . . . . ., State of Washington, declare the following:

(1) The state escrow commission has determined that an errors and omissions policy is not reasonably available to a substantial number of licensed escrow officers; and

(2) Purchasing an errors and omissions policy is cost-prohibitive at this time; and

(3) I have not engaged in any conduct that resulted in the termination of my escrow certificate; and

(4) I have not paid, directly or through an errors and omissions policy, claims in excess of ten thousand dollars, exclusive of costs and attorneys' fees, during the calendar year preceding submission of this affidavit; and

(5) I have not paid, directly or through an errors and omissions policy, claims, exclusive of costs and attorneys' fees, totaling in excess of twenty thousand dollars in the three calendar years immediately preceding submission of this affidavit; and

(6) I have not been convicted of a crime involving honesty or moral turpitude during the calendar year preceding submission of this application.

THEREFORE, in consideration of the above, I, . . . . ., respectfully request that the director of (~~licensing~~) financial institutions grant this request for a waiver of the requirement that I purchase and maintain an errors and omissions policy covering my activities as an escrow agent licensed by the state of Washington for the period from . . . . ., 19. . . . ., to . . . . ., 19. . . . .

Submitted this day of . . . . . day of . . . . ., 19. . . . .

(signature)

State of Washington,

ss.

County of ((King)) .....

I certify that I know or have satisfactory evidence that . . . . ., signed this instrument and acknowledged it to be . . . . . free and voluntary act for the uses and purposes mentioned in the instrument.

Dated  
Signature of  
Notary Public

(Seal or stamp) Title

My appointment expires

**Sec. 6.** RCW 43.320.011 and 1993 c 472 s 6 are each amended to read as follows:

(1) All powers, duties, and functions of the department of general administration under Titles 30, 31, 32, 33, and 43 RCW and any other title pertaining to duties relating to banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies and departments, and other similar institutions are transferred to the department of financial institutions. All references to the director of general administration, supervisor of banking, or the supervisor of savings and loan associations in the Revised Code of Washington are construed to mean the director of the department of financial institutions when referring to the functions transferred in this section. All references to the department of general administration in the Revised Code of Washington are construed to mean the department of financial institutions when referring to the functions transferred in this subsection.

(2) All powers, duties, and functions of the department of licensing under chapters 18.44, 19.100, 19.110, 21.20, 21.30, and 48.18A RCW and any other statute pertaining to the regulation under the chapters listed in this subsection of escrow agents, securities, franchises, business opportunities, commodities, and any other speculative investments are transferred to the department of financial institutions. All references to the director or department of licensing in the Revised Code of Washington are construed to mean the director or department of financial institutions when referring to the functions transferred in this subsection.

**Sec. 7.** RCW 43.320.013 and 1993 c 472 s 9 are each amended to read as follows:

All employees classified under chapter 41.06 RCW, the state civil service law, who are employees of the department of general administration or the department of licensing engaged in performing the powers, functions, and duties transferred by RCW 43.320.011, except those under chapter 18.44 RCW, are transferred to the department of financial institutions. All such employees are assigned to the department of financial institutions to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

**Sec. 8.** RCW 43.320.060 and 1993 c 472 s 20 are each amended to read as follows:

The director of financial institutions shall appoint, deputize, and employ examiners and such other assistants and personnel as may be necessary to carry on the work of the department of financial institutions.

In the event of the director's absence the director shall have the power to deputize one of the assistants of the director to exercise all the powers and perform all the duties prescribed by law with respect to banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies and departments, securities, franchises, business opportunities, commodities, escrow agents, and other similar institutions or areas that are performed by the director so long as the director is absent: PROVIDED, That such deputized assistant shall not have the power to approve or disapprove new charters, licenses, branches, and satellite facilities, unless such action has received the prior written approval of the director. Any person so deputized shall possess the same qualifications as those set out in this section for the director.

**Sec. 9.** RCW 43.320.110 and 1993 c 472 s 25 are each amended to read as follows:

There is created a local fund known as the "banking examination fund" which shall consist of all moneys received by the department of financial institutions from banks, savings banks, foreign bank branches, savings and loan associations, consumer loan companies, check cashers and sellers, ~~((and))~~ trust companies and departments, and escrow agents, and which shall be used for the purchase of supplies and necessary equipment and the payment of salaries, wages, utilities, and other incidental costs required for the proper regulation of these companies. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

**NEW SECTION. Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 1 of the title, after "agents;" strike the remainder of the title and insert "amending RCW 18.44.010, 18.44.080, 18.44.208, 18.44.290, 18.44.380, 43.320.011, 43.320.013, 43.320.060, and 43.320.110; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1348, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1348, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1348, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.



Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Cantu and Moyer - 4.

SUBSTITUTE HOUSE BILL NO. 1348, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1117, by Representatives Lambert, Costa, Blanton, Silver, Ballasiotes, Backlund, Robertson, Boldt, Buck, Thompson, Hargrove and Huff

Providing a deterrence for crimes committed at county or local penal institutions.

The bill was read the second time.

## MOTIONS

On motion of Senator Hargrove, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94.010 and 1955 c 241 s 1 are each amended to read as follows:

Whenever two or more inmates of a ~~((state penal))~~ correctional institution assemble for any purpose, and act in such a manner as to disturb the good order of ~~((such))~~ the institution and contrary to the commands of the officers of ~~((such))~~ the institution, by the use of force or violence, or the threat thereof, and whether acting in concert or not, they shall be guilty of prison riot.

**Sec. 2.** RCW 9.94.020 and 1992 c 7 s 19 are each amended to read as follows:

Every inmate of a ~~((state))~~ correctional ((facility)) institution who is guilty of prison riot or of voluntarily participating therein by being present at, or by instigating, aiding or abetting the same, shall be punished by imprisonment in a state correctional ~~((facility))~~ institution for not less than one year nor more than ten years, which shall be in addition to the sentence being served.

**Sec. 3.** RCW 9.94.030 and 1992 c 7 s 20 are each amended to read as follows:

Whenever any inmate of a ~~((state))~~ correctional ((facility)) institution shall hold, or participate in holding, any person as a hostage, by force or violence, or the threat thereof, or shall prevent, or participate in preventing an officer of such institution from carrying out his or her duties, by force or violence, or the threat thereof, he or she shall be guilty of a felony and upon conviction shall be punished by imprisonment in a state correctional ~~((facility))~~ institution for not less than one year nor more than ten years.

**Sec. 4.** RCW 9.94.040 and 1979 c 121 s 1 are each amended to read as follows:

(1) Every person serving a sentence in any ~~((penal))~~ state correctional institution ~~((of this state))~~ who, without legal authorization ~~((pursuant to law)), while in ((such penal)) the institution ((or while being conveyed to or from such penal institution, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place)),~~ or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a class B felony.

(2) Every person confined in a county or local correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or has under his or her control a deadly weapon, as defined in RCW 9A.04.110, is guilty of a class B felony.

(3) The sentence imposed under this section shall be in addition to any sentence being served.

**Sec. 5.** RCW 9.94.041 and 1979 c 121 s 2 are each amended to read as follows:

(1) Every person serving a sentence in any ~~((penal))~~ state correctional institution ~~((of this state))~~ who, without legal authorization, while in ~~((such penal))~~ the institution or while being conveyed to or from ~~((such penal))~~ the institution, ~~((or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place,))~~ or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any narcotic drug or controlled substance as defined in chapter 69.50 RCW is guilty of a class C felony.

(2) Every person confined in a county or local correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or has under his or her control any narcotic drug or controlled substance, as defined in chapter 69.50 RCW, is guilty of a class C felony.

(3) The sentence imposed under this section shall be in addition to any sentence being served.

**Sec. 6.** RCW 9.94.049 and 1992 c 7 s 21 are each amended to read as follows:

(1) For the purposes of this chapter, the term "correctional institution" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, and other facilities operated by the department of corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense.

(2) For the purposes of RCW 9.94.043 and 9.94.045, "state correctional institution" means all state correctional facilities under the supervision of the secretary of the department of corrections used solely for the purpose of confinement of convicted felons."

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "institutions;" strike the remainder of the title and insert "and amending RCW 9.94.010, 9.94.020, 9.94.030, 9.94.040, 9.94.041, and 9.94.049."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1117, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1117, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1117, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Cantu and Moyer - 4.

HOUSE BILL NO. 1117, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, by House Committee on Transportation (originally sponsored by Representatives Romero, Chandler, Patterson, Quall, Tokuda, D. Schmidt, Skinner, Chopp, Elliot, Johnson, Ogden, Scott, Blanton, Brown, Hatfield, R. Fisher, Basich, Sheldon, Appelwick, Dellwo, Wolfe, Rust, Regala, Chappell, Kremen, Dickerson, Kessler, Costa, Poulsen and Cody)

Expanding the adopt-a-highway program.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 1512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1512.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1512 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Cantu and Moyer - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1433, by Representatives Conway, Basich, Boldt, Romero, Poulsen, Huff, McMahan, Regala, Pelesky, L. Thomas, Thompson, Costa, Dickerson, Sherstad, Hatfield, Ebersole, Schoesler, Chopp and Carrell

Penalizing defacement of a state monument.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 1433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1433.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1433 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Cantu and Moyer - 4.

HOUSE BILL NO. 1433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1770, by Representatives Mastin and Grant

Revising enforcement requirements for plumbing certificates of competency.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendments were considered simultaneously and were adopted:

On page 1, after line 3, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.106 RCW to read as follows:

It is the intent of the legislature that the department of labor and industries be authorized to enter into agreements with cities and counties to allow the cities and counties to perform compliance inspections in accordance with the provisions of this chapter. The legislature intends that enforcement responsibilities contained in the chapter remain with the department and not be assumed by the cities and counties."

Renumber the remaining section consecutively.

On page 1, line 14, after "Washington." insert "Nothing in this section prevents the department from entering into similar agreements with other cities and counties regarding compliance inspections by the city or county to enforce this chapter."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, strike "and" and after "18.106.280" insert "; and adding a new section to chapter 18.106 RCW"

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed House Bill No. 1770, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1770, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1770, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Newhouse, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley, Wojahn and Wood - 32.

Voting nay: Senators Finkbeiner, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Oke, Prince, Sellar, Strannigan, Swecker and West - 13.

Excused: Senators Anderson, A., Anderson, C., Cantu and Moyer - 4.

ENGROSSED HOUSE BILL NO. 1770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 3:08 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 3:59 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5797, by Senators Hargrove, Long and Franklin

Revising provisions relating to examinations of mental conditions.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5797 was substituted for Senate Bill No. 5797 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5797 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Loveland, Senator Sutherland was excused.

On motion of Senator Ann Anderson, Senator Wood was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5797.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wojahn - 43.

Absent: Senator Heavey - 1.

Excused: Senators Anderson, C., Cantu, Moyer, Sutherland and Wood - 5.

SUBSTITUTE SENATE BILL NO. 5797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247, by House Committee on Commerce and Labor (originally sponsored by Representatives L. Thomas, Lisk, G. Fisher, Robertson, Casada, Basich, Clements, Ebersole, Horn, Boldt, Mason, B. Thomas, Cairnes, Radcliff, Foreman, Cooke, Chandler, Mielke, Dyer, Mitchell, Schoesler, Skinner, Appelwick, Sheldon, Costa and Morris)

Promoting horse racing.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 1247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senators Hargrove and Heavey were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1247.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1247 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Cantu, Hargrove, Heavey, Moyer and Sutherland - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1231, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Rust, Chandler, Valle, Cole, Mastin and Chopp)

Promoting the recycled content of products and buildings.

The bill was read the second time.

## MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.19A.020 and 1991 c 297 s 3 are each amended to read as follows:

(1) ~~((The director shall adopt standards specifying the minimum content of recycled materials in products or product categories. The standards shall:~~

~~(a) Be consistent with the USEPA product standards)) The USEPA product standards, as now or hereafter amended, are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in (a) and (b) of this subsection by the dates indicated, unless the director finds that a different standard would significantly increase recycled product availability or competition((:~~

~~(b) Consider the standards of other states, to encourage consistency of manufacturing standards;~~

~~(c) Consider regional product manufacturing capability;~~

~~(d) Address specific products or classes of products; and~~

~~(e) Consider postconsumer waste content and the recyclability of the product.~~

~~(2) The director shall consult with the supply management board and department of ecology prior to adopting the recycled content standards.~~

~~(3) The director shall adopt recycled content standards for at least the following products by the dates indicated:);~~

~~(a) By July 1, ((1992)) 1996:~~

~~(i) Paper and paper products;~~

~~(ii) Organic recovered materials; and~~

~~(iii) Latex paint products;~~

~~(b) By July 1, ((1993)) 1996:~~

~~(i) Products for lower value uses containing recycled plastics;~~

~~(ii) Retread and remanufactured tires;~~

~~(iii) Lubricating oils;~~

~~(iv) Automotive batteries; ((and))~~

~~(v) Building insulation;~~

~~(vi) Panelboard; and~~

~~(vii) Compost products.~~

~~((4)) (2) The standards ((required by)) adopted in this section shall be applied to recycled product purchasing by the department and other state agencies. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.~~

**Sec. 2.** RCW 43.19A.030 and 1991 c 297 s 4 are each amended to read as follows:

(1) By January 1, ((1993)) 1997, each local government shall review its existing procurement policies and specifications to determine whether recycled products are intentionally or unintentionally excluded. The policies and specifications shall be revised to include such products unless a recycled content product does not meet an established performance standard of the agency.

(2) By fiscal year ((1994)) 1997, each local government shall adopt a minimum purchasing goal for recycled content as a percentage of the total dollar value of supplies purchased. To assist in achieving this goal each local government shall adopt a strategy by January 1, ((1993, and shall submit a description of the strategy to the department. The department shall report to the appropriate standing committees of the legislature by October 1, 1993, on the progress of implementation by local governments, and shall thereafter periodically report on the progress of recycled product purchasing by state and other public agencies. All public agencies shall respond to requests for information from the department for the purpose of its reporting requirements under this section.

~~(3) Each local government shall designate a procurement officer who shall serve as the primary contact with the department for compliance with the requirements of this chapter)) 1996.~~

~~((4)) (3) This section shall apply only to local governments with expenditures for supplies exceeding ((five)) three hundred thousand dollars for fiscal year ((1989)) 1994. Expenditures for capital goods and for electricity, water, or gas for resale shall not be considered a supply expenditure.~~

**Sec. 3.** RCW 43.19A.050 and 1991 c 297 s 7 are each amended to read as follows:

The department shall prepare a ~~((mandatory state plan)) strategy~~ to increase purchases of recycled-content products by the department and all state agencies, including higher education institutions. The ~~((plan)) strategy~~ shall include purchases from public works contracts. The ~~((plan)) strategy~~ shall address the purchase of plastic products, retread and remanufactured tires, motor vehicle lubricants, latex paint, and lead acid batteries having recycled content. In addition, the ~~((plan)) strategy~~ shall incorporate actions to achieve the following purchase level goals of recycled content paper and compost products:

(1) Paper products as a percentage of the total dollar amount purchased on an annual basis:

(a) At least ~~((forty)) sixty~~ percent by ((1993)) 1995;

(b) At least ~~((fifty)) seventy~~ percent by ((1994)) 1996;

(c) At least ~~((sixty)) eighty~~ percent by ((1995)) 1997.

(2) Compost products as a percentage of the total dollar amount on an annual basis:

(a) At least ~~((twenty-five)) forty~~ percent by ((1993)) 1995;

(b) At least ~~((forty)) sixty~~ percent by ((1995)) 1997;

(c) At least ~~((sixty)) eighty~~ percent by ((1997)) 1999.

The department shall notify all state agencies of the requirements to develop the strategy. Each state agency shall consider the strategy and the goals of this section in its purchases of products, whether from the department's central stores or from other sources.

**Sec. 4.** RCW 43.78.170 and 1991 c 297 s 10 are each amended to read as follows:

The public printer shall take all actions consistent with the plan under RCW 43.19A.050 to ensure that seventy-five percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, ~~((1995)) 1996, and ninety percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, 1998.~~

**Sec. 5.** RCW 47.28.220 and 1992 c 174 s 14 are each amended to read as follows:

(1) A contract awarded in whole or in part for the purchase of compost products as a soil cover or soil amendment to state highway rights of way shall specify that compost products be purchased in accordance with the following schedule:

(a) For the period July 1, ~~((1991)) 1995,~~ through June 30, ~~((1993)) 1997,~~ twenty-five percent of the total dollar amount purchased;

(b) For the period July 1, ~~((1993)) 1997,~~ through June 30, ~~((1995)) 1999,~~ fifty percent of the total dollar amount purchased. The percentages in this subsection apply ~~((only))~~ to the materials' value~~(s)~~ and ~~((do not))~~ include services or other materials.

(2) In order to carry out the provisions of this section, the department of transportation shall develop and adopt bid specifications for compost products used in state highway construction projects.

(3)(a) For purposes of this section, "compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.

(b) For purposes of this section, "biosolids" means municipal sewage sludge or septic tank septage sludge that meets the requirements of chapter 70.95J RCW.

**NEW SECTION. Sec. 6.** A new section is added to chapter 39.04 RCW to read as follows:

(1) The state's preferences for the purchase and use of recycled-content products shall be included as a factor in the design and development of state capital improvement projects.

(2) Specifications for materials in state construction projects shall include the use of recycled-content products and recyclable products whenever practicable and economically viable.

(3) This section does not apply to contracts entered into by a municipality.

**NEW SECTION. Sec. 7.** A new section is added to chapter 39.04 RCW to read as follows:

Material from demolition projects and waste material from construction projects shall be recycled or reused whenever practicable and economically viable.

**NEW SECTION. Sec. 8.** The following acts or parts of acts are each repealed:

(1) RCW 43.19A.090 and 1991 c 297 s 12; and

(2) RCW 43.19A.100 and 1991 c 297 s 13."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "buildings;" strike the remainder of the title and insert "amending RCW 43.19A.020, 43.19A.030, 43.19A.050, 43.78.170, and 47.28.220; adding new sections to chapter 39.04 RCW; and repealing RCW 43.19A.090 and 43.19A.100."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1231, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1231, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1231, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Cantu, Hargrove, Moyer and Sutherland - 5.

SUBSTITUTE HOUSE BILL NO. 1231, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Mielke, Johnson, Quall, Mitchell, Buck, Romero, Horn and Huff)

Regulating commercial vehicle safety.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 2, line 1, after "motor" strike "vehicles regulated" and insert "carriers subject to economic regulation"

On page 4, beginning with "(3)" on line 1, strike everything through "transferred." on line 4, and insert the following:

"(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Washington state patrol. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state patrol to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service."

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

On page 5, line 10, after "**Sec. 7.**" strike "This act takes" and insert "Section 2 of this act becomes effective with motor vehicle registration fees due or to become due January 1, 1996. Sections 1 and 3 through 6 of this act take"

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 1209, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1209, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1209, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Cantu, Hargrove, Moyer and Sutherland - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1176, by Representatives Delvin, Hickel, Sheahan, Appelwick, Dellwo, Hankins, Mastin, Honeyford and Padden

Authorizing Benton county to have one additional district court judge.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 3.34.010 and 1994 c 111 s 1 are each amended to read as follows:

The number of district judges to be elected in each county shall be: Adams, two; Asotin, one; Benton, ~~((two))~~ three; Chelan, two; Clallam, two; Clark, five; Columbia, one; Cowlitz, two; Douglas, ~~((two))~~ one; Ferry, one; Franklin, one; Garfield, one; Grant, two; Grays Harbor, two; Island, one; Jefferson, one; King, twenty-six; Kitsap, three; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, two; Pend Oreille, one; Pierce, eleven; San Juan, one; Skagit, two; Skamania, one; Snohomish, seven; Spokane, nine; Stevens, one; Thurston, two; Wahkiakum, one; Walla Walla, two; Whatcom, two; Whitman, one; Yakima, four. This number may be increased only as provided in RCW 3.34.020.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "judges;" strike the remainder of the title and insert "amending RCW 3.34.010; and declaring an emergency."

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 1176, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1176, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1176, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince,

Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Cantu, Hargrove, Moyer and Sutherland - 5.

HOUSE BILL NO. 1176, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1856, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Blanton, Costa, Dickerson, D. Schmidt, Thompson, Radcliff, Sherstad, Beeksma and Romero)

Clarifying the liability of lenders under the model toxics control act.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1856 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1856.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1856 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Cantu, Hargrove, Moyer and Sutherland - 5.

SUBSTITUTE HOUSE BILL NO. 1856, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 4004, by Representatives Chandler, Lisk, Schoesler, Mulliken, Robertson, Honeyford, Mastin, Clements, Chappell, Delvin, McMorris, Koster, Boldt and Foreman

Petitioning Congress to introduce legislation on pesticide use for minor crops.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Joint Memorial No. 4004 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Joint Memorial No. 4004.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Memorial No. 4004 and the joint memorial passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senator Fairley - 1.

Excused: Senators Anderson, C., Cantu, Hargrove, Moyer and Sutherland - 5.

ENGROSSED HOUSE JOINT MEMORIAL NO. 4004, having received the constitutional majority, was declared passed.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1017, by House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Horn, Robertson, Padden, Lisk, Scott, Dyer, Thompson, Goldsmith, K. Schmidt, Sehlín, Campbell, Sheldon and Talcott)



Transferring emergency management functions from the department of community development to the military department.

The bill was read the second time.

#### MOTIONS

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 38.52.005 and 1986 c 266 s 22 are each amended to read as follows:

The department (~~(of community development)~~) shall administer the comprehensive emergency management program of the state of Washington as provided for in this chapter. All local organizations, organized and performing emergency management functions pursuant to RCW 38.52.070, may change their name and be called the . . . . . department/division of emergency management.

Sec. 2. RCW 38.52.010 and 1993 c 251 s 5 and 1993 c 206 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person, including but not limited to an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW, who is registered with a local emergency management organization or the department (~~(of community development)~~) and holds an identification card issued by the local emergency management director or the department (~~(of community development)~~) for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the (~~(director of community development)~~) adjutant general.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the state military department (~~(of community development)~~).

(12) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection (6)(b) of this section.

(13) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, fire fighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(14) "Public agency" means the state, and a city, county, municipal corporation, district, or public authority located, in whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services.

Sec. 3. RCW 38.52.090 and 1987 c 185 s 6 are each amended to read as follows:

(1) The director of each local organization for emergency management may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management plan and program, and in time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. The (~~(director of community development)~~) adjutant general shall adopt and distribute a standard form of contract for use by local organizations in understanding and carrying out said mutual aid arrangements.

(2) The (~~(director of community development)~~) adjutant general and the director of each local organization for emergency management may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. All such arrangements shall be pursuant to either of the compacts contained in subsection (2) (a) or (b) of this section.

(a) The legislature recognizes that the compact language contained in this subsection is inadequate to meet many forms of emergencies. For this reason, after June 7, 1984, the state may not enter into any additional compacts under this subsection (2)(a).

## AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense (Emergency Services) of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

- (a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;
- (b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;
- (c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;
- (d) The effective screening or extinguishing of all lights and lighting devices and appliances;
- (e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;
- (f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;
- (g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;
- (h) The safety of public meetings or gatherings; and
- (i) Mobile support units.

Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10. This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be effected thereby.

Article 15. (a) This Article shall be in effect only as among those states which have enacted it into law or in which the Governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a State pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

1. Searches for and rescue of person who are lost, marooned, or otherwise in danger.
2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.
3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.
4. The giving and receiving of aid by subdivisions of party States.
5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party State, a subdivision of such State, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a State. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party States.

(d) Nothing in this Article shall be construed to exclude from the coverage of Articles 1-15 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.

(b) The compact language contained in this subsection (2)(b) is intended to deal comprehensively with emergencies requiring assistance from other states.

## INTERSTATE MUTUAL AID COMPACT

### Purpose

The purpose of this Compact is to provide voluntary assistance among participating states in responding to any disaster or imminent disaster, that over extends the ability of local and state governments to reduce, counteract or remove the danger. Assistance may include, but not be limited to, rescue, fire, police, medical, communication, transportation services and facilities to cope with problems which require use of special equipment, trained personnel or personnel in large numbers not locally available.

### Authorization

Article I, Section 10 of the Constitution of the United States permits a state to enter into an agreement or compact with another state, subject to the consent of Congress. Congress, through enactment of Title 50 U.S.C. Sections 2281(g), 2283 and the Executive Department, by issuance of Executive Orders No. 10186 of December 1, 1950, encourages the states to enter into emergency, disaster and civil defense mutual aid agreements or pacts.

### Implementation

It is agreed by participating states that the following conditions will guide implementation of the Compact:

1. Participating states through their designated officials are authorized to request and to receive assistance from a participating state. Requests will be granted only if the requesting state is committed to the mitigation of the emergency, and other resources are not immediately available.

2. Requests for assistance may be verbal or in writing. If the request is made by other than written communication, it shall be confirmed in writing as soon as practical after the request. A written request shall provide an itemization of equipment and operators, types of expertise, personnel or other resources needed. Each request must be signed by an authorized official.

3. Personnel and equipment of the aiding party made available to the requesting party shall, whenever possible, remain under the control and direction of the aiding party. The activities of personnel and equipment of the aiding party must be coordinated by the requesting party.

4. An aiding state shall have the right to withdraw some or all of their personnel and/or equipment whenever the personnel or equipment are needed by that state. Notice of intention to withdraw should be communicated to the requesting party as soon as possible.

### General Fiscal Provisions

The state government of the requesting party shall reimburse the state government of the aiding party. It is understood that reimbursement shall be made as soon as possible after the receipt by the requesting party of an itemized voucher requesting reimbursement of costs.

1. Any party rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for any damage to, loss of, or expense incurred in the operation of any equipment used in responding to a request for aid, and for the cost incurred in connection with such requests.

2. Any state rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for the cost of payment of compensation and death benefits to injured officers, agents, or employees and their dependents or representatives in the event such officers, agents, or employees sustain injuries or are killed while rendering aid pursuant to this arrangement, provided that such payments are made in the same manner and on the same terms as if the injury or death were sustained within such state.

#### Privileges and Immunities

1. All privileges and immunities from liability, exemptions from law, ordinances, rules, all pension, relief disability, workers' compensation, and other benefits which apply to the activity of officers, agents, or employees when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this Agreement.

2. All privileges and immunities from liability, exemptions from law, ordinances, and rules, workers' compensation and other benefits which apply to duly enrolled or registered volunteers when performing their respective functions at the request of their state and within its territorial limits, shall apply to the same degree and extent while performing their functions extra-territorially under the provisions of this Agreement. Volunteers may include, but not be limited to, physicians, surgeons, nurses, dentists, structural engineers, and trained search and rescue volunteers.

3. The signatory states, their political subdivisions, municipal corporations and other public agencies shall hold harmless the corresponding entities and personnel thereof from the other state with respect to the acts and omissions of its own agents and employees that occur while providing assistance pursuant to the common plan.

4. Nothing in this arrangement shall be construed as repealing or impairing any existing Interstate Mutual Aid Agreements.

5. Upon enactment of this Agreement by two or more states, and by January 1, annually thereafter, the participating states will exchange with each other the names of officials designated to request and/or provide services under this arrangement. In accordance with the cooperative nature of this arrangement, it shall be permissible and desirable for the parties to exchange operational procedures to be followed in requesting assistance and reimbursing expenses.

6. This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

7. This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. An actual withdrawal shall not take effect until the thirtieth consecutive day after the notice provided in the statute has been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal.

**Sec. 4.** RCW 38.52.420 and 1994 c 264 s 11 are each amended to read as follows:

(1) The department (~~(of community, trade, and economic development)~~), in consultation with appropriate federal agencies, the departments of natural resources, fish and wildlife, and ecology, representatives of local government, and any other person the director may deem appropriate, shall develop a model contingency plan, consistent with other plans required for hazardous materials by federal and state law, to serve as a draft plan for local governments which may be incorporated into the state and local emergency management plans.

(2) The model contingency plan shall:

(a) Include specific recommendations for pollution control facilities which are deemed to be most appropriate for the control, collection, storage, treatment, disposal, and recycling of oil and other spilled material and furthering the prevention and mitigation of such pollution;

(b) Include recommendations for the training of local personnel consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(c) Suggest cooperative training exercises between the public and private sector consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(d) Identify federal and state laws requiring contingency or management plans applicable or related to prevention of pollution, emergency response capabilities, and hazardous waste management, together with a list of funding sources that local governments may use in development of their specific plans;

(e) Promote formal agreements between the department (~~(of community, trade, and economic development)~~) and local entities for effective spill response; and

(f) Develop policies and procedures for the augmentation of emergency services and agency spill response personnel through the use of volunteers: PROVIDED, That no contingency plan may require the use of volunteers by a responding responsible party without that party's consent.

**Sec. 5.** RCW 38.54.010 and 1992 c 117 s 9 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "State fire marshal" means the assistant director of the division of fire protection services in the department of community, trade, and economic development.

(4) "Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief's authorized representative. Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.

(5) "Jurisdiction" means state, county, city, fire district, or port district (~~(fire)~~) fire fighting units, or other units covered by this chapter.

(6) "Mobilization" means that fire fighting resources beyond those available through existing agreements will be requested and, when available, sent (~~(to fight a fire)~~) in response to an emergency or disaster situation that has (~~(or soon will exceed)~~) exceeded the capabilities of

available local resources. During a large scale (~~fire~~) emergency, mobilization includes the redistribution of regional or state-wide fire fighting resources to either direct (~~fire fighting~~) emergency incident assignments or to assignment in communities where fire fighting resources are needed.

When mobilization is declared and authorized as provided in this chapter, all fire fighting resources except those of the host fire protection authorities, i.e. incident jurisdiction, shall be deemed as mobilized under this chapter, including those that responded earlier under existing mutual aid or other agreement. All nonhost fire protection authorities providing fire fighting resources in response to a mobilization declaration shall be eligible for expense reimbursement as provided by this chapter from the time of the mobilization declaration.

This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

(7) "Mutual aid" means emergency interagency assistance provided without compensation under (~~and an~~) an agreement between jurisdictions under chapter 39.34 RCW.

**Sec. 6.** RCW 38.54.020 and 1992 c 117 s 10 are each amended to read as follows:

Because of the possibility of the occurrence of disastrous fires or other disasters of unprecedented size and destructiveness, the need to insure that the state is adequately prepared to respond to such a fire or disaster, the need to establish a mechanism and a procedure to provide for reimbursement to fire fighting agencies that respond to help others in time of need, and generally to protect the public peace, health, safety, lives, and property of the people of Washington, it is hereby declared necessary to:

- (1) Provide the policy and organizational structure for large scale mobilization of fire fighting resources in the state through creation of the Washington state fire services mobilization plan;
- (2) Confer upon the director (~~of the department of community development~~) the powers provided herein; and
- (3) Provide a means for reimbursement to fire jurisdictions that incur expenses when mobilized by the director under the Washington state fire services mobilization plan.

It is the intent of the legislature that mutual aid and other interlocal agreements providing for enhanced emergency response be encouraged as essential to the public peace, safety, health, and welfare, and for the protection of the lives and property of the people of the state of Washington. If possible, mutual aid agreements should be without stated limitations as to resources available, time, or area. Nothing in this chapter shall be construed or interpreted to limit the eligibility of any nonhost fire protection authority for reimbursement of expenses incurred in providing fire fighting resources for mobilization.

**Sec. 7.** RCW 46.16.340 and 1986 c 266 s 49 are each amended to read as follows:

The director, from time to time, shall furnish the state military department, the department of community, trade, and economic development, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.

**Sec. 8.** RCW 88.46.100 and 1991 c 200 s 423 are each amended to read as follows:

(1) In order to assist the state in identifying areas of the navigable waters of the state needing special attention, the owner or operator of a covered vessel shall notify the coast guard within one hour:

- (a) Of the disability of the covered vessel if the disabled vessel is within twelve miles of the shore of the state; and
- (b) Of a collision or a near miss incident within twelve miles of the shore of the state.

(2) The (~~division of emergency management of the~~) state military department (~~of community development~~) and the office shall request the coast guard to notify the (~~division of emergency management~~) state military department as soon as possible after the coast guard receives notice of a disabled covered vessel or of a collision or near miss incident within twelve miles of the shore of the state. The office shall negotiate an agreement with the coast guard governing procedures for coast guard notification to the state regarding disabled covered vessels and collisions and near miss incidents.

(3) The office shall prepare a summary of the information collected under this section and provide the summary to the regional marine safety committees, the coast guard, and others in order to identify problems with the marine transportation system.

(4) For the purposes of this section:

(a) A tank vessel or cargo vessel is considered disabled if any of the following occur:

- (i) Any accidental or intentional grounding;
- (ii) The total or partial failure of the main propulsion or primary steering or any component or control system that causes a reduction in the maneuvering capabilities of the vessel;
- (iii) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service, including but not limited to, fire, flooding, or collision with another vessel;
- (iv) Any other occurrence that creates the serious possibility of an oil spill or an occurrence that may result in such a spill.

(b) A barge is considered disabled if any of the following occur:

- (i) The towing mechanism becomes disabled;
- (ii) The towboat towing the barge becomes disabled through occurrences defined in (a) of this subsection.
- (c) A near miss incident is an incident that requires the pilot or master of a covered vessel to take evasive actions or make significant course corrections in order to avoid a collision with another ship or to avoid a grounding as required by the international rules of the road.

(5) Failure of any person to make a report under this section shall not be used as the basis for the imposition of any fine or penalty.

**NEW SECTION. Sec. 9.** A new section is added to chapter 38.52 RCW to read as follows:

All powers, duties, and functions of the department of community, trade, and economic development pertaining to emergency management are transferred to the state military department. All references to the director or the department of community development or the department of community, trade, and economic development in the Revised Code of Washington shall be construed to mean the adjutant general or the state military department when referring to the functions transferred in this section.

**NEW SECTION. Sec. 10.** All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state military department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of community, trade, and economic development in carrying out the powers, functions, and duties transferred shall be made available to the state military department. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state military department.

Any appropriations made to the department of community, trade, and economic development for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state military department.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION. Sec. 11.** All employees of the department of community, trade, and economic development engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the state military department. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state military department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. All employees of the department of community, trade, and economic development exempted under chapter 41.06 RCW shall retain such exemption after transfer.

**NEW SECTION. Sec. 12.** All rules and all pending business before the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state military department. All existing contracts and obligations shall remain in full force and shall be performed by the state military department.

**NEW SECTION. Sec. 13.** The transfer of the powers, duties, functions, and personnel of the department of community, trade, and economic development shall not affect the validity of any act performed prior to the effective date of this section.

**NEW SECTION. Sec. 14.** If apportionments of budgeted funds are required because of the transfers directed by sections 10 through 13 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION. Sec. 15.** (1) The military department, in cooperation with the Washington state patrol and the emergency management council, shall by December 31, 1995, develop a strategic plan to enhance the coordination and efficiency and decrease the costs of the military department's emergency management programs and services. The plan shall:

- (a) Evaluate all current programs and services;
- (b) Develop new and innovative techniques for the administration of programs and delivery of services;
- (c) Strengthen military department linkages with local agencies; and
- (d) Assess the use of private sector equipment, materials, and services.

(2) A summary of the strategic plan shall be delivered to the appropriate committees of the legislature no later than July 10, 1996.

**NEW SECTION. Sec. 16.** Nothing contained in sections 9 through 14 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION. Sec. 17.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On motion of Senator Sellar, the following amendments to the striking amendment were considered simultaneously and were adopted:  
On page 14, line 17 of the amendment, after "need" insert "or to a host fire district that experiences expenses beyond the resources of the fire district"

On page 14, line 24 of the amendment, after "herein;" strike "and" and insert "~~(and)~~"

On page 14, line 27 of the amendment, after "plan" insert "and"

(4) Provide for reimbursement of host district fire fighting resources when the local district has: (a) Exhausted all of its resources; and (b) invoked its local mutual aid network and exhausted those resources. Upon implementation of state fire mobilization, the host district resources shall become state fire mobilization resources consistent with the fire mobilization plan"

On page 14, after line 37 of the amendment, insert the following:

**"Sec. 7.** RCW 38.54.050 and 1992 c 117 s 13 are each amended to read as follows:

The department (~~of community development~~) in consultation with the office of financial management shall develop procedures to facilitate reimbursement to jurisdictions from appropriate federal and state funds when jurisdictions are mobilized by the director under the Washington state fire services mobilization plan. The department shall ensure that these procedures provide reimbursement to the host district in as timely a manner as possible."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to Substitute House Bill No. 1017.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 38.52.005, 38.52.090, 38.52.420, 38.54.010, 38.54.020, 46.16.340, and 88.46.100; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating new sections; providing an effective date; and declaring an emergency."

On page 19, line 6 of the title amendment, after "38.54.020," insert "38.54.050,"

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1017, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Oke, Senators Ann Anderson and Hale were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1017, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1017, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 7; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, West, Winsley and Wood - 35.

Voting nay: Senators Fraser, Hochstatter, Johnson, Morton, Palmer, Swecker and Wojahn - 7.

Excused: Senators Anderson, A., Anderson, C., Cantu, Hale, Hargrove, Moyer and Sutherland - 7.

SUBSTITUTE HOUSE BILL NO. 1017, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 4:45 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Thursday, April 6, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SEVENTH DAY, APRIL 5, 1995

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

**EIGHTY-EIGHTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Thursday, April 6, 1995  
The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Fairley, Moyer, Pelz, Rasmussen and Rinehart. On motion of Senator Loveland, Senators Cal Anderson, Fairley, Pelz, Rasmussen and Rinehart were excused. On motion of Senator Wood, Senator Moyer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Becky Peterson and Carmen Peterson, presented the Colors. Reverend Sandra Lee, pastor of the Olympia Unitarian Universalist Church, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

April 4, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Annette Sandberg, appointed April 5, 1995, as Chief of the Washington State Patrol, for a term ending at the pleasure of the Governor.  
Sincerely,

MIKE LOWRY, Governor  
Referred to Committee on Transportation.

MESSAGES FROM THE HOUSE

April 5, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE SENATE BILL NO. 5040,  
SENATE BILL NO. 5078,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5093,  
SENATE BILL NO. 5098,  
SUBSTITUTE SENATE BILL NO. 5234,  
ENGROSSED SENATE BILL NO. 5243,  
SENATE BILL NO. 5251,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5253, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1041,  
HOUSE BILL NO. 1188,  
HOUSE BILL NO. 1223,  
SUBSTITUTE HOUSE BILL NO. 1453,  
HOUSE BILL NO. 1498,  
HOUSE BILL NO. 1706, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk



April 5, 1995

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5022,  
SENATE BILL NO. 5027,  
SUBSTITUTE SENATE BILL NO. 5129,  
SUBSTITUTE SENATE BILL NO. 5279,  
SENATE BILL NO. 5630,  
SUBSTITUTE SENATE BILL NO. 5660,  
SUBSTITUTE SENATE BILL NO. 5997, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5040,  
SENATE BILL NO. 5078,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5093,  
SENATE BILL NO. 5098,  
SUBSTITUTE SENATE BILL NO. 5234,  
ENGROSSED SENATE BILL NO. 5243,  
SENATE BILL NO. 5251,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5253.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1041,  
HOUSE BILL NO. 1188,  
HOUSE BILL NO. 1223,  
SUBSTITUTE HOUSE BILL NO. 1453,  
HOUSE BILL NO. 1498,  
HOUSE BILL NO. 1706.

SECOND READING  
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Hargrove, Gubernatorial Appointment No. 9049, John Murphy, as a member of the State Hospital Eastern Washington Advisory Board, was confirmed.

APPOINTMENT OF JOHN MURPHY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Fairley, Moyer, Pelz, Rasmussen and Rinehart - 6.

MOTIONS

On motion of Senator Sheldon, Senator Loveland was excused.  
On motion of Senator Wood, Senator Hale was excused.

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9051, Eugene G. "Pat" Patterson, as a member of the Transportation Commission, was confirmed.  
Senators Owen and Prince spoke to the confirmation of Eugene G. "Pat" Patterson, as a member of the Transportation Commission.

APPOINTMENT OF EUGENE G. "PAT" PATTERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.  
Excused: Senators Anderson, C., Fairley, Hale, Loveland, Moyer and Rinehart - 6.

#### MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9110, Reginald T. Roberts, as a member of the Clemency and Pardons Board, was confirmed.

#### APPOINTMENT OF REGINALD T. ROBERTS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.  
Excused: Senators Anderson, C., Fairley, Hale, Loveland, Moyer and Rinehart - 6.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Dr. Geza Jeszenszky, a member of the Parliament of Hungary and former Minister of Foreign Affairs, who was seated in the gallery.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8402, by Senators Wojahn, Sellar, Snyder, Newhouse, Gaspard, Fairley, Swecker, Deccio, Palmer, Drew, McDonald, Oke, Sutherland, Winsley and Rasmussen

Entering Washington state into a sister state relationship with Taiwan.

#### MOTIONS

On motion of Senator Wojahn, Substitute Senate Concurrent Resolution No. 8402 was substituted for Senate Concurrent Resolution No. 8402 and the substitute concurrent resolution was read the second time.

On motion of Senator Wojahn, the following amendment by Senators Wojahn, Gaspard, Snyder, Sellar Newhouse and Prince was adopted:

On page 1, beginning on line 1 of the concurrent resolution, strike the remainder of the resolution and insert the following:  
"WHEREAS, The State of Washington in the United States of America and Taiwan have an extensive cultural, economic, and political relationship; and

WHEREAS, The manifestation of these relationships can be found in the fact that more than seven and one-half billion dollars in trade was done between the State of Washington and Taiwan in 1993, and Taiwan is the fourth most important source of foreign tourists to Washington; and

WHEREAS, The State of Washington has chosen to recognize the special nature of the relationship of the partners by the establishment of a Trade Office in Taipei; and

WHEREAS, The benefits of a continued expansion of trade between the State of Washington and Taiwan include increases in trade-related employment and greater markets for the products of both states; and

WHEREAS, The State of Washington and Taiwan have worked together to have officially sponsored exchanges in the fine arts, recreation, and political fields; and

WHEREAS, Such exchanges provide opportunities for the people of the State of Washington and the people of Taiwan to benefit by gaining a greater appreciation for the history, fine arts, political institutions, and culture of each other;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the Governor of the State of Washington is requested to enter into a sister state relationship with Taiwan; and

BE IT FURTHER RESOLVED, That the Governor of the State of Washington is encouraged to continue to use the influence of the Office of Governor to promote increased trade, cultural exchanges, and tourism between the two sister states; and

BE IT FURTHER RESOLVED, That a Memorandum of Understanding between the states implementing the sister state relationship should identify an association within each state that will, at a minimum:

(1) Sustain and enhance cooperation between the two states, with special emphasis on urban management and development, arts, trade, culture, and education;

(2) For the State of Washington, establish a Trade, Investment, and Tourism Committee with representatives from the Governor's Office, the Department of Community, Trade, and Economic Development, one or more public ports, the tourist and convention industry, the Trade Development Alliance of Greater Seattle, one or more economic development councils, and growers of exported agricultural products; and

(3) For the Province of Taiwan, a similar committee may be established; and

BE IT FURTHER RESOLVED, That the associations and their committees shall have as members representatives of their respective business communities and other interested individuals and entities; and

BE IT FURTHER RESOLVED, That the associations and their committees shall be led by officers to coordinate and energize their activities and raise and provide funds to pay the costs of government officials' activities in the furtherance of the goals of the associations; and

BE IT FURTHER RESOLVED, That the officers and members of both associations shall endeavor to meet together as a group at least annually and will visit one another as frequently as schedules permit, with coordination guided through the exchange of annual work plans and budgets."

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 8402 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8402.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8402, and the concurrent resolution passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Fairley, Hale, Loveland and Moyer - 5.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402, having received the constitutional majority, was declared passed.

#### MOTION

At 9:32 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:39 a.m. by President Pritchard.

There being no objection, the President returned the Senate to the third order of business.

#### MESSAGE FROM THE GOVERNOR

June 17, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Little, reappointed June 17, 1994, for a term ending June 17, 1999, as a member of the Human Rights Commission.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

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

#### MESSAGES FROM THE HOUSE

April 5, 1995

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,

SUBSTITUTE HOUSE BILL NO. 1071, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 5, 1995

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5463,

SUBSTITUTE SENATE BILL NO. 5479,

SENATE BILL NO. 5520,

SENATE BILL NO. 5563,

SENATE BILL NO. 5575,

SENATE BILL NO. 5583,

SENATE BILL NO. 5584,

SUBSTITUTE SENATE BILL NO. 5609,

SENATE BILL NO. 5625,

SUBSTITUTE SENATE BILL NO. 5688,

SENATE BILL NO. 5699, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 5, 1995

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1001,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125,  
HOUSE BILL NO. 1285,  
HOUSE BILL NO. 1687,  
HOUSE BILL NO. 1702, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5463,  
SUBSTITUTE SENATE BILL NO. 5479,  
SENATE BILL NO. 5520,  
SENATE BILL NO. 5563,  
SENATE BILL NO. 5575,  
SENATE BILL NO. 5583,  
SENATE BILL NO. 5584,  
SUBSTITUTE SENATE BILL NO. 5609,  
SENATE BILL NO. 5625,  
SUBSTITUTE SENATE BILL NO. 5688,  
SENATE BILL NO. 5699.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1001,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125,  
HOUSE BILL NO. 1285,  
HOUSE BILL NO. 1687,  
HOUSE BILL NO. 1702.

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1070 by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden, Dellwo, Schoesler, Sheahan and Chopp) (by request of Office of Financial Management)

Adopting the capital budget.

Referred to Committee on Ways and Means.

SHB 1071 by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden and Dellwo) (by request of Office of Financial Management)

Authorizing general obligation bonds for costs incidental to the 1995-97 biennium.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Kohl, the following resolution was adopted:

SENATE RESOLUTION 1995-8638

By Senators Kohl, Wood, Drew, Fraser, Prentice, McAuliffe, Johnson, Hale, Rinehart, Finkbeiner, Spanel, Sheldon, Wojahn, Long, Hargrove, Haugen, Bauer, Snyder, Franklin, Fairley, Gaspard, Loveland, Pelz, Sutherland, Rasmussen, Quigley, Roach, Schow, Heavey, Smith, Hochstatter and Winsley

WHEREAS, Children are our most precious resource and represent the future of our nation; and  
WHEREAS, An ever increasing number of Washington State households rely on both parents working outside the home to support their families; and  
WHEREAS, More and more single parents require child care in order to avoid dependence upon welfare; and  
WHEREAS, High-quality child care is essential to the health, safety and well-being of at least 150,000 Washington State children; and  
WHEREAS, The economic vitality of the state depends upon the available of the every potential member of the work force, many of whom rely on child care services; and  
WHEREAS, Our state has thousands of dedicated workers who provide quality child care in homes, centers and schools; and  
WHEREAS, Child care workers typically earn low wages and have limited access to training; and  
WHEREAS, The well-being of our children is the responsibility of parents, community organizations, businesses and government at the local, state and national levels; and  
WHEREAS, Washington State provided \$207 million to subsidize child care for needy families during the 1993-95 biennium and the need continues to grow;  
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognizes the value of a statewide system of safe, high-quality and affordable child care; and  
BE IT FURTHER RESOLVED, That the Senate recognize on this day, the sixth of April, the valuable contribution of the thousands of professional child care workers across the state who are the foundation of our state's child care system.

Senators Kohl, Wood and Hochstatter spoke to Senate Resolution 1995-8638.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1873, by House Committee on Law and Justice (originally sponsored by Representatives Padden, Costa and Hickel) (by request of Attorney General Gregoire)

Regulating consumer leases.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1873 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1873.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1873 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senator Kohl - 1.

Excused: Senators Anderson, C., Fairley and Moyer - 3.

SUBSTITUTE HOUSE BILL NO. 1873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1632, by House Committee on Natural Resources (originally sponsored by Representatives Horn, Basich and Fuhrman)

Exchanging certain public lands.

The bill was read the second time.

#### MOTIONS

On motion of Senator Drew, the following Committee on Natural Resources amendment was adopted:  
On page 1, beginning on line 13, after "areas" strike ", waterways, or other bedlands" and insert "or waterways"  
On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1632, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Smith was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1632, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1632, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senator Heavey - 1.

Excused: Senators Anderson, C., Fairley, Moyer and Smith - 4.

SUBSTITUTE HOUSE BILL NO. 1632, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1068, by Representatives Brumsickle, Chappell and Radcliff

Preserving port district debt limits.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1068.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1068 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Fairley, Moyer and Smith - 4.

HOUSE BILL NO. 1068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679, by House Committee on Commerce and Labor (originally sponsored by Representatives Cole, Lisk, Horn, Cody, Romero, Ballasiotes, Conway, Jacobsen and Patterson)

Revising regulation of security guards and private investigators.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendment was adopted:

On page 26, line 14, after "(21)" insert "Assisting a client to locate, trace, or contact a person when the investigator knows that the client is prohibited by any court order from harassing or contacting the person whom the investigator is being asked to locate, trace, or contact, as it pertains to domestic violence, stalking, or minor children;

(22)"

Renumber the remaining subsection consecutively.

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 1679, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1679, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1679, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Absent: Senators Newhouse and Snyder - 2.

Excused: Senators Anderson, C., Fairley, Moyer and Smith - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1213, by Representatives Brumsickle, Grant, Cody, Basich and McMahan

Revising provisions relating to liability in training of emergency service medical personnel.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, House Bill No. 1213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1213.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1213 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Fairley and Moyer - 3.

HOUSE BILL NO. 1213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1282, by Representatives Fuhrman, Mastin, Buck, Goldsmith, Koster, Padden, Mulliken, Lambert, Crouse, Thompson, Basich, Hargrove, Sheldon, McMahan, Pelesky, Sheahan, Boldt and Elliot

Authorizing landowners to kill coyotes and Columbian ground squirrels.

The bill was read the second time.

#### MOTIONS

On motion of Senator Drew, the following Committee on Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.12.265 and 1987 c 506 s 35 are each amended to read as follows:

The owner, the owner's immediate family member, the owner's documented employee, or tenant of real property may trap or kill on that property, without the licenses required under RCW 77.32.010, wild animals or wild birds, other than an endangered species, that ((is)) are

damaging crops, domestic animals, fowl, or other property. Except in emergency situations, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director. The director may delegate this authority.

For the purposes of this section, "emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, fowl, or other property.

Alternatively, when sufficient time for the issuance of a permit by the director is not available, verbal permission may be given by the appropriate department regional administrator to owners or tenants of real property to trap or kill on that property any deer, elk, or protected wildlife which is damaging crops, domestic animals, fowl, or other property. The regional administrator may delegate, in writing, a member of the regional staff to give the required permission in these emergency situations. Nothing in this section authorizes in any situation the trapping, hunting, or killing of an endangered species.

Except for coyotes and Columbian ground squirrels, wildlife trapped or killed under this section remain((s)) the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The director shall dispose of wildlife so taken within three working days of receiving such a notification.

If the department receives recurring complaints regarding property being damaged as described in this section from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall consider conducting a special hunt or special hunts to reduce the potential for such damage.

For purposes of this section, "crop" means an agricultural or horticultural product growing or harvested and includes wild shrubs and range land vegetation on privately owned cattle ranching lands. On such lands, the land owner or lessee may declare an emergency when the department has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding crop damage by wild animals or wild birds. However, the department shall not allow claims for damage to wild shrubs or range land vegetation on such lands.

Deer and elk shall not be killed under the authority of this section on privately owned cattle ranching lands that were closed to public hunting during the previous hunting season, except for land closures which are coordinated with the department to protect property and livestock.

The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, or to kill the animals when no other practical means of damage control is feasible.

For the purposes of this section, "immediate family member" means spouse, brother, sister, grandparent, parent, child, or grandchild."

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 2 of the title, after "crops;" strike the remainder of the title and insert "and amending RCW 77.12.265."

#### MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 1282, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator Drew, I have a family of squirrels that live in my neighborhood on my street in a very tall tree--that comes to my patio and my grandchildren love to watch them. Will this affect those squirrels?"

Senator Drew: "No, it won't, because I don't believe they are damaging anyone's property and they probably are not Columbian ground squirrels."

Senator Franklin: "They don't grow in Western Washington--Columbian ground squirrels? Columbian ground squirrels don't grow in Western Washington?"

Senator Drew: "I think your grandchildren will be fine."

Senator Franklin: "Thank you, Senator Drew."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1282, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1282, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Fairley and Moyer - 3.

HOUSE BILL NO. 1282, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1035, by House Committee on Children and Family Services (originally sponsored by Representatives Thibaudeau, Morris, Scott, Tokuda, Costa, Mason, Brown, Ogden, Basich, Wolfe, Patterson and Chopp)

Establishing notification and referral procedures for deaths occurring in children's residential facilities and in facilities serving developmentally disabled persons.



The bill was read the second time.

#### MOTIONS

On motion of Senator Wojahn, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of health, in conjunction with the department of social and health services, local health jurisdictions, coroners, medical examiners, and other appropriate entities, shall develop a consistent process for review of all unexpected deaths of minors who are in the care of or receiving those services described in chapter 74.13 RCW from the department of social and health services. For purposes of this section an "unexpected death of a minor" is a death not resulting from a diagnosed terminal illness or other debilitating or deteriorating illness or condition where death is anticipated.

(2) The department of health shall report its findings and recommendations to the legislature by November 1, 1995."

On motion of Senator Wojahn, the following title amendment was adopted:

On page 1, line 3 of the title, after "services;" strike the remainder of the title and insert "and creating a new section."

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 1035, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1035, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1035, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Fairley and Moyer - 3.

SUBSTITUTE HOUSE BILL NO. 1035, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Hargrove, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8636

By Senators Hargrove, Prince, Sheldon and Moyer

WHEREAS, The state of Washington applauds those educators who promote and encourage an interest in science by providing quality science experiences for students and teachers; and

WHEREAS, Gail Demo Smith and Heather Cassidy have been named to the 1995 Honor Roll of Teachers by the Association of Science-Technology Centers and Pacific Science Center for their exemplary use of community resources to enhance and expand the science enrichment opportunities available to students and teachers; and

WHEREAS, Gail Demo Smith, a physical education specialist at Cottonwood Elementary in Bremerton, has done a great deal to enhance science education at Cottonwood Elementary and other schools in the Central Kitsap School District by incorporating health and science into her physical education classes, coordinating the Bremerton Science Celebration Classes, and scheduling the Science on Wheels Van Program in the Central Kitsap School District; and

WHEREAS, Heather Cassidy, a biology teacher at Chase Middle School in Spokane, has expanded the science enrichment opportunities available to Spokane area residents by developing and leading workshops to share her science teaching skills with other educators, and by establishing the Science Celebration Program in Spokane, where it is now one of the largest Science Celebration sites in the state, drawing children from all around Spokane and from Idaho; and

WHEREAS, Gail Demo Smith and Heather Cassidy, along with approximately forty other educators nation-wide being named to the 1995 Honor Roll of Teachers, will be honored in Washington, D.C., on May 4 and 5, 1995, before members of Congress; and

WHEREAS, The National Science Foundation has declared April 21 through April 29, 1995, National Science and Technology Week to convey the importance of science to the nation;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commend Gail Demo Smith and Heather Cassidy for their outstanding efforts as science educators; and

BE IT FURTHER RESOLVED, That the Senate commend the Pacific Science Center for its dedication to providing interactive science, mathematics, and technology education to students and teachers throughout the state of Washington; and  
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Gail Demo Smith, Heather Cassidy, and the Directors of the Association of Science-Technology Centers and Pacific Science Center.

Senators Hargrove, Sheldon and McAuliffe spoke to Senate Resolution 1995-8636.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Gail Demo Smith, who was seated in the gallery.

There being no objection, the President returned the Senate to the third order of business.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

March 1, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Diane Ressler, appointed March 1, 1995, for a term ending September 30, 1997, as a member of the Spokane Joint Center for Higher Education.

Sincerely,

MIKE LOWRY, Governor  
Referred to Committee on Higher Education.

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

#### MESSAGE FROM THE HOUSE

April 5, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE SENATE BILL NO. 5278,  
SENATE BILL NO. 5294,  
SUBSTITUTE SENATE BILL NO. 5334,  
SUBSTITUTE SENATE BILL NO. 5335,  
SENATE BILL NO. 5351,  
SUBSTITUTE SENATE BILL NO. 5367, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5278,  
SENATE BILL NO. 5294,  
SUBSTITUTE SENATE BILL NO. 5334,  
SUBSTITUTE SENATE BILL NO. 5335,  
SENATE BILL NO. 5351,  
SUBSTITUTE SENATE BILL NO. 5367.

#### MOTION

At 11:30 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:06 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the first order of business.

#### REPORT OF STANDING COMMITTEE

April 6, 1995

SI 159 People of the state of Washington: Increasing penalties for armed crimes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators, Loveland, Vice Chair; Bauer, Cantu, Finkbeiner, Gaspard, Hochstatter, Johnson, Long, McDonald, Roach, Sheldon, Strannigan, Sutherland and West.

Passed to Committee on Rules for second reading.

MOTION

At 4:07 p.m., on motion of Senator Snyder, the Senate adjourned until 9:00 a.m., Friday, April 7, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-EIGHTH DAY, APRIL 6, 1995

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

EIGHTY-NINTH DAY

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, April 7, 1995

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Cantu, Finkbeiner, Heavey, Johnson, McDonald, Moyer, Pelz, Quigley, Rasmussen, Roach, Strannigan and West. On motion of Senator Loveland, Senators Cal Anderson, Heavey, Pelz, Quigley and Rasmussen were excused. On motion of Senator Ann Anderson, Senators Cantu, Finkbeiner, Johnson, McDonald, Moyer, Roach and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Pamela Jones and Stephanie Rogers, presented the Colors. Reverend Sandra Lee, pastor of the Olympia Unitarian Universalist Church, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5040,  
SENATE BILL NO. 5042,  
SENATE BILL NO. 5046,  
SENATE BILL NO. 5052,  
SUBSTITUTE SENATE BILL NO. 5067,  
SENATE BILL NO. 5078,  
SENATE BILL NO. 5083,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5093,  
SENATE BILL NO. 5098,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5156,  
SUBSTITUTE SENATE BILL NO. 5222,  
SUBSTITUTE SENATE BILL NO. 5234,  
ENGROSSED SENATE BILL NO. 5243,  
SENATE BILL NO. 5251,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5253,  
SENATE BILL NO. 5266,  
SENATE BILL NO. 5274,  
SUBSTITUTE SENATE BILL NO. 5278,  
SENATE BILL NO. 5294,  
SENATE BILL NO. 5330,  
SENATE BILL NO. 5332,  
SUBSTITUTE SENATE BILL NO. 5334,  
SUBSTITUTE SENATE BILL NO. 5335,  
SENATE BILL NO. 5351,

SUBSTITUTE SENATE BILL NO. 5367,  
SUBSTITUTE SENATE BILL NO. 5370,  
SUBSTITUTE SENATE BILL NO. 5400,  
SUBSTITUTE SENATE BILL NO. 5419,  
SENATE BILL NO. 5432,  
SUBSTITUTE SENATE BILL NO. 5463,  
SUBSTITUTE SENATE BILL NO. 5479,  
SENATE BILL NO. 5520, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 6, 1995

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5563,  
SENATE BILL NO. 5575,  
SENATE BILL NO. 5583,  
SENATE BILL NO. 5584,  
SUBSTITUTE SENATE BILL NO. 5609,  
SENATE BILL NO. 5625,  
SENATE BILL NO. 5668,  
SUBSTITUTE SENATE BILL NO. 5688,  
SENATE BILL NO. 5699,  
SUBSTITUTE SENATE BILL NO. 5957,  
SUBSTITUTE SENATE BILL NO. 6002,  
SENATE JOINT MEMORIAL NO. 8012,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8015, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 6, 1995

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1086,  
HOUSE BILL NO. 1157,  
HOUSE BILL NO. 1433,  
HOUSE BILL NO. 1624,  
HOUSE BILL NO. 1761,  
SUBSTITUTE HOUSE BILL NO. 1856, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT:

The President signed:  
HOUSE BILL NO. 1086,  
HOUSE BILL NO. 1157,  
HOUSE BILL NO. 1433,  
HOUSE BILL NO. 1624,  
HOUSE BILL NO. 1761,  
SUBSTITUTE HOUSE BILL NO. 1856.

SECOND READING  
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9127, Mike Sells, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF MIKE SELLS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 1; Excused, 12.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Winsley, Wojahn and Wood - 36.  
Absent: Senator Strannigan - 1.  
Excused: Senators Anderson, C., Cantu, Finkbeiner, Heavey, Johnson, McDonald, Moyer, Pelz, Quigley, Rasmussen, Roach and West - 12.

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9073, Richard Thompson, as a member of the Transportation Commission, was confirmed.

#### APPOINTMENT OF RICHARD THOMPSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 40.  
Excused: Senators Anderson, C., Finkbeiner, Heavey, Johnson, McDonald, Moyer, Quigley, Rasmussen and West - 9.

There being no objection, the President advanced the Senate to the seventh order of business.  
There being no objection, the Senate resumed consideration of House Bill No. 1249, deferred on third reading, April 5, 1995.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1249 was returned to second reading and read the second time.

#### MOTIONS

On motion of Senator McAuliffe, the following amendments by Senators McAuliffe and Johnson were considered simultaneously and were adopted:

On page 5, line 1, strike "December 1, ((1998)) 1999" and insert "~~((December 1, 1998))~~ June 30, 1999"  
On page 6, line 12, strike "September 1, ((1998)) 1999" and insert "~~((September 1, 1998))~~ June 30, 1999"

On page 6, beginning on line 13, strike "expire September 1, 1999, and insert "expire June 30, 1999"

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1249, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1249, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1249, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 41.

Excused: Senators Anderson, C., Finkbeiner, Heavey, Johnson, McDonald, Moyer, Quigley and West - 8.

HOUSE BILL NO. 1249, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

HOUSE BILL NO. 1534, by Representatives Cairnes, Romero, Lisk and Cody

Changing the registration requirements relating to professional land surveyors and engineers.

The bill was read the second time.

#### MOTIONS

Senator Roach moved that the following amendment by Senators Roach, McDonald, Cantu and Johnson be adopted:

On page 7, after line 33, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 18.43 RCW to read as follows:

The board may adopt rules under this section authorizing a retired status certificate. An individual certificated under this chapter who has reached the age of sixty-five years and has retired from the active practice of engineering and land surveying may, upon application and at the discretion of the board, be exempted from payment of annual renewal fees thereafter."

Renumber remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Roach, McDonald, Cantu and Johnson on page 7, after line 33, to House Bill No. 1534.  
The motion by Senator Roach carried and the amendment was adopted.

#### MOTION

On motion of Senator Pelz, the following title amendment was adopted:  
On page 1, line 2 of the title, after "18.43.070;" insert "adding a new section to chapter 18.43 RCW;"

#### MOTION

On motion of Senator Spanel, further consideration of House Bill No. 1534 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1437, by House Committee on Natural Resources (originally sponsored by Representatives Foreman, Chandler, Mastin and B. Thomas)

Revising lease rates for amateur radio electronic repeater sites.

The bill was read the second time.

#### MOTION

On motion of Senator Sellar, the rules were suspended, Substitute House Bill No. 1437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1437.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1437 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 41.

Excused: Senators Anderson, C., Finkbeiner, Heavey, Johnson, McDonald, Moyer, Quigley and West - 8.

SUBSTITUTE HOUSE BILL NO. 1437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1059, by Representatives Lisk and Sheldon (by request of Liquor Control Board)

Improving the enforcement provisions of the Washington state liquor act.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 1059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1059.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1059 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 41.

Excused: Senators Anderson, C., Finkbeiner, Heavey, Johnson, McDonald, Moyer, Quigley and West - 8.

HOUSE BILL NO. 1059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1270, by House Committee on Transportation (originally sponsored by Representatives Morris, Benton, Sheldon, Pennington, Basich, Chappell, Kessler, Schoesler, Boldt, Hatfield, Stevens and Johnson)

Excusing small tree harvesters from the commercial driver's license requirements.

The bill was read the second time.

## MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.25.050 and 1990 c 56 s 1 are each amended to read as follows:

(1) Drivers of commercial motor vehicles shall obtain a commercial driver's license as required under this chapter by April 1, 1992. The director shall establish a program to convert all qualified commercial motor vehicle drivers by that date. After April 1, 1992, except when driving under a commercial driver's instruction permit and a valid automobile or classified license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds and is in immediate possession of a commercial driver's license and applicable endorsements valid for the vehicle they are driving. However, this requirement does not apply to any person:

(a) Who is the operator of a farm vehicle, and the vehicle is:

(i) Controlled and operated by a farmer;

(ii) Used to transport either agricultural products, which in this section include Christmas trees and wood products harvested from private tree farms and transported by vehicles weighing no more than forty thousand pounds licensed gross vehicle weight, farm machinery, farm supplies, or any combination of those materials to or from a farm;

(iii) Not used in the operations of a common or contract motor carrier; and

(iv) Used within one hundred fifty miles of the person's farm; or

(b) Who is a fire fighter or law enforcement officer operating emergency equipment, and:

(i) The fire fighter or law enforcement officer has successfully completed a driver training course approved by the director; and

(ii) The fire fighter or law enforcement officer carries a certificate attesting to the successful completion of the approved training course; or

(c) Who is operating a recreational vehicle for noncommercial purposes. As used in this section, "recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose.

(2) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, while subject to disqualification, or in violation of an out-of-service order. Violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1)."

On motion of Senator Owen, the following title amendment was adopted:

On line 2 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 46.25.050."

## MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1270, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1270, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1270, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 41.

Excused: Senators Anderson, C., Finkbeiner, Heavey, Johnson, McDonald, Moyer, Quigley and West - 8.

SUBSTITUTE HOUSE BILL NO. 1270, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1452, by House Committee on Government Operations (originally sponsored by Representatives Mitchell, Regala, Reams, R. Fisher, Hickel, Ebersole, Carrell, Brumsickle, Huff and Conway)

Allowing voters to protect a portion of metropolitan park district property taxes from prorationing.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1452.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1452 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 41.

Excused: Senators Anderson, C., Finkbeiner, Heavey, Johnson, McDonald, Moyer, Quigley and West - 8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1507, by House Committee on Capital Budget (originally sponsored by Representatives Ogden, Radcliff, Jacobsen, Brumsickle, Chopp and Dickerson) (by request of Washington State Historical Society)

Requiring a process to solicit proposals for and prioritize heritage capital projects.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1507.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1507 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 41.

Excused: Senators Anderson, C., Finkbeiner, Heavey, Johnson, McDonald, Moyer, Quigley and West - 8.

SUBSTITUTE HOUSE BILL NO. 1507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1671, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Clements, Chandler, Grant and Mastin)

Revising commodity commission assessment authority.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1671.

#### ROLL CALL



The Secretary called the roll on the final passage of Substitute House Bill No. 1671 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 42.

Excused: Senators Anderson, C., Finkbeiner, Heavey, Johnson, McDonald, Moyer and West - 7.

SUBSTITUTE HOUSE BILL NO. 1671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1611, by House Committee on Finance (originally sponsored by Representatives Costa, Radcliff, Scott, Kessler, Blanton, Koster, D. Schmidt, Beeksma, Romero, Thompson, Regala and Kremen)

Providing a tax exemption for new construction of alternative housing for youth in need.

The bill was read the second time.

## MOTIONS

Senator Hargrove moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales to health or social welfare organizations, as defined in RCW 82.04.431, of items necessary for new construction of alternative housing for youth in crisis. This section shall expire July 1, 1997.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of any item acquired by a health or social welfare organization, as defined in RCW 82.04.431, of items necessary for new construction of alternative housing for youth in crisis. This section shall expire July 1, 1997.

**NEW SECTION. Sec. 3.** For the purposes of sections 1 and 2 of this act, "youth in crisis" means any youth under eighteen years of age who is either: Homeless; a runaway from the home of a parent, guardian, or legal custodian; abused; neglected; abandoned by a parent, guardian, or legal custodian; or suffering from a substance abuse or mental disorder.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Hargrove, the following amendments by Senators Hargrove and Rinehart to the Committee on Ways and Means striking amendment were considered simultaneously and were adopted:

On page 1, line 12, after "crisis" insert ", so long as the facility will be a licensed agency under chapter 74.15 RCW, upon completion"

On page 1, line 18, after "crisis" insert ", so long as the facility will be a licensed agency under chapter 74.15 RCW, upon completion"

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1611.

The striking committee amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "crisis;" strike the remainder of the title and insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency."

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 1611, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1611, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1611, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 41.

Voting nay: Senator Fairley - 1.

Excused: Senators Anderson, C., Finkbeiner, Heavey, Johnson, McDonald, Moyer and West - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1611, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2005, by Representatives Dyer and Dellwo

Modifying certified health plan provision of vision benefits.

The bill was read the second time.

#### MOTIONS

On motion of Senator Quigley, the following Committee on Health and Long-Term Care amendment was adopted:

On page 1, line 10, strike "currently" and insert "obtains or"

On motion of Senator Quigley, the rules were suspended, Engrossed House Bill No. 2005, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2005, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2005, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 40.

Voting nay: Senator Fairley - 1.

Absent: Senator Deccio - 1.

Excused: Senators Anderson, C., Finkbeiner, Heavey, Johnson, McDonald, Moyer and West - 7.

ENGROSSED HOUSE BILL NO. 2005, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1876, by Representatives Dyer and Dellwo

Modifying provision of dental services by certified health plans.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Engrossed House Bill No. 1876 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1876.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1876 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 41.

Absent: Senator Snyder - 1.

Excused: Senators Anderson, C., Finkbeiner, Heavey, Johnson, McDonald, Moyer and West - 7.

ENGROSSED HOUSE BILL NO. 1876, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1434, by House Committee on Government Operations (originally sponsored by Representatives Hankins, Casada, Mastin, Honeyford, Radcliff, Dyer, Grant, Blanton, Brumsickle, Delvin, L. Thomas and Chandler)

Increasing the limit for public utility districts to use alternative bid procedures.

The bill was read the second time.

#### MOTION

Senator Ann Anderson moved that the following amendment by Senator Finkbeiner be adopted:

On page 1, after line 15, insert the following:

"**Sec. 2.** RCW 54.16.100 and 1990 c 16 s 1 are each amended to read as follows:

The commission, by resolution introduced at a regular meeting and adopted at a subsequent regular meeting, shall appoint and may remove at will a district manager, and shall, by resolution, fix his or her compensation. The resolution must contain a full description of the compensation package provided, including information on the initial and ongoing costs and the cash value of the compensation provided.

The manager shall be the chief administrative officer of the district, in control of all administrative functions and shall be responsible to the commission for the efficient administration of the affairs of the district placed in his or her charge. The manager shall be an experienced executive with administrative ability. In the absence or temporary disability of the manager, the manager shall, with the approval of the president of the commission, designate some competent person as acting manager.

The manager may attend all meetings of the commission and its committees, and take part in the discussion of any matters pertaining to the duties of his or her department, but shall have no vote.

The manager shall carry out the orders of the commission, and see that the laws pertaining to matters within the functions of his or her department are enforced; keep the commission fully advised as to the financial condition and needs of the districts; prepare an annual estimate for the ensuing fiscal year of the probable expenses of the department, and recommend to the commission what development work should be undertaken, and what extensions and additions, if any, should be made during the ensuing fiscal year, with an estimate of the costs of the development work, extensions, and additions; certify to the commission all bills, allowances, and payrolls, including claims due contractors of public works; recommend to the commission compensation of the employees of his or her office, and a scale of compensation to be paid for the different classes of service required by the district; hire and discharge employees under his or her direction; and perform such other duties as may be imposed upon the manager by resolution of the commission. It is unlawful for the manager to make any contribution of money in aid of or in opposition to the election of any candidate for public utility commissioner or to advocate or oppose any such election."

#### POINT OF ORDER

Senator Haugen: "Mr. President, I would ask that you rule on the scope of this amendment. This bill truly deals with a very narrow issue relating to public utility bid procedures. What this amendment does is that it says that they must--it deals with the compensation for the district manager and must have a full description of the compensation package. I would say to the maker of this amendment, I am not unsympathetic with this issue. In fact, we had a bill that would have done this, but it certainly doesn't fit under this title of this bill and we would urge your consideration of that, Mr. President."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute House Bill No. 1434.

#### MOTION

At 10:16 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:07 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the second order of business.

#### REPORT OF SELECT COMMITTEE

##### STATE OF WASHINGTON LEGISLATIVE ETHICS BOARD

#### OPINION OF THE LEGISLATIVE ETHICS BOARD COMPLAINT 1995 NO. 1

April 6, 1995

On February 27, 1995, the Board received Complaint 1995 No. 1 from Ken Eikenberry, Chairman of the Republican Party, alleging violations RCW 42.52 and the Code of Legislative Ethics by Senator Kevin Quigley.

On April 6, 1995, Senator Quigley appeared before the Board in connection with a related advisory opinion requested by him (Advisory Opinion 1995 - No. 7). At that time, Senator Quigley admitted distributing a memorandum to his law firm and acknowledged that he had erred in doing so. The content of the memorandum violated the ethics laws, as described by the board in its advisory opinion regarding substantially similar facts.

The board, therefore, finds that Senator Kevin Quigley has engaged in unethical conduct and reprimands him for that violation. Since this conduct allegedly occurred in December, 1994, the board is transmitting this finding to the Secretary of the Senate with the recommendation that it be placed in the records of the Senate and that no further disciplinary action be taken.

The Report of the Select Committee is on file in the Office of the Secretary of the Senate.

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

MESSAGES FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5401,  
SUBSTITUTE SENATE BILL NO. 5764,  
SENATE BILL NO. 5767,  
SUBSTITUTE SENATE BILL NO. 5804,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5820,  
SUBSTITUTE SENATE BILL NO. 5835,  
SENATE BILL NO. 5857,  
SENATE BILL NO. 5871,  
SUBSTITUTE SENATE BILL NO. 5918,  
SUBSTITUTE SENATE BILL NO. 6026,  
SENATE JOINT MEMORIAL NO. 8010, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 6, 1995

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE SENATE BILL NO. 5410,  
SENATE BILL NO. 5430,  
SENATE BILL NO. 5433,  
SUBSTITUTE SENATE BILL NO. 5435,  
ENGROSSED SENATE BILL NO. 5437, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 6, 1995

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5043,  
SUBSTITUTE SENATE BILL NO. 5164,  
SENATE BILL NO. 5165,  
SUBSTITUTE SENATE BILL NO. 5166,  
SUBSTITUTE SENATE BILL NO. 5214,  
ENGROSSED SENATE BILL NO. 5276,  
SENATE BILL NO. 5355,  
SENATE BILL NO. 5369,  
SENATE BILL NO. 5398,  
SUBSTITUTE SENATE BILL NO. 5440,  
SUBSTITUTE SENATE BILL NO. 5769, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5410,  
SENATE BILL NO. 5430,  
SENATE BILL NO. 5433,  
SUBSTITUTE SENATE BILL NO. 5435,  
ENGROSSED SENATE BILL NO. 5437.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5401,  
SUBSTITUTE SENATE BILL NO. 5764,  
SENATE BILL NO. 5767,  
SUBSTITUTE SENATE BILL NO. 5804,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5820,  
SUBSTITUTE SENATE BILL NO. 5835,  
SENATE BILL NO. 5857,  
SENATE BILL NO. 5871,  
SUBSTITUTE SENATE BILL NO. 5918,  
SUBSTITUTE SENATE BILL NO. 6026,  
SENATE JOINT MEMORIAL NO. 8010.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5043,  
SUBSTITUTE SENATE BILL NO. 5164,  
SENATE BILL NO. 5165,  
SUBSTITUTE SENATE BILL NO. 5166,  
SUBSTITUTE SENATE BILL NO. 5214,  
ENGROSSED SENATE BILL NO. 5276,  
SENATE BILL NO. 5355,  
SENATE BILL NO. 5369,  
SENATE BILL NO. 5398,  
SUBSTITUTE SENATE BILL NO. 5440,  
SUBSTITUTE SENATE BILL NO. 5769.

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

SECOND READING  
GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9037, Tom Leschine, as a member of the Board of Pilotage Commissioners, was confirmed.

MOTIONS

On motion of Senator Ann Anderson, Senators Long, McCaslin, and Strannigan were excused.  
On motion of Senator Spanel, Senator Quigley was excused.  
On motion of Senator Kohl, Senators McAuliffe and Rinehart were excused.

APPOINTMENT OF TOM LESCHINE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 5; Excused, 9.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Loveland, McDonald, Morton, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Sutherland, Swecker, West, Winsley and Wojahn - 35.  
Absent: Senators Hargrove, Palmer, Pelz, Smith and Wood - 5.  
Excused: Senators Anderson, C., Heavey, Long, McAuliffe, McCaslin, Moyer, Quigley, Rinehart and Strannigan - 9.

MOTION

On motion of Senator Spanel, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 7, 1995

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Silver, Foreman and Sommers.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1410 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as member of the Conference Committee on Engrossed Substitute House Bill No. 1410 and the Senate amendment(s) thereto: Senators Rinehart, West and Loveland.

MOTION

On motion of Senator Gaspard, the Conference Committee appointments were confirmed.

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1067, by House Committee on Finance (originally sponsored by Representatives Schoesler, Grant, Hankins, Delvin, Mastin and Sheldon)

Reforming the property taxation of short-rotation hardwoods.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 1067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Ann Anderson, Senator Wood was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1067.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1067 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wojahn - 40.

Absent: Senators Hargrove and Smith - 2.

Excused: Senators Anderson, C., Heavey, Long, McCaslin, Moyer, Quigley and Wood - 7.

SUBSTITUTE HOUSE BILL NO. 1067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1287, by House Committee on Agriculture and Ecology (originally sponsored by Representatives McMorris, Horn, Chandler, Regala, Mastin, Clements, Koster, Robertson, Johnson, Boldt, Chappell, Schoesler and Rust)

Authorizing silvicultural burning to correct a forest health problem under certain circumstances.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1287.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1287 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wojahn - 41.

Absent: Senator Hargrove - 1.

Excused: Senators Anderson, C., Heavey, Long, McCaslin, Moyer, Quigley and Wood - 7.

SUBSTITUTE HOUSE BILL NO. 1287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1226, by Representatives Buck, Basich, Fuhrman and Kessler (by request of Department of Fish and Wildlife)

Authorizing shellfish to be taken under a salmon charter license.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 1226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Hargrove was excused.  
The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1226.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1226 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wojahn - 42.

Excused: Senators Anderson, C., Hargrove, Heavey, McCaslin, Moyer, Quigley and Wood - 7.

HOUSE BILL NO. 1226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Haugen, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8635

By Senators Haugen and Spanel

WHEREAS, Trudy Sundberg has positively influenced the lives of hundreds of young people, first as a teacher in the Oak Harbor School District and most recently as founder of the Save Our Kids Crusade, an anti-violence campaign; and

WHEREAS, The Save Our Kids Crusade has united more than one hundred twenty-five organizations and individuals behind a common goal of supporting and nurturing young people; and

WHEREAS, The community improvement projects sponsored by the Save Our Kids Crusade include tree planting and building bird feeders; and

WHEREAS, Her Save Our Kids Crusade earned Trudy Sundberg the honor of being designated a "Hometown Hero" and featured on KOMO-TV; and

WHEREAS, Trudy Sundberg has a long and outstanding history of community service; and

WHEREAS, Under Trudy's leadership, the Island County League of Women Voters grew from thirty to more than one hundred members in just three years, making it the fastest growing league in the state of Washington; and

WHEREAS, Trudy Sundberg is truly someone who leads by example;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and commend Trudy Sundberg for her tireless efforts on behalf of Island County and its young people; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Trudy Sundberg.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Trudy Sundberg and her family, who were seated in the gallery.

#### MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

#### MOTIONS

On motion of Senator Kohl, Senator Loveland was excused.

On motion of Senator Hale, Senator West was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1014, by Representatives Padden, Dellwo, Costa, Appelwick and Silver (by request of Statute Law Committee)

Correcting obsolete references to the department of community development and the department of trade and economic development.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed House Bill No. 1014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1014.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1014 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley and Wojahn - 40.

Excused: Senators Anderson, C., Hargrove, Heavey, Loveland, McCaslin, Moyer, Quigley, West and Wood - 9.

ENGROSSED HOUSE BILL NO. 1014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1015, by Representatives Padden, Dellwo, Costa, Appelwick and Silver (by request of Statute Law Committee)

Correcting double amendments from the 1994 legislative sessions.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 1015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1015.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1015 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 41.

Excused: Senators Anderson, C., Hargrove, Heavey, Loveland, McCaslin, Moyer, Quigley and West - 8.

HOUSE BILL NO. 1015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1131, by Representatives Silver and G. Fisher (by request of Office of the Forecast Council)

Changing provisions relating to economic assumptions for actuarial studies and retirement contribution rates.

The bill was read the second time.

#### MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed House Bill No. 1131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.



The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1131.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1131 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 41.

Excused: Senators Anderson, C., Hargrove, Heavey, Loveland, McCaslin, Moyer, Quigley and West - 8.

ENGROSSED HOUSE BILL NO. 1131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1495, by Representatives Basich, Hatfield, Fuhrman, Sheldon, Foreman and Chappell

Expanding timber excise tax small harvester option.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 1495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1495.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1495 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 42.

Excused: Senators Anderson, C., Heavey, Loveland, McCaslin, Moyer, Quigley and West - 7.

HOUSE BILL NO. 1495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1434 and the pending amendment by Senator Finkbeiner on page 1, after line 15, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Haugen, the President finds that Substitute House Bill No. 1434 is a measure which increases the maximum amount of a contract for purchases of materials, equipment and supplies that may be awarded through a uniform process by a public utility district.

"The amendment proposed by Senator Finkbeiner would amend the requirements for the resolution to be passed by the public utility commissions when fixing the amount of compensation for district managers.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Finkbeiner on page 1, after line 5, to Substitute House Bill No. 1434 was ruled out of order.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1434.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1434 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 42.

Excused: Senators Anderson, C., Heavey, Loveland, McCaslin, Moyer, Quigley and West - 7.

SUBSTITUTE HOUSE BILL NO. 1434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5447, by Senator McAuliffe (by request of Office of Financial Management)

Tying the use of student learning improvement grants to attaining the student learning goals.

## MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5447 was substituted for Senate Bill No. 5447 and the substitute bill was placed on second reading and read the second time.

Senator Cantu moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 15, strike "and" and insert "½"

On page 1, line 16, after "requirements" insert ", and the assessment system"

On page 2, line 18, strike "and" and insert "½"

On page 2, line 19, after "requirements" insert ", and applicable assessments"

On page 2, line 34, strike "and" and insert "½"

On page 2, line 34, after "requirements" insert ", and applicable assessments"

On page 3, line 6, after "requirements" insert "and implement the assessment system as it is developed"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Cantu on page 1, lines 15 and 16; page 2, lines 18, 19, and 34 (2); and page 3, line 6; to Substitute Senate Bill No. 5447.

The motion by Senator Cantu carried and the amendments were adopted.

## MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5447.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5447 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 42.

Excused: Senators Anderson, C., Heavey, Loveland, McCaslin, Moyer, Quigley and West - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1047, by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, Sherstad, Benton, Dyer, Schoesler, Johnson, Thompson, Beeksma, Radcliff, Crouse, Carrell, Robertson, Blanton, Lambert, Fuhrman, L. Thomas, Huff, Mielke, McMahan and Casada)

Clarifying the process for defendants to pay restitution to their victims.

The bill was read the second time.

## MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.140 and 1994 c 271 s 601 are each amended to read as follows:

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within ~~((sixty))~~ one hundred eighty days. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

**Sec. 2.** RCW 9.94A.142 and 1994 c 271 s 602 are each amended to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within ~~((sixty))~~ one hundred eighty days. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

(5) This section shall apply to offenses committed after July 1, 1985.

**Sec. 3.** RCW 9.94A.145 and 1991 c 93 s 2 are each amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, after restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department of corrections.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be immediately issued. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. These obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all

questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.2001.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(11) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with notice of payments by such offenders no less frequently than weekly.

**Sec. 4.** RCW 6.17.020 and 1994 c 189 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2) ~~((and))~~, (3), and (4) of this section, the party in whose favor a judgment of a court of record of this state or a district court of this state has been or may be rendered, or the assignee, may have an execution issued for the collection or enforcement of the judgment at any time within ten years from entry of the judgment.

(2) After July 23, 1989, a party who obtains a judgment or order of a court of record of any state, or an administrative order entered as defined in RCW 74.20A.020(6) for accrued child support, may have an execution issued upon that judgment or order at any time within ten years of the eighteenth birthday of the youngest child named in the order for whom support is ordered.

(3) After June 9, 1994, a party in whose favor a judgment has been rendered pursuant to subsection (1) or (4) of this section may, within ninety days before the expiration of the original ten-year period, apply to the court that rendered the judgment for an order granting an additional ten years during which an execution may be issued. The petitioner shall pay to the court a filing fee equal to the filing fee for filing the first or initial paper in a civil action in the court. When application is made to the court to grant an additional ten years, the application shall be accompanied by a current and updated judgment summary as outlined in RCW 4.64.030. The filing fee required under this subsection shall be included in the judgment summary and shall be a recoverable cost.

(4) A party who obtains a judgment or order for restitution or other court-ordered legal financial obligations pursuant to a criminal judgment and sentence may execute the judgment or order any time within ten years subsequent to the entry of the judgment and sentence or ten years following the offender's release from total confinement as provided in chapter 9.94A RCW.

**NEW SECTION. Sec. 5.** Sections 1 and 2 of this act shall apply retroactively to allow courts to set restitution in cases sentenced prior to the effective date of this act if:

(1) The court failed to set restitution within sixty days of sentencing as required by RCW 9.94A.140 prior to the effective date of this act;

(2) The defendant was sentenced no more than three hundred sixty-five days before the effective date of this act; and

(3) The defendant is not unfairly prejudiced by the delay.

In those cases, the court may set restitution within one hundred eighty days of the effective date of this act or at a later hearing set by the court for good cause."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "restitution;" strike the remainder of the title and insert "amending RCW 9.94A.140, 9.94A.142, 9.94A.145, and 6.17.020; and creating a new section."

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1047, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1047, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1047, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Heavey, Loveland, McCaslin, Moyer and Quigley - 6.  
SUBSTITUTE HOUSE BILL NO. 1047, as amended by the Senate, having received the constitutional majority, was declared passed.  
There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 2:05 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:17 p.m. by President Pritchard.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Pennington, Chappell, McMorris, Carlson, Benton, McMahan, B. Thomas, Clements, Brumsickle, Boldt, Hatfield, Buck, Campbell, Delvin, Johnson, Sheldon, Mulliken, Kessler, Basich, Fuhrman, Morris, Huff, Honeyford, Chandler, Elliot, Schoesler and Sheahan)

Establishing an exemption to the outdoor burning permit program for certain nonurban areas.

The bill was read the second time.

#### MOTIONS

Senator Fraser moved that the following Committee on Ecology and Parks amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.94.745 and 1991 c 199 s 401 are each amended to read as follows:

(1) It shall be the responsibility and duty of the department of natural resources, department of ecology, department of agriculture, fire districts, and local air pollution control authorities to establish, through regulations, ordinances, or policy, a limited burning permit program (~~for the people of this state, consisting of a one permit system, until such time as~~).

(2) The permit program shall apply to residential and land clearing burning in the following areas:

(a) In the nonurban areas of any county with an unincorporated population of greater than fifty thousand; and

(b) In any city and urban growth area that is not otherwise prohibited from burning pursuant to RCW 70.94.743.

(3) The permit program shall apply only to land clearing burning in the nonurban areas of any county with an unincorporated population of less than fifty thousand.

(4) The permit program may be limited to a general permit by rule, or by verbal, written, or electronic approval by the permitting entity.

(5) Burning shall be prohibited in an area when an alternate technology or method((s)) of disposing of the organic refuse ((have been developed that are)) is available, reasonably economical, and less harmful to the environment. It is the policy of this state to foster and encourage development of alternate methods or technology for disposing of or reducing the amount of organic refuse.

(6) As used in this section, "nonurban areas" are unincorporated areas within a county that is not designated as an urban growth area under chapter 36.70A RCW.

(7) Nothing in this section shall require fire districts to enforce air quality requirements related to outdoor burning, unless the fire district enters into an agreement with the department of ecology, department of natural resources, a local air pollution control authority, or other appropriate entity to provide such enforcement."

On motion of Senator Hale, the following amendment by Senators Hale, Loveland, Newhouse, Deccio, Hochstatter, Snyder and Fraser to the Committee on Ecology and Parks striking amendment was adopted:

On page 1, after line 25, insert the following:

"(5) Notwithstanding any other provision of this section, neither a permit nor the payment of a fee shall be required for outdoor burning for the purpose of disposal of tumbleweeds blown by wind. Such burning shall not be conducted during an air pollution episode or any stage of impaired air quality declared under RCW 70.94.714. This subsection (5) shall only apply within counties with a population less than 250,000."

Re-number subsections consecutively.

#### MOTION

On motion of Senator Newhouse, the following amendments by Senators Newhouse, Hale, Loveland and Snyder to the Committee on Ecology and Parks striking amendment were considered simultaneously and were adopted:

On page 1, line 32 of the amendment, after "(6)" insert "Incidental agricultural burning must be allowed without applying for any permit and without the payment of any fee if:

(a) The burning is incidental to commercial agricultural activities;

(b) The operator notifies the local fire department within the area where the burning is to be conducted;

(c) The burning does not occur during an air pollution episode or any stage of impaired air quality declared under RCW 70.94.715;

and

(d) Only the following items are burned:

(i) Orchard prunings;

(ii) Organic debris along fence lines or irrigation or drainage ditches; or

(iii) Organic debris blown by wind.

(7)"

On page 1, at the beginning of line 35 of the amendment, strike "(7)" and insert "(8)"

The President declared the question before the Senate to be the adoption of the Committee on Ecology and Parks striking amendment, as amended, to Engrossed Substitute House Bill No. 1080.

The Committee on Ecology and Parks striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 70.94.745."

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1080, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Owen: "Senator Snyder, on page 1, lines 21 to 23, does this language mean residential burning is allowed without any permit process?"

Senator Snyder: "Yes."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1080, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1080, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Heavey, McCaslin, Moyer and Quigley - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Kohl, Senators Loveland and Owen were excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1550, by Representatives Smith, Scott, Blanton, Benton, Campbell, Mielke, Huff, Lambert, Sheahan, Robertson, Carrell, McMahan, Padden, Delvin, Thompson and Kremen

Allowing warrantless arrest for criminal trespass.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed House Bill No. 1550 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1550.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1550 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 2; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 40.

Voting nay: Senators Franklin and Hargrove - 2.

Excused: Senators Anderson, C., Heavey, Loveland, McCaslin, Moyer, Owen and Quigley - 7.

ENGROSSED HOUSE BILL NO. 1550, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2022, by Representative Fuhrman

Making mining claims.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 2022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2022.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2022 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 42.

Excused: Senators Anderson, C., Heavey, Loveland, McCaslin, Moyer, Owen and Quigley - 7.

HOUSE BILL NO. 2022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1414, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Lisk, Chandler, Fuhrman, Goldsmith, Cole and Romero)

Defining "acting in the course of employment."



The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1414.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1414 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 40.

Absent: Senators Fairley and Hargrove - 2.

Excused: Senators Anderson, C., Heavey, Loveland, McCaslin, Moyer, Owen and Quigley - 7.

SUBSTITUTE HOUSE BILL NO. 1414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Kohl, Senators Fairley, Hargrove and Pelz were excused.

#### SECOND READING

HOUSE BILL NO. 1858, by Representatives Ballasiotes, Costa, Robertson, Cody, Morris, Regala, Chopp, Ogden, Mitchell, Tokuda, Appelwick, Honeyford, Radcliff, Blanton, Dickerson, Campbell, Conway, Kessler and Ebersole

Establishing the office of crime victims advocacy in the department of community, trade, and economic development.

The bill was read the second time.

#### MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.280 RCW to read as follows:

The office of crime victims advocacy is established in the department of community, trade, and economic development. The office shall assist communities in planning and implementing services for crime victims, advocate on behalf of crime victims in obtaining needed services and resources, and advise local and state governments on practices, policies, and priorities that impact crime victims. In addition, the office shall administer grant programs for sexual assault treatment and prevention services, as authorized in this chapter."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "advocacy;" strike the remainder of the title and insert "and adding a new section to chapter 43.280 RCW."

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1858, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1858, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1858, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Palmer, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 39.

Excused: Senators Anderson, C., Fairley, Hargrove, Heavey, Loveland, McCaslin, Moyer, Owen, Pelz and Quigley - 10.

HOUSE BILL NO. 1858, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1206, by House Committee on Appropriations (originally sponsored by Representatives Carlson, Sommers, Cooke and Dellwo)

Restructuring the retirement systems.

The bill was read the second time.

## MOTIONS

On motion of Senator Bauer, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that teachers, principals, and district administrators need the ability to make transitions to other public or private sector careers, and that the retirement system should not be a barrier to exercise of employee choice. The legislature also recognizes that teachers, principals, and district administrators need a secure and viable retirement benefit, not only for their own financial protection, but also that public funds are spent prudently for their intended purpose.

It is the legislative intent to create a new public retirement system that balances flexibility with stability, provides both increased employee control of investments and responsible protection of the public's investment in employee benefits, and encourages the pursuit of public sector careers without preventing employees from transitioning into other public or private sector employment.

Therefore, the purpose of chapter . . . , Laws of 1995 (this act) is to continue to provide teachers, principals, and district administrators with a guaranteed pension at retirement age based on years of public service with an element of inflation protection. It is further the purpose of chapter . . . , Laws of 1995 (this act) to create a parallel retirement plan where employees have options regarding the investment of their retirement contributions and have the opportunity, along with the accompanying risk, to receive a full rate of return on their investments and where employees who leave public employment prior to retirement receive a fair and reasonable value from the retirement system.

## PART I DEFINED BENEFIT--TRS III

**Sec. 101.** RCW 41.32.005 and 1992 c 72 s 4 are each amended to read as follows:

RCW 41.32.010 through 41.32.067 shall apply to members of plan I (~~and~~), plan II, and plan III.

**Sec. 102.** RCW 41.32.010 and 1994 c 298 s 3, 1994 c 247 s 2, and 1994 c 197 s 12 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1)(a) "Accumulated contributions" for plan I members, means the sum of all regular annuity contributions and, except for the purpose of withdrawal at the time of retirement, any amount paid under RCW 41.50.165(2) with regular interest thereon.

(b) "Accumulated contributions" for plan II members, means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Member reserve" means the fund in which all of the accumulated contributions of members are held.

(5)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for plan II and plan III members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6) "Contract" means any agreement for service and compensation between a member and an employer.

(7) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to plan I members.

(8) "Dependent" means receiving one-half or more of support from a member.

(9) "Disability allowance" means monthly payments during disability. This subsection shall apply only to plan I members.

(10)(a) "Earnable compensation" for plan I members, means:

(i) All salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money.

(ii) "Earnable compensation" for plan I members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit.

(B) If a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(iii) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.345. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(iv) "Earnable compensation" does not include:

(A) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(B) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Earnable compensation" for plan II and plan III members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

"Earnable compensation" for plan II and plan III members also includes the following actual or imputed payments which, except in the case of (b)(ii)(B) of this subsection, are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit.

(ii) In any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(A) The earnable compensation the member would have received had such member not served in the legislature; or

(B) Such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions.

(11) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(12) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(13) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(14) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(15) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the member reserve.

(16) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to plan I members.

(17) "Pension" means the moneys payable per year during life from the pension reserve.

(18) "Pension reserve" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(19) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to plan I members.

(20) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to plan I members.

(21) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(22) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the member reserve. This subsection shall apply only to plan I members.

(23) "Regular interest" means such rate as the director may determine.

(24)(a) "Retirement allowance" for plan I members, means monthly payments based on the sum of annuity and pension, or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for plan II and plan III members, means monthly payments to a retiree or beneficiary as provided in this chapter.

(25) "Retirement system" means the Washington state teachers' retirement system.

(26)(a) "Service" for plan I members means the time during which a member has been employed by an employer for compensation.

(i) If a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered.

(ii) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(iii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(b) "Service" for plan II and plan III members, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in RCW 41.32.812 and 41.50.132;

(ii) If a member is employed either in an eligible position or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve month period;

(iii) All other members in an eligible position or as a substitute teacher shall receive service credit as follows:

(A) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(B) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(C) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

(iv) Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for each of the months in a state elective position by making the required member contributions.

(v) When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(vi) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470. For purposes of plan II "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

- (A) Less than eleven days equals one-quarter service credit month;
- (B) Eleven or more days but less than twenty-two days equals one-half service credit month;
- (C) Twenty-two days equals one service credit month;
- (D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;
- (E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(vii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(viii) The department shall adopt rules implementing this subsection.

(27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for plan II and plan III members, means the member's average earnable compensation of the highest consecutive sixty service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.32.810(2).

(31) "Retiree" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member. A person is in receipt of a retirement allowance as defined in subsection (24) of this section or other benefit as provided by this chapter when the department mails, causes to be mailed, or otherwise transmits the retirement allowance warrant.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Substitute teacher" means:

(a) A teacher who is hired by an employer to work as a temporary teacher, except for teachers who are annual contract employees of an employer and are guaranteed a minimum number of hours; or

(b) Teachers who either (i) work in ineligible positions for more than one employer or (ii) work in an ineligible position or positions together with an eligible position.

(37)(a) "Eligible position" for plan II members from June 7, 1990, through September 1, 1991, means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan II and plan III on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

(38) "Plan I" means the teachers' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(39) "Plan II" means the teachers' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977, and prior to the effective date of this act.

(40) "Plan III" means the teachers' retirement system, plan III providing the benefits and funding provisions covering persons who first become members of the system on and after the effective date of this act or who transfer under section 303 of this act.

(41) "Education association" means an association organized to carry out collective bargaining activities, the majority of whose members are employees covered by chapter 41.59 RCW or academic employees covered by chapter 28B.52 RCW.

(42) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the bureau of labor statistics, United States department of labor.

((44)) (43) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

((42)) (44) "Index B" means the index for the year prior to index A.

((43)) (45) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

~~((44))~~ (46) "Adjustment ratio" means the value of index A divided by index B.

**Sec. 103.** RCW 41.32.032 and 1992 c 212 s 17 are each amended to read as follows:

(1) Any teacher, as defined under RCW 41.32.010, who is first employed by a public school on or after June 7, 1984, shall become a member of the retirement system ~~((as directed under RCW 41.32.780))~~ if otherwise eligible.

(2) Any person who before June 7, 1984, has established service credit under chapter 41.40 RCW while employed in an educational staff associate position and who is employed in such a position on or after June 7, 1984 has the following options:

(a) To remain a member of the public employees' retirement system notwithstanding the provisions of RCW 41.32.240 or 41.32.780; or

(b) To irrevocably elect to join the retirement system under this chapter and to receive service credit for previous periods of employment in any position included under RCW 41.32.010. This service credit and corresponding employee contribution shall be computed as though the person had then been a member of the retirement system under this chapter. All employee contributions credited to a member under chapter 41.40 RCW for service now to be credited to the retirement system under this chapter shall be transferred to the system and the member shall not receive any credit nor enjoy any rights under chapter 41.40 RCW for those periods of service. The member shall pay any difference between the employee contributions made under chapter 41.40 RCW and transferred under this subsection and what would have been required under this chapter, including interest as set by the director. The member shall be given until July 1, 1989, to make the irrevocable election permitted under this section. The election shall be made by submitting written notification as required by the department requesting credit under this section and by remitting any necessary proof of service or payments within the time set by the department.

Any person, not employed as an educational staff associate on June 7, 1984, may, before June 30 of the fifth school year after that person's return to employment as a teacher, request and establish membership and credit under this subsection.

### PLAN III

NEW SECTION. **Sec. 104.** (1) Sections 104 through 117 of this act shall apply only to plan III members.

(2) Plan III shall consist of two separate elements: (a) A defined benefit portion covered under this subchapter; and (b) a defined contribution portion covered under chapter 41.-- RCW (sections 201 through 209 of this act). All contributions on behalf of the employer paid by an employee shall be made to the defined benefit portion of plan III and shall be nonrefundable when paid to the fund described in RCW 41.50.075(3).

(3) Unless otherwise specified, all references to "plan III" in this subchapter refer to the defined benefit portion of plan III.

NEW SECTION. **Sec. 105.** All teachers who first become employed by an employer in an eligible position on or after the effective date of this act shall be members of plan III.

NEW SECTION. **Sec. 106.** A member of the retirement system shall receive a retirement allowance equal to one percent of such member's average final compensation for each service credit year.

NEW SECTION. **Sec. 107.** Retirement allowances paid under the defined benefit portion of plan III shall have a postretirement cost-of-living allowance calculated and paid as provided in RCW 41.32.770.

NEW SECTION. **Sec. 108.** (1) Upon retirement for service as prescribed in section 113 of this act or retirement for disability under section 114 of this act, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. Upon the death of the retired member, all benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to such person or persons as the retiree shall have nominated by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

NEW SECTION. **Sec. 109.** Any member or beneficiary eligible to receive a retirement allowance under the provisions of section 113, 114, or 117 of this act shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to section 112 of this act shall accrue from the first day of the calendar month immediately following such qualification.

(3) Disability allowances paid to disabled members shall accrue from the first day of the calendar month immediately following such member's separation from employment for disability.

(4) Retirement allowances paid as death benefits shall accrue from the first day of the calendar month immediately following the member's death.

**NEW SECTION. Sec. 110.** (1) No retiree shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030, except that a plan III retiree may work in eligible positions on a temporary basis for up to five months per calendar year.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused the suspension of benefits. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

**NEW SECTION. Sec. 111.** (1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The earnable compensation reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

(3) Except as specified in subsection (4) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if:

- (a) The member makes the contribution on behalf of the employer, plus interest, as determined by the department; and
- (b) The member makes the employee contribution, plus interest, as determined by the department, to the defined contribution portion.

The contributions required shall be based on the average of the member's earnable compensation at both the time the authorized leave of absence was granted and the time the member resumed employment.

(4) A member who leaves the employ of an employer to enter the armed forces of the United States shall be entitled to retirement system service credit for up to four years of military service if within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces.

The department shall bill the employer for its contribution required under this act for the period of military service, plus interest as determined by the department. Service credit under this subsection may be obtained only if the member makes the employee contribution plus interest to the defined contribution portion as determined by the department.

The contributions required shall be based on the average of the member's earnable compensation at both the time the member left the employ of the employer to enter the armed forces and the time the member resumed employment.

**NEW SECTION. Sec. 112.** (1) The director may pay a member eligible to receive a retirement allowance or the member's beneficiary a lump sum payment in lieu of a monthly benefit if the initial monthly benefit would be less than one hundred dollars. The one hundred dollar limit shall be increased by three percent compounded annually on January 1. The lump sum payment shall be the actuarial equivalent of the monthly benefit.

(2) Persons covered under the provisions of subsection (1) of this section may upon returning to member status reinstate all previous service by depositing the lump sum payment received, with interest as computed by the director, within two years of returning to service or prior to retiring again, whichever comes first. In computing the amount due, the director shall exclude the accumulated value of the normal payments the member would have received while in beneficiary status if the lump sum payment had not occurred.

(3) Any member who receives a settlement under this section shall be deemed to be retired from this system.

**NEW SECTION. Sec. 113.** (1) **NORMAL RETIREMENT.** Any member who has vested and attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 106 of this act.

(2) **EARLY RETIREMENT.** Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 106 of this act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**NEW SECTION. Sec. 114.** (1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department shall be eligible to receive an allowance under the provisions of plan III. The member shall receive a monthly disability allowance computed as provided for in section 106 of this act and shall have this allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to comprehensive medical examinations as required by the department. If these medical examinations reveal that a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, the member shall cease to be eligible for the allowance.

(2) If the recipient of a monthly retirement allowance under this section dies, any further benefit payments shall be conditioned by the payment option selected by the retiree as provided in section 108 of this act.

**NEW SECTION. Sec. 115.** (1) An active member shall become vested in the right to a benefit upon completing ten years of service or upon completing five years of service and attaining age fifty-five.

(2) A vested member who separates or has separated may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provisions of section 113 of this act.

(3) The retirement allowance payable under section 113 of this act to a member who separates after having completed at least twenty years of service shall be increased by twenty-five one-hundredths of one percent, compounded for each month from the date of separation to the date that the retirement allowance commences.

**NEW SECTION. Sec. 116.** A nonvested member who leaves service and then reenters membership must earn an additional twelve service credit months to restore past service credit in the defined benefit portion of plan III.

**NEW SECTION. Sec. 117.** If a member who is vested dies prior to retirement, the surviving spouse or eligible child or children shall receive a retirement allowance computed as provided in section 108 of this act actuarially reduced to reflect a joint and one hundred percent survivor option and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 113(2) of this act.

If the surviving spouse who is receiving the retirement allowance dies leaving a child or children under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority.

If there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance, share and share alike. The allowance shall be calculated with the assumption that the age of the spouse and member were equal at the time of the member's death.

**NEW SECTION. Sec. 118.** Sections 104 through 117 of this act are designated as a subchapter within chapter 41.32 RCW with the subchapter heading "Provisions Applicable to Plan III."

## **PART II DEFINED CONTRIBUTION PORTION OF PLAN III**

**NEW SECTION. Sec. 201.** The purpose of chapter . . . , Laws of 1995 (this act) is to:

- (1) Provide a fair and reasonable value from the retirement system for those who leave public employment before retirement;
- (2) Increase flexibility for such employees to make transitions into other public or private sector employment;
- (3) Increase employee options for addressing retirement needs, personal financial planning, and career transitions; and
- (4) Continue the legislature's established policy of having employees contribute toward their retirement benefits.

**NEW SECTION. Sec. 202.** As used in this chapter, the following terms have the meanings indicated:

- (1) "Actuary" means the state actuary or the office of the state actuary.
- (2) "Board" means the employee retirement benefits board authorized in chapter 41.50 RCW.
- (3) "Department" means the department of retirement systems.
- (4) "Compensation" for purposes of this chapter is the same as "earnable compensation" for plan III in chapter 41.32 RCW.
- (5) "Member" means any employee included in the membership of a retirement system as provided for plan III in chapter 41.32 RCW.
- (6) "Member account" means the sum of the contributions and earnings on behalf of the member.
- (7) "Retiree" means any member in receipt of an allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

**NEW SECTION. Sec. 203.** (1) This chapter applies only to members of plan III retirement systems created under chapter 41.32 RCW.

(2) Plan III consists of two separate elements: (a) A defined benefit portion covered under sections 101 through 117, chapter . . . , Laws of 1995 (sections 101 through 117 of this act); and (b) a defined contribution portion covered under this chapter. Unless specified otherwise, all references to "plan III" in this chapter refer to the defined contribution portion of plan III.

**NEW SECTION. Sec. 204.** (1) A member shall contribute from his or her compensation according to one of the following rate structures:

**Option A    Contribution Rate**

All Ages    5.0% fixed

**Option B**



Up to Age 35 5.0%  
Age 35 to 44 6.0%  
Age 45 and above 7.5%

Option C

Up to Age 35 6.0%  
Age 35 to 44 7.5%  
Age 45 and above 8.5%

(2) The board shall have the right to offer contribution rate options in addition to those listed in subsection (1) of this section, provided that no significant additional administrative costs are created. All options offered by the board shall conform to the requirements stated in subsections (3) and (4) of this section.

(3) Within ninety days of the date that an employee becomes a member of plan III, he or she has an irrevocable option to choose one of the above contribution rate structures. If the member does not select an option within this ninety-day period, he or she shall be assigned option A. Such assignment shall be irrevocable.

(4) Contributions shall begin the first day of the month immediately following the earlier of the selection of an option or the end of the ninety-day period.

NEW SECTION. Sec. 205. The legislature may authorize contributions to the members' accounts for a biennium through budget appropriation.

NEW SECTION. Sec. 206. The member's account shall be invested by the state investment board unless the member elects to self direct investments as authorized by the board. Members who make this election shall pay the expenses for self-directed investment.

NEW SECTION. Sec. 207. (1) If the member retires, becomes disabled, or otherwise terminates employment, the balance in the member's account may be distributed in accordance with an option selected by the member either as a lump sum or pursuant to other options authorized by the board.

(2) If the member dies while in service, the balance of the member's account may be distributed in accordance with an option selected by the member either as a lump sum or pursuant to other options authorized by the board. The distribution shall be made to such person or persons as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, the balance of the member's account in the retirement system, less any amount identified as owing to an obligee upon withdrawal of such account balance pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there is no surviving spouse, then to such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department.

(3) The distribution under subsections (1) or (2) of this section shall be less any amount identified as owing to an obligee upon withdrawal pursuant to a court order filed under RCW 41.50.670.

NEW SECTION. Sec. 208. (1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the various funds created by chapter . . . , Laws of 1995 (this act) and all moneys and investments and income thereof, is hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and that has been approved for deduction in accordance with rules that may be adopted by the state health care authority and/or the department. This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Subsection (1) of this section shall not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

NEW SECTION. Sec. 209. (1) The retirement plan created by this chapter shall be administered so as to comply with the federal Internal Revenue Code, Title 26 U.S.C., and specifically with plan qualification requirements imposed on governmental plans by section 401(a) of the Internal Revenue Code.

(2) Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy requirements imposed by section 401(a) of the Internal Revenue Code.

(3) If any section or provision of this chapter is found to be in conflict with the plan qualification requirements for governmental plans in section 401(a) of the Internal Revenue Code, the conflicting part of this chapter is hereby inoperative solely to the extent of the conflict, and such finding shall not affect the operation of the remainder of this chapter.

NEW SECTION. Sec. 210. Sections 201 through 209 of this act shall constitute a new chapter in Title 41 RCW.

### PART III MISCELLANEOUS

NEW SECTION. Sec. 301. A new section is added to chapter 41.50 RCW to read as follows:

(1) The employee retirement benefits board is created within the department of retirement systems.

(2) The board shall be composed of eight members appointed by the governor and one ex officio member as follows:

(a) Three members representing the public employees' retirement system: One retired, two active. The members shall be appointed from a list of nominations submitted by organizations representing each category. The initial term of appointment shall be two years for the retired member, one year for one active member, and three years for the remaining active member.

(b) Three members representing the teachers' retirement system: One retired, two active. The members shall be appointed from a list of nominations submitted by organizations representing each category. The initial term of appointment shall be one year for the retired member, two years for one active member, and three years for the remaining active member.

(c) Two members with experience in defined contribution plan administration. The initial term for these members shall be two years for one member and three years for the remaining member.

(d) The director of the department shall serve ex officio and shall be the chair of the board.

(3) After the initial appointments, members shall be appointed to three-year terms.

(4) The board shall meet at least quarterly during the calendar year, at the call of the chair.

(5) Members of the board shall serve without compensation but shall receive travel expenses as provided for in RCW 43.03.050 and 43.03.060. Such travel expenses shall be reimbursed by the department from the retirement system expense fund.

(6) The board shall adopt rules governing its procedures and conduct of business.

(7) The actuary shall perform all actuarial services for the board and provide advice and support.

(8) The state investment board shall provide advice and support to the board.

NEW SECTION. Sec. 302. A new section is added to chapter 41.50 RCW to read as follows:

The board shall adopt rules as necessary and exercise all the powers and perform all duties prescribed by law with respect to:

(1) The preselection of options for members to choose from for self-directed investment deemed by the board to be in the best interest of the member. At the board's request, the state investment board may provide investment options for purposes of this subsection;

(2) The selection of optional benefit payment schedules available to members and survivors of members upon the death, disability, retirement, or termination of the member. The optional benefit payments may include but not be limited to: Fixed and participating annuities, joint and survivor annuities, and payments that bridge to social security or defined benefit plan payments;

(3) Approval of actuarially equivalent annuities that may be purchased from the combined plan II and plan III funds under RCW 41.50.075 (2) or (3);

(4) Determination of the basis for administrative charges to the self-directed investment fund to offset self-directed account expenses; and

(5) Selection of investment options for the deferred compensation program.

NEW SECTION. Sec. 303. A new section is added to chapter 41.32 RCW under the subchapter heading "Plan II" to read as follows:

(1) Every plan II member employed by an employer in an eligible position may make an irrevocable option to transfer to plan III. For those who elect to transfer:

(a) All service credit in plan II shall be transferred to the defined benefit portion of plan III.

(b) The accumulated contributions in plan II shall be transferred to the member's account in the defined contribution portion established in sections 201 through 209 of this act, pursuant to procedures developed by the department and subject to section 209 of this act.

(c) A member vested on the effective date of this act under plan II shall be automatically vested in plan III upon transfer.

(d) Members employed by an employer in an eligible position on January 1, 1998, who request to transfer to plan III by January 1, 1998, shall have their account in the defined contribution portion of plan III, other than those accumulated contributions attributable to restorations made under RCW 41.50.165(2), increased by twenty percent of their plan II accumulated contributions as of January 1, 1996. If the member who requests to transfer dies before January 1, 1998, the additional payment provided by this subsection shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department.

(e) The legislature reserves the right to discontinue the right to transfer under this section.

(2) This subsection shall also apply to dual members as provided in section 320 of this act.

(3) Any member who elects to transfer to plan III and has eligible unreturned withdrawn contributions in plan II, may subsequently restore such contributions under the provisions of RCW 41.32.825. The restored plan II service credit will be automatically transferred to plan III. Contributions restored will be transferred to the member's account in plan III.

(4) Anyone previously retired from plan II is prohibited from transferring to plan III.

**NEW SECTION. Sec. 304.** A new section is added to chapter 41.32 RCW under the subchapter heading "Plan II" to read as follows:  
Any person who elected pursuant to RCW 41.32.032(2)(a) to remain a member of the public employees' retirement system under chapter 41.40 RCW may make an irrevocable option to transfer to plan III pursuant to section 303 of this act, PROVIDED THAT:

(1) Only service credit for previous periods of employment in a position covered by RCW 41.32.010 is transferred to plan III;

(2) Equivalent accumulated employee and employer contributions attributable to service covered by subsection (1) of this section are transferred to plan III;

(3) Employer contributions transferred under this section shall be paid into the teachers' retirement system combined plan II and III fund.

Any person, not employed as an educational staff associate on the effective date of this act may choose, within one year of the person's return to employment as a teacher, to transfer to plan III under this section.

**Sec. 305.** RCW 41.45.010 and 1989 c 273 s 1 are each amended to read as follows:

It is the intent of the legislature to provide a dependable and systematic process for funding the benefits provided to members and retirees of the public employees' retirement system, chapter 41.40 RCW; the teachers' retirement system, chapter 41.32 RCW; the law enforcement officers' and fire fighters' retirement system, chapter 41.26 RCW; and the Washington state patrol retirement system, chapter 43.43 RCW.

The funding process established by this chapter is intended to achieve the following goals:

(1) To continue to fully fund the public employees' retirement system plan II, the teachers' retirement system plan II and III, and the law enforcement officers' and fire fighters' retirement system plan II as provided by law;

(2) To fully amortize the total costs of the public employees' retirement system plan I, the teachers' retirement system plan I, and the law enforcement officers' and fire fighters' retirement system plan I not later than June 30, 2024;

(3) To establish predictable long-term employer contribution rates which will remain a relatively constant proportion of the future state budgets; and

(4) To fund, to the extent feasible, benefit increases for plan I members and all benefits for plan II and III members over the working lives of those members so that the cost of those benefits are paid by the taxpayers who receive the benefit of those members' service.

**Sec. 306.** RCW 41.45.020 and 1989 c 273 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Council" means the economic and revenue forecast council created in RCW ~~((82.01.130))~~ 82.33.010.

(2) "Department" means the department of retirement systems.

(3) "Law enforcement officers' and fire fighters' retirement system plan I," and "law enforcement officers' and fire fighters' retirement system plan II" mean((s)) the benefits and funding provisions ~~((covering persons who first became members of the law enforcement officers' and fire fighters' retirement system prior to October 1, 1977.~~

~~((4))~~ "Law enforcement officers' and fire fighters' retirement system plan II" means the benefits and funding provisions covering persons who first became members of the law enforcement officers' and fire fighters' retirement system on or after October 1, 1977)) under chapter 41.26 RCW.

~~((5))~~ (4) "Public employees' retirement system plan I" ~~((means the benefits and funding provisions covering persons who first became members of the public employees' retirement system prior to October 1, 1977.~~

~~((6))~~ "Public employees' retirement system plan II" means the benefits and funding provisions covering persons who first became members of the public employees' retirement system on or after October 1, 1977)) and "public employees' retirement system plan II" mean the benefits and funding provisions under chapter 41.40 RCW.

~~((7))~~ (5) "Teachers' retirement system plan I," "teachers' retirement system plan II," and "teachers' retirement system plan III" mean((s)) the benefits and funding provisions ~~((covering persons who first became members of the teachers' retirement system prior to October 1, 1977.~~

~~((8))~~ "Teachers' retirement system plan II" means the benefits and funding provisions covering persons who first became members of the teachers' retirement system on or after October 1, 1977)) under chapter 41.32 RCW.

~~((9))~~ (6) "Washington state patrol retirement system" means the retirement benefits provided under chapter 43.43 RCW.

(7) "Unfunded liability" means the unfunded actuarial accrued liability of a retirement system.

~~((10))~~ (8) "Actuary" or "state actuary" means the state actuary employed under chapter 44.44 RCW.

~~((11))~~ (9) "State retirement systems" means the retirement systems listed in RCW 41.50.030.

**Sec. 307.** RCW 41.45.030 and 1993 c 519 s 17 are each amended to read as follows:

(1) Beginning September 1, ~~((1989))~~ 1995, and every ~~((six))~~ two years thereafter, the state actuary shall submit to the council information regarding the experience and financial condition of each state retirement system. The council shall review this and such other information as it may require.

(2) ~~((The council shall review the information submitted by the state actuary and))~~ By December 31, 1995, and every two years thereafter, the council, by affirmative vote of five councilmembers, shall adopt the following long-term economic assumptions:

(a) Growth in system membership;

(b) Growth in salaries, exclusive of merit or longevity increases;

(c) Growth in inflation; and

(d) Investment rate of return.

(3) The council shall work with the department of retirement systems, the state actuary, and the executive director of the state investment board, and shall consider long-term historical averages, in developing the economic assumptions. The assumptions adopted by the council shall be used by the state actuary in conducting valuation studies of the state retirement systems.

~~((3) The council may utilize information provided by the state actuary and such other information as it may request.))~~

**Sec. 308.** RCW 41.45.050 and 1989 c 273 s 5 are each amended to read as follows:

(1) ~~((Beginning September 1, 1990,))~~ Employers of members of the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system shall make contributions to those systems based on the rates established in RCW 41.45.060 and 41.45.070.

(2) ~~((Beginning September 1, 1990,))~~ The state shall make contributions to the law enforcement officers' and fire fighters' retirement system based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department.

(3) ~~((Beginning September 1, 1990,))~~ The department shall bill employers, and the state shall make contributions to the law enforcement officers' and fire fighters' retirement system, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of pension funding provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan I fund and public employees' retirement system plan II fund as follows: The contributions necessary to fully fund the public employees' retirement system plan II employer contribution required by RCW 41.40.650 shall first be deposited in the public employees' retirement system plan II fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan I fund.

~~((The employer contributions for the teachers' retirement system, and the state contributions for the law enforcement officers' and fire fighters' retirement system shall be allocated in the same manner as the public employees' retirement system and in accordance with the law enforcement officers' and fire fighters' retirement system plan II and the teachers' retirement system plan II contribution rates required by RCW 41.26.450 and 41.32.775 respectively))~~ (5) The contributions received for the teachers' retirement system shall be allocated between the plan I fund and the combined plan II and plan III fund as follows: The contributions necessary to fully fund the combined plan II and plan III employer contribution shall first be deposited in the combined plan II and plan III fund. All remaining teachers' retirement system employer contributions shall be deposited in the plan I fund.

(6) The contributions received under RCW 41.26.450 for the law enforcement officers' and fire fighters' retirement system shall be allocated between the law enforcement officers' and fire fighters' retirement system plan I and the law enforcement officers' and fire fighters' retirement system plan II fund as follows: The contributions necessary to fully fund the law enforcement officers' and fire fighters' retirement system plan II employer contributions shall be first deposited in the law enforcement officers' and fire fighters' retirement system plan II fund. All remaining law enforcement officers' and fire fighters' retirement system employer contributions shall be deposited in the law enforcement officers' and fire fighters' retirement system plan I fund.

**Sec. 309.** RCW 41.45.060 and 1993 c 519 s 19 are each amended to read as follows:

(1) ~~((For the period of September 1, 1993, through August 31, 1995, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system, and the basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system shall be as determined in the 1991 valuations prepared by the office of the state actuary.))~~ The state actuary shall provide actuarial valuation results based on the assumptions adopted under RCW 41.45.030.

(2) Not later than September 30, ~~((1994))~~ 1996, and every two years thereafter(:

~~((a))),~~ consistent with the assumptions adopted under RCW 41.45.030, the council shall adopt ((the contributions to be used in the ensuing biennial period for the systems specified in subsection (1) of this section.

~~((b)))~~ both: (a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system; and (b) basic employer contribution rates for the public employees' retirement system plan I, the teachers' retirement system plan I, and the Washington state patrol retirement system to be used in the ensuing biennial period.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan I, the teachers' retirement system plan I, the law enforcement officers' and fire fighters' retirement system plan I, and the unfunded liability of the Washington state patrol retirement system not later than June 30, 2024; and

(b) To also continue to fully fund the public employees' retirement system plan II, the teachers' retirement system plans II and III, and the law enforcement officers' and fire fighters' retirement system plan II in accordance with RCW 41.40.650, 41.26.450, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan II and III employer contribution rate.

(5) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted (~~(under (a) of this subsection)~~).

~~((e))~~ (6) The director of the department of retirement systems shall collect those rates adopted by the council (~~(under this chapter)~~).

**Sec. 310.** RCW 41.45.070 and 1990 c 18 s 2 are each amended to read as follows:

(1) ~~(Beginning September 1, 1991,)~~ In addition to the basic employer contribution rate established in RCW 41.45.060, the department shall also charge employers of public employees' retirement system, teachers' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems ~~((after January 1, 1990))~~. The supplemental contribution rates required by this section shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) ~~(Beginning September 1, 1991,)~~ In addition to the basic state contribution rate established in RCW 41.45.060 for the law enforcement officers' and fire fighters' retirement system the department shall also establish a supplemental rate to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and fire fighters' retirement system ~~((after January 1, 1990))~~. This supplemental rate shall be calculated by the state actuary and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) The supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan I, the teachers' retirement system plan I, the law enforcement officers' and fire fighters' retirement system plan I, and Washington state patrol retirement system, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit not later than June 30, 2024.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan II, the teachers' retirement system plan II and plan III, or the law enforcement officers' and fire fighters' retirement system plan II, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit, as calculated under RCW 41.40.650, 41.32.775, or 41.26.450, respectively.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay needed to fund the adjustments as they are paid to the retirees. The supplemental rate charged under this section to fund automatic postretirement adjustments for active or retired members of the public employees' retirement system plan I and the teachers' retirement system plan I shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments not later than June 30, 2024.

**NEW SECTION. Sec. 311.** A new section is added to chapter 41.45 RCW to read as follows:

(1) The required contribution rate for members of the plan II teachers' retirement system shall be fixed at the rates in effect on the effective date of this act, subject to the following:

(a) Beginning September 1, 1998, except as provided in (b) of this subsection, the employee contribution rate shall not exceed the employer plan II and III rates adopted under RCW 41.45.060 and 41.45.070 for the teachers' retirement system;

(b) In addition, the employee contribution rate for plan II shall be increased by fifty percent of the contribution rate increase caused by any plan II benefit increase passed after the effective date of this act.

(2) The required plan II and III contribution rates for employers shall be adopted in the manner described in RCW 41.45.060.

**Sec. 312.** RCW 41.50.075 and 1991 c 35 s 108 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and fire fighters' system plan I retirement fund, and the Washington law enforcement officers' and fire fighters' system plan II retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan I, and the plan II fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan II.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan I fund and the teachers' retirement system combined plan II and III fund. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan I, and the combined plan II and III fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan II and III.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan I fund and the public employees' (~~retirement system~~) retirement system plan II fund. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan I, and the plan II fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan II.

(4) There is hereby established in the state treasury the plan III defined contribution fund which shall consist of all contributions and earnings paid on behalf of members, except as otherwise provided.

**Sec. 313.** RCW 41.50.110 and 1990 c 8 s 3 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, the retirement system expense fund is hereby redesignated as the department of retirement systems expense fund from which shall be paid the expenses of the administration of the department and the expenses of administration of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.-- (sections 201 through 209 of this act), and 43.43 RCW.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

~~((3) All employers shall pay a standard fee to the department to cover the cost of administering the system.))~~ (5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses incurred pursuant to section 206 of this act shall be deducted from the defined contribution fund in accordance with rules established by the board under section 302 of this act.

**NEW SECTION. Sec. 314.** A new section is added to chapter 41.50 RCW to read as follows:

(1) "Employee" as used in this section and section 315 of this act includes all full-time, part-time, and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of the government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and of the superior and district courts; and members of the state legislature or of the legislative authority of any county, city, or town.

(2) The state, through the department, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the amount allowable under 26 U.S.C. Sec. 457, and deposit or invest such deferred portion in a credit union, savings and loan association, bank, or mutual savings bank or purchase life insurance, shares of an investment company, or fixed and/or variable annuity contracts from any insurance company or any investment company licensed to contract business in this state.

(3) The department can provide such plans as the employee retirement benefits board, established under section 301 of this act, deems are in the interests of state employees. In addition to the types of investments described in this section, the department may invest the deferred portion of an employee's income, without limitation as to amount, in any of the class of investments described in RCW 43.84.150 as in effect on January 1, 1981. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the state or local retirement and pension benefits earned by any employee.

(4) Coverage of an employee under a deferred compensation plan under this section shall not render such employee ineligible for simultaneous membership and participation in any pension system for public employees.

**NEW SECTION. Sec. 315.** A new section is added to chapter 41.50 RCW to read as follows:

(1) The deferred compensation principal account is hereby created in the state treasury. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from that account over earnings of investments of balances credited to that account shall be eliminated by transferring moneys to that account from the deferred compensation principal account.

(2) The amount of compensation deferred by employees under agreements entered into under the authority contained in section 314 of this act shall be paid into the deferred compensation principal account and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by the department. The deferred compensation principal account shall be used to carry out the purposes of section 314 of this act. All eligible state employees shall be given the opportunity to participate in agreements entered into by the department under section 314 of this act. State agencies shall cooperate with the department in providing employees with the opportunity to participate.

(3) Any county, municipality, or other subdivision of the state may elect to participate in any agreements entered into by the department under section 314 of this act, including the making of payments therefrom to the employees participating in a deferred compensation plan upon their separation from state or other qualifying service. Accordingly, the deferred compensation principal account shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein.

(4) All moneys in the deferred compensation principal account, all property and rights purchased therewith, and all income attributable thereto, shall remain (until made available to the participating employee or other beneficiary) solely the money, property, and rights of the state and participating counties, municipalities, and subdivisions (without being restricted to the provision of benefits under the plan) subject only to the claims of the state's and participating jurisdictions' general creditors. Participating jurisdictions shall each retain property rights separately.

(5) The state investment board, at the request of the employee retirement benefits board as established under section 301 of this act, is authorized to invest moneys in the deferred compensation principal account in accordance with RCW 43.84.150. Except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the deferred compensation principal account.

(6) The deferred compensation administrative account is hereby created in the state treasury. All expenses of the department pertaining to the deferred compensation plan including staffing and administrative expenses shall be paid out of the deferred compensation administrative account. Any excess of earnings of investments of balances credited to this account over administrative expenses disbursed from this account shall be transferred to the deferred compensation principal account. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from this account over earnings of investments of balances credited to this account shall be transferred to this account from the deferred compensation principal account.

(7) In addition to the duties specified in this section and section 314 of this act, the department shall administer the salary reduction plan established in RCW 41.04.600 through 41.04.645.

(8) The department shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of any deferred compensation plans created under section 314 of this act and this section.

(9) The department shall file an annual report of the financial condition, transactions, and affairs of the deferred compensation plans under its jurisdiction. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, the governor, and the state auditor.

(10) Members of the employee retirement benefits board established under section 301 of this act shall be deemed to stand in a fiduciary relationship to the employees participating in the deferred compensation plans created under section 314 of this act and this section and shall discharge the duties of their respective positions in good faith and with that diligence, care, and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

(11) The department may adopt rules necessary to carry out the purposes of section 314 of this act and this section.

**Sec. 316.** RCW 41.50.030 and 1975-'76 2nd ex.s. c 105 s 5 are each amended to read as follows:

(1) As soon as possible but not more than one hundred and eighty days after March 19, 1976, there is transferred to the department of retirement systems, except as otherwise provided in this chapter, all powers, duties, and functions of:

~~((1))~~ (a) The Washington public employees' retirement system ~~((and the retirement board thereof));~~

~~((2))~~ (b) The Washington state teachers' retirement system ~~((and the board of trustees thereof));~~

~~((3))~~ (c) The Washington law enforcement officers' and fire fighters' retirement system ~~((and the retirement board thereof));~~

~~((4))~~ (d) The Washington state patrol retirement system ~~((and the retirement board thereof));~~

~~((5))~~ (e) The Washington judicial retirement system ~~((and the retirement board thereof));~~ and

~~((6))~~ (f) The state treasurer with respect to the administration of the judges' retirement fund imposed pursuant to chapter 2.12 RCW.

(2) On the effective date of this act there is transferred to the department all powers, duties, and functions of the deferred compensation committee.

(3) The department shall administer sections 201 through 209 of this act.

**Sec. 317.** RCW 41.50.050 and 1993 c 61 s 1 are each amended to read as follows:

The director shall:

(1) Have the authority to organize the department into not more than ~~((three))~~ four divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department and inspect and audit the files and records as deemed necessary;

(3) Employ personnel to carry out the general administration of the department;

(4) Submit an annual written report of the activities of the department to the governor and the chairs of the appropriate legislative committees with one copy to the staff of each of the committees, including recommendations for statutory changes the director believes to be desirable;

(5) Adopt such rules and regulations as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.05 RCW.

**Sec. 318.** RCW 41.50.060 and 1975-'76 2nd ex.s. c 105 s 8 are each amended to read as follows:

The director may delegate the performance of such powers, duties, and functions, other than those relating to rule making, to employees of the department, but the director shall remain and be responsible for the official acts of the employees of the department.

The director shall be responsible for the public employees' retirement system, the teachers' retirement system, the judicial retirement system, the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system. The director shall also be responsible for the deferred compensation program.

**Sec. 319.** RCW 41.54.030 and 1990 c 192 s 2 are each amended to read as follows:

(1) A dual member(‘s) may combine service in all systems (~~((may be combined))~~) for the (~~((sole))~~) purpose of:

(a) Determining the member's eligibility to receive a service retirement allowance; and

(b) Qualifying for a benefit under section 115(3) of this act.

(2) A dual member who is eligible to retire under any system may elect to retire from all the member's systems and to receive service retirement allowances calculated as provided in this section. Each system shall calculate the allowance using its own criteria except that the member shall be allowed to substitute the member's base salary from any system as the compensation used in calculating the allowance.

(3) The service retirement allowances from a system which, but for this section, would not be allowed to be paid at this date based on the dual member's age shall be either actuarially adjusted from the earliest age upon which the combined service would have made such dual member eligible in that system, or the dual member may choose to defer the benefit until fully eligible.

NEW SECTION. **Sec. 320.** A new section is added to chapter 41.54 RCW to read as follows:

Any dual member who elects to transfer under section 303 of this act may subject to the provisions of this chapter:

(1) Similarly transfer any other prior plan II service credit to plan III of the same retirement system; or

(2) Combine service credit in all systems for purposes of vesting pursuant to section 303(1)(c) of this act.

NEW SECTION. **Sec. 321.** A new section is added to chapter 43.33A RCW to read as follows:

Pursuant to section 302 of this act, the state investment board, at the request of the employee retirement benefits board, is authorized to offer investment options for self-directed investment under plan III.

**Sec. 322.** RCW 41.04.440 and 1984 c 227 s 1 are each amended to read as follows:

(1) The sole purpose of RCW 41.04.445 and 41.04.450 is to allow the members of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, ~~41.-- (sections 201 through 209 of this act),~~ and 43.43 RCW to enjoy the tax deferral benefits allowed under 26 USC 414(h). This act does not alter in any manner the provisions of RCW 41.26.450(~~(,41.32.775))~~) and 41.40.650 which require that the member contribution rates shall be set so as to provide fifty percent of the cost(~~(s)~~) of the respective retirement plans.

(2) Should the legislature revoke any benefit allowed under (~~(this act)~~) 26 U.S.C. 414(h), no affected employee shall be entitled thereafter to receive such benefit as a matter of contractual right.

**Sec. 323.** RCW 41.04.445 and 1992 c 212 s 15 are each amended to read as follows:

(1) This section applies to all members who are:

(a) Judges under the retirement system established under chapter 2.10, 2.12, or 2.14 RCW;

(b) Employees of the state under the retirement system established by chapter 41.32, 41.40, or 43.43 RCW;

(c) Employees of school districts under the retirement system established by chapter 41.32 or 41.40 RCW, except for substitute teachers as defined by RCW 41.32.010;

(d) Employees of educational service districts under the retirement system established by chapter 41.32 or 41.40 RCW; or

(e) Employees of community college districts under the retirement system established by chapter 41.32 or 41.40 RCW.

(2) Only for compensation earned after the effective date of the implementation of this section and as provided by section 414(h) of the federal internal revenue code, the employer of all the members specified in subsection (1) of this section shall pick up only those member contributions as required under:

(a) RCW 2.10.090(1);

(b) RCW 2.12.060;

(c) RCW 2.14.090;

(d) RCW 41.32.263;

(e) RCW 41.32.350;



- (f) ~~((RCW 41.32.775;~~  
~~(g))~~ RCW 41.40.330 (1) and (3);  
~~((h))~~ ~~(g)~~ RCW 41.40.650; ~~(and~~  
~~(i))~~ (h) Section 207 of this act;  
(i) RCW 43.43.300; and  
(j) Section 204 of this act.

(3) Only for the purposes of federal income taxation, the gross income of the member shall be reduced by the amount of the contribution to the respective retirement system picked up by the employer.

(4) All member contributions to the respective retirement system picked up by the employer as provided by this section, plus the accrued interest earned thereon, shall be paid to the member upon the withdrawal of funds or lump-sum payment of accumulated contributions as provided under the provisions of the retirement systems.

(5) At least forty-five days prior to implementing this section, the employer shall provide:

- (a) A complete explanation of the effects of this section to all members; and  
(b) Notification of such implementation to the director of the department of retirement systems.

**Sec. 324.** RCW 41.04.450 and 1985 c 13 s 3 are each amended to read as follows:

(1) Employers of those members under chapters 41.26 ~~((and)), 41.40, and 41.-- (sections 201 through 209 of this act)~~ RCW who are not specified in RCW 41.04.445 may choose to implement the employer pick up of all member contributions without exception under RCW 41.26.080(1), 41.26.450, 41.40.330(1), ~~((and))~~ 41.40.650, and chapter 41.-- RCW (sections 201 through 209 of this act). If the employer does so choose, the employer and members shall be subject to the conditions and limitations of RCW 41.04.445 (3), (4), and (5) and RCW 41.04.455.

(2) An employer exercising the option under this section may later choose to withdraw from and/or reestablish the employer pick up of member contributions only once in a calendar year following forty-five days prior notice to the director of the department of retirement systems.

**NEW SECTION. Sec. 325.** The benefits provided pursuant to this act are not provided to employees as a matter of contractual right prior to the effective date of this act. The legislature retains the right to alter or abolish these benefits at any time prior to the date this act becomes effective.

**NEW SECTION. Sec. 326.** The following acts or parts of acts are each repealed:

- (1) RCW 41.04.250 and 1981 c 256 s 2, 1975 1st ex.s. c 274 s 2, 1973 1st ex.s. c 99 s 1, 1972 ex.s. c 19 s 1, & 1971 ex.s. c 264 s 1;  
(2) RCW 41.04.255 and 1991 c 249 s 2 & 1982 c 107 s 2;  
(3) RCW 41.04.260 and 1993 c 34 s 2 & 1991 sp.s. c 13 s 101;  
(4) RCW 41.32.775 and 1990 c 274 s 9, 1989 c 273 s 19, 1986 c 268 s 2, 1984 c 184 s 11, & 1977 ex.s. c 293 s 6;  
(5) RCW 41.45.040 and 1993 c 519 s 18 & 1989 c 273 s 4;  
(6) RCW 41.45.0601 and 1993 c 519 s 20 & 1992 c 239 s 1;  
(7) RCW 41.45.901 and 1989 c 273 s 33;  
(8) RCW 41.50.032 and 1984 c 184 s 15 & 1982 c 163 s 9; and  
(9) RCW 41.50.250 and 1991 c 35 s 72, 1989 c 273 s 21, 1981 c 3 s 32, 1969 c 128 s 4, 1963 c 174 s 6, 1955 c 220 s 2, 1953 c 200 s 3, 1949 c 240 s 5, & 1947 c 274 s 9.

**NEW SECTION. Sec. 327.** This act shall take effect July 1, 1996.

**NEW SECTION. Sec. 328.** Part headings and subchapter headings as used in this act constitute no part of the law."

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 41.32.005, 41.32.032, 41.45.010, 41.45.020, 41.45.030, 41.45.050, 41.45.060, 41.45.070, 41.50.075, 41.50.110, 41.50.030, 41.50.050, 41.50.060, 41.54.030, 41.04.440, 41.04.445, and 41.04.450; reenacting and amending RCW 41.32.010; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.50 RCW; adding a new section to chapter 41.45 RCW; adding a new section to chapter 41.54 RCW; adding a new section to chapter 43.33A RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 41.04.250, 41.04.255, 41.04.260, 41.32.775, 41.45.040, 41.45.0601, 41.45.901, 41.50.032, and 41.50.250; and providing an effective date."

#### MOTION

On motion of Senator Bauer, the rules were suspended, Engrossed Substitute House Bill No. 1206, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1206, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1206, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 9; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Palmer, Pelz, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 34.

Voting nay: Senators Cantu, Fraser, Hochstatter, Morton, Newhouse, Oke, Prentice, Prince and Sellar - 9.

Excused: Senators Anderson, C., Heavey, McCaslin, Moyer, Owen and Quigley - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1206, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1549, by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Morris, Wolfe, Campbell, Quall, Backlund, Dyer and Blanton) (by request of Sentencing Guidelines Commission)

Creating a sentencing alternative for drug offenders.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1549 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1549.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1549 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Heavey, McCaslin, Moyer, Owen and Quigley - 6.

SUBSTITUTE HOUSE BILL NO. 1549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1163, by Representatives Kremen, Goldsmith, Kessler, McMorris, Campbell, Basich, Thompson, Foreman, McMahan, Buck, Cooke, Mielke and Sheahan

Providing a tax exemption for property used by nonprofit organizations for camping and recreational purposes.

The bill was read the second time.

#### MOTION

On motion of Senator Spanel, the rules were suspended, House Bill No. 1163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1163.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1163 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Heavey, McCaslin, Moyer, Owen and Quigley - 6.

HOUSE BILL NO. 1163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1725, by Representatives Brumsickle, Wolfe and Conway

Regulating housing authorities.

The bill was read the second time.

## MOTION

Senator Haugen moved that the following amendment by Senators Smith and Roach be adopted:

On page 4, after line 5, insert the following:

"**Sec. 3.** RCW 69.50.435 and 1991 c 32 s 4 are each amended to read as follows:

(a) Any person who violates RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under that subsection or who violates RCW 69.50.410 by selling for profit any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana to a person:

(1) ~~In~~ a school ~~((~~∅~~∅));~~

(2) ~~On~~ a school bus ~~((~~∅~~∅));~~

(3) ~~Within~~ one thousand feet of a school bus route stop designated by the school district ~~((~~∅~~∅));~~

(4) ~~Within~~ one thousand feet of the perimeter of the school grounds~~((∅));~~

(5) ~~In~~ a public park ~~((~~∅~~∅));~~

(6) In a public housing project designated by a local governing authority as a drug-free zone;

(7) ~~On~~ a public transit vehicle~~((∅));~~ or

(8) ~~In~~ a public transit stop shelter may be punished by a fine of up to twice the fine otherwise authorized by this chapter, but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by this chapter, but not including twice the imprisonment authorized by RCW 69.50.406, or by both such fine and imprisonment. The provisions of this section shall not operate to more than double the fine or imprisonment otherwise authorized by this chapter for an offense.

(b) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop, in a public park, on a public transit vehicle, ~~((∅∅))~~ in a public transit stop shelter, or in a public housing project designated by a local governing authority as a drug-free zone.

(c) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were not present in the school, the school bus, the public park, or the public transit vehicle, or at the school bus route stop or the public transit vehicle stop shelter, or in a public housing project designated by a local governing authority as a drug-free zone at the time of the offense or that school was not in session.

(d) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(e) In a prosecution under this section, a map produced or reproduced by any ~~((municipal))~~ municipality, school district, county, ~~((∅∅))~~ transit authority engineer, or public housing authority for the purpose of depicting the location and boundaries of the area on or within one

thousand feet of any property used for a school, school bus route stop, public park, ((~~or~~)) public transit vehicle stop shelter, or public housing project designated by a local governing authority as a drug-free zone, or a true copy of such a map, shall under proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, county, or transit authority has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school, school bus route stop, public park, ((~~or~~)) public transit vehicle stop shelter, or public housing project designated by a local governing authority as a drug-free zone. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, county, ((~~or~~)) transit authority, or public housing authority if the map or diagram is otherwise admissible under court rule.

(f) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "School" has the meaning under RCW 28A.150.010 or 28A.150.020. The term "school" also includes a private school approved under RCW 28A.195.010;

(2) "School bus" means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The term does not include buses operated by common carriers in the urban transportation of students such as transportation of students through a municipal transportation system;

(3) "School bus route stop" means a school bus stop as designated on maps submitted by school districts to the office of the superintendent of public instruction;

(4) "Public park" means land, including any facilities or improvements on the land, that is operated as a park by the state or a local government;

(5) "Public transit vehicle" means any motor vehicle, street car, train, trolley vehicle, or any other device, vessel, or vehicle which is owned or operated by a transit authority and which is used for the purpose of carrying passengers on a regular schedule;

(6) "Transit authority" means a city, county, or state transportation system, transportation authority, public transportation benefit area, public transit authority, or metropolitan municipal corporation within the state that operates public transit vehicles;

(7) "Stop shelter" means a passenger shelter designated by a transit authority;

(8) "Public housing project" means the same as defined in RCW 35.82.020(9)."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Smith and Roach on page 4, after line 5, to House Bill No. 1725.

The motion by Senator Haugen carried and the amendment by Senators Smith and Roach was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, strike "and 35.82.130" and insert ", 35.82.130, and 69.50.435"

On motion of Senator Haugen, the rules were suspended, House Bill No. 1725, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1725, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1725, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Heavey, McCaslin, Moyer, Owen and Quigley - 6.

HOUSE BILL NO. 1725, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1250, by House Committee on Commerce and Labor (originally sponsored by Representatives Cole, Cody, Conway, Basich, Scott, Costa and Chopp)

Providing for prompt payment of industrial insurance awards.

The bill was read the second time.

MOTIONS

Senator Pelz moved that the following Committee on Labor, Commerce and Trade amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 51.32 RCW to read as follows:

(1)(a) If the worker or beneficiary in a state fund claim prevails in an appeal by any party to the board or the court, the department shall comply with the board or court's order with respect to the payment of compensation within the later of the following time periods:

(i) Sixty days after the compensation order is entered; or

(ii) If, after the order has been entered and the department has, within the period specified in (a)(i) of this subsection, requested the filing by the worker or beneficiary of documents necessary to make payment of compensation, sixty days after all requested documents are filed with the department.

The department may extend the sixty-day time period for an additional thirty days for good cause.

(b) If the department fails to comply with (a) of this subsection, any person entitled to compensation under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the claimant resides, or, if the claimant is not then a resident of this state, in the superior court for Thurston county.

(2) In a proceeding under this section, the court shall enforce obedience to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order. The court may issue such writs and processes as are necessary to carry out its orders and may award a penalty of up to five hundred dollars to the person entitled to compensation under the order and reasonable costs and attorneys' fees. The court may award an additional penalty of five hundred dollars for each month that payment is not received beyond the time period allowed in subsection (1) of this section.

(3) A proceeding under this section does not preclude other methods of enforcement provided for in this title.

**NEW SECTION. Sec. 2.** This act applies to all appeals in state fund claims determined under Title 51 RCW on or after the effective date of this act, regardless of the date of filing of the claim."

Senator Ann Anderson moved that the following amendments to the Committee on Labor, Commerce and Trade striking amendment be considered simultaneously and be adopted:

On page 2, line 3 of the striking amendment, after "2." strike "This" and insert "Section 1 of this"

On page 2, after line 5 of the striking amendment, insert the following:

"**Sec. 3.** RCW 51.32.020 and 1977 ex.s. c 350 s 39 are each amended to read as follows:

If injury or death results to a worker from the deliberate intention of the worker himself or herself to produce such injury or death, from the worker's intoxication or use of a controlled substance defined in the Uniform Controlled Substances Act, chapter 69.50 RCW, or while the worker is engaged in the attempt to commit, or the commission of, a felony, neither the worker nor the widow, widower, child, or dependent of the worker shall receive any payment under this title. If the worker has the same or greater weight of alcohol in the blood than that set forth in RCW 46.61.502 or if the worker had positive confirmation of a controlled substance, it must be presumed that the injury was caused by the intoxication of alcohol or by the influence of the controlled substance.

An invalid child, while being supported and cared for in a state institution, shall not receive compensation under this chapter.

No payment shall be made to or for a natural child of a deceased worker and, at the same time, as the stepchild of a deceased worker.

At any time following an injury occurring during the course of employment, if requested by the employer, an employee involved in the injury shall submit to a physical examination that may include the taking of blood or urine samples, or both, to determine whether the employee, at the time of the injury, was under the influence of alcohol or any controlled substance as defined in the Uniform Controlled Substances Act, chapter 69.50 RCW."

POINT OF ORDER

Senator Pelz: "I rise to challenge this amendment as being outside the scope and object of the bill. This is a bill relating to prompt payment of industrial insurance awards. The underlying bill provides a time frame under which the Department of Labor and Industries must comply with the worker's compensation order or face penalties and fees. The amendment provides that a worker's intoxication makes them and their beneficiaries ineligible for worker's compensation payments. The amendment also requires employees to submit to drug tests if requested by an employer after an injury. The amendment is, therefore, outside the scope and object of the original measure."

Further debate ensued.

There being no objection, further consideration of Substitute House Bill No. 1250 was deferred.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin and Ogden) (by request of Interagency Committee for Outdoor Recreation).

Revising account names and accounting procedure of the IAC.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Wood, Senator Johnson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1076.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1076 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 42.

Excused: Senators Anderson, C., Heavey, Johnson, McCaslin, Moyer, Owen and Quigley - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 3:20 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 3:58 p.m. by President Pritchard.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6063 by Senator Rinehart

AN ACT Relating to natural resources.

Referred to Committee on Ways and Means.

SB 6064 by Senator Rinehart

AN ACT Relating to education.

Referred to Committee on Ways and Means.

SB 6065 by Senator Rinehart

AN ACT Relating to higher education.

Referred to Committee on Ways and Means.

SB 6066 by Senator Rinehart

AN ACT Relating to revenue.

Referred to Committee on Ways and Means.

SB 6067 by Senator Rinehart

AN ACT Relating to social and health services.

Referred to Committee on Ways and Means.

SB 6068 by Senator Rinehart

AN ACT Relating to public employees.

Referred to Committee on Ways and Means.

SB 6069 by Senator Rinehart

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 6070 by Senator Rinehart

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1250 and the pending amendments by Senator Ann Anderson on page 2, lines 3 and 5, to the Committee on Labor, Commerce and Trade striking amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Pelz, the President finds that Substitute House Bill No. 1250 is a measure which sets time limits for compensation orders by the Department of Labor and Industries.

"The amendments proposed by Senator Ann Anderson to the Committee on Labor, Commerce and Trade striking amendment would, among other items, deny benefits to workers who are injured while under the influence of alcohol or controlled substances.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendments by Senator Ann Anderson on page 2, lines 3 and 5, to the Committee on Labor, Commerce and Trade striking amendment were ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Labor, Commerce and Trade striking amendment to Substitute House Bill No. 1250.

The motion by Senator Pelz carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "awards;" strike the remainder of the title and insert "adding a new section to chapter 51.32 RCW; creating a new section; and prescribing penalties."

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1250, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Sellar, Senator Newhouse was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1250, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1250, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 5; Excused, 7.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, Morton, Oke, Palmer, Pelz, Prentice, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wojahn - 37.

Absent: Senators Anderson, A., Hargrove, McDonald, Prince and Wood - 5.

Excused: Senators Anderson, C., Heavey, McCaslin, Moyer, Newhouse, Owen and Quigley - 7.

SUBSTITUTE HOUSE BILL NO. 1250, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1917, by House Committee on Natural Resources (originally sponsored by Representatives Pennington, Fuhrman, Thompson, Goldsmith, McMorris and Kremen)

Requiring that department of natural resources contract with private entities for emergency response equipment, supplies, and services.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1917 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Kohl, Senator Hargrove was excused.

On motion of Senator Sellar, Senators Ann Anderson, McDonald, Prince and Wood were excused.



The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1917.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1917 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, Morton, Oke, Palmer, Pelz, Prentice, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wojahn - 37.

Excused: Senators Anderson, A., Anderson, C., Hargrove, Heavey, McCaslin, McDonald, Moyer, Newhouse, Owen, Prince, Quigley and Wood - 12.

SUBSTITUTE HOUSE BILL NO. 1917, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1777, by House Committee on Education (originally sponsored by Representatives Radcliff, Carrell, D. Schmidt, Thompson, Goldsmith, Pelesky, McMahan, Johnson, Smith, Fuhrman, Campbell, Lambert, Casada, Lisk, Mulliken, McMorris, Hargrove, Brumsickle, Clements, Silver, Koster, Backlund, Boldt, Hymes, Mitchell, Skinner and Blanton)

Requiring specificity in school board resolutions for ballot propositions authorizing indebtedness.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1777 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1777.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1777 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, Morton, Oke, Palmer, Pelz, Prentice, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wojahn - 37.

Excused: Senators Anderson, A., Anderson, C., Hargrove, Heavey, McCaslin, McDonald, Moyer, Newhouse, Owen, Prince, Quigley and Wood - 12.

SUBSTITUTE HOUSE BILL NO. 1777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1603, by Representatives L. Thomas, Morris, Huff, Campbell, Smith, Beeksma and Kessler

Disclosing deposit account information.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 1603 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Roach: "Senator Prentice, does this measure provide any authority to private diversion program operators working for county prosecutors?"

Senator Prentice: "No, only a designated public employee is provided authority to request information under this bill."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1603.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1603 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Palmer, Pelz, Prentice, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 39.

Excused: Senators Anderson, A., Anderson, C., Hargrove, Heavey, McCaslin, Moyer, Newhouse, Owen, Prince and Quigley - 10.

ENGROSSED HOUSE BILL NO. 1603, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1744, by House Committee on Energy and Utilities (originally sponsored by Representatives Huff, Kessler, Casada and Campbell)

Regulating small telecommunications companies.

The bill was read the second time.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 1744 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1744.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1744 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Palmer, Pelz, Prentice, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 39.

Excused: Senators Anderson, A., Anderson, C., Hargrove, Heavey, McCaslin, Moyer, Newhouse, Owen, Prince and Quigley - 10.

SUBSTITUTE HOUSE BILL NO. 1744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2067, by House Committee on Finance (originally sponsored by Representatives Foreman and Mastin)

Extending property tax exemptions for nonprofit arts, scientific, or historical organizations.

The bill was read the second time.

#### MOTIONS

On motion of Senator Spanel, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.060 and 1981 c 141 s 1 are each amended to read as follows:

The following property shall be exempt from taxation:

(1) All art, scientific, or historical collections of associations maintaining and exhibiting such collections for the benefit of the general public and not for profit, together with all real and personal property of such associations used exclusively for the safekeeping, maintaining and exhibiting of such collections; and all the real and personal property owned by or leased to associations engaged in the production and performance of musical, dance, artistic,

dramatic, or literary works for the benefit of the general public and not for profit, which real and personal property is used exclusively for this production or performance(~~(: PROVIDED, That to qualify for)~~).

(a) To receive this exemption an organization must be organized and operated exclusively for artistic, scientific, historical, literary, musical, dance, dramatic, or educational purposes and receive a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its purpose or function) from the United States or any state or any political subdivision thereof or from direct or indirect contributions from the general public(~~(:)~~).

(b) If the property is not currently being used for an exempt purpose but will be used for an exempt purpose within a reasonable period of time, the nonprofit organization, association, or corporation claiming the exemption must submit proof that a reasonably specific and active program is being carried out to construct, remodel, or otherwise enable the property to be used for an exempt purpose. The property does not qualify for an exemption during this interim period if the property is used by, loaned to, or rented to a for-profit organization or business enterprise. Proof of a specific and active program to build or remodel the property so it may be used for an exempt purpose may include, but is not limited to:

(i) Affirmative action by the board of directors, trustees, or governing body of the nonprofit organization, association, or corporation toward an active program of construction or remodeling;

(ii) Itemized reasons for the proposed construction or remodeling;

(iii) Clearly established plans for financing the construction or remodeling; or

(iv) Building permits.

(c) Notwithstanding (b) of this subsection, a for-profit limited partnership created to provide facilities for the use of nonprofit art, scientific, or historical organizations qualifies for the exemption under (b) of this subsection through 1997 if the for-profit limited partnership otherwise qualifies under (b) of this subsection.

(2) All fire engines and other implements used for the extinguishment of fire, with the buildings used exclusively for the safekeeping thereof, and for meetings of fire companies, provided such properties belong to any city or town or to a fire company therein(~~(:)~~).

(3) Property owned by humane societies in this state in actual use by such societies.

**NEW SECTION. Sec. 2.** The act is effective for taxes levied for collection in 1995 and thereafter.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Spanel, the following title amendment was adopted:

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 84.36.060; creating a new section; and declaring an emergency."

#### MOTION

On motion of Senator Spanel, the rules were suspended, Substitute House Bill No. 2067, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2067, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2067, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Palmer, Pelz, Prentice, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 39.

Excused: Senators Anderson, A., Anderson, C., Hargrove, Heavey, McCaslin, Moyer, Newhouse, Owen, Prince and Quigley - 10.

SUBSTITUTE HOUSE BILL NO. 2067, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1012, by Representative L. Thomas

Regulating loans made by pawnbrokers.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1012.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1012 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Palmer, Pelz, Prentice, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 39.

Excused: Senators Anderson, A., Anderson, C., Hargrove, Heavey, McCaslin, Moyer, Newhouse, Owen, Prince and Quigley - 10.

HOUSE BILL NO. 1012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 4:30 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, April 10, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-NINTH DAY, APRIL 7, 1995

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**NINETY-SECOND DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, April 10, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Cantu, Finkbeiner and Roach. On motion of Senator Loveland, Senator Cal Anderson was excused. On motion of Senator Ann Anderson, Senators Cantu, Finkbeiner and Roach were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tom Goff and Chris Harper, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

**MOTION**

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

**MESSAGE FROM THE HOUSE**

April 7, 1995

**MR. PRESIDENT:**

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1062,  
HOUSE BILL NO. 1068,  
HOUSE BILL NO. 1213,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247,  
HOUSE BILL NO. 1360,  
SUBSTITUTE HOUSE BILL NO. 1427,  
HOUSE BILL NO. 1457,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,  
SUBSTITUTE HOUSE BILL NO. 1873,  
ENGROSSED HOUSE JOINT MEMORIAL NO. 4004, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

**SIGNED BY THE PRESIDENT**

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1062,  
HOUSE BILL NO. 1068,  
HOUSE BILL NO. 1213,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247,  
HOUSE BILL NO. 1360,  
SUBSTITUTE HOUSE BILL NO. 1427,  
HOUSE BILL NO. 1457,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,  
SUBSTITUTE HOUSE BILL NO. 1873,  
ENGROSSED HOUSE JOINT MEMORIAL NO. 4004.

**SECOND READING  
GUBERNATORIAL APPOINTMENTS**

**MOTION**

On motion of Senator Bauer, Gubernatorial Appointment No. 9024, Elling B. Halvorson, as a member of the Board of Trustees for Lake Washington Technical College District No. 26, was confirmed.

**APPOINTMENT OF ELLING B. HALVORSON**

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice,

Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Cantu, Finkbeiner and Roach - 4.

#### MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9055, Felix Ramon, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

#### APPOINTMENT OF FELIX RAMON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Cantu and Finkbeiner - 3.

#### MOTION

On motion of Senator Fraser, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8642

By Senators Fraser, Rasmussen, Johnson, Gaspard, Winsley, Fairley, Roach, Sellar, West, Hale, Finkbeiner, Heavey, Strannigan, Spanel, Snyder, Franklin, Kohl, Drew, McAuliffe, Pelz, McDonald, Prentice, Sheldon, Cantu, Smith, Wood, Palmer, Haugen, Hargrove, A. Anderson, Rinehart, Bauer, Wojahn, Owen, Loveland, Newhouse, Swecker, Deccio, Long, Oke, Morton, Schow, Hochstatter, McCaslin and Prince

WHEREAS, The state of Washington and Hyogo Prefecture have shared an active sister state relationship for thirty-two years, the longest such relationship in the United States; and

WHEREAS, Several communities in the state of Washington and Hyogo Prefecture have active sister community relationships, including: Auburn and Kasuga, Kent and Kaibara, Kittitas County and Sanda City, Olympia and Yashiro, Pullman and Kasai City, Renton and Nishiwaki, Seattle and Kobe, Sequim and Yamasaki, Spokane and Nishinomiyu, Walla Walla and Sasayama; and

WHEREAS, The Washington State - Hyogo Prefecture Legislative Friendship Committee was founded one year ago by the Washington State Legislature to foster a continued exchange of friendship and information between our two legislative bodies; and

WHEREAS, The state of Washington - Hyogo Prefecture sister state relationship has resulted in numerous educational exchanges, including sister school relationships, such as that of Olympia High School and Yashiro High School, the social science teacher exchange program, and other faculty and student exchange programs which have benefited both of our regions; and

WHEREAS, The state of Washington - Hyogo Prefecture sister state relationship has resulted in the opening of the Kobe Trade Office in Seattle, the Washington Village housing project in Sanda City, and the sister port relationship between the Port of Seattle and the Port of Kobe, all of which foster valuable business ties between our regions; and

WHEREAS, The Washington State - Hyogo Prefecture sister state relationship has resulted in cultural exchanges including: the formation of the Hyogo Cultural Center in Seattle, arts exchanges between the Washington State Arts Commission and the Hyogo Prefectural Cultural Association, the Youth Tree Exchange, and the New Leader State Employee Exchange Program, which have enriched the cultures of both the state of Washington and Hyogo Prefecture;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Legislature honors the thirty-second anniversary of the sister state relationship between Hyogo Prefecture and the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Governor Toshitami Kaihara, Mr. Kanbe Hajimu, Speaker of the Hyogo Prefectural Assembly, President Isami Hirazawa of the Japan-America Friendship League of Hyogo Prefectural Assembly, and to Mr. Takeo Tarahata of the Hyogo Cultural Center Located in Seattle.

#### MOTION

At 10:19 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:39 a.m. by President Pritchard.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1162, by House Committee on Appropriations (originally sponsored by Representatives Schoesler and Mastin) (by request of Department of Ecology and Department of Revenue)

Changing collection of hazardous waste fees.

The bill was read the second time.

## MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.95E.010 and 1994 c 136 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (1) "Dangerous waste" shall have the same definition as set forth in RCW 70.105.010(5) and shall include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW.
- (2) "Department" means the department of ecology.
- (3) "EPA/state identification number" means the number assigned by the EPA (environmental protection agency) or by the department of ecology to each generator and/or transporter and treatment, storage, and/or disposal facility.
- (4) "Extremely hazardous waste" shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW.
- (5) "Fee" means the annual fees imposed under this chapter.
- (6) "Generate" means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation.
- (7) "Hazardous waste" means and includes all dangerous and extremely hazardous wastes but for the purposes of this chapter excludes all radioactive wastes or substances composed of both radioactive and hazardous components.

(8) (~~"Known generators" means persons that have notified the department and have received an EPA/state identification number.~~)

"Hazardous waste generator" means all persons whose primary business activities are identified by the department to generate any quantity of hazardous waste in the calendar year for which the fee is imposed.

(9) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal organization.

(10) (~~"Potential generators" means all persons whose primary business activities are identified by the department to be likely to generate any quantity of hazardous wastes.~~)

(~~11~~) "Price deflator" means the United States department of commerce bureau of economic analysis, "Implicit Price Deflator for Gross National Product" for "Government Purchases of Goods and Services," for "State and Local Government."

(~~12~~) (11) "Recycled for beneficial use" means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include: (a) Use constituting disposal; (b) incineration; or (c) use as a fuel.

(~~13~~) (12) "Waste generation site" means any geographical area that has been assigned an EPA/state identification number.

**Sec. 2.** RCW 70.95E.020 and 1994 sp.s. c 2 s 3 and 1994 c 136 s 2 are each reenacted and amended to read as follows:

A fee is imposed for the privilege of generating (~~or potentially generating~~) hazardous waste in the state. The annual amount of the fee shall be thirty-five dollars upon every (~~known generator or potential~~) hazardous waste generator doing business in Washington in the current calendar year or any part thereof. This fee shall be collected by the department (~~of revenue~~) or its designee. A (~~potential~~) hazardous waste generator shall be exempt from the fee imposed under this section if the value of products, gross proceeds of sales, or gross income of the business, from all business activities of the (~~potential~~) hazardous waste generator, is less than twelve thousand dollars in the current calendar year. The department shall, subject to appropriation, use the funds collected from the fees assessed in this subsection to support the activities of the office of waste reduction as specified in RCW 70.95C.030. The fee imposed pursuant to this section is due annually by July 1 of the year following the calendar year for which the fee is imposed (~~, except the fee scheduled to be imposed for calendar year 1993 shall be imposed on known generators only~~).

**Sec. 3.** RCW 70.95E.050 and 1994 c 136 s 4 are each amended to read as follows:

In administration of this chapter for the enforcement and collection of the fees due and owing under (~~this chapter~~) RCW 70.95E.020 and 70.95E.030, the department (~~of revenue is authorized to~~) may apply (~~the provisions of chapter 82.32 RCW, except that the provisions of RCW 82.32.045 shall not apply~~) RCW 43.17.240.

**Sec. 4.** RCW 70.95E.090 and 1990 c 114 s 19 are each amended to read as follows:

The department may use funds in the hazardous waste assistance account to provide technical assistance and compliance education assistance to hazardous substance users and waste generators, to provide grants to local governments, and for administration of this chapter. (~~The department of revenue shall be appropriated a percentage amount of the total fees collected, not to exceed two percent of the total fees collected, for administration and collection expenses incurred by the department of revenue.~~)

Technical assistance may include the activities authorized under chapter 70.95C RCW and RCW 70.105.170 to encourage hazardous waste reduction and hazardous use reduction and the assistance provided for by RCW 70.105.100(2).

Compliance education may include the activities authorized under RCW 70.105.100(2) to train local agency officials and to inform hazardous substance users and hazardous waste generators and owners and operators of hazardous waste management facilities of the requirements of chapter 70.105 RCW and related federal laws and regulations. To the extent practicable, the department shall contract with private businesses to provide compliance education.

Grants to local governments shall be used for small quantity generator technical assistance and compliance education components of their moderate risk waste plans as required by RCW 70.105.220.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 70.95E.010, 70.95E.050, and 70.95E.090; reenacting and amending RCW 70.95E.020; and declaring an emergency."

## MOTION



On motion of Senator Fraser, the rules were suspended, Second Substitute House Bill No. 1162, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1162, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1162, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Owen - 1.

Excused: Senators Anderson, C. and Cantu - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1162, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1112, by Representatives Silver, Sommers, Romero, Wolfe, Huff, Stevens, Johnson, Brumsickle and Mason)(by request of Department of General Administration)

Clarifying and streamlining the use of funds within the department of general administration.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, House Bill No. 1112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1112.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1112 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Cantu and Owen - 3.

HOUSE BILL NO. 1112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1087, by Representatives Hickel and Appelwick (by request of Law Revision Commission)

Correcting an unconstitutional provision concerning jurisdiction for violations dealing with motor vehicles.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 1087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1087.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1087 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Cantu - 2.

HOUSE BILL NO. 1087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1058, by Representatives Horn and Sheldon (by request of Liquor Control Board)

Affecting the repeal of liquor vendors' appeals as authorized by RCW 41.06.150.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 1058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1058.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1058 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Cantu - 2.

HOUSE BILL NO. 1058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1144, by House Committee on Health Care (originally sponsored by Representatives Dyer, Backlund, Morris, Johnson, Campbell, Cooke, Skinner, Chandler, Casada, Schoesler, Boldt, Mulliken, Huff, Mitchell, Thompson, Foreman, Robertson, Buck, Clements, Smith, Delvin, Carrell, Mielke and Sheahan)

Amending the veterinary practice act to include implanting of electronic identification devices.

The bill was read the second time.

#### MOTIONS

On motion of Senator Rasmussen, the following Committee on Agriculture, Agricultural Trade and Development amendments were considered simultaneously and were adopted:

On page 3, line 14, after "implanting" insert "in their own animals"

On page 3, line 18, after "veterinarian" insert ";

(10) The implanting of any electronic device by a public fish and wildlife agency for the identification of fish or wildlife"

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1144, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Loveland, Senators Pelz and Smith were excused.

On motion of Senator Ann Anderson, Senator Schow was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1144, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1144, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Cantu, Pelz, Schow and Smith - 5.

SUBSTITUTE HOUSE BILL NO. 1144, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:02 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:06 p.m. by President Pritchard.

#### SECOND READING GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9070, John P. Sullivan, as a member of the Marine Employees' Commission, was confirmed.

#### MOTIONS

On motion of Senator Kohl, Senators Loveland and Rinehart were excused.

On motion of Senator Wood, Senators Roach and Winsley were excused.

#### APPOINTMENT OF JOHN P. SULLIVAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 5; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Wojahn and Wood - 38.

Absent: Senators Deccio, Finkbeiner, Heavey, Moyer and Strannigan - 5.

Excused: Senators Anderson, C., Loveland, Pelz, Rinehart, Roach and Winsley - 6.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1461, by Representatives Benton, R. Fisher, Horn, Romero, Chopp, Chandler, Boldt and Robertson (by request of Department of Licensing)

Increasing motor vehicle damage threshold amounts.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendments were considered simultaneously and adopted:

On page 2, beginning on line 16, strike "twenty-four hours" and insert "~~((twenty-four hours))~~ five days"

On page 3, beginning on line 21, strike "seven" and insert "one thousand"

On page 3, beginning on line 28, strike all material through "41.29.060." on line 31.

On motion of Senator Owen, the rules were suspended, Engrossed House Bill No. 1461, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Ann Anderson, Senators Deccio, Finkbeiner and Strannigan were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1461, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1461, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 42.

Excused: Senators Anderson, C., Deccio, Finkbeiner, Loveland, Rinehart, Roach and Strannigan - 7.

ENGROSSED HOUSE BILL NO. 1461, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1465, by Representatives Silver and Sommers (by request of Secretary of State Munro)

Concerning the employee suggestion program.

The bill was read the second time.

## MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1465.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1465 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 42.

Absent: Senator Pelz - 1.

Excused: Senators Anderson, C., Finkbeiner, Loveland, Rinehart, Roach and Strannigan - 6.

HOUSE BILL NO. 1465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1342, by House Committee on Appropriations (originally sponsored by Representatives Fuhrman, Buck, Sehlin, Romero, Ogden, Regala, Jacobsen and Basich) (by request of Parks and Recreation Commission)

Creating the parks renewal and stewardship account.

The bill was read the second time.

## MOTIONS

On motion of Senator Fraser, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that during the past fourteen years, the Washington state parks and recreation commission has endured a steady erosion of general fund operating support, which has caused park closures, staff reductions, and growing backlog of deferred maintenance projects. The legislature also finds that the growth of parks revenue has been constrained by staff limitations and by transfers of that revenue into the general fund.

The legislature intends to reverse the decline in operating support to its state parks, stabilize the system's level of general fund support, and inspire system employees and park visitors to enhance these irreplaceable resources and ensure their continuing availability to current and future state citizens and visitors. To achieve these goals, the legislature intends to dedicate park revenues to park operations, developing and renovating park facilities, undertaking deferred maintenance, and improving park stewardship. The legislature clearly intends that such revenues shall complement, not supplant, future general fund support.

**Sec. 2.** RCW 43.51.047 and 1984 c 82 s 3 are each amended to read as follows:

Only timber which qualifies for cutting or removal under RCW 43.51.045(2) may be sold. Timber shall be sold only when surplus to the needs of the park.

Net revenue derived from timber sales shall be deposited in the (~~trust land~~) parks renewal and stewardship account created in section 7 of this act.

**Sec. 3.** RCW 43.51.060 and 1993 c 156 s 1 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper(~~(--All fees received by the commission shall be deposited with the state treasurer in the state general fund)~~);

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040, and upon his recommendation, a supervisor of recreation, and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

**Sec. 4.** RCW 43.51.270 and 1992 c 185 s 1 are each amended to read as follows:

(1) The (~~board~~) department of natural resources and the state parks and recreation commission shall have authority to negotiate a sale to the state parks and recreation commission, for park and outdoor recreation purposes, of (~~the~~) trust lands (~~(withdrawn as of August 9, 1971, pursuant to law for park purposes and included within the state parks listed in subsection (2) of this section: PROVIDED, That the sale shall be by contract with a pay-off period of not less than ten years, a price of eleven million twenty-four thousand seven hundred forty dollars or the))~~ at fair market value(, whichever is higher, for the land value, and interest not to exceed six percent. All fees collected by the commission beginning in the 1973-1975 biennium shall be applied to the purchase price of the trust lands listed in subsection (2) of this section; the acquisition of the property described in subsections (3) and (4) of this section, and all reasonable costs of acquisition, described in subsection (5) of this section; the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks; the maintenance and operation of state parks; and any cost of collection pursuant to appropriations from the trust land purchase account created in RCW 43.51.280. The department of natural resources shall not receive any management fee pursuant to the sale of the trust lands listed in subsections (2) and (4) of this section. Timber on the trust lands which are the subject of subsections (2), (3), and (4) of this section shall continue to be under the management of the department of natural resources until such time as the legislature appropriates funds to the parks and recreation commission for purchase of said timber. The state parks which include trust lands which shall be the subject of this sale pursuant to this section are:

(2)(a) Penrose Point

(b) Kopachuck

(c) Long Beach

(d) Leadbetter Point

(e) Nason Creek

(f) South Whidbey

(g) Blake Island

(h) Rockport

(i) Mt. Pilchuck

(j) Ginkgo

(k) Lewis & Clark

(l) Rainbow Falls

(m) Bogachiel

(n) Sequim Bay

(o) Federation Forest

(p) Moran

(q) Camano Island

(r) Beacon Rock

(s) Bridle Trails

(t) Chief Kamiakin (formerly Kamiak Butte)

(u) Lake Wenatchee

(v) Fields Springs

(w) Sun Lakes

(x) Scenic Beach.

(3) The board of natural resources and the state parks and recreation commission shall negotiate a mutually acceptable transfer for adequate consideration to the state parks and recreation commission to be used for park and recreation purposes:

(a) All the state-owned Heart Lake property, including the timber therein, located in section 36, township 35 north, range 1E, W.M. in Skagit county;

(b) The Moran Park Additions, including the timber thereon, located in sections 16, 17, 19, 26, and 30, township 37 north, range 1W, W.M.;

(c) The Fort Ebey Addition (Partridge Point), including the timber thereon, located in section 36, township 32 north, range 1W, W.M. and section 6, township 31 north, range 1E, W.M.;

(d) The South Whidbey Addition (Classic U), including the timber thereon, located in section 29, township 30 north, range 2E, W.M.;

and

(e) The Larrabee Addition, including the timber thereon, located in section 29, township 37 north, range 3E, W.M)).

((4)) (2) The (board) department of natural resources and the state parks and recreation commission shall negotiate a sale to the state parks and recreation commission of the lands and timber thereon identified in the joint study under section 4, chapter 163, Laws of 1985, and commonly referred to as(:

(a) The Packwood trust property, Lewis county — located on the Cowlitz river at Packwood;

(b) The Iron Horse (Bullfrog) trust property — adjoining the John Wayne Pioneer Trail at Iron Horse State Park;

(c) The Soleduck Corridor trust property, Clallam county — on the Soleduck river at Sappho;

(d) The Lake Sammamish (Providence Heights) trust property, King county — adjacent to Hans Jensen Youth Camp area at Lake Sammamish State Park;

(e) The Kinney Point trust property, Jefferson county — on the extreme southern tip of Marrowstone Island;

(f) The Hartstene Island trust property, Mason county — near Fudge Point on the east side of Hartstene Island approximately two miles south of Jarrell Cove State Park;

(g) The Wallace Falls trust property addition, Snohomish county — located adjacent to Wallace Falls State Park;

(h) The Diamond Point trust property, Clallam county — on the Strait of Juan de Fuca; provided, however, to the extent authorized by the commission by its action of December 7, 1990, as now or hereafter amended, the acreage and boundaries of the Diamond Point trust property acquired by the commission may vary from the acreage and boundaries described in the joint study. The commission may not authorize acquisition of any portion of the Diamond Point trust property by a private party prior to approval by the Clallam county board of commissioners of a preliminary master site plan for a resort development on the property;

(i) The Twin Falls trust property addition, King county — three parcels adjacent to the Twin Falls natural area, King county;

(j) The Skating Lake trust property, Pacific county — one and one-half miles north of Ocean Park and two miles south of Leadbetter State Park on the Long Beach Peninsula;

(k) The Kopachuck trust property addition, Pierce county — adjoining Kopachuck State Park;

(l) the Point Lawrence trust property, San Juan county — on the extreme east point of Orcas Island(;

(m) The Huckleberry Island trust property, Skagit county — between Guemes Island and Saddlebag Island State Park;

(n) The Steamboat Rock (Osborn Bay) trust property, Grant county — southwest of Electric City on Osborn Bay;

(o) The Lord Hill trust property, Snohomish county — west of Monroe;

(p) The Larrabee trust property addition, Whatcom county — northeast of Larrabee State Park and Chuckanut Mountain;

(q) The Beacon Rock trust property, Skamania county — at Beacon Rock State Park;

(r) The Loomis Lake trust property, Pacific county — on the east shore of Loomis Lake and Lost Lake;

(s) The Lake Easton trust property addition, Kittitas county — one quarter mile west of Lake Easton State Park near the town of Easton;

(t) The Fields Spring trust property addition, Asotin county — adjacent to the west and north boundaries of Fields Spring State Park;

(u) The Hoypus Hill trust property, Island county — south of the Hoypus Point natural forest area at Deception Pass State Park;

(v) The Cascade Island trust property, Skagit county — on the Cascade river about one and one-half miles east of Marblemount off of the South Cascade county road and ten and one-half miles east of Rockport State Park.

Payment for the property described in this subsection shall be derived from the trust land purchase account established pursuant to RCW 43.51.280). Timber conservation and management practices provided for in RCW 43.51.045 and 43.51.395 shall govern the management of land and timber transferred under this subsection as of the effective date of the transfer, upon payment for the property, and nothing in this chapter shall be construed as restricting or otherwise modifying the department of natural resources' management, control, or use of such land and timber until such date.

((5) The funds from the trust land purchase account designated for the acquisition of the property described in subsections (3) and (4) of this section, and the reasonable costs of acquisition, shall be deposited in the park land trust revolving fund, hereby created, to be utilized by the department of natural resources for the exclusive purpose of acquiring real property as a replacement for the property described in subsections (3) and (4) of this section to maintain the land base of the several trusts and for the reimbursement of the department of natural resources for all reasonable costs, to include, but not exclusively, the appraisal and cruising of the timber on the property for the acquisition of the property described in subsections (3) and (4) of this section. Disbursements from the park land trust revolving fund to acquire replacement property, and pay for all reasonable costs of acquisition, for the property described in subsections (3) and (4) of this section shall be on the authorization of the board of natural resources. In order to maintain an effective expenditure and revenue control, the park land trust revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditures and payment of obligations from the fund. The state treasurer shall be custodian of the revolving fund.

The department of natural resources shall pay all reasonable costs, to include, but not exclusively, the appraisal and cruising of the timber on the property for the acquisition of the property described in subsection (3) of this section from funds provided in the trust land purchase account. Any agreement for the transfer of the property described in subsection (3) of this section shall not have an interest rate exceeding ten percent.

The parks and recreation commission is authorized to accept, receive, disburse, and administer grants or funds or gifts from any source including private individuals, public entities, and the federal government to supplement the funds from the trust land purchase account for the purchase of the property described in subsection (3) of this section.)

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.85 RCW to read as follows:

The park land trust revolving fund is to be utilized by the department of natural resources for the exclusive purpose of acquiring real property, including all reasonable costs associated with these acquisitions, as a replacement for the property transferred to the state parks and recreation commission or as directed by the legislature in order to maintain the land base of the affected trusts. Proceeds from transfers of real property to the state parks and recreation commission or other proceeds identified from transfers of real property as directed by the legislature shall be deposited in this fund. Disbursement from the park land trust revolving fund to acquire replacement property shall be on the authorization of the department of natural resources. In order to maintain an effective expenditure and revenue control, the park land trust revolving fund is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

NEW SECTION. Sec. 6. RCW 43.51.280 and 1991 sp.s. c 16 s 922, 1991 sp.s. c 13 s 4, & 1987 c 466 s 2 are each repealed.

NEW SECTION. Sec. 7. A new section is added to chapter 43.51 RCW to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, and other state park-based activities shall be deposited into the account. Expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "commission;" strike the remainder of title and insert "amending RCW 43.51.047, 43.51.060, and 43.51.270; adding a new section to chapter 43.85 RCW; adding a new section to chapter 43.51 RCW; creating a new section; repealing RCW 43.51.280; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1342, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1342, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1342, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Finkbeiner, Loveland, Rinehart, Roach and Strannigan - 6.

SUBSTITUTE HOUSE BILL NO. 1342, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431, by House Committee on Appropriations (originally sponsored by Representative Silver) (by request of Department of Retirement Systems)

Paying for department of retirement system expenses.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bauer, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.50.255 and 1993 sp.s. c 24 s 916 are each amended to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the public employees' retirement system, the teachers' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, the judges' retirement system, or the law enforcement officers' and fire fighters' retirement system lawful obligations of the appropriate system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the appropriate trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

((During the period from July 1, 1993, until June 30, 1995,)) The director may also pay from the interest earnings of the trust funds specified in this section costs incurred in investigating fraud and collecting overpayments, including expenses incurred to review and investigate cases of possible fraud against the trust funds and collection agency fees and other costs incurred in recovering overpayments. Recovered funds must be returned to the appropriate trust funds.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On motion of Senator Bauer, the following title amendment was adopted:

On line 2 of the title, beginning with "amending" strike the remainder of the title and insert "amending RCW 41.50.255; providing an effective date; and declaring an emergency."

## MOTION

On motion of Senator Bauer, the rules were suspended, Engrossed Substitute House Bill No. 1431, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1431, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1431, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Finkbeiner, Loveland, Rinehart, Roach and Strannigan - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1195, by House Committee on Transportation (originally sponsored by Representatives Buck, R. Fisher, K. Schmidt, Benton, Mitchell, Elliot, Stevens, Mulliken and Hickle) (by request of Department of Transportation)

Excluding site exploration as a substantial shoreline development.

The bill was read the second time.

## MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendments were considered simultaneously and were adopted:

On page 6, line 16, after "bond" insert "or provides other evidence of financial responsibility"

On page 6, line 16, after "jurisdiction" insert "to ensure that the site is restored to preexisting conditions"

Senator Owen moved that the following amendment by Senators Owen, Wojahn, Gaspard, Spanel, Rasmussen, Drew, Fairley, Rinehart, Franklin, Smith, Bauer, McAuliffe, Fraser, Snyder, Pelz, Oke, Haugen, Prentice, and Kohl be adopted:

On page 6, after line 18, insert the following:

"Sec. 2. RCW 43.143.010 and 1989 1st ex.s. c 2 s 9 are each amended to read as follows:

(1) The purpose of this chapter is to articulate policies and establish guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines.

(2) There shall be no leasing of Washington's tidal or submerged lands extending from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment, nor in Grays Harbor, Willapa Bay, and the Columbia river downstream from the Longview bridge, for purposes of oil or gas exploration, development, or production ((until at least July 1, 1995. During the 1995 legislative session, the legislature shall determine whether the moratorium on leasing should be extended past July 1, 1995. This determination shall be based on the information available at that time, including the analysis described in RCW 43.143.040. If the legislature does not extend the moratorium on leasing, the moratorium will end on July 1, 1995)). At any time that oil or gas leasing, exploration, and development are allowed to occur, these activities shall be required to meet or exceed the standards and criteria contained in RCW 43.143.030.

(3) When conflicts arise among uses and activities, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources.

(4) It is the policy of the state of Washington to actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation.

(5) It is not currently the intent of the legislature to include recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources within the uses and activities which must meet the planning and review criteria set forth in RCW 43.143.030. It is not the intent of the legislature, however, to permanently exclude these uses from the requirements of RCW 43.143.030. If information becomes available which indicates that such uses should reasonably be covered by the requirements of RCW 43.143.030, the permitting government or agency may require compliance with those requirements, and appeals of that decision shall be handled through the established appeals procedure for that permit or approval.

(6) The state shall participate in federal ocean and marine resource decisions to the fullest extent possible to ensure that the decisions are consistent with the state's policy concerning the use of those resources."

Re-number remaining sections and correct any internal references accordingly.

## POINT OF ORDER

Senator Ann Anderson: "Mr. President, I rise to a point of order. I believe that this amendment is out of the scope and object of the bill before us. I would like to raise that point of order. The amendment moved by Senator Owen, I believe, is beyond the scope of Substitute House Bill No. 1195, because it has a very specific exemption to the Shorelines Management Act only in the case of site exploration. This is a bill addressing Title 90, RCW Shorelines Management Act. The amendment on the bill is beyond the scope and object because it addresses a



moratorium on the leasing of title and submerged lands. As a matter of fact, the amendment is being drawn to Title 43 and this was a separate bill and, as a matter of fact, in order to be found appropriate, I think it would need a title amendment in order to fit on this bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute House Bill No. 1195.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1233, by House Committee on Government Operations (originally sponsored by Representatives L. Thomas, R. Fisher and Wolfe) (by request of Secretary of State Munro)

Avoiding conflicts of interest on election canvassing boards.

The bill was read the second time.

#### MOTION

Senator Cantu moved that the following amendment be adopted:

On page 3, after line 16, insert the following:

"Sec. 4. RCW 29.36.060 and 1991 c 81 s 32 are each amended to read as follows:

The ~~((opening and subsequent processing))~~ verification of signatures on return envelopes for any primary or election may begin on or after the tenth day prior to such primary or election. The opening of the return and security envelopes and tabulation of absentee ballots shall not commence until after 8:00 o'clock p.m. on the day of the primary or election.

After ~~((opening))~~ verification of signatures on the return envelopes, the county canvassing board shall count and place all of the ~~((ballot))~~ returned envelopes unopened, and the verified count of those envelopes, in containers ~~((that can be))~~ secured with numbered seals. These sealed containers shall be stored in a secure location until after 8:00 o'clock p.m. of the day of the primary or election. ~~((Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation before sealing the containers.))~~

The canvassing board shall examine the postmark, statement, and signature on each return envelope containing the security envelope and absentee ballot. They shall verify that the voter's signature is the same as that in the registration files for that voter. For absentee voters other than out-of-state voters, overseas voters, and service voters, if the postmark is illegible, the date on the return envelope to which the voter attests shall determine the validity, as to the time of voting, of that absentee ballot under this chapter. For any absentee voter, a variation between the signature of the voter on the return envelope and that in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same."

Renumber the remaining section consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 3, after line 16, to Substitute House Bill No. 1233.

The motion by Senator Cantu failed and the amendment was not adopted.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No. 1233 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1233.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1233 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Loveland, Rinehart and Strannigan - 4.

SUBSTITUTE HOUSE BILL NO. 1233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820, by House Committee on Transportation (originally sponsored by Representative K. Schmidt)

Regulating towing of vehicles.

The bill was read the second time.

## MOTIONS

Senator Owen moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 46.37 RCW to read as follows:

(1) "Safety chains" means flexible tension members connected from the front portion of the towed vehicle to the rear portion of the towing vehicle for the purpose of retaining connection between towed and towing vehicle in the event of failure of the connection provided by the primary connecting system, as prescribed by rule of the Washington state patrol.

(2) The term "safety chains" includes chains, cables, or wire ropes, or an equivalent flexible member meeting the strength requirements prescribed by rule of the Washington state patrol.

(3) A tow truck towing a vehicle and a vehicle towing a trailer must use safety chains. Failure to comply with this section is a class 1 civil infraction punishable under RCW 7.80.120.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.55 RCW to read as follows:

A vehicle engaging in the business of recovery of disabled vehicles for monetary compensation, from or on a public road or highway must either be operated by a registered tow truck operator, or someone who at a minimum has insurance in a like manner and amount as prescribed in RCW 46.55.030(3), and have had their tow trucks inspected in a like manner as prescribed by RCW 46.55.040(1). The department shall adopt rules to enforce this section. Failure to comply with this section is a class 1 civil infraction punishable under RCW 7.80.120.

**Sec. 3.** RCW 46.55.063 and 1989 c 111 s 7 are each amended to read as follows:

(1) An operator shall file a fee schedule with the department. All filed fees must be adequate to cover the costs of service provided. No fees may exceed those filed with the department. At least ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(2) Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize the impounds, and the present charge of a private impound for the classes of tow trucks to be used in the impound, and must be retained in the files of the registered tow truck operator for three years.

(3) A fee that is charged for tow truck service must be calculated on an hourly basis, and after the first hour must be charged to the nearest quarter hour.

(4) ~~(A) Fees that (is) are~~ charged for the storage of a vehicle, or for other items of personal property registered or titled with the department, must be calculated on a twenty-four hour basis and must be charged to the nearest half day from the time the vehicle arrived at the secure storage area. However, items of personal property registered or titled with the department that are wholly contained within an impounded vehicle are not subject to additional storage fees; they are, however, subject to satisfying the underlying lien for towing and storage of the vehicle in which they are contained.

(5) All billing invoices that are provided to the redeemer of the vehicle, or other items of personal property registered or titled with the department, must be itemized so that the individual fees are clearly discernable.

**Sec. 4.** RCW 46.55.090 and 1989 c 178 s 25 are each amended to read as follows:

(1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the department.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle, with the exception of those items of personal property that are registered or titled with the department, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings, with the exception of those items of personal property that are registered or titled with the department, shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings, with the exception of those items of personal property registered or titled with the department, not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.32 or 63.40 RCW.

(5) Tow truck drivers shall have a Washington state driver's license endorsed for the appropriate classification under chapter 46.25 RCW or the equivalent issued by another state.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours.

**Sec. 5.** RCW 46.55.100 and 1991 c 20 s 1 are each amended to read as follows:

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports. A law enforcement agency, or a private communication center acting on behalf of a law enforcement agency, shall within six to twelve hours of the impoundment, provide to a requesting operator the name and address of the legal and registered owners of the vehicle, and the registered owner of any personal property registered or titled with the department that is attached to or contained in or on the impounded vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written or electronic facsimile notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle, and for any items of personal property registered or titled with the department, that are in the operator's possession after the ninety-six hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fifteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle and any other items of personal property registered or titled with the department to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle and any other items of personal property registered or titled with the department to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle and any other items of personal property registered or titled with the department for the vehicle identification number or other appropriate identification numbers and check the necessary records to determine the vehicle's or other property's owners.

**Sec. 6.** RCW 46.55.110 and 1989 c 111 s 10 are each amended to read as follows:

(1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In the case of an abandoned vehicle, or other item of personal property registered or titled with the department, within twenty-four hours after receiving information on the ((vehiele)) owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

(3) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled with the department, if the vehicle or personal property has been redeemed.

**Sec. 7.** RCW 46.55.120 and 1993 c 121 s 3 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department.

(b) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable

attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: . . . . .

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the . . . . . Court located at . . . . . in the sum of \$. . . . ., in an action entitled . . . . ., Case No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this . . . . . day of . . . . ., 19. . .

Signature

Typed name and address  
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

**Sec. 8.** RCW 46.55.140 and 1992 c 200 s 1 are each amended to read as follows:

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle except for items of personal property registered or titled with the department. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of ~~((three))~~ five hundred dollars ~~((less))~~ after deduction of the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars ~~((less))~~ after deduction of the amount bid at auction, unless the impound is determined to be invalid. The limitation on towing and storage deficiency claims does not apply to an impound directed by a law enforcement officer. In no case may the cost of the auction or a buyer's fee be added to the amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the seller's report as provided for by RCW 46.12.101 and has timely and properly filed the seller's report is relieved of liability under this section. The person named as the new owner of the vehicle on the timely and properly filed seller's report shall assume liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter.

**Sec. 9.** RCW 46.20.435 and 1985 c 391 s 1 are each amended to read as follows:

(1) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.021 or with a license that has been expired for ninety days or more, or with a suspended or revoked license in violation of RCW 46.20.342 or 46.20.420, a law enforcement officer may immediately impound the vehicle that the person is operating.

(2) ~~((If the driver of the vehicle is the owner of the vehicle,))~~ The officer shall not release the vehicle impounded under subsection (1) of this section until the owner of the vehicle:

(a) Establishes that any penalties, fines, or forfeitures owed by the ~~((person driving))~~ registered owner of the vehicle ~~((when it))~~ that was impounded have been satisfied; and

(b) Pays the reasonable costs of such impoundment and storage.

(3) ~~((If the driver of the vehicle is not the owner of the vehicle, the driver shall be responsible for any penalties, fines, or forfeitures owed or due and for the costs of impoundment and storage. The vehicle shall be released to the owner immediately upon proof of such ownership.~~

~~((4))~~ Whenever a vehicle has been impounded by a law enforcement officer, the officer shall immediately serve upon the driver of the impounded vehicle a notice informing the recipient of his or her right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing or the amount of towing and storage charges. A request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date of the impound. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the driver is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

~~((5))~~ (4)(a) The district court, within five days after the request for a hearing, shall notify the driver in writing of the hearing date and time.

(b) At the hearing, the person requesting the hearing may produce any relevant evidence to show that the impoundment was not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the driver was responsible for any penalties, fines, or forfeitures owed or due at the time of the impoundment, and whether they have been satisfied.

(d) A certified transcript or abstract of the driving record of the driver, as maintained by the department, is admissible in evidence in any hearing and is prima facie evidence of the status of the driving privilege of the person named in it at the time of the impoundment and whether there were penalties, fines, or forfeitures due and owing by the person named in it at the time the impoundment occurred.

**Sec. 10.** RCW 46.61.625 and 1965 ex.s. c 155 s 73 are each amended to read as follows:

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) No person or persons may occupy a vehicle while it is being towed by a tow truck."

On motion of Senator Prince, the following amendment to the Committee on Transportation striking amendment was adopted:  
On page 10, line 37 of the striking amendment, after "truck" insert "as defined in RCW 46.55.010(8)"

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Engrossed Substitute House Bill No. 1820.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.55.063, 46.55.090, 46.55.100, 46.55.110, 46.55.120, 46.55.140, 46.20.435, and 46.61.625; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.55 RCW; and prescribing penalties."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 1820, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1820, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1820, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Absent: Senator Moyer - 1.

Excused: Senators Anderson, C., Loveland, Rinehart and Strannigan - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1995, by House Committee on Health Care (originally sponsored by Representatives Mielke, Morris and Dyer)

Providing an exemption and an offset for insurance premium and prepayment obligations for the high risk pool.

The bill was read the second time.

#### MOTIONS

On motion of Senator Quigley, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.14.022 and 1987 c 431 s 23 are each amended to read as follows:

(1) The taxes imposed in RCW 48.14.020 and 48.14.0201 do not apply to premiums and prepayments collected or received for policies of insurance issued under RCW 48.41.010 through 48.41.210.

(2) In computing tax due under RCW 48.14.020 and 48.14.0201, there may be deducted from taxable premiums and prepayments the amount of any assessment against the taxpayer under RCW 48.41.010 through 48.41.210. Any portion of the deduction allowed in this section which cannot be deducted in a tax year without reducing taxable premiums below zero may be carried forward and deducted in successive years until the deduction is exhausted.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 3 of the title, after "act;" strike the remainder of the title and insert "amending RCW 48.14.022; and declaring an emergency."

#### MOTION

On motion of Senator Quigley, the rules were suspended, Substitute House Bill No. 1995, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Ann Anderson, Senator Moyer was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1995, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1995, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

SUBSTITUTE HOUSE BILL NO. 1995, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1343, by Representatives Casada, Kessler and Basich (by request of Utilities and Transportation Commission)

Removing the requirement that a schedule of port rates and charges be filed with the utilities and transportation commission.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 1343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1343.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1343 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1321, by Representatives Mulliken, Mason, Goldsmith and Carlson (by request of Higher Education Coordinating Board)

Correcting citations to the tuition recovery trust fund.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 1321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1321.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1321 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.  
HOUSE BILL NO. 1321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1296, by Representatives Sommers, Carlson and Sehlin (by request of Department of Retirement Systems)

Making retirement contributions and payments.

The bill was read the second time.

## MOTIONS

On motion of Senator Bauer, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

(1) Since enactment of chapter 227, Laws of 1984 most employers that participate in state retirement systems have been responsible for ensuring that member retirement contributions are transferred to the retirement trust funds, even in situations where service credit is being established on a retroactive basis for a member who is no longer employed by the employer.

(2) It is the responsibility of employers to accurately report their employees' compensation and service, and to ensure that all required member and employer contributions are transferred to the department of retirement systems. However, in situations where an employer determines that a former employee should have had contributions transferred, it is more reasonable and efficient to bill the employee for the past due member contributions than to make the employer responsible for them.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.50 RCW to read as follows:

(1) If an employer, pursuant to RCW 41.50.140(2), does not transfer member contributions for a former employee's prior period of service, the member shall not receive service credit for the period of service unless the member pays the required member contributions as provided in this section. In such cases the member shall have the option, but shall not be obligated, to pay the member contributions necessary to receive credit for the period of service. As provided by RCW 41.50.140(1), the department shall collect from the employer all employer contributions due for periods of service, regardless of whether the member elects to pay the member contributions necessary to receive credit for the period of service.

(2) The department shall adopt, by rule, a process by which separated and active members may pay member contributions needed to establish service credit for prior periods of service for which their employers did not transmit member contributions.

**Sec. 3.** RCW 41.50.140 and 1982 1st ex.s. c 52 s 33 are each amended to read as follows:

(1) Every employer participating in one or more of the retirement systems listed in RCW 41.50.030 shall fully cooperate in the administration of the systems in which its employees participate, including the distribution of information to employees, and shall accept and carry out all other duties as required by law, regulation, or administrative instruction. Every employer shall transmit to the department all member and employer contributions due for periods of service rendered in the retirement systems, except as provided in subsection (2) of this section.

(2) When the department bills an employer for member and employer contributions owed for a prior period of service, the employer shall transmit the required contributions if the member is still an employee of the employer at the time of the billing. The employer shall have no duty to transfer member contributions for persons who are not employees on the date the department bills the employer but shall transfer the required employer contributions for the prior service.

(3) Members for whom member contributions for a prior period of service are not transferred by the employer pursuant to subsection (2) of this section shall have the option of paying the required member contributions pursuant to section 2 of this act.

~~((2) If an employee is entitled to retroactive service credit which was not previously established through no fault of the employee, or through an employer error which has caused a member's compensation or contributions to be understated or overstated so as to cause a loss to the retirement funds, the director may bill the employer for the loss, to include interest, if applicable. The employer contributions, with interest thereon, will be treated as if in fact the interest was part of the normal employer contribution and no distribution of interest received shall be required.~~

~~(3) Employer-paid employee contributions will not be credited to a member's account until the employer notifies the director in writing that the employer has been reimbursed by the employee or beneficiary for the payment. The employer shall have the right to collect from the employee the amount of the employee's obligation. Failure on the part of the employer to collect all or any part of the sums which may be due from the employee or beneficiary shall in no way cause the employer obligation for the total liability to be lessened.))~~

(4) If an employer transfers member contributions which were not paid by the member, the employer shall have the right to collect the amount of the employee's obligation from the employee.

**Sec. 4.** RCW 41.54.020 and 1994 c 197 s 32 are each amended to read as follows:

(1) Those persons who are dual members on or after July 1, 1988, shall not receive a retirement benefit from any prior system while dual members without the loss of all benefits under this chapter. Retroactive retirement in any prior system will cancel membership in any subsequent systems except as allowed under RCW 41.04.270 and will result in the refund of all employee and employer contributions made to such systems.

(2) If a member has withdrawn contributions from a prior system, the member may restore the contributions, together with interest since the date of withdrawal as determined by the system, and recover the service represented by the contributions. Such restoration must be completed within two years of establishing dual membership or prior to retirement, whichever occurs first.

(3) If a member does not meet the time limitation under subsection (2) of this section, the member, prior to retirement, may restore the service credit destroyed by the withdrawn contributions by paying the amount required under RCW 41.50.165(2). However, if a member failed

to meet the applicable statutory deadline and filed a petition with the director of the department of retirement systems prior to January 1, 1995, requesting an extension of the applicable period; and if the director's findings in denying the petition affirmatively show that the failure was due to the fact that the department's customary bulletins and other notifications that were furnished to the member's employer for distribution were not furnished to the member by the employer, and that the member did not otherwise receive notice through other channels of communication and was not at fault, the member may elect to restore the required contributions and interest and regain service credit under subsection (2) of this section under the same terms and conditions and without further liability as if the election had been made on a timely basis. The election must be made not later than July 1, 1995, or prior to retirement, whichever comes first. The department shall provide written notice and an application directly to the affected members, and any further assistance as may be necessary to implement this section.

(4) Any service accrued in one system by the member shall not accrue in any other system.

**NEW SECTION. Sec. 5.** If specific funding for the purposes of sections 1 through 4 of this act, referencing sections 1 through 4 of this act by bill and section number, is not provided by June 30, 1995, in the omnibus appropriations act, sections 1 through 4 of this act shall be null and void.

**NEW SECTION. Sec. 6.** This act shall take effect July 1, 1996."

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "contributions;" strike the remainder of the title and insert "amending RCW 41.50.140 and 41.54.020; adding a new section to chapter 41.50 RCW; creating new sections; and providing an effective date."

#### MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 1296, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1296, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1296, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Newhouse - 1.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1296, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1189, by Representatives Robertson, Chappell, Padden, Thompson, Blanton, Sheahan, Basich, McMahan and Dickerson (by request of Washington State Patrol)

Revising provisions relating to dissemination of criminal history information by the Washington state patrol.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 1189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1189.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1189 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senators Finkbeiner and Newhouse - 2.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.



MOTION

On motion of Senator Ann Anderson, Senator Newhouse was excused.

SECOND READING

HOUSE BILL NO. 1553, by Representative L. Thomas (by request of Attorney General Gregoire)

Concerning the proper form of certain ballot titles.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1553 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1553.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1553 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Newhouse - 2.

HOUSE BILL NO. 1553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1501, by Representatives L. Thomas, Wolfe, Huff, Dellwo and Kessler (by request of Law Revision Commission)

Correcting double amendments related to insurance examination expenses.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1501.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1501 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Newhouse - 2.

HOUSE BILL NO. 1501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Franklin assumed the Chair.

SECOND READING

HOUSE BILL NO. 1225, by Representatives K. Schmidt, R. Fisher, Johnson and Scott (by request of Department of Licensing)

Regulating vehicle and fuel licensing.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

On page 2, after line 25, insert the following:

"Sec. 2. RCW 46.68.010 and 1993 c 307 s 2 are each amended to read as follows:

Whenever any license fee, paid under the provisions of this title, has been erroneously paid, either wholly or in part, the payor is entitled to have refunded the amount so erroneously paid. ~~((A renewal license fee paid prior to the actual expiration date of the license being renewed shall be deemed to be erroneously paid if the vehicle for which the renewal license was purchased is destroyed or permanently removed from the state prior to the beginning date of the registration period for which the renewal fee was paid.))~~ A license fee is refundable in one or more of the following circumstances: (1) If the vehicle for which the renewal license was purchased was destroyed before the beginning date of the registration period for which the renewal fee was paid; (2) if the vehicle for which the renewal license was purchased was permanently removed from the state before the beginning date of the registration period for which the renewal fee was paid; (3) if the vehicle license was purchased after the owner has sold the vehicle; or (4) if the vehicle is currently licensed in Washington and is subsequently licensed in another jurisdiction, any full months of Washington fees between the date of license application in the other jurisdiction and the expiration of the Washington license are refundable. Upon such refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto. No claim for refund shall be allowed for such erroneous payments unless filed with the director within three years after such claimed erroneous payment was made.

If due to error a person has been required to pay a vehicle license fee under this title and an excise tax under Title 82 RCW that amounts to an overpayment of ten dollars or more, that person shall be entitled to a refund of the entire amount of the overpayment, regardless of whether a refund of the overpayment has been requested. If due to error the department or its agent has failed to collect the full amount of the license fee and excise tax due and the underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and fees.

Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "46.12.030," insert "46.68.010,"

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 1225, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1225, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1225, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1225, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

#### SECOND READING

HOUSE BILL NO. 1280, by Representatives Sherstad, Radcliff, Ballasiotes, Blanton, Cole, Tokuda and Dickerson (by request of Department of Corrections)

Revising procedures for offenders who violate conditions or requirements of sentences.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1280.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1280 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1195 and the pending amendment by Senators Owen, Wojahn, Gaspard, Spanel, Rasmussen, Drew, Fairley, Rinehart, Franklin, Smith, Bauer, McAuliffe, Fraser, Snyder, Pelz, Oke, Haugen, Prentice, and Kohl on page 6, after line 18, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Ann Anderson, the President finds that Substitute House Bill No. 1195 is a measure which adds site exploration and investigation as exemptions from the requirement to obtain a substantial development permit for shoreline development.

"The amendment proposed by Senators Owen, Wojahn, Gaspard, Spanel, Rasmussen, Drew, Fairley, Rinehart, Franklin, Smith, Bauer, McAuliffe, Fraser, Snyder, Pelz, Oke, Haugen, Prentice, and Kohl on page 6, after line 18, would extend the moratorium on leasing Washington's tidal lands for the purposes of oil and gas exploration and production.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Owen, Wojahn, Gaspard, Spanel, Rasmussen, Drew, Fairley, Rinehart, Franklin, Smith, Bauer, McAuliffe, Fraser, Snyder, Pelz, Oke, Haugen, Prentice, and Kohl on page 6, after line 18, to Substitute House Bill No. 1195 was ruled out of order.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1195, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1195, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1195, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1195, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1311, by Representatives K. Schmidt, R. Fisher and Blanton (by request of Board of Pilotage Commissioners)

Providing for enforcement and administration of the pilotage act.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 1311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1311.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1311 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator McCaslin - 1.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1310, by Representatives K. Schmidt, R. Fisher and Buck (by request of Board of Pilotage Commissioners)

Strengthening the provisions of the pilotage act affecting marine safety and protection of the marine environment.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 1310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1310.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1310 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Anderson, A. - 1.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1298, by House Committee on Children and Family Services (originally sponsored by Representatives Cooke, Tokuda and Patterson) (by request of Department of Social and Health Services)

Enlarging the scope of the methadone treatment program to the opiate substitution treatment program.

The bill was read the second time.

#### MOTIONS

On motion of Senator Hargrove, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.96A.400 and 1989 c 270 s 20 are each amended to read as follows:

The state of Washington declares that there is no fundamental right to ~~((methadone))~~ opiate substitution treatment. The state of Washington further declares that while methadone ~~((is an))~~ and other like pharmacological drugs, used in the treatment of opiate dependency are addictive substances, that ~~((it))~~ they nevertheless ~~((has))~~ have several legal, important, and justified uses and that one of ~~((its))~~ their appropriate and legal uses is, in conjunction with other required therapeutic procedures, in the treatment of persons addicted to or habituated to opioids.

Because methadone ~~((is))~~ and other like pharmacological drugs, used in the treatment of opiate dependency are addictive and ~~((is))~~ are listed as a schedule II controlled substance in chapter 69.50 RCW, the state of Washington and authorizing counties on behalf of their citizens have the legal obligation and right to regulate the use of ~~((methadone))~~ opiate substitution treatment. The state of Washington declares its authority to control and regulate carefully, in cooperation with the authorizing counties, all clinical uses of methadone and other pharmacological drugs used in the treatment of ~~((opium))~~ opiate addiction.

Further, the state declares that the primary goal of ((methadone)) opiate substitution treatment is ((drug-free living)) total abstinence from chemical dependency for the individuals who participate in the treatment program. The state recognizes that a small percentage of persons who participate in opiate substitute treatment programs require treatment for an extended period of time. Opiate substitution treatment programs shall provide a comprehensive transition program to eliminate chemical dependency: including opiate and opiate substitute addiction of program participants.

**Sec. 2.** RCW 70.96A.410 and 1989 c 270 s 21 are each amended to read as follows:

(1) A county legislative authority may prohibit ~~((methadone))~~ opiate substitution treatment in that county. The department shall not certify ~~((a methadone))~~ an opiate substitution treatment program in a county where the county legislative authority has prohibited ~~((methadone))~~ opiate substitution treatment. If a county legislative authority authorizes ~~((methadone))~~ opiate substitution treatment programs, it shall limit by ordinance the number of ~~((methadone))~~ opiate substitution treatment programs operating in that county by limiting the number of licenses granted in that county. If a county has authorized ~~((methadone))~~ opiate substitution treatment programs in that county, it shall only license ~~((methadone))~~ opiate substitution treatment programs that comply with the department's operating and treatment standards under this section and RCW 70.96A.420. A county that authorizes ~~((methadone))~~ opiate substitution treatment may operate the programs directly or through a local health department or health district or it may authorize certified ~~((methadone))~~ opiate substitution treatment programs that the county licenses to provide the services within the county. Counties shall monitor ~~((methadone))~~ opiate substitution treatment programs for compliance with the department's operating and treatment regulations under this section and RCW 70.96A.420.

(2) A county that authorizes ~~((methadone))~~ opiate substitution treatment programs shall develop and enact by ordinance licensing standards, consistent with this chapter and the operating and treatment standards adopted under this chapter, that govern the application for, issuance of, renewal of, and revocation of the licenses. Certified programs existing before May 18, 1987, applying for renewal of licensure in subsequent years, that maintain certification and meet all other requirements for licensure, shall be given preference.

(3) In certifying programs, the department shall not discriminate against ~~((a methadone))~~ an opiate substitution treatment program on the basis of its corporate structure. In licensing programs, the county shall not discriminate against ~~((a methadone))~~ an opiate substitution treatment program on the basis of its corporate structure.

(4) A program applying for certification from the department and a program applying for a contract from a state agency that has been denied the certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial. A program applying for a license or a contract from a county that has been denied the license or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(5) A license is effective for one calendar year from the date of issuance. The license shall be renewed in accordance with the provisions of this section for initial approval ~~((and in accordance with))~~; the goals for treatment programs under RCW 70.96A.400; the standards set forth in RCW 70.96A.420; and the rules adopted by the secretary.

(6) For the purpose of this chapter, opiate substitution treatment means dispensing an opiate substitution drug approved by the Federal Drug Administration for the treatment of opiate addiction and providing a comprehensive range of medical and rehabilitative services.

**Sec. 3.** RCW 70.96A.420 and 1989 c 270 s 22 are each amended to read as follows:

(1) The department, in consultation with ~~((methadone))~~ opiate substitution treatment service providers and counties authorizing ~~((methadone))~~ opiate substitution treatment programs, shall establish state-wide treatment standards for ~~((methadone))~~ opiate substitution treatment programs. The department and counties that authorize ~~((methadone))~~ opiate substitution treatment programs shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter ~~((and the treatment standard authorized by this chapter))~~. A ~~((methadone))~~ opiate substitution treatment program shall not have a caseload in excess of three hundred fifty persons.

(2) The department, in consultation with ~~((methadone))~~ opiate substitution treatment programs and counties authorizing ~~((methadone))~~ opiate substitution treatment programs, shall establish state-wide operating standards for ~~((methadone))~~ opiate substitution treatment programs. The department and counties that authorize ~~((methadone))~~ opiate substitution treatment programs shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and authorizing counties to monitor certified and licensed ~~((methadone))~~ opiate substitution treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the ~~((methadone))~~ opiate substitution treatment programs upon the business and residential neighborhoods in which the program is located.

(3) The department shall establish criteria for evaluating the compliance of opiate substitute treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis. The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter. Before January 1 of each year, the department shall submit an annual report to the legislature, including the outcome analysis of each treatment program."

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "treatment;" strike the remainder of the title and insert "and amending RCW 70.96A.400, 70.96A.410, and 70.96A.420."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 1298, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1298, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1298, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1297, by Representatives Sehlin, Sommers and Carlson (by request of Department of Retirement Systems)

Calculating retiree benefits.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, House Bill No. 1297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1297.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1297 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Deccio - 1.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1295, by Representatives Carlson, Sommers, Sehlin and Basich (by request of Department of Retirement Systems)

Providing retirement system benefits upon death of member or retiree.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, House Bill No. 1295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1295.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1295 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1722, by Representatives Padden, Appelwick and Mastin (by request of Utilities and Transportation Commission)

Exempting the UTC from administrative law judge requirements.

The bill was read the second time.

## MOTIONS

On motion of Senator Sutherland, the following Committee on Energy, Telecommunications and Utilities amendment was adopted:  
Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 34.12.020 and 1994 c 257 s 22 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Office" means the office of administrative hearings.

(2) "Administrative law judge" means any person appointed by the chief administrative law judge to conduct or preside over hearings as provided in this chapter.

(3) "Hearing" means an adjudicative proceeding within the meaning of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413 through 34.05.476.

(4) "State agency" means any state board, commission, department, or officer authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the growth (~~planning~~) management hearings boards, the utilities and transportation commission, the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the Washington personnel resources board, the public employment relations commission, the personnel appeals board, and the board of tax appeals.

**Sec. 2.** RCW 80.01.050 and 1961 c 14 s 80.01.050 are each amended to read as follows:

A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission, and may hold hearings at any time or place within or without the state. Any investigation, inquiry, or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner or any ~~(examiner)~~ employee designated and authorized by the commission as provided in RCW 80.01.060. All investigations, inquiries, and hearings of the commission, and all findings, orders, or decisions, made by a commissioner, when approved and confirmed by the commission and filed in its office, shall be and be deemed to be the orders or decisions of the commission.

**Sec. 3.** RCW 80.01.060 and 1991 c 48 s 1 are each amended to read as follows:

~~(1) The commission (shall have the power to request the appointment of)~~ may designate employees of the commission as hearing examiners, administrative law judges (under chapter 34.12 RCW), and review judges when it deems such action necessary for its general administration. ~~((Such administrative law judges shall))~~ The designated employees have power to administer oaths, to issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents, and testimony, to examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules as the commission may adopt. ~~(2) In general rate increase filings by a natural gas, electric, or telecommunications company, the designated employee may preside, but may not enter an initial order unless expressly agreed to in writing by the company making the filing. In all other cases, the designated employee may enter an initial order including findings of fact and conclusions of law in accordance with RCW 34.05.461(1)(a) and (c) and (3) through (9) or 34.05.485. RCW 34.05.461 (1)(b) and (2) do not apply to entry of orders under this section. The designated employee may not enter final orders, except that the commission may designate persons by rule to preside and enter final orders in emergency adjudications under RCW 34.05.479.~~

~~(3) If the designated employee does not enter an initial order as provided in subsection (2) of this section, then a majority of the members of the commission who are to enter the final order must hear or review substantially all of the record submitted by any party.~~

**NEW SECTION. Sec. 4.** RCW 34.12.042 and 1982 c 189 s 13 are each repealed."

On motion of Senator Sutherland, the following title amendment was adopted:

On line 2 of the title, after "commission;" strike the remainder of the title, and insert "amending RCW 34.12.020, 81.01.050, and 80.01.060; and repealing RCW 34.12.042."

## MOTION

On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 1722, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1722, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1722, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1722, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1404, by House Committee on Natural Resources (originally sponsored by Representatives Fuhrman, Buck and Basich) (by request of Department of Health)

Revising shellfish sanitation requirements to enhance the safety of recreationally and commercially harvested seafood.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1404.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1404 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1407, by Representatives K. Schmidt, R. Fisher, Horn, Chandler and Elliot (by request of Washington State Maritime Commission)

Transferring functions of the Maritime Commission to a nonprofit corporation.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 1407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1407.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1407 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1468, by Representatives Hymes, Reams and Chopp (by request of Department of Community, Trade, and Economic Development)

Modifying advisory council on historic preservation representation.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, House Bill No. 1468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1468.

#### ROLL CALL



The Secretary called the roll on the final passage of House Bill No. 1468 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1557, by House Committee on Appropriations (originally sponsored by Representatives L. Thomas, Dellwo, Mielke, Wolfe, G. Fisher, Blanton and Poulsen) (by request of Insurance Commissioner Senn and Attorney General Gregoire)

Combatting insurance fraud.

The bill was read the second time.

## MOTIONS

On motion of Senator Prentice, the following Committee on Financial Institutions and Housing amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the business of insurance is one affected by the public interest, requiring that all persons be actuated by good faith, abstain from deception, and practice honesty and equity in all insurance matters. The payment of kickbacks, bribes, or rebates for referrals to service providers, as has been occurring with increasing regularity in this state, results in inflated or fraudulent insurance claims, results in greater insurance costs for all citizens, and is contrary to the public interest. In particular, the process whereby "cappers" buy and sell insurance claims without the controls of professional licensing and discipline creates a fertile ground for illegal activity and has, in this state, resulted in frauds committed against injured claimants, insurance companies, and the public. Operations that engage in this practice have some or all of the following characteristics: Cappers, acting under an agreement or understanding that they will receive a pecuniary benefit, refer claimants with real or imaginary claims, injuries, or property damage to service providers. This sets off a chain of events that corrupts both the provision of services and casualty or property insurance for all citizens. This chain of events includes false claims for services through the use of false estimates of repair; false prescriptions of care or rehabilitative therapy; services that either do not occur or are provided by persons unqualified to provide the services; submission of false claims; submission of and demands for fraudulent costs, lost wages, pain and suffering, and the like; and other devices meant to result in false claims under casualty or property insurance policies or contracts, whether insured or self-insured, and either directly or through subrogation.

The legislature finds that combatting these practices requires laws carefully fashioned to identify practices that mimic customary business practices. The legislature does not intend this law to be used against medical and other business referral practices that are otherwise legal, customary, and unrelated to the furtherance of some or all of the corrupt practices identified in this chapter.

**NEW SECTION. Sec. 2.** The definitions set forth in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Casualty or property insurance" includes both the insurance under which a claim is filed and insurance that receives a claim through subrogation, and means insurance as defined in RCW 48.11.040 and 48.11.070 and includes self-insurance arrangements.

(2) "Claimant" means a person who has or is believed by an actor to have an insurance claim.

(3) "Group-buying arrangement" means an arrangement made by a membership organization having one hundred or more members in which the organization asks for or receives valuable consideration in exchange for referring its members to a service provider; the consideration asked for or received will be or is used to benefit the entire organization, not just one or more individuals in positions of power or influence in the organization; and reasonable efforts are made to disclose to affected members of the organization the nature of the referral relationship, including the nature, extent, amount, and use of the consideration.

(4) "Health care services" means a service provided to a claimant for treatment of physical or mental illness or injury arising in whole or substantial part from trauma.

(5) "Insurance claim" means a claim for payment, benefits, or damages under a contract, plan, or policy of casualty or property insurance.

(6) "Legal provider" means an active member in good standing of the Washington state bar association, and any other person authorized by the Washington state supreme court to engage in full or limited practice of law.

(7) "Service provider" means a person who directly or indirectly provides, advertises, or otherwise claims to provide services.

(8) "Services" means health care services, motor vehicle body or other motor vehicle repair, and preparing, processing, presenting, or negotiating an insurance claim.

(9) "Trauma" means a physical injury or wound caused by external force or violence.

**NEW SECTION. Sec. 3.** (1) It is unlawful for a person:

(a) Knowing that the payment is for the referral of a claimant to a service provider, either to accept payment from a service provider or, being a service provider, to pay another; or

(b) To provide or claim or represent to have provided services to a claimant, knowing the claimant was referred in violation of (a) of this subsection.

(2) It is unlawful for a service provider to engage in a regular practice of waiving, rebating, giving, paying, or offering to waive, rebate, give, or pay all or any part of a claimant's casualty or property insurance deductible.

**NEW SECTION. Sec. 4.** In a proceeding under this chapter, it is a defense if proven by the defendant by a preponderance of the evidence that, at the time of the offense:

(1) The conduct alleged was authorized by the Rules of Professional Conduct or the Admission to Practice Rules for lawyers as adopted by the state supreme court, Washington business and professions licensing statutes, or rules adopted by the secretary of health or the director of licensing;

(2) The payment was an incidental nonmonetary gift or gratuity, or was purely social in nature;

(3) The conduct alleged was an exercise of a group-buying arrangement;

(4) The conduct alleged was a legal provider paying a service provider's bills from the proceeds of an insurance claim that included the bills;

(5) The conduct alleged was a legal provider paying for services of an expert witness, including reports, consultation, and testimony;

or

(6) The conduct alleged was a service provider's purchase of advertising from an unrelated business that provides referrals from advertising for groups of ten or more service providers that are not related to the advertising business and not related to each other.

**NEW SECTION. Sec. 5.** A violation of section 3 of this act constitutes trafficking in insurance claims. A single violation is a gross misdemeanor. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony.

**NEW SECTION. Sec. 6.** Independent of authority granted to the attorney general, the prosecuting attorney may petition the superior court for an injunction against a person who has violated this chapter. Remedies in an injunctive action brought by a prosecuting attorney are limited to an order enjoining, restraining, or preventing the doing of any act or practice that constitutes a violation of this chapter and imposing a civil penalty of up to five thousand dollars for each violation. The prevailing party in the action may, in the discretion of the court, recover its reasonable investigative costs and the costs of the action including a reasonable attorney's fee. The degree of proof required in an action brought under this section is a preponderance of the evidence. An action under this section must be brought within three years after the violation of this chapter occurred.

**NEW SECTION. Sec. 7.** Whenever a service provider or a person licensed by the state in a business or profession is convicted, enjoined, or found liable for damages or a civil penalty or other equitable relief under section 6 of this act, the attorney general or the prosecuting attorney shall provide written notification of the judgment to the appropriate regulatory or disciplinary body or agency.

**NEW SECTION. Sec. 8.** A violation of this chapter is cause for discipline and constitutes unprofessional conduct that could result in any regulatory penalty provided by law, including refusal, revocation, or suspension of a business or professional license, or right or admission to practice. Conduct that constitutes a violation of this chapter is unprofessional conduct in violation of RCW 18.130.180.

**NEW SECTION. Sec. 9.** Each insurer licensed to write direct insurance in this state shall institute and maintain an insurance antifraud plan. An insurer licensed on the effective date of this act shall file its antifraud plan with the insurance commissioner no later than December 31, 1995. An insurer licensed after the effective date of this act shall file its antifraud plan within six months of licensure. An insurer shall file any change to the antifraud plan with the insurance commissioner within thirty days after the plan has been modified.

**NEW SECTION. Sec. 10.** An insurer's antifraud plan must establish specific procedures to:

(1) Prevent insurance fraud, including internal fraud involving employees or company representatives, fraud resulting from misrepresentation on applications for insurance coverage, and claims fraud;

(2) Review claims in order to detect evidence of possible insurance fraud and to investigate claims where fraud is suspected;

(3) Report fraud to appropriate law enforcement agencies and cooperate with those agencies in their prosecution of fraud cases;

(4) Undertake civil actions against persons who have engaged in fraudulent activities;

(5) Train company employees and agents in the detection and prevention of fraud.

**NEW SECTION. Sec. 11.** If after review of an insurer's antifraud plan, the commissioner finds that the plan does not comply with section 10 of this act, the commissioner may disapprove the antifraud plan. Notice of disapproval must include a statement of the specific reasons for disapproval. The insurer shall refile a plan disapproved by the commissioner within sixty days of the date of the notice of disapproval. The commissioner may audit insurers to ensure compliance with antifraud plans.

**NEW SECTION. Sec. 12.** Each insurer shall annually provide to the insurance commissioner a summary report on actions taken under its antifraud plan to prevent and combat insurance fraud. The report must also include, but not be limited to, measures taken to protect and ensure the integrity of electronic data-processing-generated data and manually compiled data, statistical data on the amount of resources committed to combating fraud, and the amount of fraud identified and recovered during the reporting period. The antifraud plans and summary of the insurer's antifraud activities are not public records and are exempt from chapter 42.17 RCW, are proprietary, are not subject to public examination, and are not discoverable or admissible in civil litigation.

**NEW SECTION. Sec. 13.** An insurer that fails to file a timely antifraud plan or who does not make a good faith attempt to file an antifraud plan that complies with section 10 of this act, is subject to the penalty provisions of RCW 48.01.080, but no penalty may be imposed for the first filing made by an insurer under this chapter. An insurer that fails to follow the antifraud plan is subject to a civil penalty not to exceed ten thousand dollars for each violation, at the discretion of the commissioner after consideration of all relevant factors, including the willfulness of the violation.

**NEW SECTION. Sec. 14.** It is the duty of all peace officers, law enforcement officers, and law enforcement agencies within this state to investigate, enforce, and prosecute all violations of this chapter.

**NEW SECTION. Sec. 15.** A new section is added to chapter 42.17 RCW to read as follows:

Information provided under sections 9 through 12 of this act are exempt from disclosure under this chapter.

**Sec. 16.** RCW 48.01.030 and 1947 c 79 s .01.03 are each amended to read as follows:

The business of insurance is one affected by the public interest, requiring that all persons be actuated by good faith, abstain from deception, and practice honesty and equity in all insurance matters. Upon the insurer, the insured, their providers, and their representatives rests the duty of preserving inviolate the integrity of insurance.

**Sec. 17.** RCW 48.18.460 and 1949 c 190 s 26 are each amended to read as follows:

An insurer shall furnish, upon (~~written~~) request of any person claiming to have a loss under any insurance contract, forms of proof of loss for completion by such person. But such insurer shall not, by reason of the requirement so to furnish forms, have any responsibility for or with reference to the completion of such proof or the manner of any such completion or attempted completion. If a person makes a claim under a policy of insurance, the insurer may require that the person be examined under an oath administered by a person authorized by state or federal law to administer oaths.

**Sec. 18.** RCW 48.30.210 and 1990 1st ex.s. c 3 s 10 are each amended to read as follows:

~~((Any agent, solicitor, broker, examining physician or other))~~ A person who knowingly makes a false or ~~((fraudulent))~~ misleading statement or ~~((representation))~~ impersonation, or who willfully fails to reveal a material fact, in or relative to an application for insurance ~~((#))~~ to an insurer ~~((transacting insurance under the provisions of this code, shall be)),~~ is guilty of a gross misdemeanor, and the license of any such ~~((agent, solicitor, or broker who makes such a statement or representation))~~ person may be revoked.

**Sec. 19.** RCW 48.30.220 and 1965 ex.s. c 70 s 25 are each amended to read as follows:

Any person, who, with intent to defraud or prejudice the insurer thereof, ~~((willfully))~~ burns or in any manner injures, destroys, secretes, abandons, or disposes of any property which is insured at the time against loss or damage by fire, theft, ~~((or))~~ embezzlement, or ~~((by))~~ any other casualty, whether the same be the property of or in the possession of such person or any other person, under ~~((such))~~ circumstances not making the offense arson in the first degree, is guilty of a class C felony.

**Sec. 20.** RCW 48.50.010 and 1979 ex.s. c 80 s 1 are each amended to read as follows:

This chapter shall be known and may be cited as the ~~((Arson))~~ Insurance Fraud Reporting Immunity Act.

**Sec. 21.** RCW 48.50.020 and 1986 c 266 s 77 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Authorized agency" means a public agency or its official representative having legal authority to investigate criminal activity or the cause of a fire ~~((and))~~ or to initiate criminal proceedings ~~((or further investigations if the cause was not accidental)),~~ including the following persons and agencies:

- (a) The ~~((director))~~ department of community, trade, and economic development and the director of fire protection;
- (b) The prosecuting attorney of the county where the ~~((fire))~~ criminal activity occurred;
- (c) State, county, and local law enforcement agencies;
- ~~((d))~~ The state attorney general ~~((, when engaged in a prosecution which is or may be connected with the fire));~~
- ~~((e))~~ The Federal Bureau of Investigation, or any other federal law enforcement agency; ~~((and~~
- ~~((f))~~ The United States attorney's office ~~((when authorized or charged with investigation or prosecution concerning the fire));~~ and
- ~~((g))~~ The office of the insurance commissioner.

(2) "Insurer" means any insurer, as defined in RCW 48.01.050 ~~((, which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan))~~ and any self-insurer.

(3) "Relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of criminal activity or the cause of any fire more probable or less probable than it would be without the information.

**Sec. 22.** RCW 48.50.030 and 1979 ex.s. c 80 s 3 are each amended to read as follows:

(1) Any authorized agency may request, in writing, that an insurer release to the agency any or all relevant information or evidence which the insurer may have in its possession relating to ~~((a particular fire loss))~~ criminal activity, if such information or evidence is deemed important by the agency in its discretion.

(2) An insurer who has reason to believe that a person participated or is participating in criminal activity relating to a contract of insurance may report relevant information to an authorized agency.

(3) The information ~~((requested))~~ provided to an authorized agency under this section may include, without limitation:

- (a) Pertinent insurance policy information relating to a ~~((fire loss))~~ claim under investigation and any application for such a policy;
- (b) Policy premium payment records which are available;
- (c) History of previous claims ~~((made by the insured))~~ in which the person was involved; and
- (d) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other evidence found in the investigation.

~~((2-A))~~ (4) The insurer receiving a request under subsection (1) of this section shall furnish all relevant information requested to the agency within a reasonable time, orally or in writing ~~((, all relevant information requested)).~~

**Sec. 23.** RCW 48.50.040 and 1986 c 266 s 91 are each amended to read as follows:

(1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the ~~((director))~~ department of community, trade, and economic development, through the director of fire protection, in the manner prescribed under RCW 48.05.320 concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the ~~((director))~~ department of community, trade, and economic development, through the director of fire protection, under subsection (1) of this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency and does not bar an insurer from other reporting under RCW 48.50.030(2).

**Sec. 24.** RCW 48.50.075 and 1981 c 320 s 2 are each amended to read as follows:

In denying a claim ~~((resulting from a fire)),~~ an insurer who relies upon a written opinion from an authorized agency specifically enumerated in ~~((a through (e) of))~~ RCW 48.50.020(1) ~~((a through (g))~~ that ~~((the fire was caused by arson))~~ criminal activity that is related to that claim is being investigated, or a crime has been charged, and that the ~~((insured was responsible for the fire, shall not be))~~ claimant is a target of the investigation or has been charged with a crime, is not liable for bad faith or other noncontractual theory of damages as a result of this reliance.

Immunity under this section shall exist only so long as the incident for which the ~~((insured))~~ claimant may be responsible is under active investigation or prosecution, or the authorized agency states its position that the claim includes or is a result of ~~((arson for))~~ criminal activity in which the ~~((insured))~~ claimant was ~~((responsible))~~ a participant.

**Sec. 25.** RCW 48.80.020 and 1986 c 243 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Claim" means any attempt to cause a health care payer to make a health care payment.

(2) "Deceptive" means presenting a claim to a health care payer that contains a statement of fact or fails to reveal a material fact, leading the health care payer to believe that the represented or suggested state of affairs is other than it actually is. For the purposes of this chapter, the determination of what constitutes a material fact is a question of law to be resolved by the court.

(3) "False" means wholly or partially untrue or deceptive.

(4) "Health care payment" means a payment for health care services or the right under a contract, certificate, or policy of insurance to have a payment made by a health care payer for a specified health care service.

(5) "Health care payer" means any insurance company authorized to provide health insurance in this state, any health care service contractor authorized under chapter 48.44 RCW, any health maintenance organization authorized under chapter 48.46 RCW, any legal entity

which is self-insured and providing health care benefits to its employees, ~~((or))~~ and any insurer or other person responsible for paying for health care services.

(6) "Person" means an individual, corporation, partnership, association, or other legal entity.

(7) "Provider" means any person lawfully licensed or authorized to render any health service.

**Sec. 26.** RCW 2.48.180 and 1989 c 117 s 13 are each amended to read as follows:

~~((Any person who, not being an active member of the state bar, or who after he has been disbarred or while suspended from membership in the state bar, as by this chapter provided, shall))~~

~~(1) As used in this section:~~

~~(a) "Legal provider" means an active member in good standing of the state bar, and any other person authorized by the Washington state supreme court to engage in full or limited practice of law;~~

~~(b) "Nonlawyer" means a person to whom the Washington supreme court has granted a limited authorization to practice law but who practices law outside that authorization, and a person who is not an active member in good standing of the state bar, including persons who are disbarred or suspended from membership;~~

~~(c) "Ownership interest" means the right to control the affairs of a business, or the right to share in the profits of a business, and includes a loan to the business when the interest on the loan is based upon the income of the business or the loan carries more than a commercially reasonable rate of interest.~~

~~(2) The following constitutes unlawful practice of law:~~

~~(a) A nonlawyer practices law, or holds himself or herself out as entitled to practice law ~~((, shall, except as provided in RCW 19.154.100, be guilty of a misdemeanor. PROVIDED, HOWEVER, Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive relief or to punish as for contempt));~~~~

~~(b) A legal provider holds an investment or ownership interest in a business primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business;~~

~~(c) A nonlawyer knowingly holds an investment or ownership interest in a business primarily engaged in the practice of law;~~

~~(d) A legal provider works for a business that is primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business; or~~

~~(e) A nonlawyer shares legal fees with a legal provider.~~

~~(3) Unlawful practice of law is a crime. A single violation of this section is a gross misdemeanor. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony.~~

~~(4) Nothing contained in this section affects the power of the courts to grant injunctive or other equitable relief or to punish as for contempt.~~

~~(5) Whenever a legal provider or a person licensed by the state in a business or profession is convicted, enjoined, or found liable for damages or a civil penalty or other equitable relief under this section, the plaintiff's attorney shall provide written notification of the judgment to the appropriate regulatory or disciplinary body or agency.~~

~~(6) A violation of this section is cause for discipline and constitutes unprofessional conduct that could result in any regulatory penalty provided by law, including refusal, revocation, or suspension of a business or professional license, or right or admission to practice. Conduct that constitutes a violation of this section is unprofessional conduct in violation of RCW 18.130.180.~~

~~(7) In a proceeding under this section it is a defense if proven by the defendant by a preponderance of the evidence that, at the time of the offense, the conduct alleged was authorized by the Rules of Professional Conduct or the Admission to Practice Rules, or Washington business and professions licensing statutes or rules.~~

~~(8) Independent of authority granted to the attorney general, the prosecuting attorney may petition the superior court for an injunction against a person who has violated this chapter. Remedies in an injunctive action brought by a prosecuting attorney are limited to an order enjoining, restraining, or preventing the doing of any act or practice that constitutes a violation of this chapter and imposing a civil penalty of up to five thousand dollars for each violation. The prevailing party in the action may, in the discretion of the court, recover its reasonable investigative costs and the costs of the action including a reasonable attorney's fee. The degree of proof required in an action brought under this subsection is a preponderance of the evidence. An action under this subsection must be brought within three years after the violation of this chapter occurred.~~

**Sec. 27.** RCW 9.12.010 and 1915 c 165 s 1 are each amended to read as follows:

Every person who ~~((shall))~~ brings on his or her own behalf, or instigates, incites, or encourages another to bring, any false suit at law or in equity in any court of this state, with intent thereby to distress or harass a defendant ~~((therein; and every person, being an attorney or counselor at law, who shall personally, or through the agency of another, solicit employment as such attorney, in any suit pending or prospective, or, with intent to obtain such employment shall, directly or indirectly, loan any money or give or promise to give any money, property or other consideration to the person from whom such employment is sought; and every person who shall))~~ in the suit, or who serves or sends any paper or document purporting to be or resembling a judicial process, that is not in fact a judicial process ~~((shall be)),~~ is guilty of a misdemeanor; and in case the person offending is an attorney, he or she may, in addition thereto be disbarred from practicing law within this state.

**Sec. 28.** RCW 9.94A.320 and 1994 sp.s. c 7 s 510, 1994 c 275 s 20, and 1994 c 53 s 2 are each reenacted and amended to read as follows:

## TABLE 2

### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)

XIV Murder 1 (RCW 9A.32.030)

Homicide by abuse (RCW 9A.32.055)

XIII Murder 2 (RCW 9A.32.050)

XII Assault 1 (RCW 9A.36.011)

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

XI Rape 1 (RCW 9A.44.040)

- Rape of a Child 1 (RCW 9A.44.073)
- X Kidnapping 1 (RCW 9A.40.020)
  - Rape 2 (RCW 9A.44.050)
  - Rape of a Child 2 (RCW 9A.44.076)
  - Child Molestation 1 (RCW 9A.44.083)
  - Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
    - Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
    - Leading Organized Crime (RCW 9A.82.060(1)(a))
- IX Assault of a Child 2 (RCW 9A.36.130)
  - Robbery 1 (RCW 9A.56.200)
  - Manslaughter 1 (RCW 9A.32.060)
  - Explosive devices prohibited (RCW 70.74.180)
  - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
  - Endangering life and property by explosives with threat to human being (RCW 70.74.270)
    - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
    - Controlled Substance Homicide (RCW 69.50.415)
    - Sexual Exploitation (RCW 9.68A.040)
    - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
    - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
  - Promoting Prostitution 1 (RCW 9A.88.070)
  - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
    - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
    - Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
    - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
  - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
  - Introducing Contraband 1 (RCW 9A.76.140)
  - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
  - Child Molestation 2 (RCW 9A.44.086)
  - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
    - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
    - Involving a minor in drug dealing (RCW 69.50.401(f))
- VI Bribery (RCW 9A.68.010)
  - Manslaughter 2 (RCW 9A.32.070)
  - Rape of a Child 3 (RCW 9A.44.079)
  - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
  - Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
    - Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
    - Incest 1 (RCW 9A.64.020(1))
    - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
    - Intimidating a Judge (RCW 9A.72.160)
    - Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
- V Criminal Mistreatment 1 (RCW 9A.42.020)
  - Theft of a Firearm (RCW 9A.56.300)
  - Reckless Endangerment 1 (RCW 9A.36.045)
  - Rape 3 (RCW 9A.44.060)
  - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
  - Child Molestation 3 (RCW 9A.44.089)
  - Kidnapping 2 (RCW 9A.40.030)
  - Extortion 1 (RCW 9A.56.120)
  - Incest 2 (RCW 9A.64.020(2))
  - Perjury 1 (RCW 9A.72.020)
  - Extortionate Extension of Credit (RCW 9A.82.020)
  - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
  - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
- Sexually Violating Human Remains (RCW 9A.44.105)
- Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
- IV Residential Burglary (RCW 9A.52.025)
  - Theft of Livestock 1 (RCW 9A.56.080)
  - Robbery 2 (RCW 9A.56.210)
  - Assault 2 (RCW 9A.36.021)
  - Escape 1 (RCW 9A.76.110)
  - Arson 2 (RCW 9A.48.030)
  - Commercial Bribery (section 29 of this act)
  - Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
  - Malicious Harassment (RCW 9A.36.080)
  - Threats to Bomb (RCW 9.61.160)
  - Willful Failure to Return from Furlough (RCW 72.66.060)
  - Hit and Run — Injury Accident (RCW 46.52.020(4))
  - Vehicular Assault (RCW 46.61.522)
  - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
  - Influencing Outcome of Sporting Event (RCW 9A.82.070)
  - Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
  - Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal Mistreatment 2 (RCW 9A.42.030)
  - Extortion 2 (RCW 9A.56.130)
  - Unlawful Imprisonment (RCW 9A.40.040)
  - Assault 3 (RCW 9A.36.031)
  - Assault of a Child 3 (RCW 9A.36.140)
  - Custodial Assault (RCW 9A.36.100)
  - Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
  - Harassment (RCW 9A.46.020)
  - Promoting Prostitution 2 (RCW 9A.88.080)
  - Willful Failure to Return from Work Release (RCW 72.65.070)
  - Burglary 2 (RCW 9A.52.030)
  - Introducing Contraband 2 (RCW 9A.76.150)
  - Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
  - Patronizing a Juvenile Prostitute (RCW 9.68A.100)
  - Escape 2 (RCW 9A.76.120)
  - Perjury 2 (RCW 9A.72.030)
  - Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
  - Intimidating a Public Servant (RCW 9A.76.180)
  - Tampering with a Witness (RCW 9A.72.120)
  - Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
  - Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
  - Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
  - Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
  - Theft of livestock 2 (RCW 9A.56.080)
  - Securities Act violation (RCW 21.20.400)
- II Unlawful Practice of Law (RCW 2.48.180)
  - Malicious Mischief 1 (RCW 9A.48.070)
  - Possession of Stolen Property 1 (RCW 9A.56.150)
  - Theft 1 (RCW 9A.56.030)
  - Trafficking in Insurance Claims (section 3 of this act)
  - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
  - Health Care False Claims (RCW 48.80.030)
  - Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
  - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
  - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
  - Computer Trespass 1 (RCW 9A.52.110)
  - Escape from Community Custody (RCW 72.09.310)
- I Theft 2 (RCW 9A.56.040)
  - Possession of Stolen Property 2 (RCW 9A.56.160)
  - Forgery (RCW 9A.60.020)
  - Taking Motor Vehicle Without Permission (RCW 9A.56.070)
  - Vehicle Prowl 1 (RCW 9A.52.095)
  - Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

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

**NEW SECTION. Sec. 29.** A new section is added to chapter 9A.68 RCW to read as follows:

- (1) For purposes of this section:
- (a) "Claimant" means a person who has or is believed by an actor to have an insurance claim.
  - (b) "Service provider" means a person who directly or indirectly provides, advertises, or otherwise claims to provide services.
  - (c) "Services" means health care services, motor vehicle body or other motor vehicle repair, and preparing, processing, presenting, or negotiating an insurance claim.
  - (d) "Trusted person" means:
    - (i) An agent, employee, or partner of another;
    - (ii) An administrator, executor, conservator, guardian, receiver, or trustee of a person or an estate, or any other person acting in a fiduciary capacity;
    - (iii) An accountant, appraiser, attorney, physician, or other professional adviser;
    - (iv) An officer or director of a corporation, or any other person who participates in the affairs of a corporation, partnership, or unincorporated association; or
    - (v) An arbitrator, mediator, or other purportedly disinterested adjudicator or referee.
- (2) A person is guilty of commercial bribery if:
- (a) He or she offers, confers, or agrees to confer a pecuniary benefit directly or indirectly upon a trusted person under a request, agreement, or understanding that the trusted person will violate a duty of fidelity or trust arising from his or her position as a trusted person;
  - (b) Being a trusted person, he or she requests, accepts, or agrees to accept a pecuniary benefit for himself, herself, or another under a request, agreement, or understanding that he or she will violate a duty of fidelity or trust arising from his or her position as a trusted person; or
  - (c) Being an employee or agent of an insurer, he or she requests, accepts, or agrees to accept a pecuniary benefit for himself or herself, or a person other than the insurer, under a request, agreement, or understanding that he or she will or a threat that he or she will not refer or induce claimants to have services performed by a service provider.
- (3) It is not a defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because the person had not yet assumed his or her position, lacked authority, or for any other reason.

(4) Commercial bribery is a class B felony.

**Sec. 30.** RCW 9A.72.010 and 1981 c 187 s 1 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

- (1) "Materially false statement" means any false statement oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the proceeding; whether a false statement is material shall be determined by the court as a matter of law;
- (2) "Oath" includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated; in this chapter, written statements shall be treated as if made under oath if:
- (a) The statement was made on or pursuant to instructions on an official form bearing notice, authorized by law, to the effect that false statements made therein are punishable;
  - (b) The statement recites that it was made under oath, the declarant was aware of such recitation at the time he or she made the statement, intended that the statement should be represented as a sworn statement, and the statement was in fact so represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto; or
  - (c) It is a statement, declaration, verification, or certificate, made within or outside the state of Washington, which is certified or declared to be true under penalty of perjury as provided in RCW 9A.72.085.
- (3) An oath is "required or authorized by law" when the use of the oath is specifically provided for by statute or regulatory provision or when the oath is administered by a person authorized by state or federal law to administer oaths;
- (4) "Official proceeding" means a proceeding heard before any legislative, judicial, administrative, or other government agency or official authorized to hear evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or depositions;
- (5) "Juror" means any person who is a member of any jury, including a grand jury, impaneled by any court of this state or by any public servant authorized by law to impanel a jury; the term juror also includes any person who has been drawn or summoned to attend as a prospective juror;
- (6) "Testimony" includes oral or written statements, documents, or any other material that may be offered by a witness in an official proceeding.

**Sec. 31.** RCW 9A.72.030 and 1975 1st ex.s. c 260 s 9A.72.030 are each amended to read as follows:

- (1) A person is guilty of perjury in the second degree if, in an examination under oath under the terms of a contract of insurance, or with intent to mislead a public servant in the performance of his or her duty, he or she makes a materially false statement, which he or she knows to be false under an oath required or authorized by law.
- (2) Perjury in the second degree is a class C felony.

**NEW SECTION. Sec. 32.** A new section is added to chapter 9A.76 RCW to read as follows:

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

**Sec. 33.** RCW 9A.76.020 and 1994 c 196 s 1 are each amended to read as follows:

- (1) A person is guilty of obstructing a law enforcement officer if the person(±

(a) Willfully makes a false or misleading statement to a law enforcement officer who has detained the person during the course of a lawful investigation or lawful arrest; or

(b)) willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.

(2) "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW 10.93.020, and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.

(3) Obstructing a law enforcement officer is a gross misdemeanor.

**Sec. 34.** RCW 9A.82.010 and 1994 c 218 s 17 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(8) "Dealer in property" means a person who buys and sells property as a business.

(9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(11) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(12) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(13) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(14) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;

(f) Child selling or child buying, as defined in RCW 9A.64.030;

(g) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(h) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

(i) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(j) Extortionate extension of credit, as defined in RCW 9A.82.020;

(k) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

(l) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;

(m) Collection of an unlawful debt, as defined in RCW 9A.82.045;

(n) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

(o) Trafficking in stolen property, as defined in RCW 9A.82.050;

(p) Leading organized crime, as defined in RCW 9A.82.060;

(q) Money laundering, as defined in RCW 9A.83.020;

(r) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;

(s) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;

(t) Promoting pornography, as defined in RCW 9.68.140;

(u) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

(v) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

(w) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

(x) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

(y) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

(z) A pattern of equity skimming, as defined in RCW 61.34.020; ((e))

(aa) Commercial telephone solicitation in violation of RCW 19.158.040(1);

(bb) Trafficking in insurance claims, as defined in section 3 of this act;

(cc) Unlawful practice of law, as defined in RCW 2.48.180;



(dd) Commercial bribery, as defined in section 29 of this act;  
(ee) Health care false claims, as defined in RCW 48.80.030; or  
(ff) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7).

(15) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(16) "Records" means any book, paper, writing, record, computer program, or other material.

(17) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(18) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

- (i) Chapter 67.16 RCW relating to horse racing;
- (ii) Chapter 9.46 RCW relating to gambling;
- (b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

(19)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.

(20) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(21)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under subsection (21)(a) (i) or (ii) of this section.

(b) "Trustee" does not mean a person appointed or acting as:

- (i) A personal representative under Title 11 RCW;
- (ii) A trustee of any testamentary trust;
- (iii) A trustee of any indenture of trust under which a bond is issued; or
- (iv) A trustee under a deed of trust.

**Sec. 35.** RCW 18.130.190 and 1993 c 367 s 19 are each amended to read as follows:

(1) The secretary shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. In the investigation of the complaints, the secretary shall have the same authority as provided the secretary under RCW 18.130.050.

(2) The secretary may issue a notice of intention to issue a cease and desist order to any person whom the secretary has reason to believe is engaged in the unlicensed practice of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. The person to whom such notice is issued may request an adjudicative proceeding to contest the charges. The request for hearing must be filed within twenty days after service of the notice of intention to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the secretary may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(3) If the secretary makes a final determination that a person has engaged or is engaging in unlicensed practice, the secretary may issue a cease and desist order. In addition, the secretary may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in unlicensed practice of a business or profession for which a license is required by one or more of the chapters specified in RCW 18.130.040. The proceeds of such fines shall be deposited to the health professions account.

(4) If the secretary makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the secretary may issue a temporary cease and desist order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. The temporary cease and desist order shall remain in effect until further order of the secretary. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the secretary may enter a permanent cease and desist order, which may include a civil fine.

(5) Neither the issuance of a cease and desist order nor payment of a civil fine shall relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order or civil fine shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(6) The attorney general, a county prosecuting attorney, the secretary, a board, or any person may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by the chapters specified in RCW 18.130.040 without a license from engaging in such practice or operating such business until the required license is secured. However, the injunction shall not relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(7) Unlicensed practice of a profession or operating a business for which a license is required by the chapters specified in RCW 18.130.040, unless otherwise exempted by law, constitutes a gross misdemeanor for a single violation. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.

**NEW SECTION. Sec. 36.** The Washington State Bar Association is requested to submit to the appropriate committees of the state senate and house of representatives by November 1995, a report on the recommendations of its task force on nonlawyer practice, including any recommendations for legislation or proposed court rules.

**NEW SECTION. Sec. 37.** The following acts or parts of acts are each repealed:

- (1) RCW 9.91.090 and 1992 c 7 s 17, 1981 c 203 s 4, & 1909 c 249 s 384;
- (2) RCW 9A.82.903 and 1985 c 455 s 22;
- (3) RCW 48.50.060 and 1979 ex.s. c 80 s 6;
- (4) RCW 48.50.080 and 1979 ex.s. c 80 s 8; and
- (5) RCW 49.44.070 and 1909 c 249 s 427.

**NEW SECTION. Sec. 38.** Sections 1 through 14 of this act constitute a new chapter in Title 48 RCW.

**NEW SECTION. Sec. 39.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On motion of Senator Prentice, the following title amendment was adopted:

On line 1 of the title, after "fraud;" strike the remainder of the title and insert "amending RCW 48.01.030, 48.18.460, 48.30.210, 48.30.220, 48.50.010, 48.50.020, 48.50.030, 48.50.040, 48.50.075, 48.80.020, 2.48.180, 9.12.010, 9A.72.010, 9A.72.030, 9A.76.020, 9A.82.010, and 18.130.190; reenacting and amending RCW 9.94A.320; adding a new section to chapter 42.17 RCW; adding a new section to chapter 9A.68 RCW; adding a new section to chapter 9A.76 RCW; adding a new chapter to Title 48 RCW; creating a new section; repealing RCW 9.91.090, 9A.82.903, 48.50.060, 48.50.080, and 49.44.070; prescribing penalties; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Second Substitute House Bill No. 1557, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1557, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1557, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1557, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1583, by Representatives L. Thomas, Backlund, Huff, Chappell, Wolfe, Buck and Kessler (by request of State Auditor Sonntag)

Changing whistleblower provisions.

The bill was read the second time.

#### MOTIONS

On motion of Senator Sheldon, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.41.030 and 1992 c 44 s 3 are each amended to read as follows:

(1) Every local government employee has the right to report to the appropriate person or persons information concerning an alleged improper governmental action.

(2) The governing body or chief administrative officer of each local government shall adopt a policy on the appropriate procedures to follow for reporting such information and shall provide information to their employees on the policy. Local governments are encouraged to consult with their employees on the policy.

(3) The policy shall describe the appropriate person or persons within the local government to whom to report information and a list of appropriate person or persons outside the local government to whom to report. The list shall include the county prosecuting attorney.

(4) Each local government shall permanently post a summary of the procedures for reporting information on an alleged improper governmental action and the procedures for protection against retaliatory actions described in RCW 42.41.040 in a place where all employees will have reasonable access to it. A copy of the summary shall be made available to any employee upon request.

(5) A local government may require as part of its policy that, except in the case of an emergency, before an employee provides information of an improper governmental action to a person or an entity who is not a public official or a person listed pursuant to subsection (3) of this section, the employee shall submit a written report to the local government. Where a local government has adopted such a policy under this section, an employee who fails to make a good faith attempt to follow the policy shall not receive the protections of this chapter. (6) If a local government has failed to adopt a policy as required by subsection (2) of this section, an employee may report alleged improper government action directly to the county prosecuting attorney or, if the prosecuting attorney or an employee of the prosecuting attorney participated in the alleged improper government action, to the state auditor. The cost incurred by the state auditor in such investigations shall be paid by the local government through the municipal revolving account authorized in RCW 43.09.282.

(7) The identity of a reporting employee shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing."

On motion of Senator Sheldon, the following title amendment was adopted:

On page 1, line 1 of the title, after "reporting;" strike the remainder of the title and insert "and amending RCW 42.41.030."

#### MOTION

On motion of Senator Sheldon, the rules were suspended, House Bill No. 1583, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1583, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1583, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator McDonald - 1.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1583, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 3:26 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:14 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 7, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

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

#### INTRODUCTION AND FIRST READING

SCR 8406 by Senators Gaspard and Snyder

Adopting the joint rules.

HELD.

INTRODUCTION AND FIRST READING OF HOUSE BILL

E2SHB 2010 by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton)

Revising corrections provisions.

Referred to Committee on Human Services and Corrections.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8406 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

HOUSE BILL NO. 1190, by Representatives K. Schmidt, R. Fisher, Mitchell and Koster (by request of Department of Transportation)

Transferring the aeronautics account and the aircraft search and rescue, safety, and education account to the transportation fund.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 1190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Kohl, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1190.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1190 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Schow - 1.

Excused: Senators Anderson, C. and Loveland - 2.

HOUSE BILL NO. 1190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1192, by House Committee on Transportation (originally sponsored by Representatives Robertson, R. Fisher and K. Schmidt) (by request of Department of Transportation)

Revising vehicle load fees.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Kohl, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1192.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1192 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senator Moyer - 1.

Excused: Senators Anderson, C., Loveland and Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 1192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1193, by Representatives Benton, Mitchell, K. Schmidt and R. Fisher (by request of Department of Transportation)

Giving the department of transportation discretion in setting capital facility rental rates.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

On page 1, beginning on line 6, strike all material through line 9 and insert: "~~((By July 1, 1991, the department shall set and charge reasonable rental rates for the use of its real property, buildings, or structures. The department shall deposit receipts from the charges in the transportation capital facilities account.))~~"

On motion of Senator Owen, the rules were suspended, House Bill No. 1193, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Wood, Senators Deccio, McDonald, Moyer and Sellar were excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1193, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1193, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 42.

Excused: Senators Anderson, C., Deccio, Loveland, McDonald, Moyer, Rinehart and Sellar - 7.

HOUSE BILL NO. 1193, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1680, by House Committee on Law and Justice (originally sponsored by Representatives Hickel, Appelwick and Padden) (by request of Administrator for the Courts)

Revising the distribution of interest on court fines.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 3.02.045 and 1994 c 301 s 1 are each amended to read as follows:

(1) Courts of limited jurisdiction may use collection agencies under chapter 19.16 RCW for purposes of collecting unpaid penalties on infractions, criminal fines, costs, assessments, civil judgments, or forfeitures that have been imposed by the courts. Courts of limited jurisdiction may enter into agreements with one or more attorneys or collection agencies for collection of outstanding penalties, fines, costs, assessments, and forfeitures. These agreements may specify the scope of work, remuneration for services, and other charges deemed appropriate. Such agreements may authorize collection agencies to retain all or any portion of the interest collected on these accounts.

(2) Courts of limited jurisdiction may use credit cards or debit cards for purposes of billing and collecting unpaid penalties, fines, costs, assessments, and forfeitures so imposed. Courts of limited jurisdiction may enter into agreements with one or more financial institutions for the purpose of the collection of penalties, fines, costs, assessments, and forfeitures. The agreements may specify conditions, remuneration for services, and other charges deemed appropriate.

(3) Servicing of delinquencies by collection agencies or by collecting attorneys in which the court retains control of its delinquencies shall not constitute assignment of debt.

(4) For purposes of this section, the term debt shall include penalties, fines, costs, assessments, or forfeitures imposed by the courts.

(5) The court may assess as court costs the moneys paid for remuneration for services or charges paid to collecting attorneys, to collection agencies, or, in the case of credit cards, to financial institutions.

**Sec. 2.** RCW 3.46.120 and 1988 c 169 s 1 are each amended to read as follows:

(1) All money received by the clerk of a municipal department including penalties, fines, bail forfeitures, fees and costs shall be paid by the clerk to the city treasurer.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 3.** RCW 3.50.100 and 1988 c 169 s 2 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 4.** RCW 35.20.220 and 1988 c 169 s 6 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all money received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 5.** RCW 3.62.020 and 1988 c 169 s 3 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the division of municipal corporations, noting the information necessary for crediting of such funds as required by law.

(2) The county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

**Sec. 6.** RCW 3.62.040 and 1988 c 169 s 4 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 7.** RCW 10.82.090 and 1989 c 276 s 3 are each amended to read as follows:

Financial obligations imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

**Sec. 8.** RCW 36.18.190 and 1994 c 185 s 9 are each amended to read as follows:

Superior court clerks may contract with collection agencies or may use county collection services for the collection of unpaid court obligations. The costs for the agencies or county services shall be paid by the debtor. By agreement, clerks may authorize collection agencies to retain all or any portion of the interest collected on these accounts. Collection may not be initiated with respect to a criminal offender who is under the supervision of the department of corrections without the prior agreement of the department.

Any contract with a collection agency shall be awarded only after competitive bidding. Factors that a court clerk shall consider in awarding a collection contract include but are not limited to: (1) A collection agency's history and reputation in the community; and (2) the agency's access to a local data base that may increase the efficiency of its collections.

The servicing of an unpaid court obligation does not constitute assignment of a debt, and no contract with a collection agency may remove the court's control over unpaid obligations owed to the court."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "fines;" strike the remainder of the title and insert "and amending RCW 3.02.045, 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, 10.82.090, and 36.18.190."

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1680, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1680, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1680, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 41.

Absent: Senator McCaslin - 1.

Excused: Senators Anderson, C., Deccio, Loveland, McDonald, Moyer, Rinehart and Sellar - 7.

SUBSTITUTE HOUSE BILL NO. 1680, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1063, by Representatives Padden and Mastin (by request of Law Revision Commission)

Making technical corrections.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 1063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Ann Anderson, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1063.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1063 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 41.

Excused: Senators Anderson, C., Deccio, Loveland, McCaslin, McDonald, Moyer, Rinehart and Sellar - 8.

HOUSE BILL NO. 1063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1064, by Representatives Padden and Appelwick (by request of Law Revision Commission)

Correcting unconstitutional provisions relating to resident employees on public works.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, House Bill No. 1064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1064.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1064 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 40.

Absent: Senator Smith - 1.

Excused: Senators Anderson, C., Deccio, Loveland, McCaslin, McDonald, Moyer, Rinehart and Sellar - 8.

HOUSE BILL NO. 1064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.



## SECOND READING

HOUSE BILL NO. 1081, by Representatives Radcliff, Blanton, Costa, Koster, Ballasiotes, Cole, Dickerson, Basich and Mitchell (by request of Department of Corrections)

Specifying sentencing conditions for felons who commit additional felonies.

The bill was read the second time.

## MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1081.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1081 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 41.

Excused: Senators Anderson, C., Deccio, Loveland, McCaslin, McDonald, Moyer, Rinehart and Sellar - 8.

HOUSE BILL NO. 1081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 4:45 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Tuesday, April 11, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-SECOND DAY, APRIL 10, 1995

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

**NINETY-THIRD DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Tuesday, April 11, 1995  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Pelz, Rinehart and Schow. On motion of Senator Loveland, Senators Cal Anderson, Pelz and Rinehart were excused. On motion of Senator Ann Anderson, Senator Schow was excused.

The Sergeant at Arms Color Guard, consisting of Pages Annette Thurston and Nick Whitehouse, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE SENATE BILL NO. 5106,  
SUBSTITUTE SENATE BILL NO. 5647,  
SENATE BILL NO. 5771, and the same are herewith transmitted.

April 10, 1995

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5401,  
SUBSTITUTE SENATE BILL NO. 5764,  
SENATE BILL NO. 5767,  
SUBSTITUTE SENATE BILL NO. 5804,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5820,  
SUBSTITUTE SENATE BILL NO. 5835,  
SENATE BILL NO. 5857,  
SENATE BILL NO. 5871,  
SUBSTITUTE SENATE BILL NO. 5918,  
SUBSTITUTE SENATE BILL NO. 6026,  
SENATE JOINT MEMORIAL NO. 8010, and the same are herewith transmitted.

April 10, 1995

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5410,  
SENATE BILL NO. 5430,  
SENATE BILL NO. 5433,  
SUBSTITUTE SENATE BILL NO. 5435,  
ENGROSSED SENATE BILL NO. 5437, and the same are herewith transmitted.

April 10, 1995

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

April 10, 1995

The Speaker has signed:  
SENATE BILL NO. 5043,  
SUBSTITUTE SENATE BILL NO. 5164,  
SENATE BILL NO. 5165,  
SUBSTITUTE SENATE BILL NO. 5166,  
SUBSTITUTE SENATE BILL NO. 5214,  
ENGROSSED SENATE BILL NO. 5276,  
SENATE BILL NO. 5355,  
SENATE BILL NO. 5369,  
SENATE BILL NO. 5398,  
SUBSTITUTE SENATE BILL NO. 5440,  
SUBSTITUTE SENATE BILL NO. 5769, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 10, 1995

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1059,  
HOUSE BILL NO. 1226,  
SUBSTITUTE HOUSE BILL NO. 1437,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1452,  
HOUSE BILL NO. 1525,  
SUBSTITUTE HOUSE BILL NO. 1549,  
SUBSTITUTE HOUSE BILL NO. 1671,  
SUBSTITUTE HOUSE BILL NO. 1744,  
SUBSTITUTE HOUSE BILL NO. 1777,  
SUBSTITUTE HOUSE BILL NO. 1917,  
HOUSE BILL NO. 2022, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 10, 1995

MR. PRESIDENT:

The House failed to pass SUBSTITUTE SENATE BILL NO. 5735.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5106,  
SUBSTITUTE SENATE BILL NO. 5647,  
SENATE BILL NO. 5771.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1059,  
HOUSE BILL NO. 1226,  
SUBSTITUTE HOUSE BILL NO. 1437,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1452,  
HOUSE BILL NO. 1525,  
SUBSTITUTE HOUSE BILL NO. 1549,  
SUBSTITUTE HOUSE BILL NO. 1671,  
SUBSTITUTE HOUSE BILL NO. 1744,  
SUBSTITUTE HOUSE BILL NO. 1777,  
SUBSTITUTE HOUSE BILL NO. 1917,  
HOUSE BILL NO. 2022.

SECOND READING  
GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9081, William S. Williams, as a member of the Board of Pilotage Commissioners was confirmed.

APPOINTMENT OF WILLIAM S. WILLIAMS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, C., Pelz, Rinehart and Schow - 4.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Congressman Norm Dicks who was seated on the rostrum.  
With permission of the Senate, business was suspended to permit Congressman Dicks to address the Senate.

#### MOTION

On motion of Senator Gaspard, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8645

By Senators Gaspard, Owen, Wojahn, Oke, Johnson, Drew, Rasmussen, Sutherland, Kohl, Winsley and Swecker

WHEREAS, This year marks the Fiftieth anniversary of successful breeding of trout and salmon by Troutlodge Incorporated; and  
WHEREAS, Troutlodge Inc., founded by Edward McLeary in 1945, originated at the headwaters of Rocky Ford Creek near Soap Lake and then later was expanded to locations near Tacoma, McMillan, Ephrata and Hoodspout, Washington as well as Hood River, Oregon; and  
WHEREAS, With this expansion, the McLeary's were able to more readily ship their products to new and expanding foreign markets, thus turning their once small business into a world-renowned producer of top quality Rainbow Trout and Atlantic Salmon; and  
WHEREAS, Today the McLeary family continues to operate Troutlodge according to state of the art innovations and selective breeding techniques which yield genetically fit live trout eggs year round; and  
WHEREAS, It is this spirit of being the best that has made Troutlodge the largest individual salmonoid egg producer and supplier in the world, exporting more than three hundred million live trout eggs to twenty-five foreign countries and thirty other states nationwide; and  
WHEREAS, In recognition of their excellence, Governor Lowry has declared September 4th as Troutlodge Incorporated Day;  
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors Troutlodge Inc. and the McLeary family for exhibiting the true spirit of success and for being an example of high stature for all to admire.

Senators Gaspard, Oke, Rasmussen, Wojahn, Swecker, Hochstatter and Morton spoke to Senate Resolution 1995-8645.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Edward McLeary family, who were seated in the gallery.

#### MOTION

On motion of Senator Haugen, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8646

By Senator Haugen

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and  
WHEREAS, The Governor has proclaimed April 1995 to be Drug Free Washington Month in the state of Washington and the Drug Abuse Resistance Education (DARE) program is a unique, exemplary program which is extraordinarily effective in reducing illegal and illicit drug and alcohol abuse through education; and  
WHEREAS, Sergeant John Dyer is an example of the highest level of excellence in his service to the DARE program and commitment to the citizens of the great state of Washington; and  
WHEREAS, Sergeant Dyer has served since 1989 with distinction for the city of Oak Harbor in an exemplary manner as a DARE Officer, contributing to the overwhelming success of the program beyond everyone's expectations, in part by bringing important information to adults to support a program which has been so successful; and  
WHEREAS, Sergeant Dyer has dedicated himself to the laudable principles of the DARE program with an unyielding dedication, enduring perseverance, and selfless devotion that has been an example for DARE officers everywhere; and  
WHEREAS, Sergeant Dyer has successfully taught over seven thousand school children about the danger, peril and threat of illicit drugs, and has sponsored community activities and events, which raised funds for continued DARE efforts and brought the deserving message of DARE to the greater community and developed support and partnership between law enforcement and those that they serve; and  
WHEREAS, Sergeant Dyer's substantial and considerable personal and professional contributions are continually hallmarked by goodwill, generosity, benevolence, spontaneous and good natured humor, enthusiasm, compassionate understanding, as well as talent, skill and expertise that has earned him well-deserved gratitude of the community, and his outstanding rapport with students enhanced his ability to communicate the objectives of DARE, illustrated by many letters of testimony from former students of the beneficial effect that he has had on their lives; and

WHEREAS, The Legislature recognizes that the dramatic and unique challenges that face our great state of Washington are only surmounted because of the efforts, commitment, devotion and unwavering excellence of individuals such as Sergeant Dyer; and

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honors the highest level of excellence demonstrated by Sergeant Dyer in his dedicated and committed public service to the community of Oak Harbor and the greater state of Washington and for the outstanding example that he has set for others; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Sergeant Dyer and the Chief of Police of Oak Harbor.

#### MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1560, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt and Blanton) (by request of Attorney General Gregoire)

Penalizing fuel tax evasion.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.36.010 and 1993 c 54 s 1 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Motor vehicle" means every vehicle that is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;
  - (2) "Motor vehicle fuel" means gasoline or any other inflammable gas or liquid, by whatsoever name such gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;
  - (3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state; also every person who acquires motor vehicle fuel, on which the tax has not been paid, and exports it by commercial motor vehicle as defined in RCW 82.37.020 to a location outside the state. For the purposes of liability for a county fuel tax, "distributor" has that meaning defined in the county ordinance imposing the tax;
  - (4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;
  - (5) "Department" means the department of licensing;
  - (6) "Director" means the director of licensing;
  - (7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;
  - (8) "Person" means every natural person, firm, partnership, association, or private or public corporation;
  - (9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;
  - (10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;
  - (11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;
  - (12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;
  - (13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;
  - (14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;
  - (15) "Alcohol" means alcohol that is produced from renewable resources;
  - (16) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account;
  - (17) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:
    - (a) A knowing: False statement, misrepresentation of fact, or other act of deception; or
    - (b) An intentional: Omission, failure to file a return or report, or other act of deception.
- Sec. 2. RCW 82.36.380 and 1961 c 15 s 82.36.380 are each amended to read as follows:
- ~~((Any person failing to pay the tax as herein provided, or violating any of the other provisions of this chapter, or making any false statement, or concealing any material fact in any report, record, affidavit, or claim provided for herein, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.))~~
- (1) It is unlawful for a person or corporation to evade a tax or fee imposed under this chapter.

(2) Evasion of taxes or fees under this chapter is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of fifty percent of the tax evaded, to the general fund of the state.

**Sec. 3.** RCW 82.38.020 and 1994 c 262 s 22 are each amended to read as follows:

As (~~hereinafter~~) used in this chapter:

(1) "Person" means every natural person, fiduciary, association, or corporation. The term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(2) "Department" means the department of licensing.

(3) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

(4) "Motor vehicle" means every self-propelled vehicle designed for operation upon land utilizing special fuel as the means of propulsion.

(5) "Special fuel" means and includes all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor vehicle fuel as defined in chapter 82.36 RCW.

(6) "Bulk storage" means the placing of special fuel by a special fuel dealer into a receptacle other than the fuel supply tank of a motor vehicle.

(7) "Special fuel dealer" means any person engaged in the business of delivering special fuel into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him, or into bulk storage facilities for subsequent use in a motor vehicle. For this purpose the term "fuel supply tank or tanks" does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.

(8) "Special fuel user" means any person purchasing special fuel into bulk storage without payment of the special fuel tax for subsequent use in a motor vehicle, or any person engaged in interstate commercial operation of motor vehicles any part of which is within this state.

(9) "Service station" means any location at which fueling of motor vehicles is offered to the general public.

(10) "Unbonded service station" means any service station at which an unbonded special fuel dealer regularly makes sales of special fuel by means of delivery thereof into the fuel supply tanks of motor vehicles.

(11) "Bond" means: (a) A bond duly executed by such special fuel dealer or special fuel user as principal with a corporate surety qualified under the provisions of chapter 48.28 RCW which bond shall be payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations of such dealer, arising out of this chapter; or (b) a deposit with the state treasurer by the special fuel dealer or special fuel user, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United

States or bonds or other obligations of the United States, the state of Washington, or any county of said state, of an actual market value not less than the amount so fixed by the department; or (c) such other instruments as the department may determine and prescribe by rule to protect the interests of the state and to insure compliance of the requirements of this chapter.

(12) "Lessor" means any person (a) whose principal business is the bona fide leasing or renting of motor vehicles without drivers for compensation to the general public, and (b) who maintains established places of business and whose lease or rental contracts require such motor vehicles to be returned to the established places of business.

(13) "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form.

(14) "Standard pressure and temperature" means fourteen and seventy-three hundredths pounds of pressure per square inch at sixty degrees Fahrenheit.

(15) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement, misrepresentation of fact, or other act of deception; or

(b) An intentional: Omission, failure to file a return or report, or other act of deception.

**Sec. 4.** RCW 82.38.270 and 1979 c 40 s 19 are each amended to read as follows:

~~(It shall be unlawful for any person to:~~

~~(1) Refuse, or knowingly and intentionally fail to make and file any statement required by this chapter in the manner or within the time required;~~

~~(2) Knowingly and with intent to evade or to aid in the evasion of the tax imposed herein to make any false statement or conceal any material fact in any record, return, or affidavit provided for in this chapter;~~

~~(3) Conduct any activities requiring a license under this chapter without a license or after a license has been suspended, surrendered, canceled, or revoked;~~

~~(4) Fail to keep and maintain the books and records required by this chapter;~~

~~(5) Divert special fuel purchased for a nontaxable use to a use subject to the taxes imposed by this chapter without payment of the taxes as required by this chapter.~~

~~Except as otherwise provided by law, any person violating any of the provisions of this chapter shall be guilty of a gross misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, or imprisonment for not more than one year, or both.~~

~~The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of this chapter.)) (1) It is unlawful for a person or corporation to evade a tax or fee imposed under this chapter.~~

(2) Evasion of taxes or fees under this chapter is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of fifty percent of the tax evaded, to the general fund of the state.

**Sec. 5.** RCW 9A.04.080 and 1993 c 214 s 1 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
- (ii) Arson if a death results.

(b) The following offenses shall not be prosecuted more than ten years after their commission:

- (i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;
- (ii) Arson if no death results; or
- (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission; except that if the victim is under fourteen years of age when the rape is committed and the rape is reported to a law enforcement agency within one year of its commission, the violation may be prosecuted up to three years after the victim's eighteenth birthday or up to ten years after the rape's commission, whichever is later. If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted: (A) More than three years after its commission if the violation was committed against a victim fourteen years of age or older; or (B) more than three years after the victim's eighteenth birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under fourteen years of age.

(c) Violations of the following statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, 9A.44.100(1)(b), or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

- (f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.
- (g) No other felony may be prosecuted more than three years after its commission.
- (h) No gross misdemeanor may be prosecuted more than two years after its commission.
- (i) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside."

On motion of Senator Smith, the following title amendment was adopted:

On line 1 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 82.36.010, 82.36.380, 82.38.020, 82.38.270, nd 9A.04.080; and prescribing penalties."

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1560, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1560, as amended by the Senate.

#### ROLL CALL

The Secretary call the roll on the final passage of Substitute House Bill No. 1560, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley, Wojahn and Wood - 39.

Voting nay: Senators Anderson, A., Morton, Moyer, Newhouse, Prince, Roach, Schow and Swecker - 8.

Excused: Senators Anderson, C. and Rinehart - 2.

SUBSTITUTE HOUSE BILL NO. 1560, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1248, by House Committee on Trade and Economic Development (originally sponsored by Representatives Van Luven, G. Fisher, Boldt, Carrell, Campbell, Mason, Ebersole, B. Thomas, Cairnes, Radcliff, Cooke, Chandler, Mielke, Ballasiotes, Robertson, Mitchell, Schoesler, Appelwick, Sheldon, Costa, Morris, Basich and Conway)

Providing tax deferrals for a new thoroughbred race track facility.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendment was adopted:  
On page 2, beginning on line 34, strike all of section 4 and insert the following:

**"NEW SECTION. Sec. 4.** (1) The recipient shall begin paying the deferred taxes in the fifth year after the date certified by the department as the date on which the investment project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	10%
3	10%
4	10%
5	10%
6	10%
7	10%
8	10%
9	10%
10	10%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest shall not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes is not extinguished by insolvency or other failure of the recipient."

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1248, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1248, as amended by the Senate.

#### ROLL CALL

The Secretary call the roll on the final passage of Substitute House Bill No. 1248, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Haugen, McCaslin and Prince - 3.

Excused: Senators Anderson, C. and Rinehart - 2.

SUBSTITUTE HOUSE BILL NO. 1248, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1205, by House Committee on Health Care (originally sponsored by Representative Dyer) (by request of Department of Social and Health Services)

Modifying physician self-referral provisions.

The bill was read the second time.

#### MOTION

Senator Moyer moved that the following amendment be adopted:

On page 3, after line 13, insert the following:

**"Sec. 2.** RCW 18.64.011 and 1989 1st ex.s. c 9 s 412 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

(1) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(2) "Board" means the Washington state board of pharmacy.

(3) "Drugs" means:

(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or



(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.

(4) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or (b) to affect the structure or any function of the body of man or other animals.

(5) "Nonlegend" or "nonprescription" drugs means any drugs which may be lawfully sold without a prescription.

(6) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(7) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.

(8) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(9) "Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

(10) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.

(11) "Practice of pharmacy" includes the practice of and responsibility for: Interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(12) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(13) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than man.

(14) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

(15) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(16) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(17) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(18) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

(19) "Wholesaler" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

(20) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

(21) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(22) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

(23) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

(24) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

(25) "Department" means the department of health.

(26) "Secretary" means the secretary of health or the secretary's designee.

(27) "Health care entity" means an organization that provides health care services in a setting that is not otherwise licensed by the state. Health care entity includes a free-standing outpatient surgery center, a free-standing cardiac care center, or a kidney dialysis center. It does not include an individual practitioner's office or a multipractitioner clinic.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.64 RCW to read as follows:

(1) In order for a health care entity to purchase, administer, dispense, and deliver legend drugs, the health care entity must be licensed by the department.

(2) In order for a health care entity to purchase, administer, dispense, and deliver controlled substances, the health care entity must annually obtain a license from the department in accordance with the board's rules.

(3) The receipt, administration, dispensing, and delivery of legend drugs or controlled substances by a health care entity must be performed under the supervision or at the direction of a pharmacist.

(4) A health care entity may only administer, dispense, or deliver legend drugs and controlled substances to patients who receive care within the health care entity and in compliance with rules of the board. Nothing in this subsection shall prohibit a practitioner, in carrying out his or her licensed responsibilities within a health care entity, from dispensing or delivering to a patient of the health care entity drugs for that patient's personal use in an amount not to exceed seventy-two hours of usage.

**NEW SECTION. Sec. 4.** A new section is added to chapter 18.64 RCW to read as follows:

(1) The owner of a health care entity shall pay an original license fee to be determined by the secretary, and annually thereafter, on or before a date to be determined by the secretary, a fee to be determined by the secretary, for which he or she shall receive a license of location, which shall entitle the owner to purchase legend drugs or controlled substances at the location specified for the period ending on a date to be

determined by the secretary. A declaration of ownership and location filed with the department under this section shall be deemed presumptive evidence of ownership of the health care entity.

(2) The owner shall immediately notify the department of any change of location or ownership in which case a new application and fee shall be submitted.

(3) It shall be the duty of the owner to keep the license of location or the renewal license properly exhibited in the health care entity.

(4) Failure to comply with this section is a misdemeanor and each day that the failure continues is a separate offense.

(5) In the event that a license fee remains unpaid after the date due, no renewal or new license may be issued except upon payment of the license renewal fee and a penalty fee equal to the original license fee.

**Sec. 5.** RCW 18.64.165 and 1989 1st ex.s. c 9 s 404 and 1989 c 352 s 4 are each reenacted and amended to read as follows:

The board shall have the power to refuse, suspend, or revoke the license of any manufacturer, wholesaler, pharmacy, shopkeeper, itinerant vendor, peddler, poison distributor, health care entity, or precursor chemical distributor upon proof that:

(1) The license was procured through fraud, misrepresentation, or deceit;

(2) The licensee has violated or has permitted any employee to violate any of the laws of this state or the United States relating to drugs, controlled substances, cosmetics, or nonprescription drugs, or has violated any of the rules and regulations of the board of pharmacy or has been convicted of a felony.

**NEW SECTION. Sec. 6.** A new section is added to chapter 18.64 RCW to read as follows:

Every proprietor or manager of a health care entity shall keep readily available a suitable record of drugs, which shall preserve for a period of not less than two years the record of every drug used at such health care entity. The record shall be maintained either separately from all other records of the health care entity or in such form that the information required is readily retrievable from ordinary business records of the health care entity. All record-keeping requirements for controlled substances must be complied with. Such record of drugs shall be for confidential use in the health care entity, only. The record of drugs shall be open for inspection by the board of pharmacy, who is authorized to enforce chapter 18.64, 69.41, or 69.50 RCW.

**Sec. 7.** RCW 18.64.255 and 1984 c 153 s 14 are each amended to read as follows:

Nothing in this chapter shall operate in any manner:

(1) To restrict the scope of authorized practice of any practitioner other than a pharmacist, duly licensed as such under the laws of this state. However, a health care entity shall comply with all state and federal laws and rules relating to the dispensing of drugs and the practice of pharmacy; or

(2) In the absence of the pharmacist from the hospital pharmacy, to prohibit a registered nurse designated by the hospital and the responsible pharmacist from obtaining from the hospital pharmacy such drugs as are needed in an emergency: PROVIDED, That proper record is kept of such emergency, including the date, time, name of prescriber, the name of the nurse obtaining the drugs, and a list of what drugs and quantities of same were obtained; or

(3) To prevent shopkeepers, itinerant vendors, peddlers, or salesmen from dealing in and selling nonprescription drugs, if such drugs are sold in the original packages of the manufacturer, or in packages put up by a licensed pharmacist in the manner provided by the state board of pharmacy, if such shopkeeper, itinerant vendor, salesman, or peddler shall have obtained a registration."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Moyer on page 3, after line 13, to Substitute House Bill No. 1205.

The motion by Senator Moyer carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Quigley, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, strike "and"

On page 1, line 1 of the title, before the period insert ", 18.64.011 and 18.64.255; reenacting and amending RCW 18.64.165; and adding new sections to chapter 18.64 RCW"

On motion of Senator Quigley, the rules were suspended, Substitute House Bill No. 1205, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1205, as amended by the Senate.

#### ROLL CALL

The Secretary call the roll on the final passage of Substitute House Bill No. 1205, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Smith - 1.

Excused: Senators Anderson, C. and Rinehart - 2.

SUBSTITUTE HOUSE BILL NO. 1205, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1889, by Representatives L. Thomas, Backlund, Huff and Chappell (by request of State Auditor Sonntag)

Administering the office of the state auditor.

The bill was read the second time.

#### MOTIONS

Senator Sheldon moved that the following Committee on Government Operations amendment be adopted: Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.09.010 and 1965 c 8 s 43.09.010 are each amended to read as follows:

The state auditor shall reside and keep his or her office at the seat of government. Before entering upon his or her duties he or she shall execute and deliver to the secretary of state a bond to the state in the sum of fifty thousand dollars, to be approved by the governor, conditioned for the faithful performance of all duties required ~~((of him))~~ by law. He or she shall take an oath of office before any person authorized to administer oaths, and file a copy thereof, together with ~~((his))~~ the required bond, in the office of the secretary of state.

**NEW SECTION. Sec. 2.** The state auditor may appoint deputies and assistant directors as necessary to carry out the duties of the office of the state auditor. These individuals serve at the pleasure of the state auditor and are exempt from the provisions of chapter 41.06 RCW as stated in RCW 41.06.070(1)(y).

**NEW SECTION. Sec. 3.** The state auditor may appoint and employ other assistants and personnel necessary to carry out the work of the office of the state auditor.

**NEW SECTION. Sec. 4.** The state auditor may contract with public accountants certified in Washington to carry out those portions of the duties of auditing state agencies and local governments as the state auditor may determine.

**NEW SECTION. Sec. 5.** The state auditor, his or her employees and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him or her at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses to do so, or neglects or refuses to answer any question that may be put to him or her touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him or her; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him or her to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he or she shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Willful false swearing in any such examination shall be perjury and punishable as such.

**Sec. 6.** RCW 43.09.170 and 1965 c 8 s 43.09.170 are each amended to read as follows:

The state auditor may administer all oaths required by law in matters pertaining to the duties of his or her office.

**Sec. 7.** RCW 43.09.180 and 1965 c 8 s 43.09.180 are each amended to read as follows:

The state auditor shall keep a seal of office for the identification of all papers, writings, and documents required by law to be certified by him or her, and copies authenticated and certified of all papers and documents lawfully deposited in his or her office shall be received in evidence with the same effect as the originals.

**NEW SECTION. Sec. 8.** State agencies and local governments shall immediately report to the state auditor's office known or suspected loss of public funds or assets or other illegal activity.

**Sec. 9.** RCW 43.09.200 and 1965 c 8 s 43.09.200 are each amended to read as follows:

The state auditor~~((through such division,))~~ shall formulate, prescribe, and install a system of accounting and reporting for all local governments, which shall be uniform for every public institution, and every public office, and every public account of the same class.

The system shall exhibit true accounts and detailed statements of funds collected, received, and expended for account of the public for any purpose whatever, and by all public officers, employees, or other persons.

The accounts shall show the receipt, use, and disposition of all public property, and the income, if any, derived therefrom; all sources of public income, and the amounts due and received from each source; all receipts, vouchers, and other documents kept, or required to be kept, necessary to isolate and prove the validity of every transaction; all statements and reports made or required to be made, for the internal administration of the office to which they pertain; and all reports published or required to be published, for the information of the people regarding any and all details of the financial administration of public affairs.

**Sec. 10.** RCW 43.09.205 and 1987 c 120 s 4 are each amended to read as follows:

The state auditor~~((through the division of municipal corporations,))~~ shall prescribe a standard form with which the accounts and records of costs of all local governments shall be maintained as required under RCW 39.04.070.

**Sec. 11.** RCW 43.09.220 and 1965 c 8 s 43.09.220 are each amended to read as follows:

Separate accounts shall be kept for every public service industry of every local government, which shall show the true and entire cost of the ownership and operation thereof, the amount collected annually by general or special taxation for service rendered to the public, and the amount and character of the service rendered therefor, and the amount collected annually from private users for service rendered to them, and the amount and character of the service rendered therefor.

**Sec. 12.** RCW 43.09.230 and 1993 c 18 s 2 are each amended to read as follows:

The state auditor shall require from every ~~((taxing district and other political subdivisions))~~ local government financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by the state auditor, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the ~~((division))~~ state auditor within one hundred fifty days after the close of each fiscal year.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (1) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a ~~((municipality))~~ local government; (2) a statement of the entire public debt of every ~~((taxing district))~~ local government, to which power has

been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; (3) a classified statement of all receipts and expenditures by any public institution; and (4) a statement of all expenditures for labor relations consultants, with the identification of each consultant, compensation, and the terms and conditions of each agreement or arrangement; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, the state auditor's deputies, or other person legally authorized to make such ~~((certificate))~~ certification.

Their substance shall be published in an annual volume of comparative statistics at the expense of the state as a public document.

**Sec. 13.** RCW 43.09.240 and 1991 c 245 s 13 are each amended to read as follows:

Every public officer and employee of a local government shall keep all accounts of his or her office in the form prescribed and make all reports required by the state auditor. Any public officer or employee who refuses or willfully neglects to perform such duties shall be subject to removal from office in an appropriate proceeding for that purpose brought by the attorney general or by any prosecuting attorney.

Every public officer and employee, whose duty it is to collect or receive payments due or for the use of the public shall deposit such moneys collected or received by him or her with the treasurer of the ~~((taxing district))~~ local government once every twenty-four consecutive hours. The treasurer may in his or her discretion grant an exception where such daily transfers would not be administratively practical or feasible.

In case a public officer or employee collects or receives funds for the account of a ~~((taxing district))~~ local government of which he or she is an officer or employee, the treasurer shall, by Friday of each week, pay to the proper officer of the ~~((taxing district))~~ local government for the account of which the collection was made or payment received, the full amount collected or received during the current week for the account of the district.

**NEW SECTION. Sec. 14.** The state auditor has the power to examine all the financial affairs of every local government and its officers and employees.

**Sec. 15.** RCW 43.09.260 and 1991 sp.s. c 30 s 26 are each amended to read as follows:

~~((The state auditor, the chief examiner, and every state examiner shall have power by himself or herself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.))~~

The examination of the financial affairs of all ~~((taxing districts))~~ local governments shall be made at such reasonable, periodic intervals as the state auditor shall determine. However, an examination of the financial affairs of all ~~((taxing districts))~~ local governments shall be made at least once in every three years, and an examination of individual local government health and welfare benefit plans and local government self-insurance programs shall be made at least once every two years. The term ~~((“taxing districts”))~~ local governments for purposes of ~~((RCW 43.09.190 through 43.09.285))~~ this chapter includes but is not limited to all counties, cities, and other political subdivisions, municipal corporations, and quasi-municipal corporations, however denominated.

The state auditor shall establish a schedule to govern the auditing of ~~((taxing districts))~~ local governments which shall include: A designation of the various classifications of ~~((taxing districts))~~ local governments; a designation of the frequency for auditing each type of ~~((taxing district))~~ local government; and a description of events which cause a more frequent audit to be conducted.

On every such examination, inquiry shall be made as to the financial condition and resources of the ~~((taxing district))~~ local government; whether the Constitution and laws of the state, the ordinances and orders of the ~~((taxing district))~~ local government, and the requirements of the ~~((division of municipal corporations))~~ state auditor have been properly complied with; and into the methods and accuracy of the accounts and reports.

~~((The state auditor, his or her deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him or her at any designated time and place, and may administer oaths.~~

~~When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him or her touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him or her; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he or she shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Willful false swearing in any such examination shall be perjury and punishable as such.))~~

A report of such examination shall be made ~~((in triplicate, one copy to be))~~ and filed in the office of ~~((the))~~ state auditor, and one ~~((in))~~ copy shall be transmitted to the ~~((auditing department of the taxing district reported upon, and one in the office of the attorney general))~~ local government. A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his or her copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for ~~((the county commissioners or any board or officer))~~ any local government or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

**Sec. 16.** RCW 43.09.265 and 1979 ex.s. c 218 s 7 are each amended to read as follows:

The state auditor~~((, through the division of municipal corporations,))~~ shall review the tax levies of all ~~((municipal corporations))~~ local governments in the regular examinations under RCW 43.09.260.

**Sec. 17.** RCW 43.09.270 and 1993 c 315 s 1 are each amended to read as follows:

The expense of ~~((maintaining and operating the division of municipal corporations))~~ auditing local governments and those expenses directly related to ~~((the))~~ prescribing ~~((of))~~ accounting systems, training, maintenance of working capital including reserves for late and ~~((uncollectable))~~ uncollectible accounts and necessary adjustments to billings, and field audit supervision, shall be considered ~~((as))~~ expenses of auditing public accounts within the meaning of RCW 43.09.280 and 43.09.282, and shall be prorated for that purpose equally among all entities directly affected by such service.

**Sec. 18.** RCW 43.09.280 and 1979 c 71 s 2 are each amended to read as follows:

The expense of auditing public accounts shall be borne by each entity subject to such audit for the auditing of all accounts under its jurisdiction and the state auditor shall certify the expense of such audit to the fiscal or warrant-issuing officer of such entity, who shall immediately make payment to the ~~((division of municipal corporations))~~ state auditor. If the expense as certified is not paid by any ~~((taxing district))~~ local government within thirty days from the date of certification, the state auditor may certify the expense to the auditor of the county

in which the ~~((taxing district))~~ local government is situated, who shall promptly issue his or her warrant on the county treasurer payable out of the current expense fund of the county, which fund, except as to auditing the financial affairs and making inspection and examination of the county, shall be reimbursed by the county auditor or chief financial officer out of the money due ~~((said taxing district))~~ the local government at the next monthly settlement of the collection of taxes and shall be transferred to the current expense fund.

**Sec. 19.** RCW 43.09.2801 and 1992 c 44 s 11 are each amended to read as follows:

(1) From July 1, 1992, to June 30, 1995, the state auditor shall charge an entity subject to an audit an additional ten cents per hour billed under RCW 43.09.270 and 43.09.280, to be deposited in the local government administrative ~~((hearing[s]))~~ hearings account.

(2) After June 30, 1995, the state auditor shall base the amount to be collected and deposited into the local government administrative ~~((hearing[s]))~~ hearings account on the funds remaining in the account on June 30, 1995, and the anticipated caseload for the future.

(3) The state auditor may exempt a local government that ~~((complies))~~ certifies that it is in compliance with RCW 42.41.050 from a charge added under subsection (1) or (2) of this section.

**Sec. 20.** RCW 43.09.282 and 1982 c 206 s 2 are each amended to read as follows:

For the purposes of centralized funding, accounting, and distribution of the costs of the audits performed on ~~((taxing districts))~~ local governments by the state auditor, there is hereby created ~~((a fund))~~ an account entitled the municipal revolving ~~((fund))~~ account. The state treasurer shall be custodian of the ~~((fund))~~ account. All moneys received by the ~~((division of municipal corporations))~~ state auditor or by any officer or employee thereof shall be deposited with the state treasurer and credited to the municipal revolving ~~((fund))~~ account. ~~((Funds in the municipal revolving fund will be spent only after appropriation by the legislature. Such appropriated funds shall be administered by the division of municipal corporations.))~~ Only the state auditor or the auditor's designee may authorize expenditures from the account. No appropriation is required for expenditures. The ~~((division of municipal corporations))~~ state auditor shall keep such records as are necessary to detail the auditing costs attributable to the various types of ~~((taxing districts))~~ local governments.

**Sec. 21.** RCW 43.09.290 and 1981 c 336 s 6 are each amended to read as follows:

For the purposes of RCW 43.09.290 through 43.09.340 and 43.09.410 through 43.09.418, post-audit means an ~~((annual))~~ audit of the books, records, funds, accounts, and financial transactions of a state ~~((department))~~ agency for a complete fiscal period; pre-audit means all other audits and examinations; state ~~((department))~~ agency means elective officers and offices, and every other office, officer, department, board, council, committee, commission, or authority ~~((or agency))~~ of the state government now existing or hereafter created, supported, wholly or in part, by appropriations from the state treasury or funds under its control, or by the levy, assessment, collection, or receipt of fines, penalties, fees, licenses, sales of commodities, service charges, rentals, grants-in-aid, or other income provided by law, and all state educational, penal, reformatory, charitable, eleemosynary, or other institutions, supported, wholly or in part, by appropriations from the state treasury or funds under its control.

**Sec. 22.** RCW 43.09.310 and 1981 c 217 s 1 are each amended to read as follows:

The state auditor ~~((, through the division of departmental audits,))~~ shall annually audit the state-wide combined financial statements prepared by the office of financial management and make post-audits of state agencies. Post-audits of state agencies shall be made at such periodic intervals as is determined by the state auditor. Audits of combined financial statements shall include determinations as to the validity and accuracy of accounting methods, procedures and standards utilized in their preparation, as well as the accuracy of the financial statements themselves. A report shall be made of each such audit and post-audit upon completion thereof, and one copy shall be transmitted to the governor, one to the director of financial management, ~~((one to the attorney general,))~~ one to the state ~~((department))~~ agency audited, one to the legislative budget committee, one each to the standing committees on ways and means of the house and senate, one to the chief clerk of the house, one to the secretary of the senate, and at least one shall be kept on file in the office of the state auditor. ~~((For purposes of reporting the annual audit of state-wide combined financial statements, "state department audited" refers solely to the office of financial management.))~~ A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general.

**Sec. 23.** RCW 43.09.330 and 1965 c 8 s 43.09.330 are each amended to read as follows:

~~((The state auditor, the chief examiner, and every state examiner of the division of departmental audits, for the purpose of making post-audits, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff to compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.~~

~~If any person summoned neglects or refuses to appear, or neglects or refuses to answer any question that may be put to him touching any matter under audit, or to produce any books or papers required, the person making such audit shall apply to a superior court judge of the county where the hearing arose to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing refuses to testify or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Willful false swearing in any such examination shall be perjury and punishable as such.))~~

If any audit of a state agency discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his or her copy of the report, the attorney general shall institute and prosecute in the proper county, appropriate legal action to carry into effect the findings of such post-audit. It shall be unlawful for any state ~~((department))~~ agency or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action without the written approval and consent of the attorney general and the state auditor.

**Sec. 24.** RCW 43.09.340 and 1979 c 151 s 93 are each amended to read as follows:

The governor ~~((may, from time to time))~~ shall, at least every two years, provide for a post-audit of the books, accounts, and records of the state auditor, and the funds under his or her control, to be made either by independent qualified public accountants or the director of financial management, as he or she may determine. The expense of making such audit shall be paid from appropriations made therefor from the general fund.

**Sec. 25.** RCW 43.09.410 and 1981 c 336 s 1 are each amended to read as follows:

An auditing services revolving ~~((fund))~~ account is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the audits provided to state ~~((departments))~~ agencies by the state auditor.

**Sec. 26.** RCW 43.09.412 and 1987 c 165 s 1 are each amended to read as follows:

The amounts to be disbursed from the auditing services revolving ~~((fund))~~ account shall ~~((be transferred thereto by the state treasurer))~~ be paid from funds appropriated to any and all state ~~((departments))~~ agencies for auditing services or administrative expenses ~~((on a monthly basis)).~~ State ~~((departments))~~ agencies operating in whole or in part from nonappropriated funds shall pay into the auditing services revolving ~~((fund))~~ account such funds as will fully reimburse funds appropriated to the state auditor ~~((for any auditing services provided activities financed by nonappropriated funds))~~ for auditing services provided.

The director of financial management shall allot all such funds to the state auditor for the operation of his or her office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other state ~~((departments))~~ agencies headed by elected officers under chapter 43.88 RCW.

**Sec. 27.** RCW 43.09.414 and 1981 c 336 s 3 are each amended to read as follows:

Disbursements from the auditing services revolving ~~((fund))~~ account shall be made pursuant to vouchers executed by the state auditor or his or her designee in accordance with RCW 43.09.412.

**Sec. 28.** RCW 43.09.416 and 1987 c 165 s 2 are each amended to read as follows:

The state auditor shall keep such records as are necessary to facilitate proper allocation of costs to funds and accounts and state ~~((departments))~~ agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and accounts and state ~~((departments))~~ agencies served. The billing rate shall be established based on costs incurred in the prior biennium and anticipated costs in the new biennium. Those expenses related to training, maintenance of working capital including reserves for late and uncollectible accounts, and necessary adjustments to billings, shall be considered as expenses of auditing public accounts. Working capital shall not exceed five percent of the auditing services revolving ~~((fund))~~ account appropriation. ~~((The director of the office of financial management shall establish a committee of at least three certified public accountants with private sector audit experience to prepare general guidelines governing procedures to be used in determining audit costs and standards for measuring auditor productivity. These proposed procedures and productivity standards shall be presented for review by the house and senate committees on ways and means prior to the 1982 regular session of the legislature.))~~

**Sec. 29.** RCW 43.09.418 and 1981 c 336 s 5 are each amended to read as follows:

In cases where there are unanticipated demands for auditing services or where there are insufficient funds on hand or available for payment through the auditing services revolving ~~((fund))~~ account or in other cases of necessity, the state auditor may request payment for auditing services directly from state ~~((departments))~~ agencies for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of financial management the state ~~((department))~~ agency shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of financial management.

**Sec. 30.** RCW 3.30.070 and 1971 c 73 s 3 are each amended to read as follows:

The clerk of each district court shall keep uniform records of each case filed and the proceedings had therein including an accounting for all funds received and disbursed. Financial reporting shall be in such form as may be prescribed by the ~~((office of the))~~ state auditor ~~((; division of municipal corporations))~~. The form of other records may be prescribed by the supreme court.

**Sec. 31.** RCW 3.62.020 and 1988 c 169 s 3 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the ~~((division of municipal corporations))~~ state auditor, noting the information necessary for crediting of such funds as required by law.

(2) The county treasurer shall remit thirty-two percent of the money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

**Sec. 32.** RCW 14.08.090 and 1984 c 7 s 4 are each amended to read as follows:

Any bonds to be issued by any municipality pursuant to the provisions of this chapter shall be authorized and issued in the manner and within the limitation prescribed by the Constitution and laws of this state or the charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally, secured by the revenues of the airport, a mortgage on facilities, or a general tax levy as allowed by law, if the plan and system resolution are approved by the secretary of transportation or the ~~((division of municipal corporations))~~ state auditor.

**Sec. 33.** RCW 35.02.132 and 1991 c 360 s 4 are each amended to read as follows:

The newly elected officials shall adopt an interim budget for the interim period or until January 1 of the following year, whichever occurs first. A second interim budget shall be adopted for any period between January 1 and the official date of incorporation. These interim budgets shall be adopted in consultation with the ~~((office of the))~~ state auditor ~~((; division of municipal corporations))~~.

The governing body shall adopt a budget for the newly incorporated city or town for the period between the official date of incorporation and January 1 of the following year. The mayor or governing body, whichever is appropriate shall prepare or the governing body may direct the interim city manager to prepare a preliminary budget in detail to be made public at least sixty days before the official date of incorporation as a recommendation for the final budget. The mayor, governing body, or the interim city manager shall submit as a part of the preliminary budget a budget message that contains an explanation of the budget document, an outline of the recommended financial policies and programs of the city or town for the ensuing fiscal year, and a statement of the relation of the recommended appropriation to such policies and programs. Immediately following the release of the preliminary budget, the governing body shall cause to be published a notice once each week for two consecutive weeks of a public hearing to be held at least twenty days before the official date of incorporation on the fixing of the final budget. Any taxpayer may appear and be heard for or against any part of the budget. The governing body may make such adjustments and changes as it deems necessary and may adopt the final budget at the conclusion of the public hearing or at any time before the official date of incorporation.

**Sec. 34.** RCW 35.07.230 and 1965 c 7 s 35.07.230 are each amended to read as follows:

If any town fails for two successive years to hold its regular municipal election, or if the officers elected at the regular election of any town fail for two successive years to qualify and the government of the town ceases to function by reason thereof, the state auditor ~~((through the division of municipal corporations))~~ may petition the superior court of the county for an order, dissolving the town. In addition to stating the facts which would justify the entry of such an order, the petition shall set forth a detailed statement of the assets and liabilities of the town insofar as they can be ascertained.

**Sec. 35.** RCW 35.21.270 and 1984 c 7 s 20 are each amended to read as follows:

The city engineer or the city clerk of each city or town shall maintain records of the receipt and expenditure of all moneys used for construction, repair, or maintenance of streets and arterial highways.

To assist in maintaining uniformity in such records, the ~~((division of municipal corporations))~~ state auditor, with the advice and assistance of the department of transportation, shall prescribe forms and types of records to be so maintained.

**Sec. 36.** RCW 35.23.121 and 1965 c 7 s 35.24.120 are each amended to read as follows:

The city clerk shall keep a full and true record of every act and proceeding of the city council and keep such books, accounts and make such reports as may be required by ~~((the division of municipal corporations in the office of))~~ the state auditor. The city clerk shall record all ordinances, annexing thereto his or her certificate giving the number and title of the ordinance, stating that the ordinance was published and posted according to law and that the record is a true and correct copy thereof. The record copy with the clerk's certificate shall be prima facie evidence of the contents of the ordinance and of its passage and publication and shall be admissible as such evidence in any court or proceeding.

The city clerk shall be custodian of the seal of the city and shall have authority to acknowledge the execution of all instruments by the city which require acknowledgment.

The city clerk may appoint a deputy for whose acts he or she and his or her bondsmen shall be responsible, and he or she and his or her deputy shall have authority to take all necessary affidavits to claims against the city and certify them without charge.

The city clerk shall perform such other duties as may be required by statute or ordinance.

**Sec. 37.** RCW 35.23.535 and 1965 c 7 s 35.24.430 are each amended to read as follows:

No taxes shall be imposed for maintenance and operating charges of city owned water, light, power, or heating works or systems.

Rates shall be fixed by ordinance for supplying water, light, power, or heat for commercial, domestic, or irrigation purposes sufficient to pay for all operating and maintenance charges. If the rates in force produce a greater amount than is necessary to meet operating and maintenance charges, the rates may be reduced or the excess income may be transferred to the city's current expense fund.

Complete separate accounts for municipal utilities must be kept under the system and on forms prescribed by the ~~((division of municipal corporations in the office of the))~~ state auditor.

The term "maintenance and operating charges," as used in this section includes all necessary repairs, replacement, interest on any debts incurred in acquiring, constructing, repairing and operating plants and departments and all depreciation charges. This term shall also include an annual charge equal to four percent on the cost of the plant or system, as determined by ~~((the division of municipal corporations in the office of))~~ the state auditor to be paid into the current expense fund, except that where utility bonds have been or may hereafter be issued and are unpaid no payment shall be required into the current expense fund until such bonds are paid.

**Sec. 38.** RCW 35.27.510 and 1965 c 7 s 35.27.510 are each amended to read as follows:

When any special fund of a public utility department of a town has retired all bond and warrant indebtedness and is on a cash basis, if a reserve or depreciation fund has been created in an amount satisfactory to ~~((the division of municipal corporations in the office of))~~ the state auditor and if the fixing of the rates of the utility is governed by contract with the supplier of water, electrical energy, or other commodity sold by the town to its inhabitants, and the rates are at the lowest possible figure, the town council may set aside such portion of the net earnings of the utility as it may deem advisable and transfer it to the town's current expense fund: PROVIDED, That no amount in excess of fifty percent of the net earnings shall be so set aside and transferred except with the unanimous approval of the council and mayor.

**Sec. 39.** RCW 35.33.031 and 1969 ex.s. c 95 s 3 are each amended to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's or town's next fiscal year, or at such other time as the city or town may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a city or town to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by his or her department for the ensuing fiscal year. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by ~~((the division of municipal corporations in the office of))~~ the state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of his or her office. The chief administrative officers of the city or town shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties herein required shall devolve upon the person next in charge of such department.

**Sec. 40.** RCW 35.33.041 and 1969 ex.s. c 95 s 4 are each amended to read as follows:

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor ~~((through the division of municipal corporations))~~ after consultation with the Washington finance officers association, the association of Washington cities and the association of Washington city managers.

**Sec. 41.** RCW 35.33.075 and 1969 ex.s. c 95 s 10 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal year, the legislative body shall make such adjustments and changes as it deems necessary or proper and after determining the allowance in each item, department, classification and fund, and shall by ordinance, adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal year. Such ordinances may adopt the final budget by reference: PROVIDED, That the ordinance adopting such budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to ~~((the division of municipal corporations in the office of the state auditor, and to))~~ the association of Washington cities.

**Sec. 42.** RCW 35.33.111 and 1969 ex.s. c 95 s 16 are each amended to read as follows:

The ~~((division of municipal corporations in the office of the))~~ state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

**Sec. 43.** RCW 35.34.050 and 1985 c 175 s 8 are each amended to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's or town's next fiscal biennium, or at such other time as the city or town may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a city or town to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by the department for the ensuing fiscal biennium. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by ~~((the division of municipal corporations in the office of))~~ the state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other

estimates, the preparation of which falls properly within the duties of the clerk's office. The chief administrative officers of the city or town shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties required by this section shall devolve upon the person next in charge of such department.

**Sec. 44.** RCW 35.34.060 and 1985 c 175 s 9 are each amended to read as follows:

All estimates of receipts and expenditures for the ensuing fiscal biennium shall be fully detailed in the biennial budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor (~~((through the division of municipal corporations))~~) after consultation with the Washington finance officers association, the association of Washington cities, and the association of Washington city managers.

**Sec. 45.** RCW 35.34.120 and 1985 c 175 s 15 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal biennium, the legislative body shall make such adjustments and changes as it deems necessary or proper and, after determining the allowance in each item, department, classification, and fund, shall by ordinance adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal biennium. Such ordinances may adopt the final budget by reference. However, the ordinance adopting the budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to (~~((the division of municipal corporations in the office of))~~) the state auditor and to the association of Washington cities.

**Sec. 46.** RCW 35.34.130 and 1985 c 175 s 16 are each amended to read as follows:

The legislative authority of a city or town having adopted the provisions of this chapter shall provide by ordinance for a mid-biennial review and modification of the biennial budget. The ordinance shall provide that such review and modification shall occur no sooner than eight months after the start nor later than conclusion of the first year of the fiscal biennium. The chief administrative officer shall prepare the proposed budget modification and shall provide for publication of notice of hearings consistent with publication of notices for adoption of other city or town ordinances. City or town ordinances providing for a mid-biennial review and modification shall establish procedures for distribution of the proposed modification to members of the city or town legislative authority, procedures for making copies available to the public, and shall provide for public hearings on the proposed budget modification. The budget modification shall be by ordinance approved in the same manner as are other ordinances of the city or town.

A complete copy of the budget modification as adopted shall be transmitted to (~~((the division of municipal corporations in the office of))~~) the state auditor and to the association of Washington cities.

**Sec. 47.** RCW 35.34.190 and 1985 c 175 s 22 are each amended to read as follows:

The (~~((division of municipal corporations in the office of the))~~) state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

**Sec. 48.** RCW 35.76.020 and 1965 c 7 s 35.76.020 are each amended to read as follows:

The state auditor (~~((through the division of municipal corporations))~~) shall formulate, prescribe, and install a system of cost accounting and reporting for each city having a population of more than eight thousand, according to the last official census, which will correctly show all street expenditures by functional categories. The system shall also provide for reporting all revenues available for street purposes from whatever source including local improvement district assessments and state and federal aid.

**Sec. 49.** RCW 35.76.030 and 1965 c 7 s 35.76.030 are each amended to read as follows:

Consistent with the intent of this chapter as stated in RCW 35.76.010, the state auditor, from and after July 1, 1965, (~~((through the division of municipal corporations))~~) is authorized and directed to prescribe accounting and reporting procedures for street expenditures for cities and towns having a population of eight thousand or less, according to the last official census.

**Sec. 50.** RCW 35.76.050 and 1984 c 7 s 22 are each amended to read as follows:

The (~~((division of municipal corporations))~~) state auditor shall annually make a cost-audit examination of street records for each city and town and make a written report thereon to the legislative body of each city and town. The expense of the examination shall be paid out of that portion of the motor vehicle fund allocated to the cities and towns and withheld for use by the state department of transportation under the terms of RCW 46.68.110(1).

**Sec. 51.** RCW 35A.33.030 and 1967 ex.s. c 119 s 35A.33.030 are each amended to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's next fiscal year, or at such other time as the city may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a code city to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by his or her department for the ensuing fiscal year. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by the (~~((division of municipal corporations in the office of the))~~) state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of his or her office. The chief administrative officers of the city shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties herein required shall devolve upon the person next in charge of such department.

**Sec. 52.** RCW 35A.33.040 and 1967 ex.s. c 119 s 35A.33.040 are each amended to read as follows:

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor (~~((through the division of municipal corporations))~~) after consultation with the Washington finance officers association, the association of Washington cities and the association of Washington city managers.

**Sec. 53.** RCW 35A.33.075 and 1969 ex.s. c 81 s 3 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal year, the legislative body shall make such adjustments and changes as it deems necessary or proper and after determining the allowance in each item, department, classification and fund, and shall by ordinance, adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal year. Such ordinances may adopt the final budget by reference: PROVIDED, That the ordinance adopting such budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.



A complete copy of the final budget as adopted shall be transmitted to ~~((the division of municipal corporations in the office of))~~ the state auditor, and to the association of Washington cities.

**Sec. 54.** RCW 35A.33.110 and 1967 ex.s. c 119 s 35A.33.110 are each amended to read as follows:

The ~~((division of municipal corporations in the office of the))~~ state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

**Sec. 55.** RCW 35A.34.050 and 1985 c 175 s 37 are each amended to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's next fiscal biennium, or at such other time as the city may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a city to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by the department for the ensuing fiscal biennium. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by the ~~((division of municipal corporations in the office of the))~~ state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of the clerk's office. The chief administrative officers of the city shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties required by this section shall devolve upon the person next in charge of such department.

**Sec. 56.** RCW 35A.34.060 and 1985 c 175 s 38 are each amended to read as follows:

All estimates of receipts and expenditures for the ensuing fiscal biennium shall be fully detailed in the biennial budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor ~~((through the division of municipal corporations))~~ after consultation with the Washington finance officers association, the association of Washington cities, and the association of Washington city managers.

**Sec. 57.** RCW 35A.34.120 and 1985 c 175 s 44 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal biennium, the legislative body shall make such adjustments and changes as it deems necessary or proper and, after determining the allowance in each item, department, classification, and fund, shall by ordinance adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal biennium. Such ordinances may adopt the final budget by reference. However, the ordinance adopting the budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to ~~((the division of municipal corporations in the office of))~~ the state auditor and to the association of Washington cities.

**Sec. 58.** RCW 35A.34.130 and 1985 c 175 s 45 are each amended to read as follows:

The legislative authority of a city having adopted the provisions of this chapter shall provide by ordinance for a mid-biennial review and modification of the biennial budget. The ordinance shall provide that such review and modification shall occur no sooner than eight months after the start nor later than conclusion of the first year of the fiscal biennium. The chief administrative officer shall prepare the proposed budget modification and shall provide for publication of notice of hearings consistent with publication of notices for adoption of other city ordinances. City ordinances providing for a mid-biennial review and modification shall establish procedures for distribution of the proposed modification to members of the city legislative authority, procedures for making copies available to the public, and shall provide for public hearings on the proposed budget modification. The budget modification shall be by ordinance approved in the same manner as are other ordinances of the city.

A complete copy of the budget modification as adopted shall be transmitted to ~~((the division of municipal corporations in the office of))~~ the state auditor and to the association of Washington cities.

**Sec. 59.** RCW 35A.34.190 and 1985 c 175 s 51 are each amended to read as follows:

The ~~((division of municipal corporations in the office of the))~~ state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

**Sec. 60.** RCW 35A.37.010 and 1983 c 3 s 62 are each amended to read as follows:

Code cities shall establish such funds for the segregation, budgeting, expenditure and accounting for moneys received for special purposes as are required by general law applicable to such cities' activities and the officers thereof shall pay into, expend from, and account for such moneys in the manner provided therefor including but not limited to the requirements of the following:

- (1) Accounting funds as required by RCW 35.37.010;
- (2) Annexation and consolidation fund as required by chapters 35.10 and 35.13 RCW;
- (3) Assessment fund as required by RCW 8.12.480;
- (4) Equipment rental fund as authorized by RCW 35.21.088;
- (5) Current expense fund as required by RCW 35.37.010, usually referred to as the general fund;
- (6) Local improvement guaranty fund as required by RCW 35.54.010;
- (7) An indebtedness and sinking fund, together with separate funds for utilities and institutions as required by RCW 35.37.020;
- (8) Local improvement district fund and revolving fund as required by RCW 35.45.130 and 35.48.010;
- (9) City street fund as required by chapter 35.76 RCW and RCW 47.24.040;
- (10) Firemen's relief and pension fund as required by chapters 41.16 and 41.18 RCW;
- (11) Policemen's relief and pension fund as required by RCW 41.20.130 and 63.32.030;
- (12) First class cities' employees retirement and pension system as authorized by chapter 41.28 RCW;
- (13) Applicable rules of the ~~((division of municipal corporations office of))~~ state auditor. ~~((RCW 43.09.190 through 43.09.282.))~~

**Sec. 61.** RCW 36.22.140 and 1963 c 4 s 36.22.140 are each amended to read as follows:

Each county auditor or chief financial officer shall be ex officio deputy ~~((supervisor))~~ of the ~~((division of municipal corporations))~~ state auditor for the purpose of accounting and reporting on municipal corporations and in such capacity shall be under the direction of the ~~((chief supervisor))~~ state auditor, but he or she shall receive no additional salary or compensation by virtue thereof and shall perform no duties as such, except in connection with county business.

**Sec. 62.** RCW 36.40.030 and 1963 c 4 s 36.40.030 are each amended to read as follows:

The estimates required in RCW 36.40.010 and 36.40.020 shall be submitted on forms provided by the county auditor or chief financial officer and classified according to the classification established by the ~~((division of municipal corporations))~~ state auditor. The county auditor or

chief financial officer shall provide such forms. He or she shall also prepare the estimates for interest and debt redemption requirements and any other estimates the preparation of which properly falls within the duties of his or her office.

Each such official shall file his or her estimates within the time and in the manner provided in the notice and form and the county auditor or chief financial officer shall deduct and withhold as a penalty from the salary of each official failing or refusing to file such estimates as herein provided, the sum of ten dollars for each day of delay: PROVIDED, That the total penalty against any one official shall not exceed fifty dollars in any one year.

In the absence or disability of any official the duties required herein shall devolve upon the official or employee in charge of the office, department, service, or institution for the time being. The notice shall contain a copy of this penalty clause.

**Sec. 63.** RCW 36.40.040 and 1973 c 39 s 1 are each amended to read as follows:

Upon receipt of the estimates the county auditor or chief financial officer shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, service, or institution for the ensuing fiscal year, the actual receipts for the first six months of the current fiscal year and the actual receipts for the last completed fiscal year, the estimated surplus at the close of the current fiscal year and the amount proposed to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year, the actual expenditures for the first six months of the current fiscal year including all contracts or other obligations against current appropriations, and the actual expenditures for the last completed fiscal year.

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor (~~(through the division of municipal corporations)~~) after consultation with the Washington state association of counties and the Washington state association of (~~(elected)~~) county officials.

The county auditor or chief financial officer shall set forth separately in the annual budget to be submitted to the (~~(board of)~~) county (~~(commissioners)~~) legislative authority the total amount of emergency warrants issued during the preceding fiscal year, together with a statement showing the amount issued for each emergency, and the board shall include in the annual tax levy, a levy sufficient to raise an amount equal to the total of such warrants: PROVIDED, That the board may fund the warrants or any part thereof into bonds instead of including them in the budget levy.

**Sec. 64.** RCW 36.40.080 and 1963 c 4 s 36.40.080 are each amended to read as follows:

Upon the conclusion of the budget hearing the (~~(board of)~~) county (~~(commissioners)~~) legislative authority shall fix and determine each item of the budget separately and shall by resolution adopt the budget as so finally determined and enter the same in detail in the official minutes of the board, a copy of which budget shall be forwarded to the (~~(division of municipal corporations)~~) state auditor.

**Sec. 65.** RCW 36.40.220 and 1963 c 4 s 36.40.220 are each amended to read as follows:

The (~~(division of municipal corporations)~~) state auditor may make such rules, classifications, and forms as may be necessary to carry out the provisions in respect to county budgets, define what expenditures shall be chargeable to each budget account, and establish such accounting and cost systems as may be necessary to provide accurate budget information.

**Sec. 66.** RCW 36.47.060 and 1969 ex.s. c 5 s 5 are each amended to read as follows:

The financial records of the Washington state association of county officials shall be subject to audit by the (~~(Washington)~~) state (~~(division of municipal corporations)~~) auditor.

**Sec. 67.** RCW 36.68.530 and 1981 c 210 s 11 are each amended to read as follows:

The governing body of each park and recreation service area shall annually compile a budget for each service area in a form prescribed by the state (~~(division of municipal corporations)~~) auditor for the ensuing calendar year which shall, to the extent that anticipated income is actually realized, constitute the appropriations for the service area. The budget may include an amount to accumulate a reserve for a stated capital purpose. In compiling the budget, all available funds and anticipated income shall be taken into consideration, including contributions or contractual payments from school districts, cities, or towns, county or any other governmental entity, gifts and donations, special tax levy, fees and charges, proceeds of bond issues, and cumulative reserve funds.

**Sec. 68.** RCW 36.69.160 and 1963 c 4 s 36.69.160 are each amended to read as follows:

The board of park and recreation commissioners of each park and recreation district shall annually compile a budget, in form prescribed by the state (~~(division of municipal corporations)~~) auditor, for the ensuing calendar year, and which shall, to the extent that anticipated income is actually realized, constitute the appropriations for the district. The budget may include an amount to accumulate a reserve for a stated capital purpose. In compiling the budget, all available funds and anticipated income shall be taken into consideration, including contributions or contractual payments from school districts, cities or towns, county, or any other governmental unit; gifts and donations; special tax levy; assessments; fees and charges; proceeds of bond issues; cumulative reserve funds.

**Sec. 69.** RCW 36.80.080 and 1985 c 120 s 3 are each amended to read as follows:

The (~~(division of municipal corporations)~~) state auditor shall annually make a cost-audit examination of the books and records of the county road engineer and make a written report thereon to the county legislative authority. The expense of the examination shall be paid from the county road fund.

**Sec. 70.** RCW 36.82.200 and 1963 c 4 s 36.82.200 are each amended to read as follows:

The board shall hold such hearing at the time and place designated in the notice, and it may be continued from day to day until concluded but not to exceed a total of five days. Upon the conclusion of the hearing the board shall fix and determine the supplemental budget and by resolution adopt it as finally determined and enter it in detail in the official minutes of the board, (~~(copies)~~) a copy of which supplemental budget shall be forwarded (~~(one)~~) to the director (~~(and one to the division of municipal corporations)~~).

**Sec. 71.** RCW 40.14.070 and 1982 c 36 s 6 are each amended to read as follows:

County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist (~~(and the chief examiner of the division of municipal corporations of the office of)~~), a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the

division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

Except as otherwise provided by law, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

- (1) The records are six or more years old;
- (2) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or
- (3) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

**Sec. 72.** RCW 42.24.080 and 1965 c 116 s 1 are each amended to read as follows:

All claims presented against any county, city, district or other municipal corporation or political subdivision by persons furnishing materials, rendering services or performing labor, or for any other contractual purpose, shall be audited, before payment, by an auditing officer elected or appointed pursuant to statute or, in the absence of statute, an appropriate charter provision, ordinance or resolution of the municipal corporation or political subdivision. Such claims shall be prepared for audit and payment on a form and in the manner prescribed by the ~~((division of municipal corporations in the))~~ state auditor~~((s office))~~. The form shall provide for the authentication and certification by such auditing officer that the materials have been furnished, the services rendered or the labor performed as described, and that the claim is a just, due and unpaid obligation against the municipal corporation or political subdivision; and no claim shall be paid without such authentication and certification: PROVIDED, That the certificates as to claims of officers and employees of a county, city, district or other municipal corporation or political subdivision, for services rendered, shall be made by the person charged with the duty of preparing and submitting vouchers for the payment of services, and he or she shall certify that the claim is just, true and unpaid, which certificate shall be part of the voucher.

**Sec. 73.** RCW 42.24.090 and 1981 c 56 s 1 are each amended to read as follows:

No claim for reimbursement of any expenditures by officers or employees of any municipal corporation or political subdivision of the state for transportation, lodging, meals or any other purpose shall be allowed by any officer, employee or board charged with auditing accounts unless the same shall be presented in a detailed account: PROVIDED, That, unless otherwise authorized by law, the legislative body of any municipal corporation or political subdivision of the state may prescribe by ordinance or resolution the amounts to be paid officers or employees thereof as reimbursement for the use of their personal automobiles or other transportation equipment in connection with officially assigned duties and other travel for approved public purposes, or as reimbursement to such officers or employees in lieu of actual expenses incurred for lodging, meals or other purposes. The rates for such reimbursements may be computed on a mileage, hourly, per diem, monthly, or other basis as the respective legislative bodies shall determine to be proper in each instance: PROVIDED, That in lieu of such reimbursements, payments for the use of personal automobiles for official travel may be established if the legislative body determines that these payments would be less costly to the municipal corporation or political subdivision of the state than providing automobiles for official travel.

All claims authorized under this section shall be duly certified by the officer or employee submitting such claims on forms and in the manner prescribed by the ~~((division of municipal corporations in the office of the))~~ state auditor.

**Sec. 74.** RCW 53.06.060 and 1961 c 31 s 6 are each amended to read as follows:

The financial records of the Washington public ports association shall be subject to audit by the ~~((Washington state division of municipal corporations of the))~~ state auditor.

**Sec. 75.** RCW 56.08.110 and 1973 1st ex.s. c 195 s 62 are each amended to read as follows:

To improve the organization and operation of sewer districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of sewer systems in their respective districts. The commissioners of sewer districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. Sewer district commissioners and their employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: PROVIDED, That the aggregate contributions made to the association by the district in any calendar year shall not exceed the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property of the district. The financial records of such association shall be subject to audit by the ~~((Washington state division of municipal corporations of the))~~ state auditor.

**Sec. 76.** RCW 57.08.110 and 1973 1st ex.s. c 195 s 68 are each amended to read as follows:

To improve the organization and operation of water districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of water supply in their respective districts. The commissioners of water districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. Water district commissioners and employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: PROVIDED, That the aggregate contributions made to the association by the district in any calendar year shall not exceed the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property of the district. The financial records of such association shall be subject to audit by the ~~((Washington state division of municipal corporations of the))~~ state auditor.

**Sec. 77.** RCW 70.12.070 and 1991 c 3 s 316 are each amended to read as follows:

The public health pool fund shall be subject to audit by the (~~division of departmental audits~~) state auditor and shall be subject to check by the state department of health.

**NEW SECTION. Sec. 78.** The following acts or parts of acts are each repealed:

- (1) RCW 43.09.030 and 1965 c 8 s 43.09.030;
- (2) RCW 43.09.040 and 1965 c 8 s 43.09.040;
- (3) RCW 43.09.190 and 1965 c 8 s 43.09.190;
- (4) RCW 43.09.250 and 1988 c 52 s 1 & 1965 c 8 s 43.09.250; and
- (5) RCW 43.09.300 and 1988 c 53 s 1 & 1965 c 8 s 43.09.300.

**NEW SECTION. Sec. 79.** Sections 2 through 5, 8, and 14 of this act are each added to chapter 43.09 RCW."

Senator Snyder moved that the following amendment to the Committee on Government Operations striking amendment be adopted:

On page 33, after line 36, insert the following:

**"Sec. 78.** RCW 26.04.210 and 1985 c 82 s 5 are each amended to read as follows:

(1) The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 shall require each applicant therefor to make and file in (~~his~~) the auditor's office upon blanks to be provided by the county for that purpose, an affidavit showing that (~~they are not~~) if an applicant is afflicted with any contagious (~~venereal~~) sexually transmitted disease, the condition is known to both applicants, and that the applicants are the age of eighteen years or over (~~(= PROVIDED, FURTHER, That)~~). If the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. Anyone knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section shall be deemed guilty of perjury and punished as provided by the laws of the state of Washington.

(2) The affidavit form shall be designed to require a statement that no contagious sexually transmitted disease is present or that the condition is known to both applicants, without requiring the applicants to state whether or not either or both of them are afflicted by such disease."

Renumber the remaining sections consecutively and correct internal references accordingly.

#### POINT OF ORDER

Senator West: "I rise to raise the issue of scope and object. While the amendment is a meritorious amendment and perhaps--in fact, the Senate found it so when it passed the bill--it is so far out of scope and object that it takes quite an imagination to figure out how to attach it to this bill. The underlying bill is a bill dealing with the state auditor's office--responsibility in the state auditor's office. It makes some technical changes standardizing the terminology of local government, but it doesn't go anywhere near--it doesn't go anywhere near-- Title 26 and you really have to go way around a tree to get this one attached. Mr. President, I would make exactly the same argument on the next proposed amendment, in case that ever gets to us."

Further debate ensued.

There being no objection, the President deferred further consideration of Engrossed House Bill No. 1889.

#### MOTION

At 10:54 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:06 p.m. by President Pritchard.

#### MOTION

At 1:06 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 5:16 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGES FROM THE HOUSE

April 10, 1995

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5075,  
SENATE BILL NO. 5806,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5868,  
SENATE BILL NO. 5882,  
ENGROSSED SENATE BILL NO. 5888,  
SENATE BILL NO. 5894,  
SENATE BILL NO. 6011,  
SUBSTITUTE SENATE BILL NO. 6028,  
SENATE JOINT MEMORIAL NO. 8004,  
SENATE JOINT MEMORIAL NO. 8006, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5075,  
SENATE BILL NO. 5806,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5868,  
SENATE BILL NO. 5882,  
ENGROSSED SENATE BILL NO. 5888,  
SENATE BILL NO. 5894,  
SENATE BILL NO. 6011,  
SUBSTITUTE SENATE BILL NO. 6028,  
SENATE JOINT MEMORIAL NO. 8004,  
SENATE JOINT MEMORIAL NO. 8006.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1069, by House Committee on Law and Justice (originally sponsored by Representatives Delvin, wolfe, Mielke, Ebersole, Ballasiotes, Sheldon, Mastin, Carlson, McMorris, Carrell, Robertson, Hickel, Sheahan, Reams, Benton, Padden, Boldt, Hargrove, Chandler, McMahan, Cairnes, Clements, Chappell, buck, Campbell, L. Thomas, Johnson, Backlund, Cooke, Conway, Kessler, Costa, Mulliken, Kremen, Dickerson, quall, Basich, Fuhrman, Morris, Huff, Mitchell, Honeyford, Pennington, Elliot, Schoesler, D. Schmidt, Dyer and Appelwick)

Exempting retired law enforcement officers from restrictions on carrying firearms.

The bill was read the second time.

MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Spanel, Senators Owen, Pelz, Wojahn and Hargrove were excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1069.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1069 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 40.

Voting nay: Senators Fraser, Hochstatter, Rinehart and Spanel - 4.

Excused: Senators Anderson, C., Hargrove, Owen, Pelz and Wojahn - 5.

SUBSTITUTE HOUSE BILL NO. 1069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165, by House Committee on Finance (originally sponsored by Representatives Sherstad, Dickerson, Van Luven, L. Thomas and Mason) (by request of Department of Revenue)

Making technical corrections to excise and property tax statutes.

The bill was read the second time.

MOTION

Senator Spanel moved that further consideration of Engrossed Substitute House Bill No. 1165 be deferred.  
Senator West objected to deferring consideration of Engrossed Substitute House Bill No. 1165.  
Further debate ensued.

#### POINT OF INQUIRY

Senator West: "Senator Spanel, do you intend to deal with these amendments before we adjourn today?"

Senator Spanel: "I hope so."

Senator West: "Okay."

The motion by Senator Spanel carried and the Senate deferred further consideration of Engrossed Substitute House Bill No. 1165.

#### MOTION

Senator McDonald moved that the Senate advance to the ninth order of business.

Debate ensued.

Senator Spanel demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator McDonald that the Senate advance to the ninth order of business.

#### ROLL CALL

The Secretary called the roll on the motion by Senator McDonald to advance to the ninth order of business and the motion carried by the following vote: Yeas, 24; Nays, 21; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Haugen, Heavey, Kohl, Loveland, McAuliffe, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 21.

Excused: Senators Anderson, C., Hargrove, Owen and Pelz - 4.

#### MOTION

Senator McDonald moved that the Committee on Ways and Means be relieved of further consideration of Substitute House Bill No. 1540.

#### PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, please. How many votes does it take to relieve the Ways and Means Committee of this measure?"

#### RULING BY THE PRESIDENT

President Pritchard: "Twenty-five votes."

Senator Snyder: "Is that twenty-five Senators or--"

President Pritchard: "Twenty-five votes and if it ends up in a tie vote, why the Senate Rules and the Constitution provides that I would cast the tie vote. Senator Snyder, in case of a tie vote, I would vote, according to the Constitution."

Senator Snyder: "Rule 48 of the Senate Rules says it takes a majority vote of the senators elected to relieve a committee of a bill and also, the Constitution allows the Senate and the House to set their own rules."

President Pritchard: "All right, Senator Snyder, Senate Rule 1(9) says, 'When a vote of the Senate is equally divided, the Lieutenant Governor, when presiding, shall have the deciding vote on questions other than final passage of a bill.' It is Rule 1(9) and it cites the Constitution."

Senator Snyder: "Also, Senate Rule 48 says, 'by a majority vote of the senators elected.' I think we have a little dispute here; I don't think it is going to be necessary, possibly today. Also, I referred to Article II, Section 9, where it says, 'Each house may determine the rules of its own proceedings--.' I think that is why--"

President Pritchard: "If it is not inconsistent with the Constitution, but following the rulings as we judged it and the rulings of former Lieutenant Governor Cherberg, he told me, which was when you have a tie vote, the Lieutenant Governor votes on all things, except final passage."

Senator West demanded a roll call and the demand was sustained.

Further debate ensued.

#### MOTION

On motion of Senator Spanel, Senator Sheldon was excused.

Further debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Heavey: "A point of parliamentary inquiry. Mr. President, have we not adopted Reed's Rules and don't Reed's Rules say it is violative to mention another Senator by their name, to mention the other party or to mention the other body or to even to mention its own body by its proper name?"

REPLY BY THE PRESIDENT

President Pritchard: "Well, we have a certain amount of latitude and if it gets out of line, I can assure you the President will crack down."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator McDonald to relieve the Committee on Ways and Means of further consideration of Substitute House Bill No. 1540.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald to relieve the Committee on Ways and Means of further consideration of Substitute House Bill No. 1540 failed to receive the constitutional majority by the following vote: Yeas, 24; Nays, 20; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Haugen, Heavey, Kohl, Loveland, McAuliffe, Prentice, Quigley, Rasmussen, Rinehart, Smith, Snyder, Spanel, Sutherland and Wojahn - 20.

Excused: Senators Anderson, C., Hargrove, Owen, Pelz and Sheldon - 5.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1771, by Representatives Hickel, Basich, Padden, Kremen, Chappell and Carrell

Requiring a handling fee to be paid when a check is dishonored.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1771 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1771.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1771 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 41.

Voting nay: Senators Heavey, Quigley and Wojahn - 3.

Excused: Senators Anderson, C., Hargrove, Owen, Pelz and Sheldon - 5.

HOUSE BILL NO. 1771, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator West, the Senate immediately commenced consideration of Engrossed Substitute House Bill No. 1165, deferred on second reading earlier today.

MOTION

Senator Hochstatter moved that the following amendment by Senators Hochstatter, Rasmussen and Roach be adopted:

On page 4, after line 8, strike all of section 6 and insert the following:

"Sec. 6. RCW 9.41.135 and 1994 sp.s. c 7 s 418 are each amended to read as follows:

(1) At least once every twelve months, the department of licensing shall obtain a list of dealers licensed under 18 U.S.C. Sec. 923(a) with business premises in the state of Washington from the United States bureau of alcohol, tobacco, and firearms. The department of licensing shall verify that all dealers on the list provided by the bureau of alcohol, tobacco, and firearms are licensed and registered as required by RCW 9.41.100.

(2) At least once every twelve months, the department of licensing shall obtain from the department of revenue and the department of revenue shall transmit to the department of licensing a list of dealers registered with the department of revenue ((whose gross proceeds of sales

are below the reporting threshold provided in RCW 82.04.300)), and a list of dealers whose names and addresses were forwarded to the department of revenue by the department of licensing under RCW 9.41.110, who failed to register with the department of revenue as required by RCW 9.41.100.

(3) At least once every twelve months, the department of licensing shall notify the bureau of alcohol, tobacco, and firearms of all dealers licensed under 18 U.S.C. Sec. 923(a) with business premises in the state of Washington who have not complied with the licensing or registration requirements of RCW 9.41.100(~~(, or whose gross proceeds of sales are below the reporting threshold provided in RCW 82.04.300)~~). In notifying the bureau of alcohol, tobacco, and firearms, the department of licensing shall not specify whether a particular dealer has failed to comply with licensing requirements(~~(,) or has failed to comply with registration requirements(~~(, or has gross proceeds of sales below the reporting threshold)~~)~~)."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hochstatter, Rasmussen and Roach on page 4, after line 8, to Engrossed Substitute House Bill No. 1165.

The motion by Senator Hochstatter carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Haugen, the following amendment was adopted:

On page 5, after line 8, insert the following:

"**Sec. 8.** RCW 84.34.230 and 1994 c 301 s 33 are each amended to read as follows:

For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, a county may levy an amount not to exceed six and one-quarter cents per thousand dollars of assessed valuation against the assessed valuation of all taxable property within the county(~~(, which levy shall be in addition to that authorized by RCW 84.52.043)~~). The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.

**Sec. 9.** RCW 84.52.069 and 1994 c 79 s 2 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is authorized subsequent to a county emergency medical service levy, shall expire concurrently with the county emergency medical service levy.

(5) The ((tax levy authorized in this section is in addition to the tax levy authorized)) limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

**Sec. 10.** RCW 84.52.105 and 1993 c 337 s 2 are each amended to read as follows:

(1) A county, city, or town may impose additional regular property tax levies of up to fifty cents per thousand dollars of assessed value of property in each year for up to ten consecutive years to finance affordable housing for very low-income households when specifically authorized to do so by a majority of the voters of the taxing district voting on a ballot proposition authorizing the levies. If both a county, and a city or town within the county, impose levies authorized under this section, the levies of the last jurisdiction to receive voter approval for the levies shall be reduced or eliminated so that the combined rates of these levies may not exceed fifty cents per thousand dollars of assessed valuation in any area within the county. A ballot proposition authorizing a levy under this section must conform with RCW 84.52.054.

(2) The additional property tax levies may not be imposed until:

(a) The governing body of the county, city, or town declares the existence of an emergency with respect to the availability of housing that is affordable to very low-income households in the taxing district; and

(b) The governing body of the county, city, or town adopts an affordable housing financing plan to serve as the plan for expenditure of funds raised by a levy authorized under this section, and the governing body determines that the affordable housing financing plan is consistent with either the locally adopted or state-adopted comprehensive housing affordability strategy, required under the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701, et seq.), as amended.



(3) For purposes of this section, the term "very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income, as determined by the United States department of housing and urban development, with adjustments for household size, for the county where the taxing district is located.

~~(4) The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.~~

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 3 of the title, after "9.41.135," strike "and 82.32.320" and insert "82.32.320, 84.34.230, 84.52.069, and 84.52.105"

#### MOTION

On motion of Senator Loveland, the rules were suspended, Engrossed Substitute House Bill No. 1165, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1165, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1165, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senator Smith - 1.

Excused: Senators Anderson, C., Hargrove, Owen and Pelz - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "A point of parliamentary inquiry. If I don't speak on a bill, is it accumulative? I can speak five or six times later on in the evening?"

#### REPLY BY THE PRESIDENT

President Pritchard: "You can try, but I won't let you."

Senator McCaslin: "That is what I figured, Mr. President."

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1547, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Dellwo, Kessler, Dickerson, Basich and Costa)

Pertaining to longshore and harbor workers' compensation.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the following Committee on Financial Institutions and Housing amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.22.072 and 1993 c 177 s 2 are each amended to read as follows:

The committee appointed pursuant to RCW 48.22.071 shall submit a report to the legislature no later than January 1 (~~(, 1994 and 1995)~~) of each year, summarizing the activities of the plan adopted under RCW 48.22.070 during its most recent fiscal year and since its inception. (~~The committee shall in each report examine, based on the experience of the plan or other information made available to it, whether the Washington state industrial insurance fund should participate in the plan adopted pursuant to RCW 48.22.070; whether there are methods that will satisfy the intent of chapter 209, Laws of 1992 that will not involve the Washington state industrial insurance fund; and the feasibility of requiring that this coverage be made directly available through the Washington state industrial insurance fund.~~)

**NEW SECTION. Sec. 2.** 1993 c 177 s 3 & 1992 c 209 s 6 (uncodified) are each repealed.

**NEW SECTION. Sec. 3.** This act shall expire on July 1, 1997.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 48.22.072; repealing 1993 c 177 s 3 and 1992 c 209 s 6 (uncodified); providing an expiration date; and declaring an emergency."

## MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1547, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1547, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1547, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senator Heavey - 1.

Excused: Senators Anderson, C., Hargrove, Owen and Pelz - 4.

SUBSTITUTE HOUSE BILL NO. 1547, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1692, by House Committee on Law and Justice (originally sponsored by Representatives Padden, Costa, Scott and Appelwick)

Clarifying clerks' fees.

The bill was read the second time.

## MOTIONS

Senator Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 5.28.010 and 1987 c 202 s 124 are each amended to read as follows:

~~((That))~~ Every court, judge, clerk of a court, or notary public, is authorized to take testimony in any action, suit or proceeding, and such other persons in particular cases as authorized by law. Every such court or officer is authorized to collect fees established under RCW 36.18.020 and sections 11 through 14 of this act and to administer oaths and affirmations generally~~((;))~~ and to every such other person in such particular case as authorized.

**Sec. 2.** RCW 10.14.040 and 1987 c 280 s 4 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of unlawful harassment.

(1) A petition for relief shall allege the existence of harassment and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) All court clerks' offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Filing fees are set in RCW 36.18.020, but no filing fee may be charged for a petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

**Sec. 3.** RCW 10.82.070 and 1988 c 169 s 5 are each amended to read as follows:

(1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) The county treasurer shall remit monthly thirty-two percent of the money received under this section except for certain costs to the state treasurer for deposit as provided under RCW 43.08.250 and shall deposit the remainder as provided by law. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Costs or assessments awarded to dedicated accounts, state or local, are not subject to this state allocation or to RCW 7.68.035.

(3) All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

**Sec. 4.** RCW 11.86.031 and 1989 c 34 s 3 are each amended to read as follows:

- (1) The disclaimer shall:
  - (a) Be in writing;
  - (b) Be signed by the disclaimant;
  - (c) Identify the interest to be disclaimed; and
  - (d) State the disclaimer and the extent thereof.
- (2) The disclaimer shall be delivered or mailed as provided in subsection (3) of this section at any time after the creation of the interest, but in all events by nine months after the latest of:
  - (a) The date the beneficiary attains the age of twenty-one years;
  - (b) The date of the transfer; or
  - (c) The date that the beneficiary is finally ascertained and the beneficiary's interest is indefeasibly vested.
- (3) The disclaimer shall be mailed by first-class mail, or otherwise delivered, to the creator of the interest, the creator's legal representative, or the holder of the legal title to the property to which the interest relates or, if the creator is dead and there is no legal representative or holder of legal title, to the person having possession of the property.
- (4) If the date of the transfer is the date of the death of the creator of the interest, a copy of the disclaimer may be filed with the clerk of the probate court in which the estate of the creator is, or has been, administered, or, if no probate administration has been commenced, then with the clerk of the court of any county provided by law as the place for probate administration of such person, where it shall be indexed under the name of the decedent in the probate index upon the payment of a fee ~~((of two dollars))~~ established under section 13 of this act.
- (5) The disclaimer of an interest in real property may be recorded, but shall constitute notice to all persons only from and after the date of recording. If recorded, a copy of the disclaimer shall be recorded in the office of the auditor in the county or counties where the real property is situated.

**Sec. 5.** RCW 12.40.105 and 1983 c 254 s 2 are each amended to read as follows:

If the losing party fails to pay the judgment within twenty days or within the period otherwise ordered by the court, the judgment shall be increased by: (1) An amount sufficient to cover costs of certification of the judgment under RCW 12.40.110; and (2) the amount specified in ~~((RCW 36.18.020(3)))~~ section 11(2) of this act, without regard to the jurisdictional limits on the small claims department.

**Sec. 6.** RCW 12.40.110 and 1984 c 258 s 68 are each amended to read as follows:

(1) If the losing party fails to pay the judgment according to the terms and conditions thereof within twenty days or is in arrears on any payment plan, and the prevailing party so notifies the court, the judge before whom such hearing was had shall certify the judgment in substantially the following form:

Washington.

In the District Court of . . . . . County.

Plaintiff,

vs.

Defendant.

In the Small Claims Department.

This is to certify that: (1) In a certain action before me, the undersigned, had on this the . . . . day of . . . . . 19. . . , wherein . . . . . was plaintiff and . . . . . defendant, jurisdiction of said defendant having been had by personal service (or otherwise) as provided by law, I then and there entered judgment against . . . . . in the sum of . . . . . Dollars; (2) the judgment has not been paid within twenty days or the period otherwise ordered by the court; and (3) pursuant to RCW 12.40.105, the amount of the judgment is hereby increased by any costs of certification under this section and the amount specified in ~~((RCW 36.18.020(3)))~~ section 11(2) of this act.

Witness my hand this . . . . day of . . . . ., 19. . .

District Judge sitting in the  
Small Claims Department.

- (2) The judge shall forthwith enter the judgment transcript on the judgment docket of the district court; and thereafter garnishment, execution, and other process on execution provided by law may issue thereon, as in other judgments of district courts.
- (3) Transcripts of such judgments may be filed and entered in judgment lien dockets in superior courts with like effect as in other cases.

**Sec. 7.** RCW 13.64.020 and 1993 c 294 s 2 are each amended to read as follows:

(1) A petition for emancipation shall be signed and verified by the petitioner, and shall include the following information: (a) The full name of the petitioner, the petitioner's birthdate, and the state and county of birth; (b) a certified copy of the petitioner's birth certificate; (c) the name and last known address of the petitioner's parent or parents, guardian, or custodian; (d) the petitioner's present address, and length of residence at that address; (e) a declaration by the petitioner indicating that he or she has the ability to manage his or her financial affairs, including any supporting information; and (f) a declaration by the petitioner indicating that he or she has the ability to manage his or her personal, social, educational, and nonfinancial affairs, including any supporting information.

(2) ~~((A reasonable filing fee not to exceed fifty dollars shall be set by the court.))~~ Fees for this section are set under section 12 of this act.

**Sec. 8.** RCW 26.50.030 and 1992 c 111 s 2 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of domestic violence.

(1) A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties except in cases where the court realigns petitioner and respondent in accordance with RCW 26.50.060~~((3))~~ (4).

(3) Within ninety days of receipt of the master copy from the administrator for the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW 26.50.035 and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) ~~((A))~~ No filing fee ~~((of twenty dollars shall))~~ may be charged for proceedings under this section. ~~((No filing fee may be charged for: (a) A petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought; or (b) the transfer of a case from district or municipal court to superior court under RCW 26.50.020(2).))~~ Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

**Sec. 9.** RCW 34.05.514 and 1994 c 257 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section ~~((and RCW 36.70A.300(3)))~~, proceedings for review under this chapter shall be instituted by paying the fee required under RCW 36.18.020 and filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

**Sec. 10.** RCW 36.18.020 and 1993 c 435 s 1 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state public safety and education account under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070.

(2) Clerks of superior courts shall collect the following fees for their official services:

~~((1))~~ (a) The party filing the first or initial paper in any civil action, including, but not limited to an action for restitution, ~~((or))~~ adoption, or change of name, shall pay, at the time ~~((said))~~ the paper is filed, a fee of one hundred ten dollars except, in ~~((proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or))~~ an unlawful detainer action under chapter 59.18 or 59.20 RCW ~~((where))~~ for which the plaintiff shall pay a case initiating filing fee of thirty dollars. ~~((If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional eighty dollars which shall be considered part of the filing fee.))~~ The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

~~((2))~~ (b) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of one hundred ten dollars.

~~((3))~~ The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of fifty dollars; if the demand is for a jury of twelve the fee shall be one hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional fifty-dollar fee will be required of the party demanding the increased number of jurors.

(7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect twenty dollars.

(8) For preparing, transcribing or certifying any instrument on file or of record in the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of twenty dollars shall be charged.

(11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

~~((12))~~ (c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of one hundred ten dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of one hundred ten dollars.

(e) For filing of a petition for determination of water rights under RCW 90.03.180 a filing fee of twenty-five dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of one hundred ten dollars ~~((: PROVIDED, HOWEVER, A fee of twenty dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170)).~~

~~((13))~~ (g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of one hundred ten dollars.

~~((14))~~ For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(15) For the preparation of a passport application the clerk may collect an execution fee as authorized by the federal government.

(16) For clerks' special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(17) For duplicated recordings of court's proceedings there shall be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

~~((18))~~ (h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of one hundred ten dollars.

~~((19))~~ (i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

~~((20))~~ (3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

**NEW SECTION. Sec. 11.** A new section is added to chapter 36.18 RCW to read as follows:

(1) Revenue collected under this section is subject to division with the state for deposit in the public safety and education account under RCW 36.18.025.

(2) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing a fee of fifteen dollars.

(3) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars must be paid.

(4) The clerk shall collect a fee of twenty dollars for: Filing a paper not related to or a part of a proceeding, civil or criminal, or a probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law; or filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(5) If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay before proceeding with the unlawful detainer action eighty dollars.

(6) For a restrictive covenant for filing a petition to strike discriminatory provisions in real estate under RCW 49.60.227 a fee of twenty dollars must be charged.

(7) A fee of twenty dollars must be charged for filing a will only, when no probate of the will is contemplated.

(8) A fee of two dollars must be charged for filing a petition, written agreement, or written memorandum in a nonjudicial probate dispute under RCW 11.96.170.

(9) For certification of delinquent taxes by a county treasurer under RCW 84.64.190, a fee of five dollars must be charged.

**NEW SECTION. Sec. 12.** A new section is added to chapter 36.18 RCW to read as follows:

(1) Revenue collected under this section is subject to division with the county law library under RCW 27.24.070.

(2) For filing a petition for emancipation for minors as required under RCW 13.64.020 a fee up to fifty dollars must be collected.

**NEW SECTION. Sec. 13.** A new section is added to chapter 36.18 RCW to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, a fee of twenty dollars must be paid.

(3) The party making a demand for jury of six in a civil action shall pay, at the time, a fee of fifty dollars; if the demand is for a jury of twelve, a fee of one hundred dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional fifty-dollar fee will be required of the party demanding the increased number of jurors. Upon conviction in criminal cases a jury demand charge may be imposed as costs under RCW 10.46.190.

(4) For preparing, transcribing, or certifying an instrument on file or of record in the clerk's office, with or without seal, for the first page or portion of the first page, a fee of two dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of one dollar for each additional seal affixed must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(8) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

(9) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(10) For clerk's special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(11) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

(12) For the filing of oaths and affirmations under chapter 5.28 RCW, a fee of twenty dollars must be charged.

(13) For filing a disclaimer of interest under RCW 11.86.031(4), a fee of two dollars must be charged.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of five dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of one hundred ten dollars must be charged.

(16) A facilitator surcharge of ten dollars must be charged as authorized under RCW 26.12.240.

(17) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(18) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(19) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(20) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(21) Investment service charge and earnings under RCW 36.48.090 must be charged.

(22) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

**NEW SECTION. Sec. 14.** A new section is added to chapter 36.18 RCW to read as follows:

(1) State revenue collected by county clerks under subsection (2) of this section must be transmitted to the appropriate state court. The office of the state administrator for the courts shall retain fees collected under subsection (3) of this section.

(2) For appellate review under RAP 5.1(b), two hundred fifty dollars must be charged.

(3) For all copies and reports produced by the administrator for the courts as permitted under RCW 2.68.020 and supreme court policy, a variable fee must be charged.

**Sec. 15.** RCW 36.18.022 and 1992 c 54 s 5 are each amended to read as follows:

The court may waive the filing fees provided for under RCW 36.18.020 ~~((+and))~~ (2) (a) and (b) upon affidavit by a party that the party is unable to pay the fee due to financial hardship.

**Sec. 16.** RCW 40.14.027 and 1994 c 193 s 2 are each amended to read as follows:

State agencies shall collect a surcharge of twenty dollars from the judgment debtor upon the satisfaction of a warrant filed in superior court for unpaid taxes or liabilities. The surcharge is imposed on the judgment debtor in the form of a penalty in addition to the filing fee provided in ((RCW 36.18.020(4))) section 11(3) of this act. The surcharge revenue shall be transmitted to the state treasurer for deposit in the archives and records management account, or procedures for the collection and transmittal of surcharge revenue to the archives and records management account shall be established cooperatively between the filing agencies and clerks of superior court.

Surcharge revenue deposited in the archives and records management account shall be expended by the secretary of state exclusively for the payment of costs and expenses incurred in the provision of public archives and records management services to local government agencies by the division of archives and records management. The secretary of state shall work with local government representatives to establish a committee to advise the state archivist on the local government archives and records management program. Surcharge revenue shall be allocated exclusively to:

- (1) Appraise, process, store, preserve, and provide public research access to original records designated by the state archivist as archival which are no longer required to be kept by the agencies which originally made or filed them;
- (2) Protect essential records, as provided by chapters 40.10 and 40.20 RCW. Permanent facsimiles of essential records shall be produced and placed in security storage with the state archivist;
- (3) Coordinate records retention and disposition management and provide support for the following functions under RCW 40.14.070:
  - (a) Advise and assist individual agencies on public records management requirements and practices; and
  - (b) Compile, maintain, and regularly update general records retention schedules and destruction authorizations; and
  - (4) Develop and maintain standards for the application of recording media and records storage technologies.

**Sec. 17.** RCW 49.60.227 and 1993 c 69 s 10 are each amended to read as follows:

If a written instrument contains a provision that is void by reason of RCW 49.60.224, the owner, occupant, or tenant of the property which is subject to the provision may cause the provision to be stricken from the public records by bringing an action in the superior court in the county in which the property is located. The action shall be an in rem, declaratory judgment action whose title shall be the description of the property. The necessary party to the action shall be the owner, occupant, or tenant of the property or any portion thereof. The person bringing the action shall pay a fee set under section 11 of this act.

If the court finds that any provisions of the written instrument are void under RCW 49.60.224, it shall enter an order striking the void provisions from the public records and eliminating the void provisions from the title or lease of the property described in the complaint.

**Sec. 18.** RCW 65.12.780 and 1907 c 250 s 94 are each amended to read as follows:

On the filing of any application for registration, the applicant shall pay to the clerk of the court ~~((in counties having more than forty thousand population, the sum of three dollars; and in all other counties, the sum of five dollars, which shall be in full of all clerk's fees and charges in such proceeding in behalf of the applicant. Any defendant, on entering his appearance, shall pay to the clerk of the court, the sum of three dollars, which shall be in full of all clerk's fees in behalf of such defendant))~~ filing fees as set in section 13 of this act. When any number of defendants enter their appearance at the same time, before default, but one fee shall be paid. Every publication in a newspaper required by this chapter shall be paid for by the party on whose application the order of publication is made, in addition to the fees above prescribed. The party at whose request any notice is issued, shall pay for the service of the same, except when sent by mail by the clerk of court, or the registrar of titles.

**Sec. 19.** RCW 70.02.070 and 1991 c 335 s 206 are each amended to read as follows:

Upon the request of the person requesting the record, the health care provider or facility shall certify the record furnished and may charge for such certification in accordance with ~~((RCW 36.18.020(9)))~~ section 13(5) of this act. No record need be certified until the fee is paid. The certification shall be affixed to the record and disclose:

- (1) The identity of the patient;
- (2) The kind of health care information involved;
- (3) The identity of the person to whom the information is being furnished;
- (4) The identity of the health care provider or facility furnishing the information;
- (5) The number of pages of the health care information;
- (6) The date on which the health care information is furnished; and
- (7) That the certification is to fulfill and meet the requirements of this section.

**Sec. 20.** RCW 90.03.180 and 1982 c 15 s 2 are each amended to read as follows:

At the time of filing the statement as provided in RCW 90.03.140, each defendant shall pay to the clerk of the superior court a fee ~~((of twenty-five dollars))~~ as set under RCW 36.18.020.

NEW SECTION. **Sec. 21.** RCW 2.32.075 and 1961 c 304 s 5 are each repealed."

On motion of Senator Wojahn, the following amendment by Senators Wojahn, Winsley, Haugen, Loveland, Fairley, Kohl, Rinehart, Prentice, Long, Sheldon, McAuliffe, Wood, Franklin, Spanel, Drew and Fraser to the Committee on Law and Justice striking amendment was adopted:

On page 9, after line 17 of the committee amendment, insert the following:

"**Sec. 11.** RCW 36.18.010 and 1991 c 26 s 2 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

For recording instruments, for the first page, legal size (eight and one-half by fourteen inches or less), five dollars; for each additional legal size page, one dollar; the fee for recording multiple transactions contained in one instrument will be calculated individually for each transaction requiring separate indexing as required under RCW 65.04.050;

For preparing and certifying copies, for the first legal size page, three dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund, ~~((which five-dollar fee shall expire June 30, 1995,))~~ plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat; For recording of miscellaneous records, not listed above, for first legal size page, five dollars; for each additional legal size page, one dollar;

For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170." Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Substitute House Bill No. 1692.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 5.28.010, 10.14.040, 10.82.070, 11.86.031, 12.40.105, 12.40.110, 13.64.020, 26.50.030, 34.05.514, 36.18.020, 36.18.022, 40.14.027, 49.60.227, 65.12.780, 70.02.070, and 90.03.180; adding new sections to chapter 36.18 RCW; and repealing RCW 2.32.075."

On page 15, line 13 of the title amendment, after "34.05.514," insert "36.18.010,"

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1692, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Ann Anderson, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1692, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1692, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Hargrove, McCaslin, Owen and Pelz - 5.

SUBSTITUTE HOUSE BILL NO. 1692, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724, by House Committee on Government Operations (originally sponsored by Representatives Reams, Rust, L. Thomas, Goldsmith, Ogden, Patterson, Poulsen, Scott, Regala, Mastin, Valle and Chopp (by request of Governor Lowry)

Revising provisions relating to growth management.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fraser, the following Committee on Ways and Means amendment was adopted: Strike everything after the enacting clause and insert the following:

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**NEW SECTION. Sec. 1.** The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development.

## PART I - GROWTH MANAGEMENT ACT

**NEW SECTION. Sec. 101.** The legislature finds that during project review, a county or city planning under RCW 36.70A.040 is likely to discover the need to make various improvements in comprehensive plans and development regulations. There is no current requirement or process for applicants, citizens, or agency staff to ensure that these improvements are considered in the plan review process. The legislature also finds that in the past environmental review and permitting of proposed projects have been used to reopen and make land use planning decisions that should have been made through the comprehensive planning process, in part because agency staff and hearing examiners have not been able to ensure consideration of all issues in the local planning process. The legislature further finds that, while plans and regulations should be improved and refined over time, it is unfair to penalize applicants that have submitted permit applications that meet current requirements. It is the intent of the legislature in enacting section 102 of this act to establish a means by which cities and counties will docket suggested plan or development regulation amendments and ensure their consideration during the planning process.

**NEW SECTION. Sec. 102.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Project review, which shall be conducted pursuant to the provisions of chapter 36.-- RCW (the new chapter created in section 431 of this act), shall be used to make individual project decisions, not land use planning decisions. If, during project review, a county or city planning under RCW 36.70A.040 identifies deficiencies in plans or regulations:

(a) The permitting process shall not be used as a comprehensive planning process;

(b) Project review shall continue; and

(c) The identified deficiencies shall be docketed for possible future plan or development regulation amendments.

(2) Each county and city planning under RCW 36.70A.040 shall include in its development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest plan or development regulation amendments. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW 36.70A.130.

(3) For purposes of this section, a deficiency in a comprehensive plan or development regulation refers to the absence of required or potentially desirable contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation addresses a project's probable specific adverse environmental impacts which the permitting agency could mitigate in the normal project review process.

(4) For purposes of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan or development regulations in a manner that will ensure such suggested changes will be considered by the county or city and will be available for review by the public.

**Sec. 103.** RCW 36.70A.030 and 1994 c 307 s 2 and 1994 c 257 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community, trade, and economic development.

(7) ~~(For purposes of RCW 36.70A.065 and 36.70A.440, "development permit application" means any application for a development proposal for a use that could be permitted under a plan adopted pursuant to this chapter and is consistent with the underlying land use and zoning, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses or other applications pertaining to land uses, but shall not include rezones, proposed amendments to comprehensive plans or the adoption or amendment of development regulations.~~

~~(8))~~ "Development regulations" means ~~((any))~~ the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in section 402 of this act, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

~~((9))~~ (8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

~~((10))~~ (9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.



~~((14))~~ (10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((12))~~ (11) "Minerals" include gravel, sand, and valuable metallic substances.

~~((13))~~ (12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

~~((14))~~ (13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

~~((15))~~ (14) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((16))~~ (15) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((17))~~ (16) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

~~((18))~~ (17) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. ~~((However,))~~ Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands ~~((if permitted by the county or city)).~~

**NEW SECTION. Sec. 104.** A new section is added to chapter 36.70A RCW to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

**NEW SECTION. Sec. 105.** A new section is added to chapter 36.70A RCW to read as follows:

(1) In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(2) If it determines that advice from scientific or other experts is necessary or will be of substantial assistance in reaching its decision, a growth management hearings board may retain scientific or other expert advice to assist in reviewing a petition under RCW 36.70A.290 that involves critical areas.

**Sec. 106.** RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each amended to read as follows:

(1) Each comprehensive land use plan and development regulations shall be subject to continuing evaluation and review by the county or city that adopted them.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:

(i) The initial adoption of a subarea plan; and

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW.

(b) All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

**Sec. 107.** RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14 are each amended to read as follows:

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW 36.70A.300 declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

**Sec. 108.** RCW 36.70A.280 and 1994 c 249 s 31 are each amended to read as follows:

(1) A growth management hearings board shall hear and determine only those petitions alleging either:

(a) That a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by the state, a county or city that plans under this chapter, a person who has either appeared before the county or city regarding the matter on which a review is being requested or is certified by the governor within sixty days of filing the request with the board, or a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**Sec. 109.** RCW 36.70A.290 and 1994 c 257 s 2 and 1994 c 249 s 26 are each reenacted and amended to read as follows:

(1) All requests for review to a growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the local government publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

**Sec. 110.** RCW 36.70A.300 and 1991 sp.s. c 32 s 11 are each amended to read as follows:

(1) The board shall issue a final order within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to plans, development regulations, and amendments thereto, adopted under RCW 36.70A.040 or chapter 90.58 RCW. In the final order, the board shall either: (a) Find that the state agency, county, or city is in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs; or (b) find that the state agency, county, or city is not in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, in which case the board shall remand the matter to the affected state agency, county, or city and specify a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply with the requirements of this chapter.

(2) A finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand, unless the board's final order also:

(a) Includes a determination, supported by findings of fact and conclusions of law, that the continued validity of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and

(b) Specifies the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

(3) A determination of invalidity shall:

(a) Be prospective in effect and shall not extinguish rights that vested under state or local law before the date of the board's order; and

(b) Subject any development application that would otherwise vest after the date of the board's order to the local ordinance or resolution that both is enacted in response to the order of remand and determined by the board pursuant to RCW 36.70A.330 to comply with the requirements of this chapter.

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (2) of this section whether the prior policies or regulations are valid during the period of remand.

(5) Any party aggrieved by a final decision of the hearings board may appeal the decision to ((~~Thurston county~~)) superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board.

**Sec. 111.** RCW 36.70A.320 and 1991 sp.s. c 32 s 13 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption. In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it finds by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter.

(2) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

**Sec. 112.** RCW 36.70A.330 and 1991 sp.s. c 32 s 14 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(1)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board (~~(on its own motion or motion of the petitioner,))~~ shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, city, or county. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board.

(3) If the board finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may recommend to the governor that the sanctions authorized by this chapter be imposed.

(4) The board shall also reconsider its final order and decide:

(a) If a determination of invalidity has been made, whether such a determination should be rescinded or modified under the standards in RCW 36.70A.300(2); or

(b) If no determination of invalidity has been made, whether one now should be made under the standards in RCW 36.70A.300(2).

The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

**Sec. 113.** RCW 34.05.514 and 1994 c 257 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section (~~(and RCW 36.70A.300(3))~~), proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

**NEW SECTION. Sec. 114.** (1) The legislature finds that:

(a) As of the effective date of this section, twenty-nine counties and two hundred eight cities are conducting comprehensive planning under the growth management act, chapter 36.70A RCW, which together comprise over ninety percent of the state's population;

(b) Comprehensive plans for many of the jurisdictions were due by July 1, 1994, and the remaining jurisdictions must complete plans under due dates ranging from October 1994 to September 1997;

(c) Concurrently with these comprehensive planning activities, local governments must conduct several other planning requirements under the growth management act, such as the adoption of capital facilities plans, urban growth areas, and development regulations;

(d) Local governments must also comply with the state environmental policy act, chapter 43.21C RCW, in the development of comprehensive plans and development regulations;

(e) The combined activities of comprehensive planning and the state environmental policy act present a serious fiscal burden upon local governments; and

(f) Detailed environmental analysis integrated with comprehensive plans, subarea plans, and development regulations will facilitate planning for and managing growth, allow greater protection of the environment, and benefit both the general public and private property owners.

(2) In order to provide financial assistance to cities and counties planning under chapter 36.70A RCW and to improve the usefulness of plans and integrated environmental analyses, the legislature has created the fund described in section 115 of this act.

**NEW SECTION. Sec. 115.** A new section is added to chapter 36.70A RCW to read as follows:

The growth management planning and environmental review fund is hereby established in the state treasury. Moneys may be placed in the fund from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source. Moneys in the fund may be spent only after appropriation. Moneys in the fund shall be used to make grants to local governments for the purposes set forth in section 202 of this act, RCW 43.21C.031, or section 116 of this act.

**NEW SECTION. Sec. 116.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department of community, trade, and economic development shall provide management services for the fund created by section 115 of this act. The department by rule shall establish procedures for fund management.

(2) A grant may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant shall be provided to assist a county or city in paying for the cost of preparing a detailed environmental impact statement that is integrated with a comprehensive plan or subarea plan and development regulations.

(3) In order to qualify for a grant, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW that is integrated with a comprehensive plan or subarea plan and development regulations;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by subsequent applicants for development permits within the geographic area analyzed in the plan;

(c) Include mechanisms in the plan to monitor the consequences of growth as it occurs in the plan area and provide ongoing data to update the plan and environmental analysis;

(d) Be making substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(e) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Comprehensive and subarea plan proposals that are designed to identify and monitor system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans;

(d) Programs for effective citizen and neighborhood involvement that contribute to greater certainty that planning decisions will be implemented; and

(e) Plans that identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

## PART II - STATE ENVIRONMENTAL POLICY ACT:

**NEW SECTION. Sec. 201.** (1) The legislature finds in adopting section 202 of this act that:

(a) Comprehensive plans and development regulations adopted by counties, cities, and towns under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of environmental subjects and impacts. These plans, regulations, rules, and laws often provide environmental analysis and mitigation measures for project actions without the need for an environmental impact statement or further project mitigation.

(b) Existing plans, regulations, rules, or laws provide environmental analysis and measures that avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed projects should be integrated with, and should not be duplicated by, environmental review under chapter 43.21C RCW.

(c) Proposed projects should continue to receive environmental review, which should be conducted in a manner that is integrated with and does not duplicate other requirements. Project-level environmental review should be used to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures.

(d) When a project permit application is filed, an agency should analyze the proposal's environmental impacts, as required by applicable regulations and the environmental review process required by this chapter, in one project review process. The project review process should include land use, environmental, public, and governmental review, as provided by the applicable regulations and the rules adopted under this chapter, so that documents prepared under different requirements can be reviewed together by the public and other agencies. This project review will provide an agency with the information necessary to make a decision on the proposed project.

(e) Through this project review process: (i) If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this chapter will not be necessary on those impacts; (ii) if the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this chapter; and (iii) if the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental impacts, this chapter provides the authority and procedures for additional review.

(2) The legislature intends that a primary role of environmental review under chapter 43.21C RCW is to focus on the gaps and overlaps that may exist in applicable laws and requirements related to a proposed action. The review of project actions conducted by counties, cities, and towns planning under RCW 36.70A.040 should integrate environmental review with project review. Chapter 43.21C RCW should not be used as a substitute for other land use planning and environmental requirements.

**NEW SECTION. Sec. 202.** A new section is added to chapter 43.21C RCW to read as follows:

(1) If the requirements of subsection (2) of this section are satisfied, a county, city, or town reviewing a project action may determine that the requirements for environmental analysis, protection, and mitigation measures in the county, city, or town's development regulations and comprehensive plans adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws and rules provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply.

(2) A county, city, or town may make the determination provided for in subsection (1) of this section if:

(a) In the course of project review, including any required environmental analysis, the local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, or other local, state, or federal rules or laws; and

(b) The local government bases or conditions its approval on compliance with these requirements or mitigation measures.

(3) If a county, city, or town's comprehensive plans, subarea plans, and development regulations adequately address a project's probable specific adverse environmental impacts, as determined under subsections (1) and (2) of this section, the county, city, or town shall not impose additional mitigation under this chapter during project review. Project review shall be integrated with environmental analysis under this chapter.

(4) A comprehensive plan, subarea plan, or development regulation shall be considered to adequately address an impact if the county, city, or town, through the planning and environmental review process under chapter 36.70A RCW and this chapter, has identified the specific adverse environmental impacts and:

(a) The impacts have been avoided or otherwise mitigated; or

(b) The legislative body of the county, city, or town has designated as acceptable certain levels of service, land use designations, development standards, or other land use planning required or allowed by chapter 36.70A RCW.

(5) In deciding whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the county, city, or town shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the county, city, or town shall base or condition its project approval on compliance with these other existing rules or laws.

(6) Nothing in this section limits the authority of an agency in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by this chapter.

(7) This section shall apply only to a county, city, or town planning under RCW 36.70A.040.

**Sec. 203.** RCW 43.21C.031 and 1983 c 117 s 1 are each amended to read as follows:

(1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations

shall be clearly identifiable in the combined document. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement under this chapter. In a county, city, or town planning under RCW 36.70A.040, a planned action, as provided for in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.

An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

(2)(a) For purposes of this section, a planned action means one or more types of project action that:

(i) Are designated planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with (A) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or (B) a fully contained community, a master planned resort, a master planned development, or a phased project;

(iii) Are subsequent or implementing projects for the proposals listed in (a)(ii) of this subsection;

(iv) Are located within an urban growth area, as defined in RCW 36.70A.030;

(v) Are not essential public facilities, as defined in RCW 36.70A.200; and

(vi) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.

(b) A county, city, or town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county, city, or town and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.

**Sec. 204.** RCW 43.21C.075 and 1994 c 253 s 4 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall not allow more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement) ~~(consistent with any state statutory requirements for appeals to local legislative bodies)~~. The appeal proceeding on a determination of significance ~~(nonsignificance)~~ may occur before the agency's final decision on a proposed action. The appeal proceeding on a determination of nonsignificance may occur before the agency's final decision on a proposed action only if the appeal is heard at a proceeding where the hearing body or officer will render a final recommendation or decision on the proposed underlying governmental action. Such ~~((an))~~ appeals shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous ~~((appeal of an))~~ hearing before one hearing officer or body to consider the agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the ~~((threshold determination))~~ appeal, if any, of a determination of significance as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an appeal procedure, such person shall, prior to seeking any judicial review, use such agency procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) ~~((RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter.))~~ Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. This ~~((section))~~ subsection does not modify any such time periods. ~~((This section governs when a judicial appeal must be brought under this chapter where a "notice of action" is used, and/or where there is another time period which is required by statute or ordinance for challenging the underlying governmental action.))~~ In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within ~~((thirty days))~~ such time period. The agency shall give official notice stating the date and place for commencing an appeal. ~~((If there is an agency proceeding under subsection (3) of this section, the appellant shall, prior to commencing a judicial appeal, submit to the responsible official a notice of intent to commence a judicial appeal. This notice of intent shall be given within the time period for commencing a judicial appeal on the underlying governmental action.))~~

(b) If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 ~~((may be used. If a notice of action))~~ is used, ~~((judicial))~~ appeals shall be commenced within the time period specified by RCW 43.21C.080 ~~((unless there is a time period for appealing the underlying governmental action in which case (a) of this subsection shall apply.))~~

(e) Notwithstanding RCW 43.21C.080(1), if there is a time period for appealing the underlying governmental action, a notice of action may be published within such time period).

(6)(a) Judicial review under subsection (5) of this section of an appeal decision made by an agency under ((RCW 43.21C.075(5))) subsection (3) of this section shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order within one hundred eighty days as provided in RCW 90.58.180.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2) ((and (3))))). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. Except as provided in subsection (5) of this section, the word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

**Sec. 205.** RCW 43.21C.080 and 1977 ex.s. c 278 s 1 are each amended to read as follows:

(1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in ((subsection (3) of this section and in the following manner)) rules adopted under RCW 43.21C.110:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and

(c) Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of ((last)) first newspaper publication;

(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid.

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

(2)(a) Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review, or otherwise challenge any such governmental action or subsequent governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within ((thirty)) twenty-one days from the date of last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred((: PROVIDED, HOWEVER, That the time period within which an action shall be commenced shall be ninety days (i) for projects to be performed by a governmental agency or to be performed under government contract, or (ii) for thermal power plant projects: PROVIDED FURTHER, That)).

(b) Any subsequent governmental action on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW 43.21C.030(2)(a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action that is likely to have adverse environmental impacts beyond the range of impacts previously analyzed, or unless the action now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation.

~~((b) Any action to challenge a subsequent governmental action based upon any provisions of this chapter shall be commenced within thirty days from the date of last newspaper publication of the subsequent governmental action except (i) for projects to be performed by a governmental agency or to be performed under governmental contract, or (ii) for thermal power plant projects which shall be challenged within ninety days from the date of last newspaper publication of the subsequent governmental action, or be barred.~~

(3) ~~The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:~~

NOTICE OF ACTION BY

.....  
(Government agency or entity)

Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that:

The ..... (Government agency or entity) did on ..... (date), take the action described below.

~~Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within ..... days or be barred.~~

The action taken by . . . . . (Government agency or entity), notice of which is hereby given, was as follows:

(1) . . . . . (Here insert description of action taken such as: Adoption Ordinance No. . . . . ; Issued Building Permit; Approved preliminary (or final) plat, etc.)

(2) . . . . . (Here insert brief description of the complete project or proposal.)

(3) Said action pertained to property commonly known as:

(Sufficient description to locate property, but complete legal description not required)

(4) Pertinent documents may be examined during regular business hours at the office of: . . . . . located at:

(Location, including room number)

(Name of government agency, proponent, or applicant giving notice)

Filed by

(Signature of individual and capacity in which such individual is signing))

**Sec. 206.** RCW 43.21C.110 and 1983 c 117 s 7 are each amended to read as follows:

It shall be the duty and function of the department of ecology (~~(- which may utilize proposed rules developed by the environmental policy commission))~~):

(1) To adopt and amend thereafter rules of interpretation and implementation of this chapter (~~((the state environmental policy act of 1974)))~~), subject to the requirements of chapter 34.05 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public hearings requirements associated with rule promulgation. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent promulgation and adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter (~~((the state environmental policy act of 1974)))~~):

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is categorically exempt under the rules adopted by the department may not be conditioned or denied under this chapter.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decision making and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(m) Rules and procedures that provide for the integration of environmental review with project review as provided in section 202 of this act. The rules and procedures shall be jointly developed with the department of community, trade, and economic development and shall be applicable to the preparation of environmental documents for actions in counties, cities, and towns planning under RCW 36.70A.040. The rules and procedures shall also include criteria to analyze the consistency of project actions, including planned actions under RCW 43.21C.031(2), with development regulations adopted under chapter 36.70A RCW, or in the absence of applicable development regulations, the appropriate elements of a comprehensive plan or subarea plan adopted under chapter 36.70A RCW. Ordinances or procedures adopted by a county, city, or town to implement the provisions of section 202 of this act prior to the effective date of rules adopted under this subsection (1)(m) shall continue to be

effective until the adoption of any new or revised ordinances or procedures that may be required. If any revisions are required as a result of rules adopted under this subsection (1)(m), those revisions shall be made within the time limits specified in RCW 43.21C.120.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of chapter 34.05 RCW (~~34.05.538 and 34.05.240~~).

**Sec. 207.** RCW 43.21C.900 and 1971 ex.s. c 109 s 7 are each amended to read as follows:

This chapter shall be known and may be cited as the "State Environmental Policy Act (~~of 1971~~)" or "SEPA".

### PART III - SHORELINE MANAGEMENT ACT

**Sec. 301.** RCW 90.58.020 and 1992 c 105 s 1 are each amended to read as follows:

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and ~~((wetlands)) shorelands~~ of the state shall be recognized by the department. Shorelines and ~~((wetlands)) shorelands~~ of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and ~~((wetlands)) shorelands~~ of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

**Sec. 302.** RCW 90.58.030 and 1987 c 474 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

- (1) Administration:
  - (a) "Department" means the department of ecology;
  - (b) "Director" means the director of the department of ecology;
  - (c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;
  - (d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;
  - (e) "Hearing board" means the shoreline hearings board established by this chapter.
- (2) Geographical:
  - (a) "Extreme low tide" means the lowest line on the land reached by a receding tide;
  - (b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon



the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated ~~((wetlands))~~ shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and

(E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those ~~((wetlands))~~ shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "~~((Wetlands))~~ Shorelands" or "~~((wetland))~~ shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all ~~((marshes, bogs, swamps,))~~ wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology(~~(= PROVIDED, That)~~). Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on ~~((wetlands))~~ shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels(~~(= PROVIDED, That)~~). A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the ~~((wetlands))~~ shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for

feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on ~~((wetlands))~~ shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

~~(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge).~~

**Sec. 303.** RCW 90.58.050 and 1971 ex.s. c 286 s 5 are each amended to read as follows:

This chapter establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of this chapter. The department shall act primarily in a supportive and review capacity with ~~((primary))~~ an emphasis on providing assistance to local government and on insuring compliance with the policy and provisions of this chapter.

**Sec. 304.** RCW 90.58.060 and 1971 ex.s. c 286 s 6 are each amended to read as follows:

(1) ~~((Within one hundred twenty days from June 1, 1971,))~~ The department shall ~~((submit to local governments proposed))~~ periodically review and adopt guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100 for:

(a) Development of master programs for regulation of the uses of shorelines; and

(b) Development of master programs for regulation of the uses of shorelines of state-wide significance.

(2) Before adopting or amending guidelines under this section, the department shall provide an opportunity for public review and comment as follows:

(a) The department shall mail copies of the proposal to all cities, counties, and federally recognized Indian tribes, and to any other person who has requested a copy, and shall publish the proposed guidelines in the Washington state register. Comments shall be submitted in writing to the department within sixty days from ((receipt of such proposed guidelines, local governments shall submit to the department in writing proposed changes, if any, and comments upon the proposed guidelines.

~~(3) Thereafter and within one hundred twenty days from the submission of such proposed guidelines to local governments, the department, after review and consideration of the comments and suggestions submitted to it, shall resubmit final proposed guidelines.~~

~~(4) Within sixty days thereafter public hearings shall be held by))~~ the date the proposal has been published in the register.

(b) The department ((in Olympia and Spokane, at which interested public and private parties shall have the opportunity)) shall hold at least four public hearings on the proposal in different locations throughout the state to provide a reasonable opportunity for residents in all parts of the state to present statements and views on the proposed guidelines. Notice of ((such)) the hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state. If an amendment to the guidelines addresses an issue limited to one geographic area, the number and location of hearings may be adjusted consistent with the intent of this subsection to assure all parties a reasonable opportunity to comment on the proposed amendment. The department shall accept written comments on the proposal during the sixty-day public comment period and for seven days after the final public hearing.

(c) At the conclusion of the public comment period, the department shall review the comments received and modify the proposal consistent with the provisions of this chapter. The proposal shall then be published for adoption pursuant to the provisions of chapter 34.05 RCW.

~~((5) Within ninety days following such public hearings, the department at a public hearing to be held in Olympia shall adopt guidelines.))~~ (3) The department may propose amendments to the guidelines not more than once each year. At least once every five years the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section.

**Sec. 305.** RCW 90.58.080 and 1974 ex.s. c 61 s 1 are each amended to read as follows:

Local governments ~~((are directed with regard to shorelines of the state within their various jurisdictions as follows:~~

~~(1) To complete within eighteen months after June 1, 1971, a comprehensive inventory of such shorelines. Such inventory shall include but not be limited to the general ownership patterns of the lands located therein in terms of public and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof;~~

~~(2) To))~~ shall develop or amend, within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060, a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department.

**Sec. 306.** RCW 90.58.090 and 1971 ex.s. c 286 s 9 are each amended to read as follows:

(1) A master program((s or segments thereof)), segment of a master program, or an amendment to a master program shall become effective when ((adopted or)) approved by the department ((as appropriate)). Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

(2) Upon receipt of a proposed master program or amendment, the department shall:

(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed master programs or amendments generally or for a specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;

(b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;

(c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;

(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested persons, parties, groups, and agencies of record on the proposal;

(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:

(i) Agree to the proposed changes. The receipt by the department of the written notice of agreement constitutes final action by the department approving the amendment; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide written notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.

~~((1) As to those segments of the master program relating to shorelines, they shall be approved by))~~

~~(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. ((If approval is denied, the department shall state within ninety days from the date of submission in detail the precise facts upon which that decision is based, and shall submit to the local government suggested modifications to the program to make it consistent with said policy and guidelines. The local government shall have ninety days after it receives recommendations from the department to make modifications designed to eliminate the inconsistencies and to resubmit the program to the department for approval. Any resubmitted program shall take effect when and in such form and content as is approved by the department.~~

~~(2) As to~~) (4) The department shall approve those segments of the master program relating to shorelines of state-wide significance ~~((the department shall have full authority following review and evaluation of the submission by local government to develop and adopt an alternative to the local government's proposal if in the department's opinion the program submitted does not))~~ only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the state-wide interest. ((If the submission by local government is not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum implementation, it may develop and adopt an alternative as hereinbefore provided.)) If the department does not approve a segment of a local government master program relating to a shoreline of state-wide significance, the department may develop and by rule adopt an alternative to the local government's proposal.

~~((3))~~ (5) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

(6) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program.

**Sec. 307.** RCW 90.58.100 and 1992 c 105 s 2 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted ~~((and))~~ or approved by the department ~~((, as appropriate,))~~ shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the state-wide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.

**Sec. 308.** RCW 90.58.120 and 1989 c 175 s 182 are each amended to read as follows:

All rules, regulations, (~~master programs,~~) designations, and guidelines, issued by the department, and master programs and amendments adopted by the department pursuant to RCW 90.58.070(2) or 90.58.090(4) shall be adopted or approved in accordance with the provisions of RCW 34.05.310 through 34.05.395 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the (~~approval of~~) adoption by the department of a master program, or portion thereof pursuant to RCW 90.58.070(2) or 90.58.090(4), at least one public hearing shall be held in each county affected by a program or portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations, or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county (~~auditor~~) and city (~~clerk~~). The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines.

**Sec. 309.** RCW 90.58.140 and 1992 c 105 s 3 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and (~~the provisions of~~) this chapter (90.58 RCW).

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection (~~(13)~~) (11) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that(~~:~~

~~(a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and~~

~~(b) Additional~~) notice of (~~such an~~) the application is given by at least one of the following methods:

~~((+))~~ (a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

~~((+))~~ (b) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

~~((+))~~ (c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive (~~a copy~~) notification of the final (~~order~~) decision concerning an application as expeditiously as possible after the issuance of the (~~order~~) decision, may submit the comments or requests for (~~orders~~) decisions to the local government within thirty days of the last date the notice is to be published pursuant to (~~subsection (a) of~~) this subsection. The local government shall forward, in a timely manner following the issuance of (~~an order~~) a decision, a copy of the (~~order~~) decision to each person who submits a request for the (~~order~~) decision.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until (~~thirty~~) twenty-one days from the date the (~~final order~~) permit decision was filed as provided in subsection (6) of this section; or until all review

proceedings are terminated if the proceedings were initiated within ~~((thirty))~~ twenty-one days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b) ~~Construction may be commenced no sooner than thirty days after the date of the appeal of the board's decision is filed if a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within ((thirty)) twenty-one days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW((, the permittee)).~~ The appellant may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction ((may begin)) pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board should not commence. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would ((not)) involve a significant, irreversible damaging of the environment, the court ((may allow)) shall prohibit the permittee ((to begin)) from commencing the construction pursuant to the approved or revised permit ((as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if the alteration is ultimately ordered by the courts)) until all review proceedings are final. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

(c) ~~((If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1), the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit shall be governed by the provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are terminated if judicial review is not thereafter requested pursuant to chapter 34.05 RCW;~~

~~((d))~~ If the permit is for a substantial development meeting the requirements of subsection ((43)) (11) of this section, construction pursuant to that permit may not begin or be authorized until ((thirty)) twenty-one days from the date the ((final order)) permit decision was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), or ~~(c) or ((d))~~ of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervenor.

(6) Any ~~((ruling))~~ decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection ~~((42))~~ (10) of this section, "date of filing" as used herein means the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" means the date a decision of the department rendered on the permit pursuant to subsection ~~((42))~~ (10) of this section is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

~~(10) ((A permit shall not be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government before April 1, 1971, if:~~

~~(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; and~~

~~(b) The development is completed within two years after June 1, 1971.~~

~~(11) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and before April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (10) of this section, or does not require a permit because of substantial development occurred before June 1, 1971.~~

~~((42))~~ Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

~~((43))~~ (11)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:

(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and

(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(b) For purposes of this section, a limited utility extension means the extension of a utility service that:

(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(ii) Will serve an existing use in compliance with this chapter; and

(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state.

**Sec. 310.** RCW 90.58.180 and 1994 c 253 s 3 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a ~~((request for the same))~~ petition for review within ~~((thirty))~~ twenty-one days of the date of filing as defined in RCW 90.58.140(6).

~~((Concurrently with))~~ Within seven days of the filing of any ((request)) petition for review with the board as provided in this section pertaining to a final ((order)) decision of a local government, the ((requestor)) petitioner shall ((file a copy)) serve copies of ((his or her request with)) the petition on the department and the office of the attorney general. ((If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor. The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor.)) The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the ((request)) petition for review filed pursuant to this section. The shorelines hearings board shall ~~((initially))~~ schedule review proceedings on ~~((such requests))~~ the petition for review without regard as to whether ~~((such requests have or have not been certified or as to whether))~~ the period for the department or the attorney general to intervene has or has not expired~~((, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule.))~~.

(2) The department or the attorney general may obtain review of any final ~~((order))~~ decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written ~~((request))~~ petition with the shorelines hearings board and the appropriate local government within ~~((thirty))~~ twenty-one days from the date the final ~~((order))~~ decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of thirty days upon a showing of good cause or may be waived by the parties.

(4) ~~((A local government may appeal to the shorelines hearings board))~~ Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

~~((If the board))~~ (5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department ~~((by the local government))~~ during public review and comment; or

(e) Was not adopted in accordance with required procedures~~((;))~~.

(6) If the board makes a determination under subsection (5) (a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision. ((Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.

~~((5) Rules, regulations, and guidelines))~~ (7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to ((RCW 34.05.570(2)). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is) chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within ~~((three months))~~ thirty days after the date of final decision by the shorelines hearings board.

**Sec. 311.** RCW 90.58.190 and 1989 c 175 s 184 are each amended to read as follows:

(1) ~~((The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Any adjustments proposed by a local government to its master program shall be forwarded to the department for review. The department shall approve, reject, or propose modification to the adjustment. If the department either rejects or proposes modification to the master program adjustment, it shall provide substantive written comments as to why the proposal is being rejected or modified.))~~ The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(4) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment for compliance with the requirements of this chapter and chapter 36.70A RCW, the policy of RCW 90.58.020 and the applicable guidelines, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

(c) If the appeal to the growth management hearings board concerns a shoreline of state-wide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

~~((Any local government aggrieved by))~~ (3)(a) The department's decision to approve, reject, or modify a proposed master program or master program ~~((adjustment may appeal the department's decision))~~ amendment by a local government not planning under RCW 36.70A.040 shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program ~~((adjustment))~~ amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's ~~((adjustment))~~ master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to shorelines of state-wide significance, the shorelines hearings board shall uphold the decision by the department unless ~~((a local government shall))~~ the board determines, by clear and convincing evidence ~~((and argument, persuade the board))~~ that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews.

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program ~~((adjustment))~~ amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to ~~((the))~~ superior court ~~((of Thurston county))~~ as provided in chapter 34.05 RCW.

~~((3))~~ (4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program ~~((adjustment))~~ amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program ~~((adjustment))~~ amendment.

**Sec. 312.** RCW 34.05.461 and 1989 c 175 s 19 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section:

(a) If the presiding officer is the agency head or one or more members of the agency head, the presiding officer may enter an initial order if further review is available within the agency, or a final order if further review is not available;

(b) If the presiding officer is a person designated by the agency to make the final decision and enter the final order, the presiding officer shall enter a final order; and

(c) If the presiding officer is one or more administrative law judges, the presiding officer shall enter an initial order.

(2) With respect to agencies exempt from chapter 34.12 RCW or an institution of higher education, the presiding officer shall transmit a full and complete record of the proceedings, including such comments upon demeanor of witnesses as the presiding officer deems relevant, to each agency official who is to enter a final or initial order after considering the record and evidence so transmitted.

(3) Initial and final orders shall include a statement of findings and conclusions, and the reasons and basis therefor, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction and, if applicable, the action taken on a petition for a stay of effectiveness. Any findings based substantially on credibility of evidence or demeanor of witnesses shall be so identified. Findings set forth in language that is essentially a repetition or paraphrase of the relevant provision of law shall be accompanied by a concise and explicit statement of the underlying evidence of record to support the findings. The order shall also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. An initial order shall include a statement of any circumstances under which the initial order, without further notice, may become a final order.

(4) Findings of fact shall be based exclusively on the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. Findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. However, the presiding officer shall not base a finding exclusively on such inadmissible evidence unless the presiding officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the order.

(5) Where it bears on the issues presented, the agency's experience, technical competency, and specialized knowledge may be used in the evaluation of evidence.

(6) If a person serving or designated to serve as presiding officer becomes unavailable for any reason before entry of the order, a substitute presiding officer shall be appointed as provided in RCW 34.05.425. The substitute presiding officer shall use any existing record and may conduct any further proceedings appropriate in the interests of justice.

(7) The presiding officer may allow the parties a designated time after conclusion of the hearing for the submission of memos, briefs, or proposed findings.

(8)(a) Except as otherwise provided in (b) of this subsection, initial or final orders shall be served in writing within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings in accordance with subsection (7) of this section unless this period is waived or extended for good cause shown.

(b) This subsection does not apply to the final order of the shorelines hearings board on appeal under RCW 90.58.180(3).

(9) The presiding officer shall cause copies of the order to be served on each party and the agency.

**NEW SECTION. Sec. 313.** RCW 90.58.145 and 1979 ex.s. c 84 s 4 are each repealed.

#### **PART IV - LOCAL PERMIT PROCESS**

**NEW SECTION. Sec. 401.** The legislature finds and declares the following:

(1) As the number of environmental laws and development regulations has increased for land uses and development, so has the number of required local land use permits, each with its own separate approval process.

(2) The increasing number of local and state land use permits and separate environmental review processes required by agencies has generated continuing potential for conflict, overlap, and duplication between the various permit and review processes.

(3) This regulatory burden has significantly added to the cost and time needed to obtain local and state land use permits and has made it difficult for the public to know how and when to provide timely comments on land use proposals that require multiple permits and have separate environmental review processes.

**NEW SECTION. Sec. 402.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(2) "Local government" means a county, city, or town.

(3) "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

(4) "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(5) "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

**NEW SECTION. Sec. 403.** In enacting sections 404 and 405 of this act, the legislature intends to establish a mechanism for implementing the provisions of chapter 36.70A RCW regarding compliance, conformity, and consistency of proposed projects with adopted comprehensive plans and development regulations. In order to achieve this purpose the legislature finds that:

(1) Given the extensive investment that public agencies and a broad spectrum of the public are making and will continue to make in comprehensive plans and development regulations for their communities, it is essential that project review start from the fundamental land use planning choices made in these plans and regulations. If the applicable regulations or plans identify the type of land use, specify residential density in urban growth areas, and identify and provide for funding of public facilities needed to serve the proposed development and site, these decisions at a minimum provide the foundation for further project review unless there is a question of code interpretation. The project review process, including the environmental review process under chapter 43.21C RCW and the consideration of consistency, should start from this point and should not reanalyze these land use planning decisions in making a permit decision.

(2) Comprehensive plans and development regulations adopted by local governments under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of environmental subjects and impacts. These provisions typically require environmental studies and contain specific standards to address various impacts associated with a proposed development, such as building size and location, drainage, transportation requirements, and protection of critical areas. When a permitting agency applies these existing requirements to a proposed project, some or all of a project's potential environmental impacts will be avoided or otherwise mitigated. Through the integrated project review process described in subsection (1) of this section, the local government will determine whether existing requirements, including the applicable regulations or plans, adequately analyze and address a project's environmental impacts. Section 202 of this act provides that project review should not require additional studies or mitigation under chapter 43.21C RCW where existing regulations have adequately addressed a proposed project's probable specific adverse environmental impacts.

(3) Given the hundreds of jurisdictions and agencies in the state and the numerous communities and applicants affected by development regulations and comprehensive plans adopted under chapter 36.70A RCW, it is essential to establish a uniform framework for considering the consistency of a proposed project with the applicable regulations or plan. Consistency should be determined in the project review process by considering four factors found in applicable regulations or plans: The type of land use allowed; the level of development allowed, such as units per acre or other measures of density; infrastructure, such as the adequacy of public facilities and services to serve the proposed project; and the character of the proposed development, such as compliance with specific development standards. This uniform approach corresponds to existing project review practices and will not place a burden on applicants or local government. The legislature intends that this approach should be largely a matter of checking compliance with existing requirements for most projects, which are simple or routine, while more complex projects may require more analysis. Sections 202 and 404 of this act establish this uniform framework and also direct state agencies to consult with local government and the public to develop a better format than the current environmental checklist to meet this objective.

(4) When an applicant applies for a project permit, consistency between the proposed project and applicable regulations or plan should be determined through a project review process that integrates land use and environmental impact analysis, so that governmental and public review of the proposed project as required by this chapter, by development regulations under chapter 36.70A RCW, and by the environmental process under chapter 43.21C RCW run concurrently and not separately.

(5) Sections 404 and 405 of this act address three related needs with respect to how the project review process should address consistency between a proposed project and the applicable regulations or plan:

(a) A uniform framework for the meaning of consistency;

(b) An emphasis on relying on existing requirements and adopted standards, with the use of supplemental authority as specified by chapter 43.21C RCW to the extent that existing requirements do not adequately address a project's specific probable adverse environmental impacts; and

(c) The identification of three basic land use planning choices made in applicable regulations or plans that, at a minimum, serve as a foundation for project review and that should not be reanalyzed during project permitting.

**NEW SECTION. Sec. 404.** (1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development



regulations, or in the absence of applicable regulations the adopted comprehensive plan, under section 405 of this act shall incorporate the determinations under this section.

(2) During project review, a local government or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations the adopted comprehensive plan. At a minimum, such applicable regulations or plans shall be determinative of the:

(a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;

(b) Density of residential development in urban growth areas; and

(c) Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by chapter 36.70A RCW.

(3) During project review, the local government or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in subsection (2) of this section, except for issues of code interpretation. As part of its project review process, a local government shall provide a procedure for obtaining a code interpretation as provided in section 415 of this act.

(4) Pursuant to section 202 of this act, a local government may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.

(5) Nothing in this section limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations adopted under chapter 36.70A RCW and in its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable.

(6) Subsections (1) through (4) of this section apply only to local governments planning under RCW 36.70A.040.

**NEW SECTION. Sec. 405.** (1) A proposed project's consistency with a local government's development regulations adopted under chapter 36.70A RCW, or, in the absence of applicable development regulations, the appropriate elements of the comprehensive plan or subarea plan adopted under chapter 36.70A RCW shall be determined by consideration of:

(a) The type of land use;

(b) The level of development, such as units per acre or other measures of density;

(c) Infrastructure, including public facilities and services needed to serve the development; and

(d) The character of the development, such as development standards.

(2) In determining consistency, the determinations made pursuant to section 404(2) of this act shall be controlling.

(3) For purposes of this section, the term "consistency" shall include all terms used in this chapter and chapter 36.70A RCW to refer to performance in accordance with this chapter and chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.

(4) Nothing in this section requires documentation, dictates an agency's procedures for considering consistency, or limits a unit of government from asking more specific or related questions with respect to any of the four main categories listed in subsection (1) (a) through (d) of this section.

**NEW SECTION. Sec. 406.** Not later than March 31, 1996, each local government shall provide by ordinance or resolution for review of project permit applications to achieve the following objectives:

(1) Combine the environmental review process, both procedural and substantive, with the procedure for review of project permits; and

(2) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, provide for no more than one open record hearing and one closed record appeal.

**NEW SECTION. Sec. 407.** Not later than March 31, 1996, each local government planning under RCW 36.70A.040 shall establish by ordinance or resolution an integrated and consolidated project permit process that may be included in its development regulations. In addition to the elements required by section 406 of this act, the process shall include the following elements:

(1) A determination of completeness to the applicant as required by RCW 36.70A.440 (as recodified by this act);

(2) A notice of application to the public and agencies with jurisdiction as required by section 415 of this act;

(3) Except as provided in section 418 of this act, an optional consolidated project permit review process as provided in section 416 of this act. The review process shall provide for no more than one consolidated open record hearing and one closed record appeal. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing;

(4) Provision allowing for any public meeting or required open record hearing to be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of sections 413 and 415 of this act;

(5) A single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing and any recommendations on project permits that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the local permit. If a threshold determination other than a determination of significance has not been issued previously by the local government, the report shall include or append this determination.

(6) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, if a local government elects to provide an appeal of its threshold determinations or project permit decisions, the local government shall provide for no more than one consolidated open record hearing on such appeal. The local government need not provide for any further appeal and may provide an appeal for some but not all project permit decisions. If an appeal is provided after the open record hearing, it shall be a closed record appeal before a single decision-making body or officer;

(7) A notice of decision as required by section 417 of this act and issued within the time period provided in RCW 36.70A.065 (as recodified by this act) and section 413 of this act;

(8) Completion of project review by the local government, including environmental review and public review and any appeals to the local government, within any applicable time periods under section 413 of this act; and

(9) Any other provisions not inconsistent with the requirements of this chapter or chapter 43.21C RCW.

**Sec. 408.** RCW 36.70A.440 and 1994 c 257 s 4 are each amended to read as follows:

~~((Each city and county)) (1) Within twenty-eight days after receiving a project permit application, a local government planning pursuant to RCW 36.70A.040 shall (, within twenty working days of receiving a development permit application as defined in RCW 36.70A.030(7),) mail or provide in person a written ((notice)) determination to the applicant, stating either:~~

(a) That the application is complete; or

(b) That the application is incomplete and what is necessary to make the application complete.

To the extent known by the ~~((city or county))~~ local government, the ~~((notice))~~ local government shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.

(2) A project permit application is complete for purposes of this section when it meets the procedural submission requirements of the local government and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the local government from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

(3) The determination of completeness may include the following as optional information:

(a) A preliminary determination of those development regulations that will be used for project mitigation;

(b) A preliminary determination of consistency, as provided under section 405 of this act; or

(c) Other information the local government chooses to include.

(4)(a) An application shall be deemed complete under this section if the local government does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1)(b) of this section.

(b) Within fourteen days after an applicant has submitted to a local government additional information identified by the local government as being necessary for a complete application, the local government shall notify the applicant whether the application is complete or what additional information is necessary.

**Sec. 409.** RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods consistent with section 413 of this act for local government actions on specific ~~((development))~~ project permit applications and provide timely and predictable procedures to determine whether a completed ~~((development))~~ project permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed ~~((development))~~ project permit application necessary for the application of such time periods and procedures.

**Sec. 410.** RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods for local government actions on specific ~~((development))~~ project permit applications and provide timely and predictable procedures to determine whether a completed ~~((development))~~ project permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed ~~((development))~~ project permit application necessary for the application of such time periods and procedures.

**NEW SECTION. Sec. 411.** The amendments to RCW 36.70A.065 contained in section 409 of this act shall expire July 1, 1998.

**NEW SECTION. Sec. 412.** Section 410 of this act shall take effect July 1, 1998.

**NEW SECTION. Sec. 413.** (1) Except as otherwise provided in subsection (2) of this section, a local government planning under RCW 36.70A.040 shall issue its notice of final decision on a project permit application within one hundred twenty days after the local government notifies the applicant that the application is complete, as provided in RCW 36.70A.440 (as recodified by this act). In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete, the following periods shall be excluded:

(a)(i) Any period during which the applicant has been requested by the local government to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the local government notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the local government.

(ii) If the local government determines that the information submitted by the applicant under (a)(i) of this subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures under (a)(i) of this subsection shall apply as if a new request for studies had been made;

(b) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to chapter 43.21C RCW, if the local government by ordinance or resolution has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement;

(c) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The local government by ordinance or resolution shall establish a time period to consider and decide such appeals. The time period shall not exceed: (i) Ninety days for an open record appeal hearing; and (ii) sixty days for a closed record appeal. The parties to an appeal may agree to extend these time periods; and

(d) Any extension of time mutually agreed upon by the applicant and the local government.

(2) The time limits established by subsection (1) of this section do not apply if a project permit application:

(a) Requires an amendment to the comprehensive plan or a development regulation;

(b) Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or

(c) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under RCW 36.70A.440 (as recodified by this act).

(3) If the local government is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

(4) This section shall apply to project permit applications filed on or after April 1, 1996.

**NEW SECTION. Sec. 414.** A local government may require the applicant for a project permit to designate a single person or entity to receive determinations and notices required by this chapter.

**NEW SECTION. Sec. 415.** (1) Not later than April 1, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If a local government has made a determination of significance under chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application.

(2) The notice of application shall be provided within fourteen days after the determination of completeness as provided in RCW 36.70A.440 (as recodified by this act) and include the following in whatever sequence or format the local government deems appropriate:

- (a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;
  - (b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70A.440 (as recodified by this act) or section 413 of this act;
  - (c) The identification of other permits not included in the application to the extent known by the local government;
  - (d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;
  - (e) A statement of the public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;
  - (f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;
  - (g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in section 405 of this act; and
  - (h) Any other information determined appropriate by the local government.
- (3) If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.
- (4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government may use different types of notice for different categories of project permits or types of project actions. If a local government by resolution or ordinance does not specify its method of public notice, the local government shall use the methods provided for in (a) and (b) of this subsection. Examples of reasonable methods to inform the public are:
- (a) Posting the property for site-specific proposals;
  - (b) Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by the local government;
  - (c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
  - (d) Notifying the news media;
  - (e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;
  - (f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and
  - (g) Mailing to neighboring property owners.
- (5) A notice of application shall not be required for project permits that are categorically exempt under chapter 43.21C RCW, unless a public comment period or an open record predecision hearing is required.
- (6) A local government shall integrate the permit procedures in this section with environmental review under chapter 43.21C RCW as follows:
- (a) Except for a determination of significance, the local government may not issue its threshold determination, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.
  - (b) If an open record predecision hearing is required and the local government's threshold determination requires public notice under chapter 43.21C RCW, the local government shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.
  - (c) Comments shall be as specific as possible.
- (7) A local government may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency provided that the hearing is held within the geographic boundary of the local government. Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held within the time periods specified in section 413 of this act or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings. All agencies of the state of Washington, including municipal corporations and counties participating in a combined hearing, are hereby authorized to issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, and take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations.
- (8) All state and local agencies shall cooperate to the fullest extent possible with the local government in holding a joint hearing if requested to do so, as long as:
- (a) The agency is not expressly prohibited by statute from doing so;
  - (b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
  - (c) The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the local government hearing.
- (9) A local government is not required to provide for administrative appeals. If provided, an administrative appeal of the project decision, combined with any environmental determinations, shall be filed within fourteen days after the notice of the decision or after other notice that the decision has been made and is appealable. The local government shall extend the appeal period for an additional seven days, if state or local rules adopted pursuant to chapter 43.21C RCW allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.
- (10) The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.
- (11) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.
- NEW SECTION. Sec. 416.** (1) Each local government planning under RCW 36.70A.040 shall establish a permit review process that provides for the integrated and consolidated review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering all project permits requested by an applicant for all or part of a project action and a designated permit coordinator. If an applicant elects the consolidated permit review process, the determination of completeness, notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.

(2) Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the local government shall provide for consolidated permit review with a single open record hearing and no more than one closed record appeal as provided in section 407 of this act. Each local government shall determine which project permits are subject to an open record hearing and a closed record appeal. Examples of categories of project permits include but are not limited to:

(a) Proposals that are categorically exempt from chapter 43.21C RCW, such as construction permits, that do not require environmental review or public notice;

(b) Permits that require environmental review, but no open record predecision hearing; and

(c) Permits that require a threshold determination and an open record predecision hearing and may provide for a closed record appeal to a hearing body or officer or to the local government legislative body.

(3) A local government may provide by ordinance or resolution for the same or a different decision maker or hearing body or officer for different categories of project permits. In the case of consolidated project permit review, the local government shall specify which decision makers shall make the decision or recommendation, conduct the hearing, or decide the appeal to ensure that consolidated permit review occurs as provided in this section. The consolidated permit review may combine an open record predecision hearing on one or more permits with an open record appeal hearing on other permits. In such cases, the local government by ordinance or resolution shall specify which project permits, if any, shall be subject to a closed record appeal.

**NEW SECTION. Sec. 417.** A local government planning under RCW 36.70A.040 shall provide a notice of decision that also includes a statement of any threshold determination made under chapter 43.21C RCW and the procedures for administrative appeal, if any. The notice of decision may be a copy of the report or decision on the project permit application. The notice shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The local government shall provide for notice of its decision as provided in section 415(4) of this act.

**NEW SECTION. Sec. 418.** (1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), and sections 407, 413, and 415 through 417 of this act: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process different from that provided in RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), and sections 407, 413, and 415 through 417 of this act.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of sections 407 and 415 through 417 of this act: Lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

**NEW SECTION. Sec. 419.** A local government not planning under RCW 36.70A.040 may incorporate some or all of the provisions of sections 407, 413, and 415 through 417 of this act and RCW 36.70A.065 and 36.70A.440 (as recodified by this act) into its procedures for review of project permits or other project actions.

**NEW SECTION. Sec. 420.** (1) Each local government is encouraged to adopt further project review provisions to provide prompt, coordinated review and ensure accountability to applicants and the public, including expedited review for project permit applications for projects that are consistent with adopted development regulations and within the capacity of system-wide infrastructure improvements.

(2) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring a preapplication conference or a public meeting by rule, ordinance, or resolution.

(3) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

(4) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a project permit issued by a local government.

**NEW SECTION. Sec. 421.** A new section is added to chapter 64.40 RCW to read as follows:

A local government is not liable for damages under this chapter due to the local governments failure to make a final decision within the time limits established in section 413 of this act.

**Sec. 422.** RCW 43.21C.033 and 1992 c 208 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the responsible official shall make a threshold determination on a completed application within ninety days after the application and supporting documentation are complete. The applicant may request an additional thirty days for the threshold determination. The governmental entity responsible for making the threshold determination shall by rule, resolution, or ordinance adopt standards, consistent with rules adopted by the department to implement this chapter, for determining when an application and supporting documentation are complete.

(2) This section shall not apply to a city, town, or county that:

(a) By ordinance adopted prior to April 1, 1992, has adopted procedures to integrate permit and land use decisions with the requirements of this chapter; or

(b) Is planning under RCW 36.70A.040 and is subject to the requirements of section 413 of this act.

**Sec. 423.** RCW 35.63.130 and 1994 c 257 s 8 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city or county may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use(~~s which the legislative body believes should be reviewed and decided by a hearing examiner~~);

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by the hearing examiner.

(2) Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. (~~Except as provided in subsection (2) of this section,~~) The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body(=

~~(2) The legislative body may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or); or~~

~~(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.~~

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's or county's comprehensive plan and the city's or county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec. 424.** RCW 35A.63.170 and 1994 c 257 s 7 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use((s which the legislative body believes should be reviewed and decided by a hearing examiner));

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

(2) Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body(=

~~(2) The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or); or~~

~~(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.~~

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec. 425.** RCW 36.70.970 and 1994 c 257 s 9 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses ((applications)), variances ((applications)), ((applications for)) shoreline permits, or any other class of applications for or pertaining to development of land or land use((s));

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

(2) Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ Such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative authority;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority(=

~~(2) The legislative authority may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or); or~~

~~(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative authority.~~

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec. 426.** RCW 58.17.090 and 1981 c 293 s 5 are each amended to read as follows:

(1) Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall provide public notice and set a date for a public hearing. Except as provided in section 415 of this act, at a minimum, notice of the hearing shall be given in the following manner:

~~((+))~~ (a) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; and

~~((2))~~ (b) Special notice of the hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection (1)(b) shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

(2) All hearings shall be public. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

**Sec. 427.** RCW 58.17.092 and 1988 c 168 s 12 are each amended to read as follows:

Any notice made under chapter 58.17 or 36-- (the new chapter created in section 431 of this act) RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means.

**Sec. 428.** RCW 58.17.100 and 1981 c 293 s 6 are each amended to read as follows:

If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all preliminary plats and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the hearing body and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, ~~((the change of the recommendation shall not be made until))~~ the legislative body shall ~~((conduct a public hearing and thereupon))~~ adopt its own recommendations and approve or disapprove the preliminary plat. ~~((Such public hearing may be held before a committee constituting a majority of the legislative body. If the hearing is before a committee, the committee shall report its recommendations on the matter to the legislative body for final action.))~~

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection.

Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies.

**Sec. 429.** RCW 58.17.330 and 1994 c 257 s 6 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative body may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section.))~~ The legal effect of such decisions shall include one of the following:

- (a) The decision may be given the effect of a recommendation to the legislative body;
- (b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body;

or

- (c) The decision may be given the effect of a final decision of the legislative body.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

(2) ~~((The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or may be given the effect of a final decision of the legislative body.))~~

~~((3))~~ Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**NEW SECTION. Sec. 430.** The department of community, trade, and economic development shall provide training and technical assistance to counties and cities to assist them in fulfilling the requirements of chapter 36-- RCW (the new chapter created in section 431 of this act).

**NEW SECTION. Sec. 431.** Sections 401, 402, 404 through 407, 413 through 420, and 502 through 506 of this act shall constitute a new chapter in Title 36 RCW.

**NEW SECTION. Sec. 432.** RCW 36.70A.065 and 36.70A.440 are recodified as sections within the new chapter created in section 431 of this act.

**NEW SECTION. Sec. 433.** Sections 413 and 421 of this act shall expire June 30, 1998. The provisions of sections 413 and 421 of this act shall apply to project permit applications determined to be complete pursuant to RCW 36.70A.440 (as recodified by this act) on or before June 30, 1998.

## PART V - DEVELOPMENT AGREEMENTS

**NEW SECTION. Sec. 501.** The legislature finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies and regulations, and subject to conditions of approval, all as set forth in a development agreement, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development. Further, the lack of public facilities and services is a serious impediment to development of new housing and commercial uses. Project applicants and local governments may include provisions and agreements whereby applicants are

reimbursed over time for financing public facilities. It is the intent of the legislature by sections 502 through 506 of this act to allow local governments and owners and developers of real property to enter into development agreements.

**NEW SECTION. Sec. 502.** (1) A local government may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under chapter 36.70A RCW.

(2) Sections 501 through 504 of this act do not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on the effective date of sections 501 through 504 of this act, or adopted under separate authority, that includes some or all of the development standards provided in subsection (3) of this section.

(3) For the purposes of this section, "development standards" includes, but is not limited to:

- (a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
- (b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
- (c) Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;
- (d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
- (e) Affordable housing;
- (f) Parks and open space preservation;
- (g) Phasing;
- (h) Review procedures and standards for implementing decisions;
- (i) A build-out or vesting period for applicable standards; and
- (j) Any other appropriate development requirement or procedure.

(4) The execution of a development agreement is a proper exercise of county and city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

**NEW SECTION. Sec. 503.** Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

**NEW SECTION. Sec. 504.** A development agreement shall be recorded with the real property records of the county in which the property is located. During the term of the development agreement, the agreement is binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.

**NEW SECTION. Sec. 505.** A county or city shall only approve a development agreement by ordinance or resolution after a public hearing. The county or city legislative body or a planning commission, hearing examiner, or other body designated by the legislative body to conduct the public hearing may conduct the hearing. If the development agreement relates to a project permit application, the provisions of chapter 36.-- RCW (sections 701 through 715 of this act) shall apply to the appeal of the decision on the development agreement.

**NEW SECTION. Sec. 506.** Nothing in sections 501 through 505 of this act is intended to authorize local governments to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of state law.

## PART VI - STATE PERMIT COORDINATION

**NEW SECTION. Sec. 601.** The legislature hereby finds and declares:

(1) Washington's environmental protection programs have established strict standards to reduce pollution and protect the public health and safety and the environment. The single-purpose programs instituted to achieve these standards have been successful in many respects, and have produced significant gains in protecting Washington's environment in the face of substantial population growth.

(2) Continued progress to achieve the environmental standards in the face of continued population growth will require greater coordination between the single-purpose environmental programs and more efficient operation of these programs overall. Pollution must be prevented and controlled and not simply transferred to another media or another place. This goal can only be achieved by maintaining the current environmental protection standards and by greater integration of the existing programs.

(3) As the number of environmental laws and regulations have grown in Washington, so have the number of permits required of business and government. This regulatory burden has significantly added to the cost and time needed to obtain essential permits in Washington. The increasing number of individual permits and permit authorities has generated the continuing potential for conflict, overlap, and duplication between the various state, local, and federal permits.

(4) The purpose of this chapter is to institute new, efficient procedures that will assist businesses and public agencies in complying with the environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment.

(5) Those procedures need to provide a permit process that promotes effective dialogue and ensures ease in the transfer and clarification of technical information, while preventing duplication. It is necessary that the procedures establish a process for preliminary and ongoing meetings between the applicant, the coordinating permit agency, and the participating permit agencies, but do not preclude the applicant or participating permit agencies from individually coordinating with each other.

(6) It is necessary, to the maximum extent practicable, that the procedures established in this chapter ensure that the coordinated permit agency process and applicable permit requirements and criteria are integrated and run concurrently, rather than consecutively.

(7) It is necessary to provide a reliable and consolidated source of information concerning federal, state, and local environmental and land use laws and procedures that apply to any given proposal.

(8) It is the intent of this chapter to provide an optional process by which a project proponent may obtain active coordination of all applicable regulatory and land-use permitting procedures. This process is not to replace individual laws, or diminish the substantive decision-

making role of individual jurisdictions. Rather it is to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes.

(9) It is also the intent of this chapter to provide consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

**NEW SECTION. Sec. 602.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the commission by section 603 of this act.

(2) "Coordinating permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(3) "Department" means the department of ecology.

(4) "Participating permit agency" means a permit agency, other than the coordinating permit agency, that is responsible for the issuance of a permit for a project.

(5) "Permit" means any license, certificate, registration, permit, or other form of authorization required by a permit agency to engage in a particular activity.

(6) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency or county, city, or town that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

(7) "Project" means an activity, the conduct of which requires permits from one or more permit agencies.

**NEW SECTION. Sec. 603.** The permit assistance center is established within the department. The center shall:

(1) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. The center shall coordinate with the business assistance center in providing and maintaining this information to applicants and others. To the extent possible, the handbook shall include relevant federal and tribal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies and tribal governments;

(2) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

(3) Work closely and cooperatively with the business license center and the business assistance center in providing efficient and nonduplicative service to the public;

(4) Seek the assignment of employees from the permit agencies listed under section 602(6)(a) of this act to serve on a rotating basis in staffing the center; and

(5) Provide an annual report to the legislature on potential conflicts and perceived inconsistencies among existing statutes. The first report shall be submitted to the appropriate standing committees of the house of representatives and senate by December 1, 1996.

**NEW SECTION. Sec. 604.** (1) Not later than January 1, 1996, the center shall establish by rule an administrative process for the designation of a coordinating permit agency for a project.

(2) The administrative process shall consist of the establishment of guidelines for designating the coordinating permit agency for a project. If a permit agency is the lead agency for purposes of chapter 43.21C RCW, that permit agency shall be the coordinating permit agency. In other cases, the guidelines shall require that at least the following factors be considered in determining which permit agency has the greatest overall jurisdiction over the project:

(a) The types of facilities or activities that make up the project;

(b) The types of public health and safety and environmental concerns that should be considered in issuing permits for the project;

(c) The environmental medium that may be affected by the project, the extent of those potential effects, and the environmental protection measures that may be taken to prevent the occurrence of, or to mitigate, those potential effects;

(d) The regulatory activity that is of greatest importance in preventing or mitigating the effects that the project may have on public health and safety or the environment; and

(e) The statutory and regulatory requirements that apply to the project and the complexity of those requirements.

**NEW SECTION. Sec. 605.** Upon the request of a project applicant, the center shall appoint a project facilitator to assist the applicant in determining which regulatory requirements, processes, and permits may be required for development and operation of the proposed project. The project facilitator shall provide the information to the applicant and explain the options available to the applicant in obtaining the required permits. If the applicant requests, the center shall designate a coordinating permit agency as provided in section 606 of this act.

**NEW SECTION. Sec. 606.** (1) A permit applicant who requests the designation of a coordinating permit agency shall provide the center with a description of the project, a preliminary list of the permits that the project may require, the identity of any public agency that has been designated the lead agency for the project pursuant to chapter 43.21C RCW, and the identity of the participating permit agencies. The center may request any information from the permit applicant that is necessary to make the designation under this section, and may convene a scoping meeting of the likely coordinating permit agency and participating permit agencies in order to make that designation.

(2) The coordinating permit agency shall serve as the main point of contact for the permit applicant with regard to the coordinated permit process for the project and shall manage the procedural aspects of that processing consistent with existing laws governing the coordinating permit agency and participating permit agencies, and with the procedures agreed to by those agencies in accordance with section 607 of this act. In carrying out these responsibilities, the coordinating permit agency shall ensure that the permit applicant has all the information needed to apply for all the component permits that are incorporated in the coordinated permit process for the project, coordinate the review of those permits by the respective participating permit agencies, ensure that timely permit decisions are made by the participating permit agencies, and assist in resolving any conflict or inconsistency among the permit requirements and conditions that are to be imposed by the participating permit agencies with regard to the project. The coordinating permit agency shall keep in contact with the applicant as well as other permit agencies in order to assure that the process is progressing as scheduled. The coordinating permit agency shall also make contact, at least once, with any local jurisdiction that is responsible for issuing a permit for the project if the local jurisdiction has not agreed to be a participating permit agency as provided in section 602(6) of this act.

(3) This chapter shall not be construed to limit or abridge the powers and duties granted to a participating permit agency under the law that authorizes or requires the agency to issue a permit for a project. Each participating permit agency shall retain its authority to make all decisions on all nonprocedural matters with regard to the respective component permit that is within its scope of its responsibility, including, but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial. The coordinating permit agency may not substitute its judgment for that of a participating permit agency on any such nonprocedural matters.



**NEW SECTION. Sec. 607.** (1) Within twenty-one days of the date that the coordinating permit agency is designated, it shall convene a meeting with the permit applicant for the project and the participating permit agencies. The meeting agenda shall include at least all of the following matters:

- (a) A determination of the permits that are required for the project;
- (b) A review of the permit application forms and other application requirements of the agencies that are participating in the coordinated permit process;
- (c)(i) A determination of the timelines that will be used by the coordinating permit agency and each participating permit agency to make permit decisions, including the time periods required to determine if the permit applications are complete, to review the application or applications, and to process the component permits. In the development of this timeline, full attention shall be given to achieving the maximum efficiencies possible through concurrent studies, consolidated applications, hearings, and comment periods. Except as provided in (c)(ii) of this subsection, the timelines established under this subsection, with the assent of the coordinating permit agency and each participating permit agency, shall commit the coordinating permit agency and each participating permit agency to act on the component permit within time periods that are different than those required by other applicable provisions of law.
- (ii) An accelerated time period for the consideration of a permit application may not be set if that accelerated time period would be inconsistent with, or in conflict with, any time period or series of time periods set by statute for that consideration, or with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires any of the following:
  - (A) Other agencies, interested persons, federally recognized Indian tribes, or the public to be given adequate notice of the application;
  - (B) Other agencies to be given a role in, or be allowed to participate in, the decision to approve or disapprove the application; or
  - (C) Interested persons or the public to be provided the opportunity to challenge, comment on, or otherwise voice their concerns regarding the application;
- (d) The scheduling of any public hearings that are required to issue permits for the project and a determination of the feasibility of coordinating or consolidating any of those required public hearings; and
- (e) A discussion of fee arrangements for the coordinated permit process, including an estimate of the costs allowed under section 610 of this act and the billing schedule.

(2) Each agency shall send at least one representative qualified to make decisions concerning the applicability and timelines associated with all permits administered by that jurisdiction. At the request of the applicant, the coordinating permit agency shall notify any relevant federal agency or federally recognized tribe of the date of the meeting and invite that agency's participation in the process.

(3) If a permit agency or the applicant foresees, at any time, that it will be unable to meet its obligations under the agreement, it shall notify the coordinating permit agency of the problem. The coordinating permit agency shall notify the participating permit agencies and the applicant and, upon agreement of all parties, adjust the schedule, or, if necessary, schedule another work plan meeting.

(4) The coordinating permit agency may request any information from the applicant that is necessary to comply with its obligations under this section, consistent with the timelines set pursuant to this section.

(5) A summary of the decisions made under this section shall be made available for public review upon the filing of the coordinated permit process application or permit applications.

**NEW SECTION. Sec. 608.** (1) The permit applicant may withdraw from the coordinated permit process by submitting to the coordinating permit agency a written request that the process be terminated. Upon receipt of the request, the coordinating permit agency shall notify the center and each participating permit agency that a coordinated permit process is no longer applicable to the project.

(2) The permit applicant may submit a written request to the coordinating permit agency that the permit applicant wishes a participating permit agency to withdraw from participation on the basis of a reasonable belief that the issuance of the coordinated permit process would be accelerated if the participating permit agency withdraws. In that event, the participating permit agency shall withdraw from participation if the coordinating permit agency approves the request.

**NEW SECTION. Sec. 609.** The coordinating permit agency shall ensure that the participating permit agencies make all the permit decisions that are necessary for the incorporation of the permits into the coordinated permit process and act on the component permits within the time periods established pursuant to section 607 of this act.

**NEW SECTION. Sec. 610.** (1) The coordinating permit agency may enter into a written agreement with the applicant to recover from the applicant the reasonable costs incurred by the coordinating permit agency in carrying out the requirements of this chapter.

(2) The coordinating permit agency may recover only the costs of performing those coordinated permit services and shall be negotiated with the permit applicant in the meeting required pursuant to section 607 of this act. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

**NEW SECTION. Sec. 611.** A petition by the permit applicant for review of an agency action in issuing, denying, or amending a permit, or any portion of a coordinating permit agency permit, shall be submitted by the permit applicant to the coordinating permit agency or the participating permit agency having jurisdiction over that permit and shall be processed in accordance with the procedures of that permit agency. Within thirty days of receiving the petition, the coordinating permit agency shall notify the other environmental agencies participating in the original coordinated permit process.

**NEW SECTION. Sec. 612.** If an applicant petitions for a significant amendment or modification to a coordinated permit process application or any of its component permit applications, the coordinating permit agency shall reconvene a meeting of the participating permit agencies, conducted in accordance with section 607 of this act.

**NEW SECTION. Sec. 613.** If an applicant fails to provide information required for the processing of the component permit applications for a coordinated permit process or for the designation of a coordinating permit agency, the time requirements of this chapter shall be held in abeyance until such time as the information is provided.

**NEW SECTION. Sec. 614.** (1) The center, by rule, shall establish an expedited appeals process by which a petitioner or applicant may appeal any failure by a permit agency to take timely action on the issuance or denial of a permit in accordance with the time limits established under this chapter.

(2) If the center finds that the time limits under appeal have been violated without good cause, it shall establish a date certain by which the permit agency shall act on the permit application with adequate provision for the requirements of section 607(1)(c)(ii) (A) through (C) of this act, and provide for the full reimbursement of any filing or permit processing fees paid by the applicant to the permit agency for the permit application under appeal.

**NEW SECTION. Sec. 615.** Nothing in this chapter affects the jurisdiction of the energy facility site evaluation council as provided in chapter 80.50 RCW.

**NEW SECTION. Sec. 616.** By December 1, 1997, the center shall submit a report to the appropriate committees of both houses of the legislature detailing the following information:

- (1) The number of instances in which a coordinating permit agency has been requested and used, and the disposition of those cases;
- (2) The amount of time elapsed between an initial request by a permit applicant for a coordinated permit process and the ultimate approval or disapproval of the permits included in the process; and
- (3) The number of instances in which the expedited appeals process was requested, and the disposition of those cases.

**NEW SECTION. Sec. 617.** A new section is added to chapter 43.131 RCW to read as follows:

The permit assistance center and its powers and duties shall be terminated June 30, 1999, as provided in section 618 of this act.

**NEW SECTION. Sec. 618.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

- (1) RCW 90.--.-- and 1995 c -- s 601 (section 601 of this act);
- (2) RCW 90.--.-- and 1995 c -- s 602 (section 602 of this act);
- (3) RCW 90.--.-- and 1995 c -- s 603 (section 603 of this act);
- (4) RCW 90.--.-- and 1995 c -- s 604 (section 604 of this act);
- (5) RCW 90.--.-- and 1995 c -- s 605 (section 605 of this act);
- (6) RCW 90.--.-- and 1995 c -- s 606 (section 606 of this act);
- (7) RCW 90.--.-- and 1995 c -- s 607 (section 607 of this act);
- (8) RCW 90.--.-- and 1995 c -- s 608 (section 608 of this act);
- (9) RCW 90.--.-- and 1995 c -- s 609 (section 609 of this act);
- (10) RCW 90.--.-- and 1995 c -- s 610 (section 610 of this act);
- (11) RCW 90.--.-- and 1995 c -- s 611 (section 611 of this act);
- (12) RCW 90.--.-- and 1995 c -- s 612 (section 612 of this act);
- (13) RCW 90.--.-- and 1995 c -- s 613 (section 613 of this act);
- (14) RCW 90.--.-- and 1995 c -- s 614 (section 614 of this act);
- (15) RCW 90.--.-- and 1995 c -- s 615 (section 615 of this act); and
- (16) RCW 90.--.-- and 1995 c -- s 616 (section 616 of this act).

**NEW SECTION. Sec. 619.** The following acts or parts of acts are each repealed:

- (1) RCW 90.62.010 and 1982 c 179 s 1, 1977 c 54 s 1, & 1973 1st ex.s. c 185 s 1;
- (2) RCW 90.62.020 and 1994 c 264 s 96, 1988 c 36 s 71, 1977 c 54 s 2, & 1973 1st ex.s. c 185 s 2;
- (3) RCW 90.62.030 and 1973 1st ex.s. c 185 s 3;
- (4) RCW 90.62.040 and 1990 c 137 s 1, 1977 c 54 s 3, & 1973 1st ex.s. c 185 s 4;
- (5) RCW 90.62.050 and 1977 c 54 s 4 & 1973 1st ex.s. c 185 s 5;
- (6) RCW 90.62.060 and 1982 c 179 s 2, 1977 c 54 s 5, & 1973 1st ex.s. c 185 s 6;
- (7) RCW 90.62.070 and 1973 1st ex.s. c 185 s 7;
- (8) RCW 90.62.080 and 1987 c 109 s 156, 1977 c 54 s 6, & 1973 1st ex.s. c 185 s 8;
- (9) RCW 90.62.090 and 1977 c 54 s 7 & 1973 1st ex.s. c 185 s 9;
- (10) RCW 90.62.100 and 1977 c 54 s 8 & 1973 1st ex.s. c 185 s 10;
- (11) RCW 90.62.110 and 1973 1st ex.s. c 185 s 11;
- (12) RCW 90.62.120 and 1973 1st ex.s. c 185 s 12;
- (13) RCW 90.62.130 and 1977 c 54 s 9;
- (14) RCW 90.62.900 and 1973 1st ex.s. c 185 s 13;
- (15) RCW 90.62.901 and 1973 1st ex.s. c 185 s 14;
- (16) RCW 90.62.904 and 1973 1st ex.s. c 185 s 15;
- (17) RCW 90.62.905 and 1973 1st ex.s. c 185 s 16;
- (18) RCW 90.62.906 and 1973 1st ex.s. c 185 s 18;
- (19) RCW 90.62.907 and 1973 1st ex.s. c 185 s 19; and
- (20) RCW 90.62.908 and 1977 c 54 s 10.

**NEW SECTION. Sec. 620.** Sections 601 through 616 of this act shall constitute a new chapter in Title 90 RCW.

## PART VII - APPEALS

**NEW SECTION. Sec. 701.** This chapter may be known and cited as the land use petition act.

**NEW SECTION. Sec. 702.** The purpose of this chapter is to reform the process for judicial review of land use decisions made by local jurisdictions, by establishing uniform, expedited appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review.

**NEW SECTION. Sec. 703.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Land use decision" means a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

(a) An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public property; excluding applications for legislative approvals such as area-wide rezones and annexations; and excluding applications for business licenses;

(b) An interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property; and

(c) The enforcement by a local jurisdiction of ordinances regulating the improvement, development, modification, maintenance, or use of real property. However, when a local jurisdiction is required by law to enforce the ordinances in a court of limited jurisdiction, a petition may not be brought under this chapter.

(2) "Local jurisdiction" means a county, city, or incorporated town.

(3) "Person" means an individual, partnership, corporation, association, public or private organization, or governmental entity or agency.

**NEW SECTION. Sec. 704.** (1) This chapter replaces the writ of certiorari for appeal of land use decisions and shall be the exclusive means of judicial review of land use decisions, except that this chapter does not apply to:

- (a) Judicial review of:
  - (i) Land use decisions made by bodies that are not part of a local jurisdiction;
  - (ii) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board or the growth management hearings board;
- (b) Judicial review of applications for a writ of mandamus or prohibition; or
- (c) Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the claims are not subject to the procedures and standards, including deadlines, provided in this chapter for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.

(2) The superior court civil rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

**NEW SECTION. Sec. 705.** (1) Proceedings for review under this chapter shall be commenced by filing a land use petition in superior court.

(2) A land use petition is barred, and the court may not grant review, unless the petition is timely filed with the court and timely served on the following persons who shall be parties to the review of the land use petition:

- (a) The local jurisdiction, which for purposes of the petition shall be the jurisdiction's corporate entity and not an individual decision maker or department;
- (b) Each of the following persons if the person is not the petitioner:
  - (i) Each person identified by name and address in the local jurisdiction's written decision as an applicant for the permit or approval at issue; and
  - (ii) Each person identified by name and address in the local jurisdiction's written decision as an owner of the property at issue;
- (c) If no person is identified in a written decision as provided in (b) of this subsection, each person identified by name and address as a taxpayer for the property at issue in the records of the county assessor, based upon the description of the property in the application; and
- (d) Each person named in the written decision who filed an appeal to a local jurisdiction quasi-judicial decision maker regarding the land use decision at issue, unless the person has abandoned the appeal or the person's claims were dismissed before the quasi-judicial decision was rendered. Persons who later intervened or joined in the appeal are not required to be made parties under this subsection.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section within twenty-one days of the issuance of the land use decision.

(4) For the purposes of this section, the date on which a land use decision is issued is:

- (a) Three days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available;
- (b) If the land use decision is made by ordinance or resolution by a legislative body sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or
- (c) If neither (a) nor (b) of this subsection applies, the date the decision is entered into the public record.

(5) Service on the local jurisdiction must be by delivery of a copy of the petition to the persons identified by or pursuant to RCW 4.28.080 to receive service of process. Service on other parties must be in accordance with the superior court civil rules or by first class mail to:

- (a) The address stated in the written decision of the local jurisdiction for each person made a party under subsection (2)(b) of this section;
- (b) The address stated in the records of the county assessor for each person made a party under subsection (2)(c) of this section; and
- (c) The address stated in the appeal to the quasi-judicial decision maker for each person made a party under subsection (2)(d) of this section.

(6) Service by mail is effective on the date of mailing and proof of service shall be by affidavit or declaration under penalty of perjury.

**NEW SECTION. Sec. 706.** If the applicant for the land use approval is not the owner of the real property at issue, and if the owner is not accurately identified in the records referred to in section 705(2) (b) and (c) of this act, the applicant shall be responsible for promptly securing the joinder of the owners. In addition, within fourteen days after service each party initially named by the petitioner shall disclose to the other parties the name and address of any person whom such party knows may be needed for just adjudication of the petition, and the petitioner shall promptly name and serve any such person whom the petitioner agrees may be needed for just adjudication. If such a person is named and served before the initial hearing, leave of court for the joinder is not required, and the petitioner shall provide the newly joined party with copies of the pleadings filed before the party's joinder. Failure by the petitioner to name or serve, within the time required by section 705(3) of this act, persons who are needed for just adjudication but who are not identified in the records referred to in section 705(2)(b) of this act, or in section 705(2)(c) of this act if applicable, shall not deprive the court of jurisdiction to hear the land use petition.

**NEW SECTION. Sec. 707.** Standing to bring a land use petition under this chapter is limited to the following persons:

- (1) The applicant and the owner of property to which the land use decision is directed;
- (2) Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
  - (a) The land use decision has prejudiced or is likely to prejudice that person;
  - (b) That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
  - (c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
  - (d) The petitioner has exhausted his or her administrative remedies to the extent required by law.

**NEW SECTION. Sec. 708.** A land use petition must set forth:

- (1) The name and mailing address of the petitioner;
- (2) The name and mailing address of the petitioner's attorney, if any;
- (3) The name and mailing address of the local jurisdiction whose land use decision is at issue;

(4) Identification of the decision-making body or officer, together with a duplicate copy of the decision, or, if not a written decision, a summary or brief description of it;

(5) Identification of each person to be made a party under section 705(2) (b) through (d) of this act;

(6) Facts demonstrating that the petitioner has standing to seek judicial review under section 707 of this act;

(7) A separate and concise statement of each error alleged to have been committed;

(8) A concise statement of facts upon which the petitioner relies to sustain the statement of error; and

(9) A request for relief, specifying the type and extent of relief requested.

**NEW SECTION. Sec. 709.** (1) Within seven days after the petition is served on the parties identified in section 705(2) of this act, the petitioner shall note, according to the local rules of superior court, an initial hearing on jurisdictional and preliminary matters. This initial hearing shall be set no sooner than thirty-five days and no later than fifty days after the petition is served on the parties identified in section 705(2) of this act.

(2) The parties shall note all motions on jurisdictional and procedural issues for resolution at the initial hearing, except that a motion to allow discovery may be brought sooner. Where confirmation of motions is required, each party shall be responsible for confirming its own motions.

(3) The defenses of lack of standing, untimely filing or service of the petition, and failure to join persons needed for just adjudication are waived if not raised by timely motion noted to be heard at the initial hearing, unless the court allows discovery on such issues.

(4) The petitioner shall move the court for an order at the initial hearing that sets the date on which the record must be submitted, sets a briefing schedule, sets a discovery schedule if discovery is to be allowed, and sets a date for the hearing or trial on the merits.

(5) The parties may waive the initial hearing by scheduling with the court a date for the hearing or trial on the merits and filing a stipulated order that resolves the jurisdictional and procedural issues raised by the petition, including the issues identified in subsections (3) and (4) of this section.

(6) A party need not file an answer to the petition.

**NEW SECTION. Sec. 710.** The court shall provide expedited review of petitions filed under this chapter. The matter must be set for hearing within sixty days of the date set for submitting the local jurisdiction's record, absent a showing of good cause for a different date or a stipulation of the parties.

**NEW SECTION. Sec. 711.** (1) A petitioner or other party may request the court to stay or suspend an action by the local jurisdiction or another party to implement the decision under review. The request must set forth a statement of grounds for the stay and the factual basis for the request.

(2) A court may grant a stay only if the court finds that:

(a) The party requesting the stay is likely to prevail on the merits;

(b) Without the stay the party requesting it will suffer irreparable harm;

(c) The grant of a stay will not substantially harm other parties to the proceedings; and

(d) The request for the stay is timely in light of the circumstances of the case.

(3) The court may grant the request for a stay upon such terms and conditions, including the filing of security, as are necessary to prevent harm to other parties by the stay.

**NEW SECTION. Sec. 712.** (1) Within forty-five days after entry of an order to submit the record, or within such a further time as the court allows or as the parties agree, the local jurisdiction shall submit to the court a certified copy of the record for judicial review of the land use decision, except that the petitioner shall prepare at the petitioner's expense and submit a verbatim transcript of any hearings held on the matter.

(2) If the parties agree, or upon order of the court, the record shall be shortened or summarized to avoid reproduction and transcription of portions of the record that are duplicative or not relevant to the issues to be reviewed by the court.

(3) The petitioner shall pay the local jurisdiction the cost of preparing the record before the local jurisdiction submits the record to the court. Failure by the petitioner to timely pay the local jurisdiction relieves the local jurisdiction of responsibility to submit the record and is grounds for dismissal of the petition.

(4) If the relief sought by the petitioner is granted in whole or in part the court shall equitably assess the cost of preparing the record among the parties. In assessing costs the court shall take into account the extent to which each party prevailed and the reasonableness of the parties' conduct in agreeing or not agreeing to shorten or summarize the record under subsection (2) of this section.

**NEW SECTION. Sec. 713.** (1) When the land use decision being reviewed was made by a quasi-judicial body or officer who made factual determinations in support of the decision and the parties to the quasi-judicial proceeding had an opportunity consistent with due process to make a record on the factual issues, judicial review of factual issues and the conclusions drawn from the factual issues shall be confined to the record created by the quasi-judicial body or officer, except as provided in subsections (2) through (4) of this section.

(2) For decisions described in subsection (1) of this section, the record may be supplemented by additional evidence only if the additional evidence relates to:

(a) Grounds for disqualification of a member of the body or of the officer that made the land use decision, when such grounds were unknown by the petitioner at the time the record was created;

(b) Matters that were improperly excluded from the record after being offered by a party to the quasi-judicial proceeding; or

(c) Matters that were outside the jurisdiction of the body or officer that made the land use decision.

(3) For land use decisions other than those described in subsection (1) of this section, the record for judicial review may be supplemented by evidence of material facts that were not made part of the local jurisdiction's record.

(4) The court may require or permit corrections of ministerial errors or inadvertent omissions in the preparation of the record.

(5) The parties may not conduct pretrial discovery except with the prior permission of the court, which may be sought by motion at any time after service of the petition. The court shall not grant permission unless the party requesting it makes a prima facie showing of need. The court shall strictly limit discovery to what is necessary for equitable and timely review of the issues that are raised under subsections (2) and (3) of this section. If the court allows the record to be supplemented, the court shall require the parties to disclose before the hearing or trial on the merits the specific evidence they intend to offer. If any party, or anyone acting on behalf of any party, requests records under chapter 42.17 RCW relating to the matters at issue, a copy of the request shall simultaneously be given to all other parties and the court shall take such request into account in fashioning an equitable discovery order under this section.

**NEW SECTION. Sec. 714.** (1) The superior court, acting without a jury, shall review the record and such supplemental evidence as is permitted under section 713 of this act. The court may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;

(c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;

(d) The land use decision is a clearly erroneous application of the law to the facts;

(e) The land use decision is outside the authority or jurisdiction of the body or officer making the decision; or

(f) The land use decision violates the constitutional rights of the party seeking relief.

(2) In order to grant relief under this chapter, it is not necessary for the court to find that the local jurisdiction engaged in arbitrary and capricious conduct. A grant of relief by itself may not be deemed to establish liability for monetary damages or compensation.

**NEW SECTION. Sec. 715.** The court may affirm or reverse the land use decision under review or remand it for modification or further proceedings. If the decision is remanded for modification or further proceedings, the court may make such an order as it finds necessary to preserve the interests of the parties and the public, pending further proceedings or action by the local jurisdiction.

**Sec. 716.** RCW 7.16.360 and 1989 c 175 s 38 are each amended to read as follows:

This chapter does not apply to state agency action reviewable under chapter 34.05 RCW or to land use decisions of local jurisdictions reviewable under chapter 36.-- RCW (sections 701 through 715 of this act).

**Sec. 717.** RCW 58.17.180 and 1983 c 121 s 5 are each amended to read as follows:

Any decision approving or disapproving any plat shall be reviewable ~~((for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of the county in which such matter is pending. Standing to bring the action is limited to the following parties:~~

~~(1) The applicant or owner of the property on which the subdivision is proposed;~~

~~(2) Any property owner entitled to special notice under RCW 58.17.090;~~

~~(3) Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision.~~

~~Application for a writ of review shall be made to the court within thirty days from any decision so to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant)) under chapter 36.-- RCW (sections 701 through 715 of this act).~~

**NEW SECTION. Sec. 718.** A new section is added to chapter 4.84 RCW to read as follows:

(1) Notwithstanding any other provisions of this chapter, reasonable attorneys' fees and costs shall be awarded to the prevailing party or substantially prevailing party on appeal before the court of appeals or the supreme court of a decision by a county, city, or town to issue, condition, or deny a development permit involving a site-specific rezone, zoning, plat, conditional use, variance, shoreline permit, building permit, site plan, or similar land use approval or decision. The court shall award and determine the amount of reasonable attorneys' fees and costs under this section if:

(a) The prevailing party on appeal was the prevailing or substantially prevailing party before the county, city, or town, or in a decision involving a substantial development permit under chapter 90.58 RCW, the prevailing party on appeal was the prevailing party or the substantially prevailing party before the shoreline hearings board; and

(b) The prevailing party on appeal was the prevailing party or substantially prevailing party in all prior judicial proceedings.

(2) In addition to the prevailing party under subsection (1) of this section, the county, city, or town whose decision is on appeal is considered a prevailing party if its decision is upheld at superior court and on appeal.

**NEW SECTION. Sec. 719.** Sections 701 through 715 of this act shall constitute a new chapter in Title 36 RCW.

## PART VIII - STUDY

**NEW SECTION. Sec. 801.** The land use study commission is hereby established. The commission's goal shall be the integration and consolidation of the state's land use and environmental laws into a single, manageable statute. In fulfilling its responsibilities, the commission shall evaluate the effectiveness of the growth management act, the state environmental policy act, the shoreline management act, and other state land use, planning, environmental, and permitting statutes in achieving their stated goals.

**NEW SECTION. Sec. 802.** The commission shall consist of not more than fourteen members. Eleven members of the commission shall be appointed by the governor. Membership shall reflect the interests of business, agriculture, labor, the environment, neighborhood groups, other citizens, the legislature, cities, counties, and federally recognized Indian tribes. Members shall have substantial experience in matters relating to land use and environmental planning and regulation, and shall have the ability to work toward cooperative solutions among diverse interests. The director of the department of community, trade, and economic development, or the director's designee, shall be a member and shall serve as chair of the commission. The director of the department of ecology, or the director's designee, and the secretary of the department of transportation, or the secretary's designee, shall also be members of the commission. Staff for the commission shall be provided by the department of community, trade, and economic development, with additional staff to be provided by other state agencies and the legislature, as may be required. State agencies shall provide the commission with information and assistance as needed.

**NEW SECTION. Sec. 803.** The commission shall convene commencing June 1, 1995, and shall complete its work by June 30, 1998. The commission shall submit a report to the governor and the legislature stating its findings, conclusions, and recommendations not later than November 1 of each year. The commission shall submit its final report to the governor and the legislature not later than November 1, 1997.

**NEW SECTION. Sec. 804.** The commission shall:

(1) Consider the effectiveness of state and local government efforts to consolidate and integrate the growth management act, the state environmental policy act, the shoreline management act, and other land use, planning, environmental, and permitting laws.

(2) Identify the revisions and modifications needed in state land use, planning, and environmental law and practice to adequately plan for growth and achieve economically and environmentally sustainable development, to adequately assess environmental impacts of comprehensive plans, development regulations, and growth, and to reduce the time and cost of obtaining project permits.

(3) Draft a consolidated land use procedure, following these guidelines:

(a) Conduct land use planning through the comprehensive planning process under chapter 36.70A RCW rather than through review of individual projects;

- (b) Involve diverse sectors of the public in the planning process. Early and informal environmental analysis should be incorporated into planning and decision making;
- (c) Recognize that different questions need to be answered and different levels of detail applied at each planning phase, from the initial development of plan concepts or plan elements to implementation programs;
- (d) Integrate and combine to the fullest extent possible the processes, analysis, and documents currently required under chapters 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent implementation will incorporate measures to promote the environmental, economic, and other goals and to mitigate undesirable or unintended adverse impacts on a community's quality of life;
- (e) Focus environmental review and the level of detail needed for different stages of plan and project decisions on the environmental considerations most relevant to that stage of the process;
- (f) Avoid duplicating review that has occurred for plan decisions when specific projects are proposed;
- (g) Use environmental review on projects to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by agencies, tribes, and the public on compliance with applicable environmental laws and plans, including mitigation for site specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures;
- (h) Maintain or improve the quality of environmental analysis both for plan and for project decisions, while integrating these analyses with improved state and local planning and permitting processes;
- (i) Examine existing land use and environmental permits for necessity and utility. To the extent possible, existing permits should be combined into fewer permits, assuring that the values and principles intended to be protected by those permits remain protected; and
- (j) Consolidate local government appeal processes to allow a single appeal of permits at local government levels, a single state level administrative appeal, and a final judicial appeal.
- (4) Monitor instances state-wide of the vesting of project permit applications during the period that an appeal is pending before a growth management hearings board, as authorized under RCW 36.70A.300. The commission shall also review the extent to which such vesting results in the approval of projects that are inconsistent with a comprehensive plan or development regulation provision ultimately found to be in compliance with a board's order or remand. The commission shall analyze the impact of such approvals on ensuring the attainment of the goals and policies of chapter 36.70A RCW, and make recommendations to the governor and the legislature on statutory changes to address any adverse impacts from the provisions of RCW 36.70A.300. The commission shall provide an initial report on its findings and recommendations by November 1, 1995, and submit its further findings and recommendations subsequently in the reports required under section 803 of this act.
- (5) Monitor local government consolidated permit procedures and the effectiveness of the timelines established by section 413 of this act. The commission shall include in its report submitted to the governor and the legislature on November 1, 1997, its recommendation about what timelines, if any, should be imposed on the local government consolidated permit process required by chapter 36.-- RCW (the new chapter created in section 431 of this act).
- (6) Evaluate funding mechanisms that will enable local governments to pay for and recover the costs of conducting integrated planning and environmental analysis. The commission shall include its conclusions in its first report to the legislature on November 1, 1995, and include any recommended statutory changes.
- (7) Study, in cooperation with the state board for registration of professional engineers and the state building code council, ways in which state agencies and local governments could authorize professionals with appropriate qualifications to certify a project's compliance with certain state and local land use and environmental requirements. The commission shall report to the legislature on measures necessary to implement such a system of professional certification.

These guidelines are intended to guide the work of the commission, without limiting its charge to integrate and consolidate Washington's land use and environmental laws into a single, manageable statutory framework.

**NEW SECTION. Sec. 805.** Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 806.** Sections 801 through 805 of this act shall expire June 30, 1998.

## PART IX - MISCELLANEOUS

**NEW SECTION. Sec. 901.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 902.** Part headings and the table of contents as used in this act do not constitute any part of the law.

**NEW SECTION. Sec. 903.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void.

**NEW SECTION. Sec. 904.** Sections 801 through 806 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 3 of the title, after "review;" strike the remainder of the title and insert "amending RCW 36.70A.130, 36.70A.140, 36.70A.280, 36.70A.300, 36.70A.320, 36.70A.330, 34.05.514, 43.21C.031, 43.21C.075, 43.21C.080, 43.21C.110, 43.21C.900, 90.58.020, 90.58.030, 90.58.050, 90.58.060, 90.58.080, 90.58.090, 90.58.100, 90.58.120, 90.58.140, 90.58.180, 90.58.190, 34.05.461, 36.70A.440, 36.70A.065, 36.70A.065, 43.21C.033, 35.63.130, 35A.63.170, 36.70.970, 58.17.090, 58.17.092, 58.17.100, 58.17.330, 7.16.360, and 58.17.180; reenacting and amending RCW 36.70A.030 and 36.70A.290; adding new sections to chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 64.40 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 4.84 RCW; adding new chapters to Title 36 RCW; adding a new chapter to Title 90 RCW; adding a new chapter to Title 82 RCW; creating new sections; recodifying RCW 36.70A.065 and 36.70A.440; repealing RCW 90.58.145, 90.62.010, 90.62.020, 90.62.030, 90.62.040, 90.62.050, 90.62.060, 90.62.070, 90.62.080, 90.62.090, 90.62.100, 90.62.110, 90.62.120, 90.62.130, 90.62.900, 90.62.901, 90.62.904, 90.62.905, 90.62.906, 90.62.907, and 90.62.908; providing effective dates; providing expiration dates; and declaring an emergency."

## MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1724, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1724, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1724, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Hargrove, McCaslin, Owen and Pelz - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1430, by House Committee on Appropriations (originally sponsored by Representatives Carlson, Sehlin, Cooke, Sommers, Dellwo and Basich) (by request of Joint Committee on Pension Policy)

Exempting certain employers from additional retirement contributions.

The bill was read the second time.

#### MOTION

Senator Bauer moved that the following Committee on Ways and Means amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.40.010 and 1994 c 298 s 2, 1994 c 247 s 5, 1994 c 197 s 23, and 1994 c 177 s 8 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4)(a) "Employer" for plan I members, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for plan II members, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.023. RCW 41.26.045 does not prohibit a person otherwise eligible for membership in the retirement system from establishing such membership effective when he or she first entered an eligible position.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8)(a) "Compensation earnable" for plan I members, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer. Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2).

(A) "Compensation earnable" for plan I members also includes the following actual or imputed payments, which are not paid for personal services:

(I) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit;

(II) If a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(III) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(IV) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038; and

(V) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670.

(B) "Compensation earnable" does not include:

(I) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(II) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Compensation earnable" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2).

"Compensation earnable" for plan II members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit;

(B) In any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(I) The compensation earnable the member would have received had such member not served in the legislature; or

(II) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(B)(II) of this subsection is greater than compensation earnable under (b)(ii)(B)(I) of this subsection shall be paid by the member for both member and employer contributions;

(C) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(D) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038; and

(E) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670.

(9)(a) "Service" for plan I members, except as provided in RCW 41.40.088, means periods of employment in an eligible position or positions for one or more employers rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Compensation earnable earned in full time work for seventy hours or more in any given calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service except as provided in RCW 41.40.088. Only service credit months and one-quarter service credit months shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits. Time spent in standby status, whether compensated or not, is not service.

(i) Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(ii) An individual shall receive no more than a total of twelve service credit months of service during any calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for seventy or more hours is rendered.

(iii) A school district employee may count up to forty-five days of sick leave as creditable service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan I "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than twenty-two days equals one-quarter service credit month;

(B) Twenty-two days equals one service credit month;



(C) More than twenty-two days but less than forty-five days equals one and one-quarter service credit month.

(b) "Service" for plan II members, means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service. Time spent in standby status, whether compensated or not, is not service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

(i) Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

(ii) A member shall receive a total of not more than twelve service credit months of service for such calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(iii) Up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan II "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(10) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(11) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(12) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(13) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system (~~(= PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his or her employer, except as qualified by RCW 41.40.023. PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option) for which member and employer contributions have been paid under section 2 or 3 of this act;~~

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(14)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(15) "Regular interest" means such rate as the director may determine.

(16) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(17)(a) "Average final compensation" for plan I members, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service credit months for which service credit is allowed; or if the member has less than two years of service credit months then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for plan II members, means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.40.710(2).

(18) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(19) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(20) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(21) "Retirement allowance" means the sum of the annuity and the pension.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.023.

(23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(24) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(25) "Eligible position" means:

(a) Any position that, as defined by the employer, normally requires five or more months of service a year for which regular compensation for at least seventy hours is earned by the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(26) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (25) of this section.

(27) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(28) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(29) "Retiree" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member. A person is in receipt of a retirement allowance as defined in subsection (21) of this section or other benefit as provided by this chapter when the department mails, causes to be mailed, or otherwise transmits the retirement allowance warrant.

(30) "Director" means the director of the department.

(31) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "Plan I" means the public employees' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(34) "Plan II" means the public employees' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(35) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(36) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(37) "Index B" means the index for the year prior to index A.

(38) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(39) "Adjustment ratio" means the value of index A divided by index B.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.40 RCW under the subchapter heading "PROVISIONS APPLICABLE TO PLAN I AND PLAN II" to read as follows:

In the case of employers that were admitted into the retirement system before the effective date of this act, membership service may be established by payment of an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service to the retirement system with interest, as computed by the department, on the employee's portion prior to retirement of such person, by the employee or the employee's employer, except as qualified by RCW 41.40.023. Employer contributions plus employee contributions with interest submitted by the employee under this section shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.40 RCW under the subchapter heading "PROVISIONS APPLICABLE TO PLAN I AND PLAN II" to read as follows:

(1) This section applies to the establishment of membership service with employers admitted to the retirement system after the effective date of this act.

(2) Membership service may be established for periods of employment with an employer prior to the employer's admission into the retirement system by payment of all employee and employer contributions required by this section.

(3) For current employees, the employer must select one of the options in this subsection and apply it uniformly, except as provided in subsection (5) of this section. The required contributions shall include the total employee and employer contributions that would have been required from the date of each current employee's hire.

(a) Option A: The employer pays all required contributions.

(b) Option B: The employer pays the required employer contributions and the employee pays the required employee contributions.

The employer shall not be required to pay the employer contributions until the employee has paid his or her contributions. Each employee shall have the option of purchasing the membership service.

(c) Option C: The employee pays all of the required contributions. Each employee shall have the option of purchasing the membership service.

(4) All payments made under subsection (3) of this section and RCW 41.40.160(2) must be completed within fifteen years from the date of the employer's admission.

(5) An employer shall not be required to purchase membership service under option A or B for periods of employment for which the employer made contributions to a qualified retirement plan as defined by 26 U.S.C. Sec. 401(a), if the contributions plus interest accrued cannot be transferred to the retirement system. If the employer does not purchase membership credit under this subsection, the employee may purchase membership service by paying all of the required contributions within fifteen years of the employer's admission.

(6) A former employee who is an active member and is not covered by subsection (3) of this section may establish membership service by paying all employer contributions, and all employee contributions plus interest. Interest shall be determined by the director.

(7) All contributions plus interest made by the member under this section shall be placed in the member's individual account in the employees' savings fund.

(8) A member may not receive membership service until all required contributions and interest have been paid under this section.

**Sec. 4.** RCW 41.40.062 and 1991 c 35 s 93 are each amended to read as follows:

(1) The employees and appointive and elective officials of any political subdivision or association of political subdivisions of the state may become members of the retirement system by the approval of the local legislative authority.

(2) On and after September 1, 1965, every school district of the state of Washington shall be an employer under this chapter. Every employee of each school district who is eligible for membership under RCW 41.40.023 shall be a member of the retirement system and participate on the same basis as a person who first becomes a member through the admission of any employer into the retirement system on and after April 1, 1949.

((3) Each political subdivision becoming an employer under the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.50.250, 41.40.045, and 41.40.048 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. In addition to the foregoing requirement, where the political subdivision becoming an employer under this section has its own retirement plan, any of the employee members thereof who may elect to transfer to this retirement system may, if permitted by the plan, withdraw all or any part of their employees' contributions to the former plan and transfer the funds to the employees' savings fund at the time of their transfer of membership. Any portion of the employees' savings fund not withdrawn shall be transferred by the employer to the retirement system over a period not to exceed fifteen years. The length of the transfer period and the method of payment to be utilized during that period shall be established by agreement between the department and the political subdivision. Employers making deferred payments of employee funds under this section shall transfer an additional amount equal to the interest that would have been credited to each employee's savings fund had his or her contributions been transferred to the state retirement system's employee savings fund on the date the political subdivision became an employer under this section. Any funds remaining in the employer's former retirement plan after all obligations of the plan have been provided for, as evidenced by appropriate actuarial study, shall be disposed of by the governing body of the political subdivision in such manner as it deems appropriate. For the purpose of administering and interpreting this chapter the department may substitute the names of political subdivisions of the state for the "state" and employees of the subdivisions for "state employees" wherever those terms appear in this chapter. The department may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The department shall keep accounts as are necessary to show the contributions of each political subdivision to the benefit account fund and shall have the power to debit and credit the various accounts in accordance with the transfer of the members from one employer to another.

(4) Employees of a political subdivision, maintaining its own retirement system, who have been transferred to a health district formed pursuant to chapter 70.46 RCW, but who have been allowed to remain members of the political subdivision's retirement system may be transferred as a group to the Washington public employees' retirement system. This transfer may be made by the action of the legislative authority of the political subdivision maintaining its own retirement system. This transfer shall include employer's and member's funds in the transferring municipalities' retirement system.

(5) Employees of a political subdivision, maintaining its own retirement system, heretofore transferred to a joint airport operation of two municipalities pursuant to chapter 14.08 RCW, may be transferred as a group to the Washington public employees' retirement system. This transfer may be made by the action of the legislative authority of the political subdivision maintaining its own retirement system. This transfer shall include employer's and member's funds in the transferring municipalities' retirement system.)

**Sec. 5.** RCW 41.40.160 and 1991 c 35 s 77 are each amended to read as follows:

(1) Subject to the provisions of RCW 41.40.150, at retirement the total service credited to a member shall consist of all membership service and, if he or she is an original member, all of the certified prior service.

(2) Employees of a public utility or other private enterprise all or any portion of which has been heretofore or may be hereafter acquired by a public agency as a matter of public convenience and necessity, where it is in the public interest to retain the trained personnel of such enterprise, all service to that enterprise shall, upon the acquiring public agency becoming an employer as defined in RCW 41.40.010(4) be credited on the same basis as if rendered to the said employer: PROVIDED, That this shall apply only to those employees who were in the service of the enterprise at or prior to the time of acquisition by the public agency and who remain in the service of the acquiring agency until they attain membership in the state employees' retirement system; and to those employees who were in the service of the enterprise at the time of acquisition by the public agency and subsequently attain membership through employment with any participating agency: PROVIDED FURTHER, In the event that the acquiring agency is an employer at the time of the acquisition, employer's contributions in connection with members achieving service credit hereunder shall be made on the same basis as set forth in RCW 41.40.045 and 41.40.048 for an employer admitted after April 1, 1949, before the effective date of this act, and on the same basis as set forth in section 3 of this act for an employer admitted after the effective date of this act.

**NEW SECTION. Sec. 6.** RCW 41.40.045 and 1989 c 273 s 22, 1986 c 268 s 4, 1973 1st ex.s. c 190 s 13, 1972 ex.s. c 151 s 14, 1971 ex.s. c 271 s 11, 1963 c 174 s 15, 1961 c 291 s 11, & 1957 c 231 s 4 are each repealed.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

The President declared the question before the Senate to be the motion by Senator Bauer to not adopt the Committee on Ways and Means striking amendment to Substitute House Bill No. 1430.

The motion by Senator Bauer carried and the committee striking amendment was not adopted.

## MOTION

Senator Bauer moved that the following amendment by Senators Bauer and Rinehart be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.40.010 and 1994 c 298 s 2, 1994 c 247 s 5, 1994 c 197 s 23, and 1994 c 177 s 8 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4)(a) "Employer" for plan I members, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for plan II members, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.023. RCW 41.26.045 does not prohibit a person otherwise eligible for membership in the retirement system from establishing such membership effective when he or she first entered an eligible position.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8)(a) "Compensation earnable" for plan I members, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer. Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2).

(A) "Compensation earnable" for plan I members also includes the following actual or imputed payments, which are not paid for personal services:

(I) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit;

(II) If a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(III) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(IV) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038; and

(V) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670.

(B) "Compensation earnable" does not include:

(I) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(II) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Compensation earnable" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2).

"Compensation earnable" for plan II members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit;

(B) In any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(I) The compensation earnable the member would have received had such member not served in the legislature; or

(II) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(B)(II) of this subsection is greater than compensation earnable under (b)(ii)(B)(I) of this subsection shall be paid by the member for both member and employer contributions;

(C) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(D) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038; and

(E) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670.

(9)(a) "Service" for plan I members, except as provided in RCW 41.40.088, means periods of employment in an eligible position or positions for one or more employers rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Compensation earnable earned in full time work for seventy hours or more in any given calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service except as provided in RCW 41.40.088. Only service credit months and one-quarter service credit months shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits. Time spent in standby status, whether compensated or not, is not service.

(i) Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(ii) An individual shall receive no more than a total of twelve service credit months of service during any calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for seventy or more hours is rendered.

(iii) A school district employee may count up to forty-five days of sick leave as creditable service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan I "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than twenty-two days equals one-quarter service credit month;

(B) Twenty-two days equals one service credit month;

(C) More than twenty-two days but less than forty-five days equals one and one-quarter service credit month.

(b) "Service" for plan II members, means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service. Time spent in standby status, whether compensated or not, is not service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

(i) Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

(ii) A member shall receive a total of not more than twelve service credit months of service for such calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(iii) Up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan II "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(10) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(11) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(12) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(13) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system(~~(= PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his or her employer, except as qualified by RCW 41.40.023; PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option)) for which member and employer contributions, plus interest as required by RCW 41.50.125, have been paid under section 2 or 3 of this act;~~

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(14)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(15) "Regular interest" means such rate as the director may determine.

(16) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(17)(a) "Average final compensation" for plan I members, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service credit months for which service credit is allowed; or if the member has less than two years of service credit months then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for plan II members, means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.40.710(2).

(18) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(19) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(20) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(21) "Retirement allowance" means the sum of the annuity and the pension.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.023.

(23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(24) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(25) "Eligible position" means:

(a) Any position that, as defined by the employer, normally requires five or more months of service a year for which regular compensation for at least seventy hours is earned by the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(26) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (25) of this section.

(27) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(28) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(29) "Retiree" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member. A person is in receipt of a retirement allowance as defined in subsection (21) of this section or other benefit as provided by this chapter when the department mails, causes to be mailed, or otherwise transmits the retirement allowance warrant.

(30) "Director" means the director of the department.

(31) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "Plan I" means the public employees' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(34) "Plan II" means the public employees' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(35) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(36) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(37) "Index B" means the index for the year prior to index A.

(38) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(39) "Adjustment ratio" means the value of index A divided by index B.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.40 RCW under the subchapter heading "PROVISIONS APPLICABLE TO PLAN I AND PLAN II" to read as follows:

Except as qualified by RCW 41.40.023, for employers that were admitted into the retirement system before the effective date of this act, membership service may be established for the employer's former employees who are active members of the system if the member or member's former employer pays an amount equal to the employer and member contributions which would have been paid to the retirement system on account of such service to the retirement system. Payment shall be made prior to the retirement of such member.

Payments submitted by the member under this section shall be placed in the member's individual account in the members' savings fund and be treated as any other contribution made by the member, with the exception that the contributions submitted by the member in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.40 RCW under the subchapter heading "PROVISIONS APPLICABLE TO PLAN I AND PLAN II" to read as follows:

(1) This section applies to the establishment of membership service with employers admitted to the retirement system after the effective date of this act.

(2) For current employees, membership service may be established for periods of employment with an employer prior to the employer's admission into the retirement system by making the payments required by this section.

The employer must select one of the options in this subsection and apply it uniformly, except as provided in subsection (3) of this section. The required payment shall include the total member and employer contributions that would have been required from the date of each current member's hire.

(a) Option A: The employer makes all the required payments within fifteen years from the date of the employer's admission.  
(b) Option B: The employer makes a portion of the required payments and the member pays the balance. The employer shall not be required to make its payments until the member has made his or her payments. Each member shall have the option to purchase the membership service.

(c) Option C: The member makes all of the required payments. Each member shall have the option to purchase the membership service.

All payments under options B and C of this subsection must be completed within five years from the date of the employer's admission, or prior to the retirement of the member, whichever occurs sooner. A member may not receive membership service credit under option B or C of this subsection until all required payments have been made.

(3) An employer shall not be required to purchase membership service under option A or B for periods of employment for which the employer made contributions to a qualified retirement plan as defined by 26 U.S.C. Sec. 401(a), if the contributions plus interest accrued cannot be transferred to the retirement system. If the employer does not purchase the membership credit under this subsection, the member may purchase the membership service under subsection (2)(c) of this section.

(4) A former employee who is an active member of the system and is not covered by subsection (2) of this section may establish membership service by making the required payments under subsection (2)(c) of this section prior to the retirement of the member.

(5) All payments made by the member under this section shall be placed in the member's individual account in the members' savings fund.

**Sec. 4.** RCW 41.40.062 and 1991 c 35 s 93 are each amended to read as follows:

(1) The members and appointive and elective officials of any political subdivision or association of political subdivisions of the state may become members of the retirement system by the approval of the local legislative authority.

(2) On and after September 1, 1965, every school district of the state of Washington shall be an employer under this chapter. Every member of each school district who is eligible for membership under RCW 41.40.023 shall be a member of the retirement system and participate on the same basis as a person who first becomes a member through the admission of any employer into the retirement system on and after April 1, 1949.

~~((3) Each political subdivision becoming an employer under the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.50.250, 41.40.045, and 41.40.048 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. In addition to the foregoing requirement, where the political subdivision becoming an employer under this section has its own retirement plan, any of the employee members thereof who may elect to transfer to this retirement system may, if permitted by the plan, withdraw all or any part of their employees' contributions to the former plan and transfer the funds to the employees' savings fund at the time of their transfer of membership. Any portion of the employees' savings fund not withdrawn shall be transferred by the employer to the retirement system over a period not to exceed fifteen years. The length of the transfer period and the method of payment to be utilized during that period shall be established by agreement between the department and the political subdivision. Employers making deferred payments of employee funds under this section shall transfer an additional amount equal to the interest that would have been credited to each employee's savings fund had his or her contributions been transferred to the state retirement system's employee savings fund on the date the political subdivision became an employer under this section. Any funds remaining in the employer's former retirement plan after all obligations of the plan have been provided for, as evidenced by appropriate actuarial study, shall be disposed of by the governing body of the political subdivision in such manner as it deems appropriate. For the purpose of administering and interpreting this chapter the department may substitute the names of political subdivisions of the state for the "state" and employees of the subdivisions for "state employees" wherever those terms appear in this chapter. The department may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The department shall keep accounts as are necessary to show the contributions of each political subdivision to the benefit account fund and shall have the power to debit and credit the various accounts in accordance with the transfer of the members from one employer to another.~~

~~(4) Employees of a political subdivision, maintaining its own retirement system, who have been transferred to a health district formed pursuant to chapter 70.46 RCW, but who have been allowed to remain members of the political subdivision's retirement system may be transferred as a group to the Washington public employees' retirement system. This transfer may be made by the action of the legislative authority of the political subdivision maintaining its own retirement system. This transfer shall include employer's and member's funds in the transferring municipalities' retirement system.~~

~~(5) Employees of a political subdivision, maintaining its own retirement system, heretofore transferred to a joint airport operation of two municipalities pursuant to chapter 14.08 RCW, may be transferred as a group to the Washington public employees' retirement system. This transfer may be made by the action of the legislative authority of the political subdivision maintaining its own retirement system. This transfer shall include employer's and member's funds in the transferring municipalities' retirement system.))~~

**Sec. 5.** RCW 41.40.160 and 1991 c 35 s 77 are each amended to read as follows:

(1) Subject to the provisions of RCW 41.40.150, at retirement the total service credited to a member shall consist of all membership service and, if he or she is an original member, all of the certified prior service.

(2) Employees of a public utility or other private enterprise all or any portion of which has been heretofore or may be hereafter acquired by a public agency as a matter of public convenience and necessity, where it is in the public interest to retain the trained personnel of such enterprise, all service to that enterprise shall, upon the acquiring public agency becoming an employer as defined in RCW 41.40.010(4) be credited on the same basis as if rendered to the said employer: PROVIDED, That this shall apply only to those employees who were in the service of the enterprise at or prior to the time of acquisition by the public agency and who remain in the service of the acquiring agency until they attain membership in the state employees' retirement system; and to those employees who were in the service of the enterprise at the time of acquisition by the public agency and subsequently attain membership through employment with any participating agency: PROVIDED FURTHER, In the event that the acquiring agency is an employer at the time of the acquisition, employer's contributions in connection with members achieving service credit hereunder shall be made on the same basis as set forth in RCW 41.40.045 and 41.40.048 for an employer admitted after April 1, 1949, and before the effective date of this act, and on the same basis as set forth in section 3 of this act for an employer admitted after the effective date of this act.

**NEW SECTION. Sec. 6.** RCW 41.40.045 and 1989 c 273 s 22, 1986 c 268 s 4, 1973 1st ex.s. c 190 s 13, 1972 ex.s. c 151 s 14, 1971 ex.s. c 271 s 11, 1963 c 174 s 15, 1961 c 291 s 11, & 1957 c 231 s 4 are each repealed."

MOTION

On motion of Senator West, further consideration of Substitute House Bill No. 1430 was deferred.

#### SECOND READING

HOUSE BILL NO. 1450, by Representatives Appelwick and Padden

Including certain judgments to be summarized.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Spanel, Senator Wojahn was excused.

On motion of Senator Ann Anderson, Senators Finkbeiner and Johnson were excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1450.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1450 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 41.

Excused: Senators Anderson, C., Finkbeiner, Hargrove, Johnson, McCaslin, Owen, Pelz and Wojahn - 8.

HOUSE BILL NO. 1450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1430 and the pending striking amendment by Senators Bauer and Rinehart, deferred earlier today.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Bauer and Rinehart to Substitute House Bill No. 1430.

The motion by Senator Bauer carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "contributions;" strike the remainder of the title and insert "amending RCW 41.40.062 and 41.40.160; reenacting and amending RCW 41.40.010; adding new sections to chapter 41.40 RCW; and repealing RCW 41.40.045."

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1430, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Franklin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1430, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1430, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 40.

Excused: Senators Anderson, C., Finkbeiner, Franklin, Hargrove, Johnson, McCaslin, Owen, Pelz and Wojahn - 9.

SUBSTITUTE HOUSE BILL NO. 1430, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.



## SECOND READING

HOUSE BILL NO. 1532, by Representatives Dyer, Dellwo, Ballasiotes, Cody, Cooke and Thibaudeau

Modifying certification of mental health counselors.

The bill was read the second time.

## MOTION

On motion of Senator Quigley, the rules were suspended, House Bill No. 1532 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1532.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1532 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 40.

Excused: Senators Anderson, C., Finkbeiner, Franklin, Hargrove, Johnson, McCaslin, Owen, Pelz and Wojahn - 9.

HOUSE BILL NO. 1532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1336, by House Committee on Higher Education (originally sponsored by Representatives Jacobsen, Carlson, Mastin and Basich)

Requiring institutions of higher education to report on precollege class enrollments.

The bill was read the second time.

## MOTIONS

On motion of Senator Bauer, the following Committee on Higher Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

The legislature finds that some college students who have recently graduated from high school must immediately enroll in one or more precollege classes before they can proceed successfully through college. The legislature also finds that these students should have received basic skills in English, reading, spelling, grammar, and mathematics before graduating from high school. It is the intent of the legislature that colleges and universities provide information to school districts about recent graduates who enroll in precollege classes. It is also the intent of the legislature to encourage institutions of higher education and the common schools to work together to solve problems of common concern.

**NEW SECTION. Sec. 2.** By June 30, 1996, in consultation with the commission on student learning, the superintendent of public instruction, the state board of education, faculty, teachers from institutions of higher education and high schools, and others as appropriate, the higher education coordinating board shall adopt common definitions of remedial and precollege material and course work. The definitions adopted by the board shall be rigorous, challenging students to come to college well prepared to engage in college and university work, and shall be adopted by each institution of higher education as defined in RCW 28B.10.016.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

Beginning in 1997, by September 30th of each year, each state university, regional university, state college, and, for community colleges and technical colleges, the state board for community and technical colleges shall provide a report to the office of the superintendent of public instruction, the state board of education, and the commission on student learning under RCW 28A.630.885. The report shall contain the following information on students who, within three years of graduating from a Washington high school, enrolled the prior year in a state-supported precollege level class at the institution: (1) The number of such students enrolled in a precollege level class in mathematics, reading, grammar, spelling, writing, or English; (2) the types of precollege classes in which each student was enrolled; and (3) the name of the Washington high school from which each student graduated.

For students who enrolled in a precollege class within three years of graduating from a Washington high school, each institution of higher education shall also report to the Washington high school from which the student graduated. The annual report shall include information on the number of students from that high school enrolled in precollege classes, and the types of classes taken by the students."

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "adding new sections to chapter 28B.10 RCW; and creating a new section."

## MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1336, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Kohl, Senator Heavey was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1336, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1336, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 40.

Excused: Senators Anderson, C., Finkbeiner, Franklin, Hargrove, Heavey, McCaslin, Owen, Pelz and Wojahn - 9.

SUBSTITUTE HOUSE BILL NO. 1336, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1140, by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Horn, Blanton, Costa and Honeyford)

Revising procedures for using criminal history in sentencing of offenders.

The bill was read the second time.

#### MOTION

Senator Smith moved that the following Committee on Law and Justice amendments be considered simultaneously and be adopted:

On page 2, line 5, after "any" insert "gross misdemeanor or felony"

On page 2, line 11, after "committing any" insert "gross misdemeanor or felony"

On page 2, line 17, after "committing any" insert "gross misdemeanor or felony"

#### MOTION

On motion of Senator Smith, further consideration of Substitute House Bill No. 1140 was deferred.

#### MOTION

On motion of Senator Ann Anderson, Senator Cantu was excused.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009, by House Committee on Appropriations (originally sponsored by Representatives Chandler, Skinner, Kremen, Delvin, Schoesler, Mastin, Chappell, Grant, Foreman, D. Schmidt, Boldt, Clements and Stevens)

Establishing a commission on pesticide registration.

The bill was read the second time.

#### MOTIONS

On motion of Senator Rasmussen, the following Committee on Agriculture, Agricultural Trade and Development amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 15.92 RCW to read as follows:

(1) A commission on pesticide registration is established. The commission shall be composed of twelve voting members appointed by the governor as follows:

(a) Eight members from the following segments of the state's agricultural industry as nominated by a state-wide private agricultural association or agricultural commodity commission formed under Title 15 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato growers;

(iv) wheat growers; (v) vegetable and seed growers; (vi) berry growers; (vii) wine grape growers; and (viii) the nursery and landscape industry. Although members are appointed from various segments of the agriculture industry, they are appointed to represent and advance the interests of the industry as a whole.

(b) One member from each of the following: (i) Forest protection industry; (ii) food processors; (iii) agricultural chemical industry; and (iv) professional pesticide applicators. One member shall be appointed for each such segment of the industry and shall be nominated by a state-wide, private association of that segment of the industry. The representative of the agricultural chemical industry shall be involved in the manufacture of agricultural crop protection products.

The following shall be ex officio, nonvoting members of the commission: The coordinator of the interregional project number four at Washington State University; the director of the department of ecology or the director's designee; the director of the department of agriculture or the director's designee; the director of the department of labor and industries or the director's designee, and the secretary of the department of health or the secretary's designee.

(2) Each voting member of the commission shall serve a term of three years. However, the first appointments in the first year shall be made by the governor for one, two, and three-year terms so that, in subsequent years, approximately one-third of the voting members shall be appointed each year. The governor shall assign the initial one, two, and three-year terms to members by lot. A vacancy shall be filled by appointment for the unexpired term in the same manner provided for an appointment to the full term. No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office. Each member of the commission shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 for attending meetings of the commission and for performing special duties, in the way of official commission business, specifically assigned to the person by the commission. The voting members of the commission serve without compensation from the state other than such travel expenses.

(3) Nominations for the initial appointments to the commission under subsection (1) of this section shall be submitted by September 1, 1995. The governor shall make initial appointments to the commission by October 15, 1995.

(4) The commission shall elect a chair from among its voting members each calendar year. After its original organizational meeting, the commission shall meet at the call of the chair. A majority of the voting members of the commission constitutes a quorum and an official action of the commission may be taken by a majority vote of the voting members.

**NEW SECTION. Sec. 2.** A new section is added to chapter 15.92 RCW to read as follows:

(1) The following apply to the use of state moneys appropriated to Washington State University specifically and expressly for studies or activities regarding the registration of pesticides:

(a) The moneys may not be expended without the express approval of the commission on pesticide registration;

(b) The moneys may be used for: (i) Evaluations, studies, or investigations approved by the commission on pesticide registration regarding the registration or reregistration of pesticides for minor crops or minor uses or regarding the availability of pesticides for emergency uses. These evaluations, studies, or investigations may be conducted by the food and environmental quality laboratory or may be secured by the commission from other qualified laboratories, researchers, or contractors by contract, which contracts may include, but are not limited to, those purchasing the use of proprietary information; (ii) the tracking system described in RCW 15.92.060; and (iii) the support of the commission on pesticide registration and its activities; and

(c) Not less than twenty-five percent of such moneys shall be dedicated to studies or investigations concerning the registration or use of pesticides for crops that are not among the top twenty agricultural commodities in production value produced in the state, as determined annually by the Washington agricultural statistics service.

(2) The commission on pesticide registration shall establish priorities to guide it in approving the use of moneys for evaluations, studies, and investigations under this section. Each biennium, the commission shall prepare a contingency plan for providing funding for laboratory studies or investigations that are necessary to pesticide registrations or related processes that will address emergency conditions for agricultural crops that are not generally predicted at the beginning of the biennium.

**NEW SECTION. Sec. 3.** A new section is added to chapter 15.92 RCW to read as follows:

The commission on pesticide registration shall:

(1) Provide guidance to the food and environmental quality laboratory established in RCW 15.92.050 regarding the laboratory's studies, investigations, and evaluations concerning the registration of pesticides for use in this state for minor crops and minor uses and concerning the availability of pesticides for emergency uses;

(2) Encourage agricultural organizations to assist in providing funding, in-kind services, or materials for laboratory studies and investigations concerning the registration of pesticides for minor crops and minor uses that would benefit the organizations;

(3) Provide guidance to the laboratory regarding a program for: Tracking the availability of effective pesticides for minor crops, minor uses, and emergency uses; providing this information to organizations of agricultural producers; and maintaining close contact between the laboratory, the department of agriculture, and organizations of agricultural producers regarding the need for research to support the registration of pesticides for minor crops and minor uses and the availability of pesticides for emergency uses;

(4) Ensure that the activities of the commission and the laboratory are coordinated with the activities of other laboratories in the Pacific Northwest, the United States department of agriculture, and the United States environmental protection agency to maximize the effectiveness of regional efforts to assist in the registration of pesticides for minor crops and minor uses and in providing for the availability of pesticides for emergency uses for the region and the state; and

(5) Ensure that prior to approving any residue study that there is written confirmation of registrant support and willingness or ability to add the given minor crop to its label including any restrictions or guidelines the registrant intends to impose.

**Sec. 4.** RCW 15.92.010 and 1991 c 341 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable, or animal product, including but not limited to, products qualifying as organic food products under chapter 15.86 RCW, private sector cultured aquatic products as defined in RCW 15.85.020, bees and honey, and Christmas trees but not including timber or timber products.

(2) "Center" means the center for sustaining agriculture and natural resources established at Washington State University.

((2)) (3) "Laboratory" means the food and environmental quality laboratory established at Washington State University at Tri-Cities.

((3)) (4) "Integrated pest management" is a strategy that uses various combinations of pest control methods, biological, cultural, and chemical, in a compatible manner to achieve satisfactory control and ensure favorable economic and environmental consequences.

((4)) (5) "IR-4 program" means interregional research project number four, clearances of chemicals and biologics for minor or special uses, established in 1963 by the cooperative state research service of the United States department of agriculture, the coordinated national

program involving land-grant universities and the United States department of agriculture to provide data required for the registration of pesticides needed for the production of minor crops.

~~((5))~~ (6) "Minor crop" means an agricultural crop considered to be minor in the national context of registering pesticides.

(7) "Minor use" means a pesticide use considered to be minor in the national context of registering pesticides including, but not limited to, a use for a special local need.

(8) "Natural resources" means soil, water, air, forests, wetlands, wildlands, and wildlife.

~~((6))~~ (9) "Pesticide" means chemical or biologic used to control pests such as insect, rodent, nematode, snail, slug, weed, virus, or any organism the director of agriculture may declare to be a pest.

~~((7))~~ (10) "Registration" means use of a pesticide approved by the state department of agriculture.

~~((8))~~ (11) "Sustainable agriculture" means a systems approach to farming, ranching, and natural resource production that builds on and supports the physical, biological, and ecological resource base upon which agriculture depends. The goals of sustainable agriculture are to provide human food and fiber needs in an economically viable manner for the agriculture industry and in a manner which protects the environment and contributes to the overall safety and quality of life.

**Sec. 5.** RCW 15.92.060 and 1991 c 341 s 7 are each amended to read as follows:

The responsibilities of the laboratory shall include:

(1) Evaluating regional requirements for minor crop registration through the federal IR-4 program;

(2) Providing a program for tracking the availability of effective pesticides for minor crops, minor uses, and emergency uses in this state;

(3) Conducting studies on the fate of pesticides on crops and in the environment, including soil, air, and water;

~~((3))~~ (4) Improving pesticide information and education programs; ~~(and~~

~~(4))~~ (5) Assisting federal and state agencies with questions regarding registration of pesticides which are deemed critical to crop production, consistent with priorities established in RCW 15.92.070; and

~~((5))~~ (6) Assisting in the registration of biopesticides, pheromones, and other alternative chemical and biological methods.

**NEW SECTION. Sec. 6.** A new section is added to chapter 15.92 RCW to read as follows:

By December 15, 2002, the commission shall file with the legislature a report on the activities supported by the commission for the period beginning on the effective date of this act and ending on December 1, 2002. The report shall include an identification of: The priorities that have been set by the commission; the state appropriations made to Washington State University that have been within the jurisdiction of the commission; the evaluations, studies, and investigations funded in whole or in part by such moneys and the registrations and uses of pesticides made possible in large part by those evaluations, studies, and investigations; the matching moneys, in-kind services, and materials provided by agricultural organizations for those evaluations, studies, and investigations; and the program or programs for tracking pesticide availability provided by the laboratory under the guidance of the commission and the means used for providing this information to organizations of agricultural producers.

During the regular session of the legislature in the year 2003, the appropriate committees of the house of representatives and senate shall evaluate the effectiveness of the commission in fulfilling its statutory responsibilities.

**NEW SECTION. Sec. 7.** A new section is added to chapter 15.92 RCW to read as follows:

The commission on pesticide registration, and Washington State University on behalf of the commission, may receive such gifts, grants, and endowments from public or private sources as may be used from time to time, in trust or otherwise, for the use and benefit of the commission and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments."

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "registration;" strike the remainder of the title and insert "amending RCW 15.92.010 and 15.92.060; and adding new sections to chapter 15.92 RCW."

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Second Substitute House Bill No. 1009, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1009, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1009, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 39.

Absent: Senator Rinehart - 1.

Excused: Senators Anderson, C., Cantu, Finkbeiner, Franklin, Hargrove, Heavey, McCaslin, Owen and Pelz - 9.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389, by House Committee on Health Care (originally sponsored by Representatives Dyer and Morris)

Concerning the supervision of apprentice opticians.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Engrossed Substitute House Bill No. 1389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1389.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1389 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 40.

Excused: Senators Anderson, C., Cantu, Finkbeiner, Franklin, Hargrove, Heavey, McCaslin, Owen and Pelz - 9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2036, by House Committee on Financial Institutions and Insurance (originally sponsored by Representative L. Thomas)

Concerning the sale of consumer credit unemployment insurance.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 2036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2036.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2036 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 1; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 39.

Voting nay: Senator Fairley - 1.

Excused: Senators Anderson, C., Cantu, Finkbeiner, Franklin, Hargrove, Heavey, McCaslin, Owen and Pelz - 9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1610, by House Committee on Law and Justice (originally sponsored by Representatives Delvin, Costa, Ballasiotes, Padden, Tokuda, Kremen, Chappell, Morris, Campbell, Hatfield, Cody, Regala, Romero, Hickel, Sheldon, Robertson and Kessler)

Increasing involvement of victims in criminal prosecutions.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

On page 2, line 22, after "standards." strike all material through "standards." on line 26.

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1610, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Rasmussen, Senator Bauer was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1610, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1610, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, A., Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 40.

Excused: Senators Anderson, C., Bauer, Cantu, Finkbeiner, Hargrove, Heavey, McCaslin, Owen and Pelz - 9.

SUBSTITUTE HOUSE BILL NO. 1610, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Spanel, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 10, 1995

SB 6058 Prime Sponsor, Senator Loveland: Modifying local public health governance and financing. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6058 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, West and Wojahn.

Passed to Committee on Rules for second reading.

April 10, 1995

ESHB 1010 Prime Sponsor, House Committee on Government Operations: Implementing regulatory reform. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Government Operations. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Hargrove, Hochstatter, Johnson, Long, McDonald, Roach, Sheldon, Snyder, Strannigan and West.

Passed to Committee on Rules for second reading.

MOTION

At 7:21 p.m., on motion of Senator Spanel, the Senate adjourned until 9:30 a.m., Wednesday, April 12, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-THIRD DAY, APRIL 11, 1995

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

**NINETY-FOURTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, April 12, 1995

The Senate was called to order at 9:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Cal Anderson. On motion of Senator Loveland, Senator Cal Anderson was excused.

The Sergeant at Arms Color Guard, consisting of Pages John Roach and Steve Roach, presented the Colors. The Most Reverend Thomas Murphy, Archbishop of Seattle, and a guest of Senator Cantu, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 11, 1995

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5101,  
SENATE BILL NO. 5200,  
SECOND SUBSTITUTE SENATE BILL NO. 5235,  
SENATE BILL NO. 5372, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 11, 1995

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1012,  
ENGROSSED HOUSE BILL NO. 1014,  
HOUSE BILL NO. 1015,  
HOUSE BILL NO. 1058,  
SUBSTITUTE HOUSE BILL NO. 1067,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076,  
HOUSE BILL NO. 1112,  
ENGROSSED HOUSE BILL NO. 1131,  
HOUSE BILL NO. 1163,  
SUBSTITUTE HOUSE BILL NO. 1233,  
SUBSTITUTE HOUSE BILL NO. 1246,  
HOUSE BILL NO. 1280,  
SUBSTITUTE HOUSE BILL NO. 1287,  
HOUSE BILL NO. 1295,  
HOUSE BILL NO. 1297,  
SUBSTITUTE HOUSE BILL NO. 1414,  
SUBSTITUTE HOUSE BILL NO. 1507,  
ENGROSSED HOUSE BILL NO. 1550,  
ENGROSSED HOUSE BILL NO. 1603,  
ENGROSSED HOUSE BILL NO. 1876, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 11, 1995

April 11, 1995

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5106,  
SUBSTITUTE SENATE BILL NO. 5647,  
SENATE BILL NO. 5771, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5101,  
SENATE BILL NO. 5200,  
SECOND SUBSTITUTE SENATE BILL NO. 5235,  
SENATE BILL NO. 5372.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1012,  
ENGROSSED HOUSE BILL NO. 1014,  
HOUSE BILL NO. 1015,  
HOUSE BILL NO. 1058,  
SUBSTITUTE HOUSE BILL NO. 1067,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076,  
HOUSE BILL NO. 1112,  
ENGROSSED HOUSE BILL NO. 1131,  
HOUSE BILL NO. 1163,  
SUBSTITUTE HOUSE BILL NO. 1233,  
SUBSTITUTE HOUSE BILL NO. 1246,  
HOUSE BILL NO. 1280,  
SUBSTITUTE HOUSE BILL NO. 1287,  
HOUSE BILL NO. 1295,  
HOUSE BILL NO. 1297,  
SUBSTITUTE HOUSE BILL NO. 1414,  
SUBSTITUTE HOUSE BILL NO. 1507,  
ENGROSSED HOUSE BILL NO. 1550,  
ENGROSSED HOUSE BILL NO. 1603,  
ENGROSSED HOUSE BILL NO. 1876.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2080 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Hankins, Benton, Elliot, Skinner, Buck, McMahan, Robertson, Johnson, D. Schmidt, Chandler, Mitchell, Koster, Backlund, Cairnes, Horn, Blanton and Stevens)

Providing transportation funding and appropriations.

Referred to Committee on Transportation.

MOTION

At 9:42 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:50 a.m. by President Pritchard.

There being no objection, the President reverted the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

April 12, 1995

E2SHB 2010 Prime Sponsor, House Committee on Appropriations: Revising corrections provisions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Schow, Smith and Strannigan.

Referred to Committee on Ways and Means.



MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Spanel, the following resolution was adopted:

SENATE RESOLUTION 1995-8644

By Senators Spanel, Haugen and Kohl

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and  
WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and  
WHEREAS, The Skagit Valley begins the festival season in Washington State with the Skagit Valley Tulip Festival; and  
WHEREAS, This year's twelfth annual event will run from March 31 through April 16, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, LaConner, Mount Vernon, and Concrete; and  
WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event and contributing to the economy of the Skagit Valley; and  
WHEREAS, This year's visitors will be overwhelmed by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow and by the fullness of life in the valley and its wonderful people; and  
WHEREAS, Highlights of the event include the Mount Vernon Street Fair, a Sousa Concert, an International Volkswalk, the Tulip Pedal Bicycle Ride, the Paccar Open House, a 10K Slug Run, and the Key Bank Flower and Garden Show;  
NOW, THEREFORE, BE IT RESOLVED, That the Senate salute the six communities of the Skagit Valley, their Chambers of Commerce, and the Tulip Festival Committee for their Skagit Valley Tulip Festival; and  
BE IT FURTHER RESOLVED, That we commend the community leaders and corporate sponsors responsible for the success of this important event and encourage citizens from across Washington State to take the time to enjoy this spectacular display; and  
BE IT FURTHER RESOLVED, That the Senate issue this resolution in recognition of the Skagit Valley Tulip Festival, March 31 through April 16, 1995.

Senators Spanel and Haugen spoke to Senate Resolution 1995-8644.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Shalyce Smiley and Ben Creelman, Tulip Ambassadors, who were seated on the rostrum.

MOTION

On motion of Senator Ann Anderson, the following resolution was adopted:

SENATE RESOLUTION 1995-8639

By Senator Ann Anderson

WHEREAS, It is statutory that the second Wednesday in April each year is designated as Washington State Arbor Day; and  
WHEREAS, Arbor Day is a traditional day for the planting of trees and shrubs by many citizens in the state of Washington; and  
WHEREAS, Arbor Day has been celebrated in Washington since 1917, when Governor Ernest Lister conducted the first official observance; and  
WHEREAS, Arbor Day focuses community attention on planting trees while educating school children and community groups about the value of trees; and  
WHEREAS, Arbor Day is a symbolic day to recognize the importance of trees and shrubs to the environment, in neighborhoods and communities, in the state's agricultural and timber-based economy, and the importance of continued regeneration of our renewable resources; and  
WHEREAS, The state of Washington is appropriately called the Evergreen State due to the existence and special significance that trees and plants contribute to our jobs, natural beauty, environment, and quality of life to our citizens; and  
WHEREAS, By observing Arbor Day every year, the citizens of the state can show their appreciation for the state's natural resources, the full range of benefits that are provided from trees and shrubs in the state, and the importance of planting trees and shrubs throughout the year;  
NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby proclaim April 12, 1995, as Arbor Day and encourage residents to plant a tree or shrub and celebrate this day.

Senators Ann Anderson and Hargrove spoke to Senate Resolution 1995-8639.

MOTION

On motion of Senator Morton, the following resolution was adopted:

SENATE RESOLUTION 1995-8647

By Senators Morton and Kohl

WHEREAS, Dana Morrison was the beloved husband of Terrie Morrison and the proud father of Roylee, Greg, Brent, and Amie; and  
WHEREAS, Dana Morrison was a valued and respected member of the maintenance crew of the Ferry County Road Department for over six years; and

WHEREAS, Dana Morrison was a volunteer fire fighter in Ferry County and a member of the Curlew Fire Department in Ferry District #2 for three years, serving his community with dedication and selflessness; and

WHEREAS, While serving his community as a volunteer fire fighter, Dana Morrison lost his life fighting a grasslands fire; and

WHEREAS, Dana Morrison will be mourned and missed by his family, friends, coworkers, and fellow members of the Curlew Fire Department of Ferry County;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby express heartfelt gratitude to Dana Morrison for all that he has contributed to his community, and wish his family comfort and strength; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Mrs. Terrie Morrison and to Dana Morrison's daughter, Amie, and sons Roylee, Greg, and Brent.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Kewn Kim, Counsel General of Korea in the Office of the Consulate General of the Republic of Korea in Seattle, who was seated in the gallery.

MOTION TO LIMIT DEBATE

Senator Spanel: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through the end of the session, April 23, 1995."

The President declared the question before the Senate to be the motion by Senator Spanel to limit debate.

The motion by Senator Spanel carried and debate was limited to three minutes through the end of the session, April 23, 1995.

MOTION

On motion of Senator Spanel, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4008, by Representatives Basich, Pennington, Johnson, Quall, Kremen, Fuhrman, Chappell, Hatfield, Backlund and Sheldon

Requesting modification of the federal Marine Mammal Protection Act.

The joint memorial was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, House Joint Memorial No. 4008 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4008.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4008 and the joint memorial passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Fairley, Franklin, Kohl, Pelz and Smith - 5.

Excused: Senator Anderson, C. - 1.

HOUSE JOINT MEMORIAL NO. 4008, having received the constitutional majority was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1497, by House Committee on Government Operations (originally sponsored by Representatives B. Thomas and Dyer)

Facilitating electronic access to public records.

The bill was read the second time.

#### MOTIONS

On motion of Senator Sutherland, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 40.14.020 and 1991 c 237 s 4 and 1991 c 184 s 1 are each reenacted and amended to read as follows:

All public records shall be and remain the property of the state of Washington. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with the provisions of this chapter. In order to insure the proper management and safeguarding of public records, the division of archives and records management is established in the office of the secretary of state. The state archivist, who shall administer the division and have reasonable access to all public records, wherever kept, for purposes of information, surveying, or cataloguing, shall undertake the following functions, duties, and responsibilities:

- (1) To manage the archives of the state of Washington;
- (2) To centralize the archives of the state of Washington, to make them available for reference and scholarship, and to insure their proper preservation;
- (3) To inspect, inventory, catalog, and arrange retention and transfer schedules on all record files of all state departments and other agencies of state government;
- (4) To insure the maintenance and security of all state public records and to establish safeguards against unauthorized removal or destruction;
- (5) To establish and operate such state record centers as may from time to time be authorized by appropriation, for the purpose of preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment;
- (6) To adopt rules under chapter 34.05 RCW:
  - (a) Setting standards for the durability and permanence of public records maintained by state and local agencies;
  - (b) Governing procedures for the creation, maintenance, transmission, cataloging, indexing, storage, or reproduction of photographic, optical, electronic, or other images of public documents or records in a manner consistent with current standards, policies, and procedures of the department of information services for the acquisition of information technology;
  - (c) Governing the accuracy and durability of, and facilitating access to, photographic, optical, electronic, or other images used as public records; or
  - (d) To carry out any other provision of this chapter;
- (7) To gather and disseminate to interested agencies information on all phases of records management and current practices, methods, procedures, techniques, and devices for efficient and economical management and preservation of records;
- (8) To operate a central microfilming bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; to approve microfilming projects undertaken by state departments and all other agencies of state government; and to maintain proper standards for this work; (~~and~~)
- (9) To maintain necessary facilities for the review of records approved for destruction and for their economical disposition by sale or burning; directly to supervise such destruction of public records as shall be authorized by the terms of this chapter;
- (10) To assist and train state and local agencies in the proper methods of creating, maintaining, cataloging, indexing, transmitting, storing, and reproducing photographic, optical, electronic, or other images used as public records.

**NEW SECTION. Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void."

On motion of Senator Sutherland, the following title amendment was adopted:

On line 2 of the title, beginning with "and" strike the remainder of the title and insert "reenacting and amending RCW 40.14.020; and creating a new section."

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 1497, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1497, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1497, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1497, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1660, by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk and Romero) (by request of Governor Lowry)

Authorizing the director of labor and industries to issue approvals based on national consensus codes and external professional certification.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendment was adopted:

On page 1, beginning on line 5, strike all of section 1

Renumber the remaining sections consecutively and correct internal references accordingly.

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "approvals;" insert "and" and after "43.22.480" strike all material through "RCW" on line 3

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1660, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1660 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1660, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1660, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1483, by House Committee on Natural Resources (originally sponsored by Representatives Pennington, Elliot, Stevens, Huff, Mielke, Johnson, L. Thomas, McMahan and Sheahan)

Revising provisions on the prevention and suppression of forest wild fires.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1483.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1483 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1398, by House Committee on Health Care (originally sponsored by Representatives Dyer, Dellwo, Backlund, Quall, Conway, Cody, Morris and Casada)

Regulating acupuncture licensing.

The bill was read the second time.

#### MOTIONS

On motion of Senator Quigley, the following Committee on Health and Long-Term Care amendment was adopted:

On page 5, beginning on line 11, after "practice" strike all material through "services" on line 14

On motion of Senator Quigley, the rules were suspended, Substitute House Bill No. 1398, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1398, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1398, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1398, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1136, by Representatives Ballasiotes, Kessler, Campbell, Costa, Padden, Delvin, Hargrove, Basich, Tokuda, Lisk, Dyer, Mastin, Schoesler, Blanton, Sheldon, Lambert, L. Thomas, Backlund, Van Luven, Benton, Buck, Crouse, Chappell, Wolfe, Huff, Mitchell, Hickel, Thompson, Foreman, Sherstad, Chandler, Clements, Patterson, Mulliken, Honeyford, Cooke, Johnson, D. Schmidt, Pennington, Hymes, Kremen, Carrell, Mielke and Sheahan

Requiring twenty-five percent of inmate welfare accounts to be used for victims' compensation.

The bill was read the second time.

#### MOTIONS

On motion of Senator Hargrove, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the responsibility for criminal activity should fall squarely on the criminal. To the greatest extent possible society should not be expected to have to pay the price for crimes twice, once for the criminal activity and again by feeding, clothing, and housing the criminal. The corrections system should be the first place criminals are given the opportunity to be responsible for paying for their criminal act, not just through the loss of their personal freedom, but by making financial contributions to alleviate the pain and suffering of victims of crime.

**NEW SECTION. Sec. 2.** A new section is added to chapter 72.09 RCW to read as follows:

Each year the department shall transfer twenty-five percent of the total annual revenues and receipts received in each institutional betterment fund subaccount to the department of labor and industries for the purpose of providing direct benefits to crime victims through the crime victims' compensation program as outlined in chapter 7.68 RCW. This transfer takes priority over any expenditure of betterment funds and shall be reflected on the monthly financial statements of each institution's betterment fund subaccount.

Any funds so transferred to the department of labor and industries shall be in addition to the crime victims' compensation amount provided in an omnibus appropriation bill. It is the intent of the legislature that the funds forecasted or transferred pursuant to this section shall not reduce the funding levels provided by appropriation.

**Sec. 3.** RCW 7.68.090 and 1973 1st ex.s. c 122 s 9 are each amended to read as follows:

The director shall establish such fund or funds, separate from existing funds, necessary to administer this chapter, and payment to these funds shall be from legislative appropriation, statutory provision, reimbursement and subrogation as provided in this chapter, and from any contributions or grants specifically so directed."

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "accounts;" strike the remainder of the title and insert "amending RCW 7.68.090; adding a new section to chapter 72.09 RCW; and creating a new section."

#### MOTION

On motion of Senator Hargrove the rules were suspended, House Bill No. 1136, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1136, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1136, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1136, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1123, by House Committee on Trade and Economic Development (originally sponsored by Representatives Sheldon, Van Luven, Horn, Campbell, Foreman, Mason, Hatfield, Ballasiotes, Kremen, Conway, K. Schmidt, D. Schmidt, Grant, Sheahan, Chopp, Schoesler, Morris, Koster, Thibaudeau, Talcott, Valle, Wolfe, L. Thomas, Casada, Boldt, Sherstad, Huff and Mitchell)

Establishing a special trade representative and Washington state trade advisory council.

The bill was read the second time.

#### MOTIONS

Senator Pelz moved that the following Committee on Labor, Commerce and Trade amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

- (a) The expansion of international trade is vital to the overall growth of Washington's economy;
- (b) On a per capita basis, Washington state is the most international trade dependent state in the nation;
- (c) The north american free trade agreement (NAFTA) and the general agreement on tariffs and trade (GATT) highlight the increased importance of international trade opportunities to the United States and the state of Washington;
- (d) The passage of NAFTA and GATT will have a major impact on the state's agriculture, aerospace, computer software, and textiles and apparel sectors;
- (e) There is a need to strengthen and coordinate the state's activities in promoting and developing its agricultural, manufacturing, and service industries overseas, especially for small and medium-sized businesses, and minority and women-owned business enterprises; and
- (f) The importance of having a coherent vision for advancing Washington state's interest in the global economy has rarely been so consequential as it is now.

(2) The legislature declares that the purpose of the office of the Washington state trade representative is to strengthen and expand the state's activities in marketing its goods and services overseas.

**NEW SECTION. Sec. 2.** The office of the Washington state trade representative is created under the office of the governor. The office shall serve as the state's official liaison with foreign governments on trade matters.

**NEW SECTION. Sec. 3.** (1) The executive and administrative head of the office of the Washington state trade representative shall be the governor's special trade representative. The governor's special trade representative shall be appointed by the governor with consent of the senate, and shall serve at the pleasure of the governor. The governor's special trade representative shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

(2) The governor's special trade representative shall supervise and administer the activities of the office of the Washington state trade representative and shall advise the governor and legislature with respect to trade matters affecting the state.

(3) The governor's special trade representative may establish a trade advisory council to:

- (a) Advise the governor and legislature on mechanisms for enhancing the state export promotion and assistance efforts;
- (b) Evaluate proposals for enhancement, coordination, and structure of the state's activities in international trade, including but not limited to proposals on new or expanded overseas trade offices, sister-state relations, and new trade priorities for the state, and make recommendations to the legislature and the governor on the merits of such proposals; and
- (c) Provide the special trade representative with such advice and assistance as may be necessary to carry out the purposes of the office of the Washington state trade representative.

(4) The governor's special trade representative may hire such personnel as may be necessary for the general administration of the office. To the extent permitted by law, state agencies may temporarily assign staff to the office of the Washington state trade representative to assist in carrying out the office's duties and responsibilities under this chapter.

(5) The governor's special trade representative is authorized to:

(a) Consult with the department of agriculture and the various agricultural commissions, created in Title 15 RCW, on the promotion of Washington agricultural commodities overseas; and

(b) Consult with the department of community, trade, and economic development on the promotion of Washington goods and services overseas.

**NEW SECTION. Sec. 4.** Sections 2 and 3 of this act shall constitute a new chapter in Title 43 RCW."

On motion of Senator Pelz, the following amendment to the Committee on Labor, Commerce and Trade striking amendment was adopted:

On page 1, after line 32 of the amendment, insert the following:

"The office of the Washington state trade representative may accept or request grants or gifts from citizens and other private sources to be used to defray the costs of appropriate hosting of foreign dignitaries, including appropriate gift-giving and reciprocal gift-giving, or other activities of the office. The office shall open and maintain a bank account into which it shall deposit all money received under this section. Such money and the interest accruing thereon shall not constitute public funds, shall be kept segregated and apart from funds of the state, and shall not be subject to appropriation or allotment by the state or subject to chapter 43.88 RCW."

The President declared the question before the Senate to be the adoption of the Committee on Labor, Commerce and Trade striking amendment, as amended, to Substitute House Bill No. 1123.

The committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "trade;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating a new section."

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1123, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1123, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1123, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Heavey, McCaslin, Morton, Strannigan and Swecker - 5.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1123, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1630, by House Committee on Commerce and Labor (originally sponsored by Representatives Cairnes, Kremen, Ballasiotes, Cole, Conway, Cooke, Goldsmith, Quall, Cody, Elliot, Romero, Voloria and Thompson)

Regulating the registration of contractors.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 18.27 RCW to read as follows:

The purposes of this chapter are to protect the general welfare of the residents of this state who purchase construction services and the general economic welfare of business in compliance with this chapter, to enhance state revenue collections, and to promote compliance and enforcement of this chapter by providing swift and meaningful penalties for those failing to register as required by this chapter.

This chapter shall be strictly enforced to accomplish these purposes. Therefore, the doctrine of substantial compliance shall not be used by the department in the application and construction of this chapter. Anyone engaged in the activities of a contractor is presumed to know the requirements of this chapter.

**Sec. 2.** RCW 18.27.010 and 1993 c 454 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Contractor" means any person, firm, or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works in connection therewith or who installs or repairs roofing or siding; or, who, to do similar work upon his or her own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein. "Contractor" includes any person, firm, or corporation covered by this subsection, whether or not registered as required under this chapter.

(2) "General contractor" means a contractor whose business operations require the use of more than two unrelated building trades or crafts whose work the contractor shall superintend or do in whole or in part. "General contractor" shall not include an individual who does all work personally without employees or other "specialty contractors" as defined ~~((herein))~~ in this section. The terms "general contractor" and "builder" are synonymous.

(3) "Specialty contractor" means a contractor whose operations ~~((as such))~~ do not fall within the foregoing definition of "general contractor".

(4) "Unregistered contractor" means a person, firm, or corporation doing work as a contractor without being registered in compliance with this chapter. "Unregistered contractor" includes contractors whose registration is expired for more than thirty days beyond the renewal date or has been suspended.

(5) "Department" means the department of labor and industries.

~~((5))~~ (6) "Director" means the director of the department of labor and industries.

~~((6))~~ (7) "Verification" means the receipt and duplication by the city, town, or county of a contractor registration card that is current on its face.

**Sec. 3.** RCW 18.27.020 and 1993 c 454 s 6 are each amended to read as follows:

(1) Every contractor shall register with the department.

(2) It is a misdemeanor for any contractor to:

(a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;  
(b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked;

(c) Use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required; ~~((or))~~

(d) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or

(e) Knowingly subcontract work to a person, firm, or corporation not registered as required under this chapter. However, a contractor does not commit a misdemeanor under this section if a subcontractor becomes unregistered during the course of its work without the knowledge of the contractor.

(3) All misdemeanor actions under this chapter shall be prosecuted in the county where the ~~((infraction))~~ violation occurs.

(4) The director by rule shall establish a two-year audit and monitoring program for a contractor not registered under this chapter who becomes registered after receiving an infraction or conviction under this chapter as an unregistered contractor. The director shall notify the department of revenue and the employment security department of such infractions or convictions and shall cooperate with such departments in determining whether any taxes or registration, license, or other fees or penalties are owed the state.

**Sec. 4.** RCW 18.27.030 and 1992 c 217 s 1 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(a) Employer social security number.

(b) As applicable: (i) The industrial insurance account number covering employees domiciled in Washington; and (ii) evidence of workers' compensation coverage in the applicant's state of domicile for the applicant's employees working in Washington who are not domiciled in Washington.

(c) Employment security department number.

(d) State excise tax registration number.

(e) Unified business identifier (UBI) account number may be substituted for the information required by (b), (c), and (d) of this subsection.

(f) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

(g) The name and address of each partner if the applicant be a firm or partnership, or the name and address of the owner if the applicant be an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant be a corporation. The information contained in such application shall be a matter of public record and open to public inspection.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(b) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3) The department shall deny an application for registration ~~((shall be denied))~~ if the applicant has been previously registered as a sole proprietor, partnership, or corporation ~~((, and was a principal or officer of the corporation,))~~ and ~~((if))~~ the applicant has an unsatisfied final judgment in an action based on RCW 18.27.040 ~~((,))~~ that was incurred during a previous registration under this chapter. The department shall check for unsatisfied judgments under RCW 18.27.040 and a history of violations and misdemeanors when application is made. A history of violations, revoked and suspended registrations or licenses, or misdemeanors relating to the construction business may be grounds for denial.

**Sec. 5.** RCW 18.27.040 and 1988 c 139 s 1 are each amended to read as follows:

(1) Each applicant shall ~~((, at the time of applying for or renewing a certificate of registration, file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department running to the state of Washington if a general contractor, in the sum of six thousand dollars; if a specialty contractor, in the sum of four thousand dollars,))~~ accompany the application for a certificate of registration with a surety bond or continuation certificate issued by a surety insurer who meets the requirements of chapter 48.28 RCW in the sum of fifteen thousand dollars if the applicant is a general contractor and ten thousand dollars if the applicant is a specialty contractor. The bond shall have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director of its intent to cancel the bond. A cancellation or revocation of the bond or withdrawal of the surety from the bond suspends the registration issued to the



registrant until a new bond or reinstatement notice has been filed and approved as provided in this section. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or a portion thereof, at two or more points in time be added together in determining the surety's liability. The bond shall be conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of (~~negligent or improper work or~~) breach of contract including negligent or improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) Any contractor registered as of (~~the effective date of this 1983 act~~) July 1, 1995, who maintains such registration in accordance with this chapter shall be in compliance with this chapter until the next annual renewal of the contractor's certificate of registration. At that time, the contractor shall provide a bond, cash deposit, or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall renew the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon (~~such~~) the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond. Action upon (~~such~~) the bond or deposit shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed or abandoned. Service of process in an action against the contractor, the contractor's bond, or the deposit shall be exclusively by service upon the department. Three copies of the summons and complaint and a fee of ten dollars to cover the handling costs shall be served by registered or certified mail upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the ten-dollar fee and three copies of the summons and complaint. (~~Such~~) The service shall constitute service on the registrant and the surety for suit upon the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the registrant at the address listed in his or her application and to the surety within forty-eight hours after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety shall not cumulate where the bond has been renewed, continued, reinstated, reissued or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (a) Employee labor, including employee benefits;
- (b) Claims for breach of contract by a party to the construction contract;
- (c) Material and equipment;
- (d) Taxes and contributions due the state of Washington;
- (e) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover. The prevailing party in a bond claim action

against the contractor and the contractor's bond, as required by this section, for breach of a construction contract is entitled to costs, interest, and reasonable attorneys' fees. In no event, however, may the combined costs, interest, attorneys' fees, and bond loss exceed the penal limit of the bond.

The total amount paid from a bond or deposit to claimants other than those asserting a claim for breach of construction contract shall not exceed in the aggregate six thousand dollars for a general contractor and four thousand dollars for a specialty contractor.

A payment made by the surety in good faith shall exonerate the bond to extent of any payment made by the surety.

(5) (~~In the event that any~~) If a final judgment (shall) impairs the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the department shall suspend the registration of (~~such~~) the contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims (~~shall have been~~) is furnished. If (~~such~~) the bond becomes fully impaired, a new bond must be furnished at the (~~increased~~) rates prescribed by this section (~~as now or hereafter amended~~).

(6) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

(7) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of (~~such~~) the certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(8) The director may (~~promulgate~~) adopt rules necessary for the proper administration of the security.

**Sec. 6.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each amended to read as follows:

(1) A certificate of registration shall be valid for one year and shall be renewed on or before the expiration date. The department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter.

(2) If the department approves an application, it shall issue a certificate of registration to the applicant. The certificate shall be valid for:

- (a) One year;
- (b) Until the bond expires; or
- (c) Until the insurance expires, whichever comes first. The department shall place the expiration date on the certificate.
- (3) A contractor may supply a short-term bond or insurance policy to bring its registration period to the full one year.

(4) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall give notice of the suspension to the contractor by certified and by first class mail within forty-eight hours after suspension.

(5) Renewal of registration shall be considered valid upon the date the department receives the required fee and proof of bond and liability insurance, if sent by certified mail or other means requiring proof of delivery. The receipt or proof of delivery shall serve as the contractor's proof of renewed registration until he or she receives verification from the department.

**Sec. 7.** RCW 18.27.090 and 1987 c 313 s 1 are each amended to read as follows:

This chapter (~~shall~~) does not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the utilities and transportation commission in construction, maintenance, or development work incidental to their own business;

(4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement, or repair of personal property, except this chapter shall apply to all mobile/manufactured housing. A mobile/manufactured home may be installed, set up, or repaired by the registered or legal owner, by a contractor (~~licensed~~) registered under this chapter, or by a mobile/manufactured home retail dealer or manufacturer licensed under chapter 46.70 RCW who shall warranty service and repairs under chapter 46.70 RCW;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than five hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than five hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he or she is a contractor, or that he or she is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor;

(12) Any person working on his or her own property, whether occupied by him or her or not, and any person working on his or her personal residence, whether owned by him or her or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his or her own property with the intention and for the purpose of selling the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his or her professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his or her license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his or her sole compensation or as an employee with wages as his or her sole compensation;

(16) Contractors on highway projects who have been prequalified as required by (~~chapter 13 of the Laws of 1961~~) RCW 47.28.070, with the department of transportation to perform highway construction, reconstruction, or maintenance work.

**Sec. 8.** RCW 18.27.100 and 1993 c 454 s 3 are each amended to read as follows:

(1) Except as provided in RCW 18.27.065 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity, of a contractor under any other name unless such name also is registered under this chapter.

(2) All advertising and all contracts, correspondence, cards, signs, posters, papers, and documents which show a contractor's name or address shall show the contractor's name or address as registered under this chapter.

(3)(a) (~~The alphabetized listing of contractors appearing in the advertising section of telephone books or other directories and~~) All advertising that shows the contractor's name or address shall show the contractor's current registration number. The registration number may be omitted in an alphabetized listing of registered contractors stating only the name, address, and telephone number: PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on-premise signs shall not constitute advertising as provided in this section. All materials used to directly solicit business from retail customers who are not businesses shall show the contractor's current registration number. A contractor shall not use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required. Advertising by airwave transmission shall not be subject to this subsection (3)(a) (if the person selling the advertisement obtains the contractor's current registration number from the contractor).

(b) (~~A person selling advertising should not accept advertisements for which the contractor registration number is required under (a) of this subsection if the contractor fails to provide the contractor registration number.~~) The director may issue a subpoena to any person or entity selling any advertising subject to this section for the name, address, and telephone number provided to the seller of the advertising by the purchaser of the advertising. The subpoena must have enclosed a stamped, self-addressed envelope and blank form to be filled out by the seller of the advertising. If the seller of the advertising has the information on file, the seller shall, within a reasonable time, return the completed form to the department. The subpoena must be issued within forty-eight hours after the expiration of the issue or publication containing the advertising

or after the broadcast of the advertising. The good-faith compliance by a seller of advertising with a written request of the department for information concerning the purchaser of advertising shall constitute a complete defense to any civil or criminal action brought against the seller of advertising arising from such compliance. Advertising by airwave or electronic transmission is subject to this subsection (3)(b).

(4) No contractor shall advertise that he or she is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter.

(5) A contractor shall not falsify a registration number and use it, or use an expired registration number, in connection with any solicitation or identification as a contractor. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers, and employees of contractors shall use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto.

(6) Any advertising by a person, firm, or corporation soliciting work as a contractor when that person, firm, or corporation is not registered pursuant to this chapter is a violation of this chapter.

(7)(a) The finding of a violation of this section by the director at a hearing held in accordance with ((the Administrative Procedure Act,)) chapter 34.05 RCW((,)) shall subject the person committing the violation to a penalty of not more than five thousand dollars as determined by the director.

(b) Penalties under this section shall not apply to a violation determined to be an inadvertent error.

**Sec. 9.** RCW 18.27.104 and 1989 c 175 s 61 are each amended to read as follows:

(1) If, upon investigation, the director or the director's designee has probable cause to believe that a person holding a registration, an applicant for registration, or ~~((an unregistered))~~ a person acting in the capacity of a contractor who is not otherwise exempted from this chapter, has violated RCW 18.27.100 by unlawfully advertising for work covered by this chapter ~~((in an alphabetical or classified directory)),~~ the department may issue a citation containing an order of correction. Such order shall require the violator to cease the unlawful advertising.

(2) If the person to whom a citation is issued under subsection (1) of this section notifies the department in writing that he or she contests the citation, the department shall afford an opportunity for an adjudicative proceeding under chapter 34.05 RCW ~~((, the Administrative Procedure Act,))~~ within thirty days after receiving the notification.

**Sec. 10.** RCW 18.27.110 and 1993 c 454 s 5 are each amended to read as follows:

(1) No city, town or county shall issue a construction building permit for work which is to be done by any contractor required to be registered under this chapter without verification that such contractor is currently registered as required by law. When such verification is made, nothing contained in this section is intended to be, nor shall be construed to create, or form the basis for any liability under this chapter on the part of any city, town or county, or its officers, employees or agents. However, failure to verify the contractor registration number results in liability to the city, town, or county to a penalty to be imposed according to RCW 18.27.100 ~~((,))~~ (7)(a).

(2) At the time of issuing the building permit, all cities, towns, or counties are responsible for:

(a) Printing the contractor registration number on the building permit; and

(b) Providing a written notice to the building permit applicant informing them of contractor registration laws and the potential risk and monetary liability to the homeowner for using an unregistered contractor.

(3) If a building permit is obtained by an applicant or contractor who falsifies information to obtain an exemption provided under RCW 18.27.090, the building permit shall be forfeited.

**Sec. 11.** RCW 18.27.114 and 1988 c 182 s 1 are each amended to read as follows:

(1) ~~((Until July 1, 1989, any contractor agreeing to perform any contracting project: (a) For the repair, alteration, or construction of four or fewer residential units or accessory structures on such residential property when the bid or contract price totals one thousand dollars or more; or (b) for the repair, alteration, or construction of a commercial building when the bid or contract price totals one thousand dollars or more but less than sixty thousand dollars, must provide the customer with the following disclosure statement prior to starting work on the project:~~

#### "NOTICE TO CUSTOMER

~~This contractor is registered with the state of Washington, registration no. . . . , as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries."~~

~~(2) On and after July 1, 1989,)) Any contractor agreeing to perform any contracting project: (a) For the repair, alteration, or construction of four or fewer residential units or accessory structures on such residential property when the bid or contract price totals one thousand dollars or more; or (b) for the repair, alteration, or construction of a commercial building when the bid or contract price totals one thousand dollars or more but less than sixty thousand dollars, must provide the customer with the following disclosure statement prior to starting work on the project:~~

#### "NOTICE TO CUSTOMER

~~This contractor is registered with the state of Washington, registration no. . . . , as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. The expiration date of this contractor's registration is . . . . . This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is~~

required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries."

~~((3))~~ ~~On and after July 1, 1989,~~ (2) A contractor subject to this section shall notify any consumer to whom notice is required under subsection ~~((2))~~ (1) of this section if the contractor's registration has expired or is revoked or suspended by the department prior to completion or other termination of the contract with the consumer.

~~((4))~~ (3) No contractor subject to this section may bring or maintain any lien claim under chapter 60.04 RCW based on any contract to which this section applies without alleging and proving that the contractor has provided the customer with a copy of the disclosure statement as required in subsection (1) ~~((2))~~ of this section.

~~((5))~~ (4) This section does not apply to contracts authorized under chapter 39.04 RCW or to contractors contracting with other contractors.

~~((6))~~ (5) Failure to comply with this section shall constitute an infraction under the provisions of this chapter.

~~((7))~~ (6) The department shall produce model disclosure statements, and public service announcements detailing the information needed to assist contractors and contractors' customers to comply under this section. As necessary, the department shall periodically update these education materials.

**Sec. 12.** RCW 18.27.117 and 1987 c 313 s 2 are each amended to read as follows:

The legislature finds that setting up and siting mobile/manufactured homes must be done properly for the health, safety, and enjoyment of the occupants. Therefore, when any of the following cause a health and safety risk to the occupants of a mobile/manufactured home, or severely hinder the use and enjoyment of the mobile/manufactured home, a violation of RCW 19.86.020 shall have occurred:

(1) The mobile/manufactured home has been improperly installed by a contractor ~~((icensed))~~ registered under chapter 18.27 RCW, or a mobile/manufactured dealer or manufacturer licensed under chapter 46.70 RCW;

(2) A warranty given under chapter 18.27 RCW or chapter 46.70 RCW has not been fulfilled by the person or business giving the warranty; and

(3) A bonding company that issues a bond under chapter 18.27 RCW or chapter 46.70 RCW does not reasonably and professionally investigate and resolve claims made by injured parties.

**Sec. 13.** RCW 18.27.200 and 1993 c 454 s 7 are each amended to read as follows:

(1) It is a violation of this chapter and an infraction for any contractor to:

(a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;

(b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or ~~revoked~~; ~~((or))~~

(c) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or

(d) Knowingly subcontract work to a person not registered as required under this chapter. However, a contractor does not commit an infraction if the subcontractor becomes unregistered during the course of its work without the knowledge of the contractor.

(2) Each day that a contractor works without being registered as required by this chapter, works while the contractor's registration is suspended, or works under a registration issued to another contractor is a separate infraction. Each worksite at which a contractor works without being registered as required by this chapter, works while the contractor's registration is suspended, or works under a registration issued to another contractor is a separate infraction.

**Sec. 14.** RCW 18.27.230 and 1993 c 454 s 9 are each amended to read as follows:

The department may issue a notice of infraction if the department reasonably believes that the contractor ~~((required to be registered by this chapter has failed to do so or))~~ has ~~((otherwise))~~ committed ~~((a violation under RCW 18.27.200))~~ an infraction under this chapter. A notice of infraction issued under this section shall be personally served on the contractor named in the notice by the department's compliance inspectors or service can be made by certified mail directed to the contractor named in the notice of infraction. If the contractor named in the notice of infraction is a firm or corporation, the notice may be personally served on any employee of the firm or corporation. If a notice of infraction is personally served upon an employee of a firm or corporation, the department shall within four days of service send a copy of the notice by certified mail to the contractor if the department is able to obtain the contractor's address.

**Sec. 15.** RCW 18.27.340 and 1986 c 197 s 10 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4) and (5) of this section, a contractor found to have committed an infraction under RCW 18.27.200 shall be assessed a monetary penalty of not less than two hundred dollars and not more than three thousand dollars.

(2) Except as otherwise provided in subsections (4) and (5) of this section, the administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction only upon a showing of good cause that the penalty would be unduly burdensome ~~((to))~~ for the contractor.

(3) The director may waive collection in favor of payment of restitution to a consumer complainant.

(4) A contractor found to have committed an infraction under RCW 18.27.200 for failure to register shall be assessed a fine of not less than one thousand dollars, nor more than five thousand dollars. The penalty for failure to register may be reduced, but in no case below five hundred dollars, if the person becomes registered within ten days of receiving a citation and the citation is for a first offense.

(5) If a contractor who is issued a notice of infraction is an unregistered contractor under this chapter, then the contractor is subject to a penalty in the amount of one thousand dollars per violation. The penalty may be reduced, but in no case below five hundred dollars, if the person registers as a contractor within ten days of the notice of infraction.

(6) Monetary penalties collected under this chapter shall be deposited in the general fund.

**Sec. 16.** RCW 51.12.020 and 1991 c 324 s 18 and 1991 c 246 s 4 are each reenacted and amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, or repair, ~~((remodeling, or similar work))~~ in or about the private home of the employer. For the purposes of this subsection, "maintenance" means the work of keeping in proper condition, "repair" means to restore to sound condition after damage, and "private home" means a person's place of residence.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners.

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400(~~(49)~~) (20) may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under subsection (8)(a) of this section, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

(d) A corporation may elect to cover officers who are exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper carrier selling or distributing newspapers on the street or from house to house.

(11) Services performed by an insurance agent, insurance broker, or insurance solicitor, as defined in RCW 48.17.010, 48.17.020, and 48.17.030, respectively.

(12) Services performed by a booth renter as defined in RCW 18.16.020. However, a person exempted under this subsection may elect coverage under RCW 51.32.030.

NEW SECTION. Sec. 17. RCW 18.27.140 and 1983 1st ex.s. c 2 s 21 & 1973 1st ex.s. c 161 s 2 are each repealed."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "contractors;" strike the remainder of the title and insert "amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.060, 18.27.090, 18.27.100, 18.27.104, 18.27.110, 18.27.114, 18.27.117, 18.27.200, 18.27.230, and 18.27.340; reenacting and amending RCW 51.12.020; adding a new section to chapter 18.27 RCW; repealing RCW 18.27.140; and prescribing penalties."

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1630, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1630, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1630, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1630, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1425, by Representatives Scott, Padden, Appelwick, Costa, Sheldon, Dickerson, Chappell, Hatfield, Brown and Basich

Protecting privileged communication.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 5.60.060 and 1989 c 271 s 301 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer making the communication, be compelled to testify about any communication made to the counselor by the officer while receiving counseling. The counselor must be designated as such by the sheriff, police chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "communications;" strike the remainder of the title and insert "and amending RCW 5.60.060."

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 1425, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Kohl, Senator Sheldon was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1425, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1425, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Sheldon - 2.

SUBSTITUTE HOUSE BILL NO. 1425, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt and R. Fisher)

Regulating excursion vessels.

The bill was read the second time.

#### MOTIONS

Senator Owen moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 81.84 RCW to read as follows:

As used in this chapter:

(1) "Excursion service" means the carriage or conveyance of persons for compensation over the waters of this state from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.

(2) "Charter service" means the hiring of a vessel, with captain and crew, by a person or group for carriage or conveyance of persons or property.

**NEW SECTION. Sec. 2.** A new section is added to chapter 81.84 RCW to read as follows:

(1) Unless expressly exempted in section 3 of this act, no vessel may provide excursion service over the waters of this state without first having obtained a certificate of public convenience and necessity as provided in RCW 81.84.010.

(2) Vessels providing excursion service must comply with all provisions of this chapter and rules of the commission adopted under this chapter.

**NEW SECTION. Sec. 3.** A new section is added to chapter 81.84 RCW to read as follows:

This chapter does not apply to the following vessels or operations:

(1) Charter services;

(2) Vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel;

(3) Vessels operated by not-for-profit or governmental entities that are replicas of historic vessels or that are recognized by the United States department of the interior as national historical landmarks;

(4) Excursion services that:

(a) Originate and primarily operate at least six months per year in San Juan county waters and use vessels less than sixty-five feet in length with a United States Coast Guard certificate that limits them to forty-nine passengers or less;

(b) Do not depart from the point of origin on a regular published schedule;

(c) Do not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen times during any twelve-month period; or

(d) Use vessels that do not return to the point of origin on the day of departure.

**NEW SECTION. Sec. 4.** Effective January 1, 2001, the following acts or parts of acts are each repealed:

(1) Section 1 of this act;

(2) Section 2 of this act; and

(3) Section 3 of this act."

On motion of Senator Morton, the following amendments to the Committee on Transportation striking amendment were considered simultaneously and were adopted:

On page 2, line 14 of the striking amendment, strike "or"

On page 2, on line 16 of the striking amendment, after "departure" insert "; or

(e) Operate vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington"

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Engrossed Substitute House Bill No. 1922.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On line 1 of the title, after "services;" strike the remainder of the title and insert "adding new sections to chapter 81.84 RCW; and repealing sections 1, 2, and 3 of this act."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 1922, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Kohl, Senators Bauer, Pelz and Smith were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1922, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1922, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 39.

Voting nay: Senators Cantu, Finkbeiner, Heavey, Johnson, McDonald and Prentice - 6.

Excused: Senators Anderson, C., Bauer, Pelz and Smith - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:02 p.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:13 p.m. by President Pritchard.

#### MOTION

On motion of Senator Loveland, Senator McAuliffe was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1604, by House Committee on Trade and Economic Development (originally sponsored by Representatives Johnson and Sheldon)

Purchasing mobile home parks.

The bill was read the second time.

#### MOTIONS

Senator Prentice moved that the following Committee on Financial Institutions and Housing amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 59.23.015 and 1993 c 66 s 3 are each amended to read as follows:

If a qualified tenant organization gives written notice to the mobile home park owner where the tenants reside that they have a present and continuing desire to purchase the mobile home park, the park may then be sold only according to this chapter. This notice must be given to the mobile home park owner before execution of any sale documents to a third party, including an earnest money agreement or purchase and sale agreement.

"Notice" for the purposes of this section means a writing signed by owners of mobile homes located on at least sixty percent of the ((tenants)) occupied lots in the park indicating that they desire to participate in the purchase of the park, and that they are ~~((contractually))~~ bound to the qualified tenant organization and to the other signators of the notice to participate by purchasing an ownership interest ~~((that will entitle them to occupy a mobile home space for the remainder of their life or for a term of at least fifteen years))~~ in the park.

NEW SECTION. **Sec. 2.** A new section is added to chapter 59.23 RCW to read as follows:

If a mobile home park owner engages a real estate agent, attorney, or other person in a contractual arrangement to sell his or her mobile home park; engages in a discussion with one or more of these individuals regarding the potential sale of his or her mobile home park; or places an advertisement for the sale of his or her mobile home park in a newspaper, newsletter, magazine, trade journal, or other media; the mobile home park owner shall immediately provide written notification of the potential sale of the mobile home park to all tenants of the park.

**Sec. 3.** RCW 59.23.025 and 1993 c 66 s 5 are each amended to read as follows:

If notice of a desire to purchase has been given under RCW 59.23.015, a park owner shall notify the qualified tenant organization that an agreement to purchase and sell has been reached and the terms of the agreement, including the availability and terms of seller financing, before closing a sale with any other person or entity. If, within ~~((thirty))~~ ninety days after the actual notice has been received, the qualified tenant organization tenders to the park owner an amount equal to two percent of the agreed purchase price, refundable only according to this chapter, together with a fully executed purchase and sale agreement at least as favorable to the park owner as the original agreement, the mobile home park owner must sell the mobile home park to the qualified tenant organization. The tenant organization must then close the sale on the same terms as outlined in the original agreement between the park owner and the prospective purchaser. In the case of seller financing, a mobile home park owner may decline to sell the mobile home park to the qualified tenant organization if, based on reasonable and objective evidence, to do so would present a greater financial risk to the seller than would selling on the same terms to the original offeror.

If the qualified tenant organization fails to perform under the terms of the agreement the owner may proceed with the sale to any other party at these terms. If the park owner thereafter elects to accept an offer at a price lower than the price specified in the notice, the homeowners will have an additional ten days to meet the price and terms and conditions of this lower offer by executing a contract. If the qualified tenant organization fails to perform following two such opportunities, the park owner shall be free for a period of twenty-four months to execute a sale of the park to any other party.

A mobile home park owner who enters into a signed agreement to sell or transfer the ownership of the mobile home park to a relative or a legal entity composed of relatives or established for the benefit of relatives of the mobile home park owner, who signs an agreement stating the intention to maintain the property as a mobile home park is exempted from the requirements of this section and RCW 59.23.030.

**Sec. 4.** RCW 59.22.050 and 1991 c 327 s 3 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.



This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

(2) The office shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

(3) The office shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance.

(4) The office may provide information to tenants located in mobile home parks in this state regarding the legal right of tenants to purchase a mobile home park, as provided for in chapter 59.23 RCW."

Senator Fraser moved that the following amendments by Senators Fraser, Prentice and Palmer to the Committee on Financial Institutions and Housing striking amendment be considered simultaneously and be adopted:

On page 1, line 27 of the amendment, after "owner" strike "engages" and insert "retains"

On page 1, beginning on line 29 of the amendment, after "park" strike all material through "park;" on line 31

On page 1, line 33 of the amendment, after "media" strike";" and insert ", then"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Fraser, Prentice and Palmer on page 1, line 27, beginning on line 29, and line 33, to the Committee on Financial Institutions and Housing striking amendment to Engrossed Substitute House Bill No. 1604.

The motion by Senator Fraser carried and the amendments to the striking amendment were adopted.

#### MOTION

On motion of Senator Fraser, the following amendment by Senators Fraser, Prentice and Sellar to the Committee on Financial Institutions striking amendment was adopted:

On page 3, beginning on line 21 of the amendment, strike all of subsection (4) and insert the following:

"(4) The office may provide information to tenants and owners of mobile home parks in this state regarding their legal rights under chapter 59.23 RCW."

The President declared the question before the Senate to be the adoption of the Committee on Financial Institutions and Housing striking amendment, as amended, to Engrossed Substitute House Bill No. 1604.

Debate ensued.

#### POINT OF INQUIRY

Senator Roach: "Senator Prentice, I suspect that in the adoption of the two amendments to the amendment that we did not get this underlying bill back to its original form in which it appeared in the committee. Is that correct? We still have, essentially, three amendments--Fraser amendments--that were adopted in committee on this bill."

Senator Prentice: "Yes, it incorporates all of that and these two others were actually improvements. You recall at the end of that committee, we had some discussions, because it wasn't clear what we had--information. That is what the intent of that one was and then the one that Senator Palmer discovered was simply to make that much clearer, so we agreed to those because we felt they improved the bill which the committee had passed with the amendments that had been presented that day. Those are already incorporated; these didn't undo any of them."

Senator Roach: "Okay, thank you."

Further debate ensued.

The Committee on Financial Institutions striking amendment, as amended, to Engrossed Substitute House Bill No. 1604 was not adopted on a rising vote.

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 1604.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317, by House Committee on Transportation (originally sponsored by Representatives Robertson, Cairnes, B. Thomas, Mitchell, Van Luven, Dyer, Lambert, Radcliff, D. Schmidt, Backlund, Cooke, Reams, Campbell, Stevens, L. Thomas and Koster)

Revising the selection process for transportation systems and facilities demonstration projects.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.46.010 and 1993 c 370 s 1 are each amended to read as follows:

The legislature finds and declares:

It is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system.

The ability of the state to provide an efficient transportation system will be enhanced by a public-private sector program providing for private entities to undertake all or a portion of the study, planning, design, development, financing, acquisition, installation, construction or improvement, operation, and maintenance of transportation systems and facility projects.

A public-private initiatives program will provide benefits to both the public and private sectors. Public-private initiatives provide a sound economic investment opportunity for the private sector. Such initiatives will provide the state with increased access to property development and project opportunities, financial and development expertise, and will supplement state transportation revenues, allowing the state to use its limited resources for other needed projects.

The public-private initiatives program, to the fullest extent possible, should encourage and promote business and employment opportunities for Washington state citizens.

The public-private initiatives program should be implemented in cooperation and consultation with affected local jurisdictions.

The secretary of transportation should be permitted and encouraged to test the feasibility of building privately funded transportation systems and facilities or segments thereof through the use of innovative agreements with the private sector. The secretary of transportation should be vested with the authority to solicit, evaluate, negotiate, and administer public-private agreements with the private sector relating to the planning, construction, upgrading, or reconstruction of transportation systems and facilities.

Agreements negotiated under a public-private initiatives program will not bestow on private entities an immediate right to construct and operate the proposed transportation facilities. Rather, agreements will grant to private entities the opportunity to design the proposed facilities, demonstrate public support for proposed facilities, and complete the planning processes required in order to obtain a future decision by the department of transportation and other state and local lead agencies on whether the facilities should be permitted and built.

The legislature finds that in the case of Highway 522, selected under this chapter, public support has not been demonstrated and therefore the secretary shall not proceed. Among the demonstrations of nonsupport for inclusion of Highway 522 are:

(1) Over sixteen thousand citizens have signed petitions in opposition to the toll project;

(2) The majority of city councilmembers in Monroe, Duvall, and Index have made public statements opposing the toll project, and that the Woodinville chamber of commerce has officially opposed the toll project;

(3) No city council or chamber of commerce in the area has favored the toll project;

(4) Of the five hundred individuals who attended the public information hearings on the toll proposal, four hundred fifty-eight signed a petition requesting that the proposal be rejected;

(5) Businesses in Monroe, Woodinville, Duvall, Snohomish, Sultan, Startup, Gold Bar, Index, Skykomish, and Stevens Pass are extremely dependent on Highway 522 for commerce, that due to the rural nature of these areas no alternative for commerce exists, and that a toll on Highway 522 would severely inhibit their ability to stay in business; and

(6) In an informal poll of residents who currently use Highway 522 to shop, eighty-one and one-half percent of the respondents claimed they would be unlikely to continue shopping at these stores if a toll were imposed.

Agreements negotiated under the public-private initiative's program should establish the conditions under which the private developer may secure the approval necessary to develop and operate the proposed transportation facilities; create a framework to attract the private capital necessary to finance their development; and ensure that the transportation facilities will be designed, constructed, and operated in accordance with applicable local, regional, state, and federal laws and the applicable standards and policies of the department of transportation.

The department of transportation should be encouraged to take advantage of new opportunities provided by federal legislation under section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That section establishes a new program authorizing federal participation in construction or improvement or improvement of publicly or privately owned toll roads, bridges, and tunnels, and allows states to leverage available federal funds as a means for attracting private sector capital.

**Sec. 2.** RCW 47.46.030 and 1993 c 370 s 3 are each amended to read as follows:

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of financing.

The public-private initiative program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project. The commission shall approve each of the selected projects.

(Proposals and demonstration projects may be selected by the public and private sectors at their discretion--)

(2) A state transportation system or facility selected as a demonstration project under this chapter, that is designated by the commission as a prioritized improvement project under the comprehensive six-year investment program set forth in RCW 47.05.051, shall not be reprioritized as a result of its selection as a demonstration project. As state funds become available, the funds must be used toward the capital costs of the demonstration project, or in the case of a project developed in phases, for the phase or segment. If no state funding is required to finance the demonstration project, state funds that become available for such project under RCW 47.05.051 instead must be used (a) to reduce the rate of tolls or user fees imposed on the demonstration project, or (b) for improvements on alternative state or local nontoll routes that provide a reasonable, free, and convenient access alternative to the demonstration project.

(3) Projects selected prior to and after September 1, 1994, must comply with the requirements of subsections (4) through (9) of this section.

(4) No projects selected or agreements entered into under this chapter take effect until the department conducts a comprehensive analysis of traffic patterns and economic impact to determine and define the geographical boundary of the area of the project that is most affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department in consultation with the legislative transportation committee shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of and impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) anticipated traffic diversion patterns; and (c) potential economic impact resulting from proposed toll rates or user fee rates imposed on residents of and commercial traffic and commercial entities in communities in the vicinity of and impacted by the project. The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project.

(5) After a determination and definition by the department of the affected project area, the department shall conduct a minimum thirty-day public comment period. Within fifteen days following the public comment period, the legislative transportation committee may conduct a hearing on the defined affected project area. The department may make adjustments to the definition of the geographical boundary of the affected project area, based on comments received from the public and a hearing by the legislative transportation committee. Within thirty days

after the public comment period, the department shall establish the boundaries of the affected project area in units no smaller than a precinct as defined by RCW 29.01.120.

(6) The department shall establish a process that provides for public involvement in decision making with respect to the affected project area. In carrying out the public involvement process the department shall proactively seek public participation through a process appropriate to the characteristics of the affected project area that assesses overall public support among users and residents of the affected project area. Such public involvement process shall provide opportunities for users and residents of the affected project area to comment upon key issues regarding the project including, but not limited to: (a) Alternative sizes and scopes; (b) design; (c) environmental assessment; (d) right of way and access plans; (e) traffic impacts; (f) tolling or user fee strategies and tolling or user fee ranges; (g) project cost; (h) construction impacts; (i) facility operation; and (j) any other salient characteristics.

(7) The results of the public involvement process shall be made available for public review and comment.

The department shall provide the legislative transportation committee with progress reports on the status of the public involvement process. The results of such public involvement process, including public comment, shall be forwarded to the legislative transportation committee for its review. Within forty-five calendar days of submission of such information, the legislative transportation committee shall conduct a public hearing regarding the results of the public involvement process. Taking into account the information submitted, the legislative transportation committee shall adopt a resolution making a recommendation to the secretary of the department of transportation regarding the appropriateness of the definition of the affected project area and the project description and characteristics.

(8) In response to the recommendation of the legislative transportation committee, the secretary, within two weeks after receipt of legislative transportation committee recommendation, shall transmit a copy of the map depicting the affected project area and the project description and characteristics to the county auditor of the county in which any portion of the affected project area is located.

(9) Upon receipt of the map and the project description and characteristics, the county auditor shall, within sixty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project and shall set a special election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees within the affected project area. The text of the project must appear in a voter's pamphlet for the affected project area. The department shall pay for the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days but, if authorized under RCW 29.13.020, no more than ninety days after receipt of the final map and project description and characteristics by the auditor. The department shall pay the costs of an election held under this section. A simple majority of those voting within the affected project area to authorize tolls or user fees within the project area is required for approval. If the vote is affirmative, the department is authorized to solicit proposals for replacement projects. If the vote is affirmative for a project selected prior to September 1, 1994, the department may enter into an agreement authorized under RCW 47.46.040 with a private entity.

(10) All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

(11) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

**Sec. 3.** RCW 47.46.040 and 1993 c 370 s 4 are each amended to read as follows:

Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

The department may exercise any power possessed by it to facilitate the development, construction, financing, operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects developed under ~~((the))~~ agreements ~~((may))~~ shall be entered into with ~~((any qualified law enforcement agency, and shall provide for full reimbursement for services rendered by that agency))~~ the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred on other state highway facilities. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under

this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

**Sec. 4.** RCW 47.46.050 and 1993 c 370 s 5 are each amended to read as follows:

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEPA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of the private entity's capital outlay costs for the project, including interest expense, the costs associated with construction, operations, toll collection, maintenance and administration of the ~~((facility))~~ project, reimbursement to the state for all costs associated with an election as required under RCW 47.46.030, the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. ~~((The use of any excess toll revenues or user fees may be negotiated between the parties.~~

~~After expiration of the lease of a facility to a private entity, the secretary may continue to charge user fees or tolls for the use of the facility, with these revenues to be used for operations and maintenance of the facility, or to be paid to the local transportation planning agency, or any combination of such uses.)) A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under subsection (4) of this section.~~

**NEW SECTION. Sec. 5.** A new section is added to chapter 47.05 RCW to read as follows:

RCW 47.46.030(2) applies to this chapter."

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 47.46.010, 47.46.030, 47.46.040, and 47.46.050; and adding a new section to chapter 47.05 RCW."

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 1317, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1317, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1317, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McDonald, Morton, Newhouse, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 42.

Voting nay: Senators McCaslin, Moyer, Oke, Prince and Wojahn - 5.

Excused: Senators Anderson, C. and McAuliffe - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1872, by Representatives Crouse, Dyer, Dellwo, Wolfe, Morris, Sherstad, Conway, Cody and Padden

Modifying the authority of the board of physical therapy.

The bill was read the second time.

#### MOTIONS

On motion of Senator Quigley, the following Committee on Health and Long-Term Care amendment was adopted:

On page 2, after line 5, strike all material on lines 6 through 8 and insert the following:

"(7) To adopt rules to define and specify the education and training requirements for physical therapist assistants and physical therapy aides."

On motion of Senator Quigley, the rules were suspended, House Bill No. 1872, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1872, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1872, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Oke - 1.

Excused: Senators Anderson, C. and McAuliffe - 2.

HOUSE BILL NO. 1872, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2058, by House Committee on Commerce and Labor (originally sponsored by Representative Robertson)

Defining employment.

The bill was read the second time.

#### MOTION

Senator Heavey moved that the following amendment by Senators Heavey, Ann Anderson, Roach and Kohl be adopted:

On page 2, after line 3 insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 42.04 RCW to read as follows:

First class and business class commercial air carrier accommodations may not be used by any state or local government officer, whether elected or appointed, and any state or local government employee who travels by commercial airlines in the discharge of the duties of his or her position or employment at public expense unless otherwise required as a reasonable accommodation for persons with disabilities or where an emergency would warrant such travel.

NEW SECTION. Sec. 4. A new section is added to chapter 42.04 RCW to read as follows:

No frequent flyer mileage credit may enure to the personal benefit of any state or local government officer, whether elected or appointed, and any state or local government employee as a result of travel on a commercial air carrier at public expense."

#### POINT OF ORDER

Senator West: "I would rise to the issue of a scope and object ruling. The underlying bill is a bill dealing with employment conditions for travel agents or independent contractors working in travel agencies. This is an unrelated item that does not belong in this bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute House Bill No. 2058.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1889 and the pending amendment by Senator Snyder on page 33, after line 36, to the Committee on Government Operations striking amendment, deferred April 11, 1995.

#### MOTION TO WITHDRAW REQUEST FOR RULING

On motion of Senator West, the request for a scope and object ruling was withdrawn.

The President declared the question before the Senate to be the adoption of the amendment by Senator Snyder on page 33, after line 36, to the Committee on Government Operations striking amendment to Engrossed House Bill No. 1889.

The motion by Senator Snyder carried and the amendment to the committee amendment was adopted.

#### MOTION

Senator Wojahn moved that the following amendment to the Committee on Government Operations striking amendment be adopted:

On page 33, after line 36 of the amendment, insert the following:

"Sec. 78. RCW 26.04.160 and 1993 c 451 s 1 are each amended to read as follows:

(1) Application for a marriage license must be made and filed with the appropriate county auditor upon blanks to be provided by the county auditor for that purpose(~~(-which)~~). The application shall be under the oath of each of the applicants, and each application shall state the name, address at the time of execution of application, age, birthplace, whether single, widowed or divorced, ((and)) whether under control of a guardian, and residence during the past six months(~~(- PROVIDED, That)~~), and shall contain the following statement:

"The laws of this state affirm your right to enter into this marriage and at the same time to live within the marriage free from violence and abuse. Neither you nor your spouse is the property of the other. The laws against physical abuse, emotional or psychological abuse, sexual abuse, and battery and assault, as well as other provisions of the criminal laws of this state, are applicable to spouses and other family members, and violations of these laws are punishable by either fine or imprisonment, or both."

Each county may require such other and further information on said application as it shall deem necessary.

(2) The county legislative authority may impose an additional fee up to fifteen dollars on a marriage license for the purpose of funding family services such as family support centers."

Renumber the remaining sections consecutively and correct internal references accordingly.

#### MOTION TO WITHDRAW AMENDMENT TO COMMITTEE AMENDMENT

There being no objection, Senator Wojahn withdrew the amendment on page 33, after line 36, to the Committee on Government Operations striking amendment.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to Engrossed House Bill No. 1889.

Debate ensued.

The committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Sheldon, the following title amendment was adopted:

On page 1, line 2 of the title, after "auditor;" strike the remainder of the title and insert "amending RCW 43.09.010, 43.09.170, 43.09.180, 43.09.200, 43.09.205, 43.09.220, 43.09.230, 43.09.240, 43.09.260, 43.09.265, 43.09.270, 43.09.280, 43.09.2801, 43.09.282, 43.09.290, 43.09.310, 43.09.330, 43.09.340, 43.09.410, 43.09.412, 43.09.414, 43.09.416, 43.09.418, 3.30.070, 3.62.020, 14.08.090, 35.02.132, 35.07.230, 35.21.270, 35.23.121, 35.23.535, 35.27.510, 35.33.031, 35.33.041, 35.33.075, 35.33.111, 35.34.050, 35.34.060, 35.34.120, 35.34.130, 35.34.190, 35.76.020, 35.76.030, 35.76.050, 35A.33.030, 35A.33.040, 35A.33.075, 35A.33.110, 35A.34.050, 35A.34.060, 35A.34.120, 35A.34.130, 35A.34.190, 35A.37.010, 36.22.140, 36.40.030, 36.40.040, 36.40.080, 36.40.220, 36.47.060, 36.68.530, 36.69.160, 36.80.080, 36.82.200, 40.14.070, 42.24.080, 42.24.090, 53.06.060, 56.08.110, 57.08.110, and 70.12.070; adding new sections to chapter 43.09 RCW; and repealing RCW 43.09.030, 43.09.040, 43.09.190, 43.09.250, and 43.09.300."

On motion of Senator Sheldon, the rules were suspended, Engrossed House Bill No. 1889, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1889, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1889, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Finkbeiner - 1.

Excused: Senator Anderson, C. - 1.

ENGROSSED HOUSE BILL NO. 1889, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2063, by Representatives Honeyford, Sehlín and Chopp

Accelerating the implementation of projects currently eligible for funding under the public works assistance program.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, House Bill No. 2063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2063.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2063 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Finkbeiner, Johnson and Morton - 3.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 2063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1906, by House Committee on Children and Family Services (originally sponsored by Representatives Lambert and Cooke)

Changing child care licensing definitions.

The bill was read the second time.

## MOTIONS

On motion of Senator Hargrove, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature declares that the state of Washington has a compelling interest in protecting and promoting the health, welfare, and safety of children, including those who receive care away from their own homes. The legislature further declares that no person or agency has a right to be licensed under this chapter to provide care for children. The health, safety, and well-being of children must be the paramount concern in determining whether to issue a license to an applicant, whether to suspend or revoke a license, and whether to take other licensing action. The legislature intends, through the provisions of this act, to provide the department of social and health services with additional enforcement authority to carry out the purpose and provisions of this act. Furthermore, administrative law judges should receive specialized training so that they have the specialized expertise required to appropriately review licensing decisions of the department.

Children placed in foster care are particularly vulnerable and have a special need for placement in an environment that is stable, safe, and nurturing. For this reason, foster homes should be held to a high standard of care, and department decisions regarding denial, suspension, or revocation of foster care licenses should be upheld on review if there are reasonable grounds for such action.

**Sec. 2.** RCW 74.15.010 and 1983 c 3 s 192 are each amended to read as follows:

The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

(1) To safeguard the health, safety, and well-being of children, expectant mothers and developmentally disabled persons receiving care away from their own homes, which is paramount over the right of any person to provide care;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate child-care and maternity-care facilities, both public and private, through the cooperative efforts of public and voluntary agencies and related groups((-));

(4) To provide consultation to agencies caring for children, expectant mothers or developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and developmentally disabled persons.

**Sec. 3.** RCW 74.15.020 and 1994 c 273 s 21 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of social and health services;

(2) "Secretary" means the secretary of social and health services;

(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(e) "Family day-care provider" means a (~~licensed~~) child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(g) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.

(4) "Agency" shall not include the following:

~~(a) Persons related (by blood or marriage to the child, expectant mother, or persons with developmental disabilities in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin)) to the child, expectant mother, or person with developmental disability in the following ways:~~

~~(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;~~

~~(ii) Stepfather, stepmother, stepbrother, and stepsister;~~

~~(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;~~

~~(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (4)(a), even after the marriage is terminated; or~~

~~(v) "Extended family members," as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);~~

~~(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;~~

~~(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not ((engage in)) conduct such activity on ((a regular basis, or where)) an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four hour basis have agreed to the placement in writing and the state is not providing any payment for the care;~~

~~(d) Parents on a mutually cooperative basis exchange care of one another's children((, or persons who have the care of an exchange student in their own home));~~

~~((d)) (e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;~~

~~((e)) (f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;~~

~~((f)) (g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;~~

~~((g)) (h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;~~

~~((h)) (i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;~~

~~((i)) (j) Licensed physicians or lawyers;~~

~~((j)) (k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;~~

~~((k)) (l) Facilities approved and certified under chapter 71A.22 RCW;~~

~~((l)) (m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;~~

~~((m)) (n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;~~

~~((n)) (o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;~~

~~((o)) (p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.~~

(5) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

**Sec. 4.** RCW 74.15.030 and 1988 c 189 s 3 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are



authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.060 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child care coordinating committee and other affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

**Sec. 5.** RCW 74.15.130 and 1989 c 175 s 149 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed seventy-five dollars per violation for a family day-care home and two hundred fifty dollars per violation for group homes, child day-care centers, and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

**NEW SECTION. Sec. 6.** A new section is added to chapter 74.15 RCW to read as follows:

(1) The office of administrative hearings shall not assign nor allow an administrative law judge to preside over an adjudicative hearing regarding denial, modification, suspension, or revocation of any license to provide child care, including foster care, under this chapter, unless such judge has received training related to state and federal laws and department policies and procedures regarding:

(a) Child abuse, neglect, and maltreatment;

(b) Child protective services investigations and standards;

(c) Licensing activities and standards;

(d) Child development; and

(e) Parenting skills.

(2) The office of administrative hearings shall develop and implement a training program that carries out the requirements of this section. The office of administrative hearings shall consult and coordinate with the department in developing the training program. The department may assist the office of administrative hearings in developing and providing training to administrative law judges.

NEW SECTION. Sec. 7. A new section is added to chapter 74.15 RCW to read as follows:

(1) The department may issue a probationary license to a licensee who has had a license but is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance if:

(a) The noncompliance does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue; and

(b) The licensee has a plan approved by the department to correct the area of noncompliance within the probationary period.

(2) A probationary license may be issued for up to six months, and at the discretion of the department it may be extended for an additional six months. The department shall immediately terminate the probationary license, if at any time the noncompliance for which the probationary license was issued presents an immediate threat to the health or well-being of the children.

(3) The department may, at any time, issue a probationary license for due cause that states the conditions of probation.

(4) An existing license is invalidated when a probationary license is issued.

(5) At the expiration of the probationary license, the department shall reinstate the original license for the remainder of its term, issue a new license, or revoke the original license.

(6) A right to an adjudicative proceeding shall not accrue to the licensee whose license has been placed on probationary status unless the licensee does not agree with the placement on probationary status and the department then suspends, revokes, or modifies the license.

**Sec. 8.** RCW 74.15.100 and 1982 c 118 s 11 are each amended to read as follows:

Each agency shall make application for a license or renewal of license to the department of social and health services on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that ~~((a provisional))~~ an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed foster-family and family day-care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move, except that for the foster-family home this will apply only if the family remains intact.

**Sec. 9.** RCW 74.15.120 and 1979 c 141 s 361 are each amended to read as follows:

The secretary of social and health services may, at his ~~or her~~ discretion, issue ~~((a provisional))~~ an initial license instead of a full license to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license ~~((except that a provisional))~~. An initial license shall not be granted to any foster-family home except as provided in rules adopted by the department."

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "licensing;" strike the remainder of the title and insert "amending RCW 74.15.010, 74.15.020, 74.15.030, 74.15.130, 74.15.100, and 74.15.120; adding new sections to chapter 74.15 RCW; creating a new section; and prescribing penalties."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1906, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1906, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1906, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Cantu - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1906, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967, by House Committee on Transportation (originally sponsored by Representatives Romero, Robertson, R. Fisher, K. Schmidt, Tokuda, Chopp, Patterson, Regala, Hatfield, Wolfe, Cole, Dellwo, Valle and Ogden)

Increasing penalties for repeat violations of vehicle licensing requirements.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.16.010 and 1993 c 238 s 1 are each amended to read as follows:

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(2) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to ~~((three))~~ four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred. For fines levied under this subsection (b), an amount equal to the delinquent taxes and fees owed shall be deposited in the vehicle licensing fraud account created in the state treasury;

(c) The delinquent taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(3) These provisions shall not apply to farm ~~((vehicle[s]))~~ vehicles as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law:

PROVIDED FURTHER, That these provisions shall not apply to spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation: PROVIDED FURTHER, That these provisions shall not apply to fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to equipment defined as follows:

"Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(4) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

Sec. 2. RCW 46.16.160 and 1993 c 102 s 2 are each amended to read as follows:

(1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles. Trip permits may also be issued for movement of mobile homes pursuant to RCW 46.44.170. For the purpose of this section, a vehicle is considered unlicensed if the licensed gross weight currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried. Vehicles registered under RCW 46.16.135 shall not be operated under authority of trip permits in lieu of further registration within the same registration year.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for any one vehicle in any period of thirty consecutive days. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) ~~(Blank)~~ Trip permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. For each permit issued, there shall be collected a filing fee as provided by RCW 46.01.140, an administrative fee of eight dollars, and an excise tax of one dollar. If the filing fee amount of one dollar prescribed by RCW 46.01.140 is increased or decreased after January 1, 1981, the administrative fee shall be adjusted to compensate for such change to insure that the total amount collected for the filing fee, administrative fee, and excise tax remain at ten dollars. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) A violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

(9) All administrative fees and excise taxes collected under the provisions of this ~~(chapter)~~ section shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.

**Sec. 3.** RCW 47.68.255 and 1993 c 238 s 2 are each amended to read as follows:

A person who is required to register an aircraft under this chapter and who registers an aircraft in another state or foreign country evading the Washington aircraft excise tax is guilty of a gross misdemeanor. For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed shall be deposited and distributed in the manner provided under RCW 46.16.010(2).

**Sec. 4.** RCW 88.02.118 and 1993 c 238 s 4 are each amended to read as follows:

It is a gross misdemeanor punishable as provided under chapter 9A.20 RCW for any person owning a vessel subject to taxation under chapter 82.49 RCW to register a vessel in another state to avoid Washington state vessel excise tax required under chapter 82.49 RCW or to obtain a vessel dealer's registration for the purpose of evading excise tax on vessels under chapter 82.49 RCW. For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed shall be deposited in the manner provided under RCW 46.16.010(2).

**Sec. 5.** RCW 82.32.330 and 1991 c 330 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to RCW 82.32.410, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: **PROVIDED**, That data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by RCW 82.32.410, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency; and

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer.

(2) Returns and tax information shall be confidential and privileged, and except as authorized by this section, neither the department of revenue nor any officer, employee, agent, or representative thereof nor any other person may disclose any return or tax information.

(3) The foregoing, however, shall not prohibit the department of revenue or an officer, employee, agent, or representative thereof from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding:

(i) In respect of any tax imposed under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: **PROVIDED**, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or ~~(failed to be)~~ filed and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(f) Disclosing such return or tax information, for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(g) Permitting the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

(h) Disclosing any such return or tax information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure shall be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecuting attorney who receives such return or tax information may disclose that return or tax information only for use in the investigation and any related court proceeding, or in the court proceeding for which the return or tax information originally was sought;

(i) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state; or

~~((j))~~ (j) Disclosing any such return or tax information to the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, the Department of Defense, the United States customs service, the coast guard of the United States, and the United States department of transportation, or any authorized representative thereof, for official purposes;

~~((k))~~ (k) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410; or

~~((l))~~ (l) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, business address, mailing address, revenue tax registration numbers, standard industrial classification code of a taxpayer, and the dates of opening and closing of business.

(4) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of any return or tax information as provided under subsection (3) (f), (g), (h), ~~((i))~~ (i), or (j) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, shall ~~((upon conviction be punished by a fine not exceeding one thousand dollars and,))~~ be guilty of a misdemeanor. If the person found guilty of such violation is an officer or employee of the state, such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

NEW SECTION. Sec. 6. A new section is added to chapter 46.68 RCW to read as follows:

The vehicle licensing fraud account is created in the state treasury. All receipts from penalties and fines paid under RCW 46.16.010, 47.68.255, and 88.02.118 shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for vehicle license fraud enforcement and collections by the Washington state patrol and the department of revenue.

NEW SECTION. Sec. 7. This act takes effect January 1, 1996."

On motion of Senator Owen, the following title amendment was adopted:

On line 1 of the title, after "crimes;" strike the remainder of the title and insert "amending RCW 46.16.010, 46.16.160, 47.68.255, 88.02.118, and 82.32.330; adding a new section to chapter 46.68 RCW; prescribing penalties; and providing an effective date."

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 1967, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1967, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1967, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wajahn and Wood - 47.

Voting nay: Senator Finkbeiner - 1.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1893, by Representatives Ballasiotes and Blanton

Authorizing the secretary of corrections to delegate authority to certify records and documents.

The bill was read the second time.

## MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1893 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1893.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1893 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1893, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1879, by Representative Boldt

Revising provision for costs of support, treatment, and confinement of juvenile offenders.

The bill was read the second time.

## MOTIONS

On motion of Senator Hargrove, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.40.220 and 1994 sp.s. c 7 s 529 are each amended to read as follows:

(1) Whenever legal custody of a child is vested in someone other than his or her parents, under this chapter, and not vested in the department of social and health services, after due notice to the parents or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum representing in whole or in part the costs of support, treatment, and confinement of the child after the decree is entered.

(2) If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against such person for contempt.

(3) Whenever legal custody of a child is vested in the department under this chapter, the parents or other persons legally obligated to care for and support the child shall be liable for the costs of support, treatment, and confinement of the child, in accordance with the department's reimbursement of cost schedule. The department shall adopt a reimbursement of cost schedule based on the costs of providing such services, and shall determine an obligation based on the responsible parents' or other legally obligated person's ability to pay. The department is authorized to adopt additional rules as appropriate to enforce this section.

(4) To enforce subsection (3) of this section, the department shall serve on the parents or other person legally obligated to care for and support the child a notice and finding of financial responsibility requiring the parents or other legally obligated person to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect and should not be ordered. This notice and finding shall relate to the costs of support, treatment, and confinement of the child in accordance with the department's reimbursement of cost schedule adopted under this section, including periodic payments to be made in the future. The hearing shall be held pursuant to chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department.

(5) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the parent or legally obligated person by certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

(6) If the parents or other legally obligated person objects to the notice and finding of financial responsibility, then an application for an adjudicative hearing may be filed within twenty days of the date of service of the notice. If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the parents or other legally obligated person and shall also determine the amount of periodic payments to be made in the future. If the parents or other legally responsible person fails to file an application within twenty days, the notice and finding of financial responsibility shall become a final administrative order.

(7) Debts determined pursuant to this section are subject to collection action without further necessity of action by a presiding or reviewing officer. The department may collect the debt in accordance with RCW 43.20B.635, 43.20B.640, 74.20A.060, and 74.20A.070. The department shall exempt from payment parents receiving adoption support under RCW 74.13.100 through 74.13.145, ~~((and))~~ parents eligible to receive adoption support under RCW 74.13.150, and a parent or other legally obligated person when the parent or other legally obligated person, or such person's child, spouse, or spouse's child, was the victim of the offense for which the child was committed.

(8) An administrative order entered pursuant to this section shall supersede any court order entered prior to June 13, 1994.

(9) The department shall be subrogated to the right of the child and his or her parents or other legally responsible person to receive support payments for the benefit of the child from any parent or legally obligated person pursuant to a support order established by a superior court or pursuant to RCW 74.20A.055. The department's right of subrogation under this section is limited to the liability established in accordance with its cost schedule for support, treatment, and confinement, except as addressed in subsection (10) of this section.

(10) Nothing in this section precludes the department from recouping such additional support payments from the child's parents or other legally obligated person as required to qualify for receipt of federal funds. The department may adopt such rules dealing with liability for recoupment of support, treatment, or confinement costs as may become necessary to entitle the state to participate in federal funds unless such rules would be expressly prohibited by law. If any law dealing with liability for recoupment of support, treatment, or confinement costs is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds, such conflicting law is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 13.40.220; and declaring an emergency."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1879, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1879, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1879, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Prince - 1.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1879, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471, by House Committee on Law and Justice (originally sponsored by Representatives Padden and Appelwick)

Regulating homeowners' associations.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The intent of this chapter is to provide consistent laws regarding the formation and legal administration of homeowners' associations.

NEW SECTION. Sec. 2. For purposes of this chapter:

(1) "Homeowners' association" or "association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the association's jurisdiction, as described in the governing documents, and by virtue of membership or ownership of property is obligated to pay real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned by the member. "Homeowners' association" does not mean an association created under chapter 64.32 or 64.34 RCW.

(2) "Governing documents" means the articles of incorporation, bylaws, plat, declaration of covenants, conditions, and restrictions, rules and regulations of the association, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

(3) "Board of directors" or "board" means the body, regardless of name, with primary authority to manage the affairs of the association.

(4) "Common areas" means property owned, or otherwise maintained, repaired or administered by the association.

(5) "Common expense" means the costs incurred by the association to exercise any of the powers provided for in this chapter.

(6) "Residential real property" means any real property, the use of which is limited by law, covenant or otherwise to primarily residential or recreational purposes.

NEW SECTION. Sec. 3. The membership of an association at all times shall consist exclusively of the owners of all real property over which the association has jurisdiction, both developed and undeveloped.

NEW SECTION. Sec. 4. Unless otherwise provided in the governing documents, an association may:

(1) Adopt and amend bylaws, rules, and regulations;

- (2) Adopt and amend budgets for revenues, expenditures, and reserves, and impose and collect assessments for common expenses from owners;
- (3) Hire and discharge or contract with managing agents and other employees, agents, and independent contractors;
- (4) Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more owners on matters affecting the homeowners' association, but not on behalf of owners involved in disputes that are not the responsibility of the association;
- (5) Make contracts and incur liabilities;
- (6) Regulate the use, maintenance, repair, replacement, and modification of common areas;
- (7) Cause additional improvements to be made as a part of the common areas;
- (8) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property;
- (9) Grant easements, leases, licenses, and concessions through or over the common areas and petition for or consent to the vacation of streets and alleys;
- (10) Impose and collect any payments, fees, or charges for the use, rental, or operation of the common areas;
- (11) Impose and collect charges for late payments of assessments and, after notice and an opportunity to be heard by the board of directors or by the representative designated by the board of directors and in accordance with the procedures as provided in the bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association;
- (12) Exercise any other powers conferred by the bylaws;
- (13) Exercise all other powers that may be exercised in this state by the same type of corporation as the association; and
- (14) Exercise any other powers necessary and proper for the governance and operation of the association.

**NEW SECTION. Sec. 5.** (1) Except as provided in the association's governing documents or this chapter, the board of directors shall act in all instances on behalf of the association. In the performance of their duties, the officers and members of the board of directors shall exercise the degree of care and loyalty required of an officer or director of a corporation organized under chapter 24.03 RCW.

(2) The board of directors shall not act on behalf of the association to amend the articles of incorporation, to take any action that requires the vote or approval of the owners, to terminate the association, to elect members of the board of directors, or to determine the qualifications, powers, and duties, or terms of office of members of the board of directors; but the board of directors may fill vacancies in its membership of the unexpired portion of any term.

(3) Within thirty days after adoption by the board of directors of any proposed regular or special budget of the association, the board shall set a date for a meeting of the owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the owners of a majority of the votes in the association are allocated or any larger percentage specified in the governing documents reject the budget, in person or by proxy, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the owners shall be continued until such time as the owners ratify a subsequent budget proposed by the board of directors.

(4) The owners by a majority vote of the voting power in the association present, in person or by proxy, and entitled to vote at any meeting of the owners at which a quorum is present, may remove any member of the board of directors with or without cause.

**NEW SECTION. Sec. 6.** Unless provided for in the governing documents, the bylaws of the association shall provide for:

(1) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers and filling vacancies;

(2) Election by the board of directors of the officers of the association as the bylaws specify;

(3) Which, if any, of its powers the board of directors or officers may delegate to other persons or to a managing agent;

(4) Which of its officers may prepare, execute, certify, and record amendments to the governing documents on behalf of the association; (5) The method of amending the bylaws; and

(6) Subject to the provisions of the governing documents, any other matters the association deems necessary and appropriate.

**NEW SECTION. Sec. 7.** (1) A meeting of the association must be held at least once each year. Special meetings of the association may be called by the president, a majority of the board of directors, or by owners having ten percent of the votes in the association. Not less than fourteen nor more than sixty days in advance of any meeting, the secretary or other officers specified in the bylaws shall cause notice to be hand-delivered or sent prepaid by first class United States mail to the mailing address of each owner or to any other mailing address designated in writing by the owner. The notice of any meeting shall state the time and place of the meeting and the business to be placed on the agenda by the board of directors for a vote by the owners, including the general nature of any proposed amendment to the articles of incorporation, bylaws, any budget or changes in the previously approved budget that result in a change in assessment obligation, and any proposal to remove a director.

(2) Except as provided in this subsection, all meetings of the board of directors shall be open for observation by all owners of record and their authorized agents. The board of directors shall keep minutes of all actions taken by the board, which shall be available to all owners. Upon the affirmative vote in open meeting to assemble in closed session, the board of directors may convene in closed executive session to consider personnel matters; consult with legal counsel or consider communications with legal counsel; and discuss likely or pending litigation, matters involving possible violations of the governing documents of the association, and matters involving the possible liability of an owner to the association. The motion shall state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the closed session shall be included in the minutes. The board of directors shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. No motion, or other action adopted, passed, or agreed to in closed session may become effective unless the board of directors, following the closed session, reconvenes in open meeting and votes in the open meeting on such motion, or other action which is reasonably identified. The requirements of this subsection shall not require the disclosure of information in violation of law or which is otherwise exempt from disclosure.

**NEW SECTION. Sec. 8.** Unless the governing documents specify a different percentage, a quorum is present throughout any meeting of the association if the owners to which thirty-four percent of the votes of the association are allocated are present in person or by proxy at the beginning of the meeting.

**NEW SECTION. Sec. 9.** (1) The association or its managing agent shall keep financial and other records sufficiently detailed to enable the association to fully declare to each owner the true statement of its financial status. All financial and other records of the association, including but not limited to checks, bank records, and invoices, in whatever form they are kept, are the property of the association. Each association managing agent shall turn over all original books and records to the association immediately upon termination of the management relationship with the association, or upon such other demand as is made by the board of directors. An association managing agent is entitled to



keep copies of association records. All records which the managing agent has turned over to the association shall be made reasonably available for the examination and copying by the managing agent.

(2) All records of the association, including the names and addresses of owners and other occupants of the lots, shall be available for examination by all owners, holders of mortgages on the lots, and their respective authorized agents on reasonable advance notice during normal working hours at the offices of the association or its managing agent. The association shall not release the unlisted telephone number of any owner. The association may impose and collect a reasonable charge for copies and any reasonable costs incurred by the association in providing access to records.

(3) At least annually, the association shall prepare, or cause to be prepared, a financial statement of the association. The financial statements of associations with annual assessments of fifty thousand dollars or more shall be audited at least annually by an independent certified public accountant, but the audit may be waived if sixty-seven percent of the votes cast by owners, in person or by proxy, at a meeting of the association at which a quorum is present, vote each year to waive the audit.

(4) The funds of the association shall be kept in accounts in the name of the association and shall not be commingled with the funds of any other association, nor with the funds of any manager of the association or any other person responsible for the custody of such funds.

**NEW SECTION. Sec. 10.** (1) Except as otherwise provided under subsection (2) of this section, any violation of the provisions of this chapter entitles an aggrieved party to any remedy provided by law or in equity. The court, in an appropriate case, may award reasonable attorneys' fees to the prevailing party.

(2) Claims based on any violation of this chapter shall be brought within six months from the occurrence of the violation.

**NEW SECTION. Sec. 11.** Sections 1 through 10 of this act constitute a new chapter in Title 64 RCW."

On motion of Senator Smith, the rules were suspended, Engrossed Substitute House Bill No. 1471, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1471, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1471, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Cantu, Finkbeiner, McDonald and Strannigan - 4.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1140, deferred April 11, 1995, on second reading after the Committee on Law and Justice amendments on page 2, lines 5, 11 and 17, had been moved by Senator Smith.

Debate ensued.

#### MOTION

On motion of Senator Spanel, further consideration of Substitute House Bill No. 1140 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2058 and the pending amendment by Senators Heavey, Ann Anderson, Roach and Kohl on page 2, after line 3, deferred earlier today.

#### MOTION TO WITHDRAW AMENDMENT

On motion of Senator Heavey, and there being no objection, the amendment by Senators Heavey, Ann Anderson, Roach and Kohl on page 2, after line 3, to Substitute House Bill No. 2058 was withdrawn.

#### MOTIONS

On motion of Senator Heavey, the following amendment by Senators Heavey, Haugen, Roach and West was adopted:

On page 2, after line 3, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 42.04 RCW to read as follows:

First class and business class commercial air carrier accommodations may not be used by any state or local government officer, whether elected or appointed, and any state or local government employee who travels by commercial airlines in the discharge of the duties of his or her position or employment at public expense unless otherwise required as a reasonable accommodation for persons with disabilities or where an emergency would warrant such travel."

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2058, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Heavey, I did vote for your amendment, but now that I have voted for it, I would like to ask you a question. If an elected representative or a state employee paid to upgrade, is that legal with the adoption of this amendment?"

Senator Heavey: "No."

Senator McCaslin: "It's not legal, you could not pay your own way?"

Senator Heavey: "Yes, you could pay your own way."

Senator McCaslin: "You could pay your own way? I better spread that upon the Journal in case I go first class some day and pay for it out of my own pocket."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2058, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2058, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Prince - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 2058, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1060, by Representatives Lisk and Sheldon (by request of Liquor Control Board)

Improving the licensing sections of the Washington state liquor act.

The bill was read the second time.

#### MOTIONS

Senator Pelz moved that the following Committee on Labor, Commerce and Trade amendment be adopted:

On page 11, after line 31, insert the following:

"**Sec. 9.** RCW 66.28.180 and 1985 c 226 s 4 are each amended to read as follows:

It is unlawful for a person, firm, or corporation holding a certificate of approval issued under RCW 66.24.270 or 66.24.206, a beer wholesaler's license, a brewer's license, a beer importer's license, a domestic winery license, a wine importer's license, or a wine wholesaler's license within the state of Washington to modify any prices without prior notification to and approval of the board.

(1) Intent. This section is enacted, pursuant to the authority of this state under the twenty-first amendment to the United States Constitution, to promote the public's interest in fostering the orderly and responsible distribution of malt beverages and wine towards effective control of consumption; to promote the fair and efficient three-tier system of distribution of such beverages; and to confirm existing board rules as the clear expression of state policy to regulate the manner of selling and pricing of wine and malt beverages by licensed suppliers and wholesalers.

(2) Beer and wine wholesale price posting. (a) Every beer or wine wholesaler shall file with the board at its office in Olympia a price posting showing the wholesale prices at which any and all brands of beer and wine sold by such beer and/or wine wholesaler shall be sold to retailers within the state.

(b) Each price posting shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth:

(i) All brands, types, packages, and containers of beer offered for sale by such beer and/or wine wholesaler;

(ii) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(c) No beer and/or wine wholesaler may sell or offer to sell any package or container of beer or wine to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer and/or wine wholesaler and then in effect, according to rules adopted by the board.

(d) Quantity discounts are prohibited. No price may be posted that is below acquisition cost plus ten percent of acquisition cost. However, the board is empowered to review periodically, as it may deem appropriate, the amount of the percentage of acquisition cost as a minimum mark-up over cost and to modify such percentage by rule of the board, except such percentage shall be not less than ten percent.

(e) Wholesale prices on a "close-out" item shall be accepted by the board if the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(f) The board may reject any price posting that it deems to be in violation of this section or any rule, or portion thereof, or that would tend to disrupt the orderly sale and distribution of beer and wine. Whenever the board rejects any posting, the licensee submitting the posting may be heard by the board and shall have the burden of showing that the posting is not in violation of this section or a rule or does not tend to disrupt the orderly sale and distribution of beer and wine. If the posting is accepted, it shall become effective at the time fixed by the board. If the posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this section.

(g) All price postings filed as required by this section shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

(h) Any beer and/or wine wholesaler or employee authorized by the wholesaler-employer may sell beer and/or wine at the wholesaler's posted prices to any class A, B, D, E, H, or G licensee upon presentation to the wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(i) Every class A, B, D, E, H, or G licensee, upon purchasing any beer and/or wine from a wholesaler, shall immediately cause such beer or wine to be delivered to the licensed premises, and the licensee shall not thereafter permit such beer to be disposed of in any manner except as authorized by the license.

(ii) Beer and wine sold as provided in this section shall be delivered by the wholesaler or an authorized employee either to the retailer's licensed premises or directly to the retailer at the wholesaler's licensed premises. A wholesaler's prices to retail licensees shall be the same at both such places of delivery.

(3) Beer and wine suppliers' price filings, contracts, and memoranda. (a) Every brewery and winery offering beer and/or wine for sale within the state shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewery or winery may have with any beer or wine wholesaler, which contracts or memoranda shall contain a schedule of prices charged to wholesalers for all items and all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances, and incentive programs; and all commissions, bonuses or gifts, and any and all other discounts or allowances. Whenever changed or modified, such revised contracts or memoranda shall forthwith be filed with the board as provided for by rule. The provisions of this section also apply to certificate of approval holders, beer and/or wine importers, and beer and/or wine wholesalers who sell to other beer and/or wine wholesalers.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages, and containers of beer or wine offered for sale by such licensed brewery or winery; all additional information required may be filed as a supplement to the price schedule forms.

(b) Prices filed by a brewery or winery shall be uniform prices to all wholesalers on a state-wide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed that is below acquisition/production cost plus ten percent of that cost, except that acquisition cost plus ten percent of acquisition cost does not apply to sales of beer or wine between a beer or wine importer who sells beer or wine to another beer or wine importer or to a beer or wine wholesaler, or to a beer or wine wholesaler who sells beer or wine to another beer or wine wholesaler. However, the board is empowered to review periodically, as it may deem appropriate, the amount of the percentage of acquisition/production cost as a minimum mark-up over cost and to modify such percentage by rule of the board, except such percentage shall be not less than ten percent.

(c) No brewery, winery, certificate of approval holder, wine importer, or wine wholesaler may sell or offer to sell any beer or wine to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(d) No brewery or winery may sell or offer to sell any package or container of beer or wine to any wholesaler at a price differing from the price for such package or container as shown in the schedule of prices filed by the brewer or domestic winery and then in effect, according to rules adopted by the board.

(e) The board may reject any supplier's price filing, contract, or memorandum of oral agreement, or portion thereof that it deems to be in violation of this section or any rule or that would tend to disrupt the orderly sale and distribution of beer or wine. Whenever the board rejects any such price filing, contract, or memorandum, the licensee submitting the price filing, contract, or memorandum may be heard by the board and shall have the burden of showing that the price filing, contract, or memorandum is not in violation of this section or a rule or does not tend to disrupt the orderly sale and distribution of beer or wine. If the price filing, contract, or memorandum is accepted, it shall become effective at a time fixed by the board. If the price filing, contract, or memorandum, or portion thereof, is rejected, the last effective price filing, contract, or memorandum shall remain in effect until such time as an amended price filing, contract, or memorandum is filed and approved, in accordance with the provisions of this section.

(f) All prices, contracts, and memoranda filed as required by this section shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential."

On motion of Senator Pelz, the following amendments to the Committee on Labor, Commerce and Trade amendment were considered simultaneously and were adopted.

On page 2, line 33, after "B," insert "C," and after "E," insert "F," and after "H," strike "or G" and insert "G, or J"

On page 2, line 36, after "B," insert "C," and after "E," insert "F," and after "H," strike "or G" and insert "G, or J"

The President declared the question before the Senate to be the adoption of the Committee on Labor, Commerce and Trade amendment on page 11, after line 31, as amended.

The committee amendment, as amended, was adopted.

#### MOTION

On motion of Senator West, the following amendment by Senators West and Pelz was adopted:

On page 10, after line 36, insert the following:

"**Sec. 8.** RCW 66.24.420 and 1981 1st ex.s. c 5 s 45 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be seven hundred dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated	
Cities and towns	Fees
Less than 20,000	\$1,200
20,000 or over	\$2,000

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: Two thousand dollars; this fee shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: PROVIDED, FURTHER, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(f) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property or, in the case of a class H licensed hotel, property owned or controlled by leasehold interest by that hotel for use as a conference or convention center or banquet facility open to the general public for special events in the same metropolitan area, at the discretion of the board and a duplicate license may be issued for each additional place: PROVIDED, That the holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license: PROVIDED FURTHER, That an additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of class H licenses issued in the state of Washington by the board, not including those class H licenses issued to clubs, shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community."

Renumber remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Pelz, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, after "66.24.330," insert "66.24.420,"

On page 1, line 3 of the title, after "66.24.330," strike "and 66.24.490" and insert "66.24.490, and 66.28.180"

#### MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 1060, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Kohl, Senator Quigley was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1060, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1060, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Quigley - 2.

HOUSE BILL NO. 1060, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1866, by Representatives Elliot, K. Schmidt and Benton

Revising certain aeronautics statutes.

The bill was read the second time.

## MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 1866 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1866.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1866 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Quigley - 2.

HOUSE BILL NO. 1866, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1871, by House Committee on Transportation (originally sponsored by Representatives Sheahan and Schoesler)

Providing equalization for transit systems imposing an utility tax.

The bill was read the second time.

## MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

On page 4, line 6, after "municipality" insert "whose governing body implements a tax change"

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1871, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1871, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1871, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Anderson, A., Cantu, Finkbeiner and Strannigan - 4.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1871, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1362, by Representatives Robertson, L. Thomas and Sheldon

Providing for retrocession of criminal jurisdiction by the Muckleshoot Tribe.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 1362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1362.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1362 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Cantu, McDonald and Strannigan - 3.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1853, by House Committee on Law and Justice (originally sponsored by Representatives Smith, Padden, Campbell, Koster, Johnson, Blanton, Silver, Benton and Thompson)

Requiring juvenile offenders to post a probation bond in specified cases.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1853 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1853.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1853 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1790, by Representatives Reams, R. Fisher, Sommers and Dyer

Changing appointment provisions for the director of a combined city and county health department.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1790.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1790 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1429, by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Morris, Chandler, Chappell, L. Thomas, Thompson, Hargrove, Casada and Silver)

Lessening recreational vehicle regulation.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendments were considered simultaneously and were adopted:

On page 4, beginning on line 13, after "make" strike "or direct a third-party recreational vehicle inspection firm to make"

On page 4, beginning on line 34, after "make" strike "or have a third-party recreational vehicle inspection firm make"

On page 5, beginning on line 3, after "(5)" strike "The department may authorize use of a recognized third-party recreational vehicle inspection firm."

On page 5, line 7, after "to" strike "direct" and insert "perform"

On page 5, after line 7, insert the following:

"(6) The department shall conduct a performance audit of additional industry association quality control programs utilized by self-certified manufacturers at least once every two years."

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1429, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1429, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1429, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 47.

Voting nay: Senator Wojahn - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1429, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 3:05 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:41 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5308 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.25.030 and 1994 sp.s. c 9 s 111 are each amended to read as follows:

Examinations for license to practice chiropractic shall be (~~made~~) developed and administered, or approved, or both, by the commission according to the method deemed by it to be the most practicable and expeditious to test the applicant's qualifications. (~~Such application~~) The commission may approve an examination prepared or administered by a private testing agency or association of licensing authorities. The applicant shall be designated by a number instead of his or her name, so that the identity shall not be discovered or disclosed to the members of the commission until after the examination papers are graded.

~~((All examinations shall be in whole or in part in writing, the subject of which shall be as follows)) Examination subjects may include the following: Anatomy, physiology, spinal anatomy, microbiology-public health, general diagnosis, neuromuscularskeletal diagnosis, x-ray, principles of chiropractic and adjusting, as taught by chiropractic schools and colleges(~~(--The commission shall administer a practical examination to applicants which shall consist of diagnosis, principles and practice, x-ray, and adjustive technique), and any other subject areas consistent with chapter 18.25 RCW. ((A license shall be granted to all applicants whose score over each subject tested is seventy-five percent.))~~) The commission shall set the standards for passing the examination. The commission may enact additional requirements for testing administered by the national board of chiropractic examiners.~~

**Sec. 2.** RCW 18.32.050 and 1994 sp.s. c 9 s 212 are each amended to read as follows:

Commission members shall be compensated and reimbursed pursuant to this section for their activities in administering a multi-state licensing examination pursuant to the commission's compact or agreement with another state or states or with organizations formed by several states. ~~((Compensation or reimbursement received by a commission member from another state, or organization formed by several states, for such member's services in administering a multi-state licensing examination, shall be deposited in the state general fund.))~~

**Sec. 3.** RCW 18.34.080 and 1991 c 3 s 77 are each amended to read as follows:

The examination shall determine whether the applicant has a thorough knowledge of the principles governing the practice of a dispensing optician which is hereby declared necessary for the protection of the public health. The examining committee may approve an examination prepared or administered by a private testing agency or association of licensing authorities. The secretary shall license successful examinees and the license shall be conspicuously displayed in the place of business of the licensee.

**Sec. 4.** RCW 18.29.021 and 1991 c 3 s 46 are each amended to read as follows:

- (1) The department shall issue a license to any applicant who, as determined by the secretary:
- (a) Has successfully completed an educational program approved by the secretary. This educational program shall include course work encompassing the subject areas within the scope of the license to practice dental hygiene in the state of Washington;
  - (b) Has successfully completed an examination administered or approved by the dental hygiene examining committee; and
  - (c) Has not engaged in unprofessional conduct or is not unable to practice with reasonable skill and safety as a result of a physical or mental impairment.
- (2) Applications for licensure shall be submitted on forms provided by the department. The department may require any information and documentation necessary to determine if the applicant meets the criteria for licensure as provided in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250. The fee shall be submitted with the application.

**Sec. 5.** RCW 18.29.120 and 1991 c 3 s 52 are each amended to read as follows:

The secretary in consultation with the Washington dental hygiene examining committee shall:

- (1) Adopt rules in accordance with chapter 34.05 RCW necessary to prepare and conduct examinations for dental hygiene licensure;
- (2) Require an applicant for licensure to pass an examination consisting of written and practical tests upon such subjects and of such scope as the committee determines;
- (3) Set the standards for passage of the examination;
- (4) Administer at least two examinations each calendar year ~~((in conjunction with examinations for licensure of dentists under chapter 18.32 RCW))~~. Additional examinations may be given as necessary; and
- (5) Establish by rule the procedures for an appeal of an examination failure.

**Sec. 6.** RCW 18.53.060 and 1991 c 3 s 135 are each amended to read as follows:

From and after January 1, 1940, in order to be eligible for examination for registration, a person shall be a citizen of the United States of America, who shall have a preliminary education of or equal to four years in a state accredited high school and has completed a full attendance course in a regularly chartered school of optometry maintaining a standard which is deemed sufficient and satisfactory by the optometry board, who is a person of good moral character, ~~((who is not afflicted with any contagious or infectious disease,))~~ who has a visual acuity in at least one eye, of a standard known as 20/40 under correction: PROVIDED, That from and after January 1, 1975, in order to be eligible for examination for a license, a person shall have the following qualifications:

- (1) Be a graduate of a state accredited high school or its equivalent;
- (2) Have a diploma or other certificate of completion from an accredited college of optometry or school of optometry, maintaining a standard which is deemed sufficient and satisfactory by the optometry board, conferring its degree of doctor of optometry or its equivalent, maintaining a course of four scholastic years in addition to preprofessional college level studies, and teaching substantially all of the following subjects: General anatomy, anatomy of the eyes, physiology, physics, chemistry, pharmacology, biology, bacteriology, general pathology, ocular pathology, ocular neurology, ocular myology, psychology, physiological optics, optometrical mechanics, clinical optometry, visual field charting and orthoptics, general laws of optics and refraction and use of the ophthalmoscope, retinoscope and other clinical instruments necessary in the practice of optometry; and
- (3) Be of good moral character(~~(--and~~
- (4) ~~Have no contagious or infectious disease).~~

Such person shall file an application for an examination and license with said board at any time thirty days prior to the time fixed for such examination, or at a later date if approved by the board, and such application must be on forms approved by the board, and properly attested, and if found to be in accordance with the provisions of this chapter shall entitle the applicant upon payment of the proper fee, to take the examination prescribed by the board. Such examination shall not be out of keeping with the established teachings and adopted textbooks of the recognized schools of optometry, and shall be confined to such subjects and practices as are recognized as essential to the practice of optometry. All candidates without discrimination, who shall successfully pass the prescribed examination, shall be registered by the board and shall, upon payment of the proper fee, be issued a license. ~~((The optometry board, at its discretion, may waive all or a portion of the written examination for any applicant who has satisfactorily passed the examination given by the National Board of Examiners in Optometry.))~~ Any license to practice optometry in this state issued by the secretary, and which shall be in full force and effect at the time of passage of this 1975 amendatory act, shall be continued.

**Sec. 7.** RCW 18.54.070 and 1991 c 3 s 140 are each amended to read as follows:

The board has the following powers and duties:

- (1) ~~((The board shall prepare the necessary lists of examination questions, conduct examinations, either written or oral or partly written and partly oral, and shall certify to the secretary of health all lists, signed by all members conducting the examination, of all applicants for licenses who have successfully passed the examination and a separate list of all applicants for licenses who have failed to pass the examination, together with a copy of all examination questions used, and the written answers to questions on written examinations submitted by each of the~~



~~applicants.)) To develop and administer, or approve, or both, a licensure examination. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities.~~

(2) The board shall adopt rules and regulations to promote safety, protection and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry.

**Sec. 8.** RCW 18.64A.020 and 1977 ex.s. c 101 s 2 are each amended to read as follows:

(1) The board shall adopt, in accordance with chapter 34.05 RCW, rules ~~((and regulations))~~ fixing the classification and qualifications and the educational and training requirements for persons who may be employed as pharmacy assistants or who may be enrolled in any pharmacy assistant training program. Such ~~((regulations))~~ rules shall provide that:

(a) Licensed pharmacists shall supervise the training of pharmacy assistants; and

(b) Training programs shall assure the competence of pharmacy assistants to aid and assist pharmacy operations. Training programs shall consist of instruction and/or practical training.

~~Such rules may include successful completion of examinations for applicants for pharmacy assistant certificates. If such examination rules are adopted, the board shall prepare or determine the nature of, and supervise the grading of the examinations. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities.~~

(2) The board may disapprove or revoke approval of any training program for failure to conform to board rules ~~((and regulations))~~. In the case of the disapproval or revocation of approval of a training program by the board, a hearing shall be conducted in accordance with RCW 18.64.160 ~~((as now or hereafter amended))~~, and appeal may be taken in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

**Sec. 9.** RCW 18.74.023 and 1991 c 12 s 3 and 1991 c 3 s 175 are each reenacted and amended to read as follows:

The board has the following powers and duties:

(1) To develop and administer, or approve, or both, examinations to applicants for a license under this chapter.

(2) To pass upon the qualifications of applicants for a license and to certify to the secretary duly qualified applicants.

(3) To make such rules not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter.

(4) To establish and administer requirements for continuing competency, which shall be a prerequisite to renewing a license under this chapter.

(5) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

(6) To adopt rules not inconsistent with the laws of this state, when it deems appropriate, in response to questions put to it by professional health associations, physical therapists, and consumers in this state concerning the authority of physical therapists to perform particular acts.

**Sec. 10.** RCW 18.74.035 and 1991 c 3 s 176 are each amended to read as follows:

All qualified applicants for a license as a physical therapist shall be examined by the board at such time and place as the board may determine. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities. The examination shall embrace the following subjects: The applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics; physical therapy, as defined in this chapter, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; technical procedures in the practice of physical therapy as defined in this chapter; and such other subjects as the board may deem useful to test the applicant's fitness to practice physical therapy, but not including the adjustment or manipulation of the spine or use of a thrusting force as mobilization. Examinations shall be held within the state at least once a year, at such time and place as the board shall determine. An applicant who fails an examination may apply for reexamination upon payment of a reexamination fee determined by the secretary.

**Sec. 11.** RCW 18.83.070 and 1984 c 279 s 80 are each amended to read as follows:

An applicant for a license as "psychologist" must submit proof to the board that:

(1) The applicant is of good moral character.

(2) The applicant holds a doctoral degree from a regionally accredited institution, obtained from an integrated program of graduate study in psychology as defined by rules of the board.

(3) The applicant has had no fewer than two years of supervised experience, at least one of which shall have been obtained subsequent to the granting of the doctoral degree. The board shall adopt rules defining the circumstances under which supervised experience shall qualify the candidate for licensure.

(4) The applicant has passed the written ~~((and))~~ or oral examinations, or both, as prescribed by the board.

Any person holding a valid license to practice psychology in the state of Washington on June 7, 1984, shall be considered licensed under this chapter.

**Sec. 12.** RCW 18.83.072 and 1991 c 3 s 198 are each amended to read as follows:

(1) Examination of applicants shall be held in Olympia, Washington, or at such other place as designated by the secretary, at least annually at such times as the board may determine.

(2) Any applicant shall have the right to discuss with the board his or her performance on the examination.

(3) Any applicant who fails to make a passing grade on the examination may be allowed to retake the examination. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again.

(4) The reexamination fee shall be the same as the application fee set forth in RCW 18.83.060.

(5) The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

**Sec. 13.** RCW 18.92.030 and 1993 c 78 s 3 are each amended to read as follows:

The board shall ~~((prepare examination questions, conduct examinations, and grade the answers of applicants))~~ develop and administer, or approve, or both, a licensure examination in the subjects determined by the board to be essential to the practice of veterinary medicine, surgery, and dentistry. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities. The board, under chapter 34.05 RCW, may adopt rules necessary to carry out the purposes of this chapter, including the performance of the duties and responsibilities of animal technicians and veterinary medication clerks. The rules shall be adopted in the interest of good veterinary health care delivery to the consuming public and shall not prevent animal technicians from inoculating an animal. The board also has the power to adopt by rule standards prescribing requirements for veterinary medical facilities and fixing minimum standards of continuing veterinary medical education.

The department is the official office of record.

**Sec. 14.** RCW 18.92.100 and 1991 c 3 s 243 are each amended to read as follows:

Examinations for license to practice veterinary medicine, surgery and dentistry shall be held at least once each year at such times and places as the secretary may authorize and direct. ~~((Said))~~ The examination ~~((, which shall be conducted in the English language))~~ shall be ~~((, in whole or in part, in writing))~~ on ~~((the following))~~ subjects ~~((: Veterinary anatomy, surgery, obstetrics, pathology, chemistry, hygiene, veterinary diagnosis, materia medica, therapeutics, parasitology, physiology, sanitary medicine, and such other subjects which))~~ that are ordinarily included in the curricula of veterinary colleges ~~((, as the board may prescribe))~~. All examinees shall be tested by written examination, supplemented by such oral interviews and practical demonstrations as the board deems necessary. ~~((The board may accept the examinee's results on the National Board of Veterinary Examiners in lieu of the written portion of the state examination.))~~

**Sec. 15.** RCW 18.108.030 and 1987 c 443 s 3 are each amended to read as follows:

(1) No person may practice or represent himself or herself as a massage practitioner without first applying for and receiving from the department a license to practice.

(2) A person represents himself or herself as a massage practitioner when the person adopts or uses any title or any description of services that incorporates one or more of the following terms or designations: Massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist or myotherapy, touch therapist, reflexologist, ~~((acupressurist))~~ acupressurist, body therapy or body therapist, or any derivation of those terms that implies a massage technique or method.

**Sec. 16.** RCW 18.108.050 and 1987 c 443 s 5 are each amended to read as follows:

This chapter does not apply to:

- (1) An individual giving massage to members of his or her immediate family;
- (2) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice;
- (3) Massage practiced at the athletic department of any institution maintained by the public funds of the state, or any of its political subdivisions;
- (4) Massage practiced at the athletic department of any school or college approved by the department by rule using recognized national professional standards;
- (5) Students enrolled in an approved massage school, approved program, or approved apprenticeship program, practicing massage techniques, incidental to the massage school or program and supervised by the approved school or program. Students must identify themselves as a student when performing massage services on members of the public. Students may not be compensated for the massage services they provide.

**Sec. 17.** RCW 18.108.073 and 1991 c 3 s 258 are each amended to read as follows:

(1) The date and location of the examination shall be established by the secretary. Applicants who demonstrate to the secretary's satisfaction that the following requirements have been met shall be scheduled for the next examination following the filing of the application:

- (a) Effective June 1, 1988, successful completion of a course of study in an approved massage program; or
- (b) Effective June 1, 1988, successful completion of an apprenticeship program established by the board; and
- (c) Be eighteen years of age or older.

In addition, the secretary shall establish a deadline for receipt of completed and approved applications ((shall be received sixty days before the scheduled examination)).

(2) The board or its designee shall examine each applicant in a written ~~((and practical))~~ examination determined most effective on subjects appropriate to the massage scope of practice. The subjects may include anatomy, kinesiology, physiology, pathology, principles of human behavior, massage theory and practice, hydrotherapy, hygiene, first aid, Washington law pertaining to the practice of massage, and such other subjects as the board may deem useful to test applicant's fitness to practice massage therapy. Such examinations shall be limited in purpose to determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) ~~((The examination papers, all grading of examinations, and the grading of any practical work.))~~ All records of a candidate's performance shall be preserved for a period of not less than one year after the board has made and published decisions thereupon. All examinations shall be conducted by the board under fair and impartial methods as determined by the secretary.

(4) An applicant who fails to make the required grade in the first examination is entitled to take up to two additional examinations upon the payment of a fee for each subsequent examination determined by the secretary as provided in RCW 43.70.250. Upon failure of three examinations, the secretary may invalidate the original application and require such remedial education as is required by the board before admission to future examinations.

(5) The board may approve an examination prepared or administered, or both, by a private testing agency or association of licensing boards for use by an applicant in meeting the licensing requirement.

**Sec. 18.** RCW 18.30.020 and 1995 c 1 s 3 (Initiative Measure No. 607) are each amended to read as follows:

(1) Before making and fitting a denture, a dentist shall examine the patient's oral cavity.

(a) If the examination gives the dentist reasonable cause to believe that there is an abnormality or disease process that requires medical or dental treatment, the dentist shall immediately refer the patient to a dentist or physician. In such cases, the dentist shall take no further action to manufacture or place a denture until the patient has been examined by a dentist or physician and the dentist or physician gives written clearance that the denture will pose no threat to the patient's health.

(b) If the examination reveals the need for tissue or teeth modification in order to assure proper fit of a full or partial denture, the dentist shall refer the patient to a dentist and assure that the modification has been completed before taking an impression for the completion of the denture.

(2) A dentist who makes or places a denture in a manner not consistent with this section is subject to the sanctions provided in chapter 18.130 RCW, the uniform disciplinary act.

(3) A dentist must successfully complete special training in oral pathology prescribed by the ~~((board))~~ secretary, whether as part of an approved associate degree program or equivalent training, and pass an examination prescribed by the ~~((board))~~ secretary, which may be a part of the examination for licensure to become a licensed dentist.

**Sec. 19.** RCW 18.30.080 and 1995 c 1 s 9 (Initiative Measure No. 607) are each amended to read as follows:

The secretary shall:

- (1) In consultation with the board, determine the qualifications of persons applying for licensure under this chapter;
- (2) In consultation with the board, prescribe, administer, and determine the requirements for examinations under this chapter and establish a passing grade for licensure under this chapter;
- (3) In consultation with the board, adopt rules under chapter 34.05 RCW to carry out the provisions of this chapter;
- (4) In consultation with the board, set all licensure, examination, and renewal fees in accordance with RCW 43.70.250;

(5) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's completion of course work requirements for licensure;

(6) Act as the disciplining authority under this chapter in accordance with the uniform disciplinary act, chapter 18.130 RCW, which governs unlicensed practice, the issuance and denial of licenses, and the disciplining of license holders under this chapter;

(7) Issue licenses for the practice of denturism under this chapter;

~~((2))~~ (8) Administer oaths and subpoena witnesses for the purpose of carrying out the activities authorized under this chapter;

~~((3))~~ (9) Establish forms and procedures necessary to administer this chapter;

~~((4))~~ (10) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter and act on behalf of the board and the secretary; and

~~((5))~~ (11) Issue licenses of endorsement for applicants from states ~~((that maintain standards of practice))~~ with substantially equivalent licensing standards to this state.

**Sec. 20.** RCW 18.30.090 and 1995 c 1 s 10 (Initiative Measure No. 607) are each amended to read as follows:

The secretary shall issue a license to practice denturism to an applicant who submits a completed application, pays the appropriate fees, and meets the following requirements:

(1) A person currently licensed to practice denturism under statutory provisions of another state ~~((or federal enclave that maintains standards of practice))~~ with substantially equivalent licensing standards to this chapter shall be licensed without examination upon providing the department with the following:

(a) Proof of successfully passing a written and clinical examination for denturism in a state that the ~~((board))~~ secretary has determined has substantially equivalent standards as those in this chapter in both the written and clinical examinations; and

(b) An affidavit from the state agency where the person is licensed or certified attesting to the fact of the person's licensure or certification.

(2) A person graduating from a formal denturism program shall be licensed if he or she:

(a) Documents successful completion of formal training with a major course of study in denturism of not less than two years in duration at an educational institution recognized by the ~~((board))~~ secretary; and

(b) Passes a written and clinical examination approved by the ~~((board))~~ secretary.

(3) An applicant who does not otherwise qualify under subsection (1) or (2) of this section shall be licensed within two years of December 8, 1994, if he or she:

(a) Provides to the ~~((board))~~ secretary three affidavits by persons other than family members attesting to the applicant's employment in denture technology for at least five years, or provides documentation of at least four thousand hours of practical work within denture technology;

(b) Provides documentation of successful completion of a training course approved by the ~~((board))~~ secretary or completion of an equivalent course approved by the ~~((board))~~ secretary; and

(c) Passes a written and clinical examination administered by the ~~((board))~~ secretary.

**Sec. 21.** RCW 18.30.100 and 1995 c 1 s 11 (Initiative Measure No. 607) are each amended to read as follows:

The ~~((board))~~ secretary shall administer the examinations for licensing under this chapter, subject to the following requirements:

(1) Examinations shall determine the qualifications, fitness, and ability of the applicant to practice denturism. The test shall include a written examination and a practical demonstration of skills.

(2) Examinations shall be held at least annually.

(3) The first examination shall be conducted not later than July 1, 1995.

(4) The written examination shall cover the following subjects: (a) Head and oral anatomy and physiology; (b) oral pathology; (c) partial denture construction and design; (d) microbiology; (e) clinical dental technology; (f) dental laboratory technology; (g) clinical jurisprudence; (h) asepsis; (i) medical emergencies; and (j) cardiopulmonary resuscitation.

(5) Upon payment of the appropriate fee, an applicant who fails either the written or practical examination may have additional opportunities to take the portion of the examination that he or she failed.

The ~~((board or))~~ secretary may hire trained persons licensed under this chapter to prepare, administer, and grade the examinations or may contract with regional examiners who meet qualifications adopted by the ~~((board))~~ secretary.

**Sec. 22.** RCW 18.30.110 and 1995 c 1 s 12 (Initiative Measure No. 607) are each amended to read as follows:

The department shall charge and collect the fees established by the ~~((board))~~ secretary. Fees collected shall be placed in the health professions account under RCW 43.70.320.

**Sec. 23.** RCW 18.30.130 and 1995 c 1 s 14 (Initiative Measure No. 607) are each amended to read as follows:

The ~~((board))~~ secretary shall establish by rule the administrative requirements for renewal of licenses to practice denturism, but shall not increase the licensure requirements provided in this chapter. The ~~((board))~~ secretary shall establish a renewal and late renewal penalty in accordance with RCW 43.70.250. Failure to renew shall invalidate the license and all privileges granted by the license. The ~~((board))~~ secretary shall determine by rule whether a license shall be canceled for failure to renew and shall establish procedures and prerequisites for relicensure.

**Sec. 24.** RCW 18.30.140 and 1995 c 1 s 15 (Initiative Measure No. 607) are each amended to read as follows:

(1) An individual may place his or her license on inactive status. The holder of an inactive license shall not practice denturism in this state without first activating the license.

(2) The inactive renewal fee shall be established by the ~~((board))~~ secretary. Failure to renew an inactive license shall result in cancellation in the same manner as failure to renew an active license results in cancellation.

(3) An inactive license may be placed in an active status upon compliance with rules established by the ~~((board))~~ secretary.

(4) The provisions relating to denial, suspension, and revocation of a license are applicable to an inactive license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

**NEW SECTION.** **Sec. 25.** RCW 18.30.070 and 1995 c 1 s 8 (Initiative Measure No. 607) are each repealed.

**NEW SECTION.** **Sec. 26.** A new section is added to chapter 18.130 RCW to read as follows:

The secretary of health shall review and coordinate all proposed rules, interpretive statements, policy statements, and declaratory orders, as defined in chapter 34.05 RCW, that are proposed for adoption or issuance by any health profession board or commission vested with rule-making authority identified under RCW 18.130.040(2)(b). The secretary shall review the proposed policy statements and declaratory orders against criteria that include the effect of the proposed rule, statement, or order upon existing health care policies and practice of health professionals. Within thirty days of the receipt of a proposed rule, interpretive statement, policy statement, or declaratory order from the originating board or commission, the secretary shall inform the board or commission of the results of the review, and shall provide any comments

or suggestions that the secretary deems appropriate. Emergency rule making is not subject to this review process. The secretary is authorized to adopt rules and procedures for the coordination and review under this section.

NEW SECTION. Sec. 27. Sections 18 through 25 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "professionals;" strike the remainder of the title and insert "amending RCW 18.25.030, 18.32.050, 18.34.080, 18.29.021, 18.29.120, 18.53.060, 18.54.070, 18.64A.020, 18.74.035, 18.83.070, 18.83.072, 18.92.030, 18.92.100, 18.108.030, 18.108.050, 18.108.073, 18.30.020, 18.30.080, 18.30.090, 18.30.100, 18.30.110, 18.30.130, and 18.30.140; reenacting and amending RCW 18.74.023; adding a new section to chapter 18.130 RCW; repealing RCW 18.30.070; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Fairley moved that the Senate concur in the House amendments to Substitute Senate Bill No. 5308.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate do concur in the House amendments to Substitute Senate Bill No. 5308.

The motion by Senator Fairley carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5308.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5308, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5308, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senators Rinehart and Roach - 2.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5308, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 11, 1995

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1248 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1248 was returned to second reading and read the second time.

#### MOTIONS

On motion of Senator Pelz, the following amendments by Senators Pelz, Deccio, Smith, West and Roach were considered simultaneously and were adopted:

On page 1, line 18, after "commenced" strike "after the effective date of this act and"

On page 2, beginning on line 20, after "made" strike all material through "made" on line 22

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1248, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Ann Anderson, Senator Roach was excused.

On motion of Senator Spanel, Senator Rinehart was excused.

On motion of Senator Kohl, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1248, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1248, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators McCaslin and Oke - 2.

Excused: Senators Anderson, C., Loveland, Rinehart and Roach - 4.

SUBSTITUTE HOUSE BILL NO. 1248, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Snyder, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8648

By Senators Snyder, Gaspard, Wojahn and Bauer

WHEREAS, Franklin Delano Roosevelt, President of the United States of America from 1933 until his death on April 12, 1945 -- fifty years ago today -- is revered as one of this nation's greatest presidents; and

WHEREAS, President Roosevelt led the nation out of the Great Depression, calming a troubled society by proclaiming at his inauguration that "The only thing we have to fear, is fear itself -- nameless, unreasoning, unjustified terror, which paralyzes needed efforts to convert retreat into advance;" and

WHEREAS, Franklin Delano Roosevelt promised and delivered a "New Deal," which created family-wage jobs for working people and built public infrastructure to support economic prosperity, provided Social Security for older Americans, and put an end to lines at soup kitchens, lifted people out of their despair and restored hope for America's future; and

WHEREAS, Franklin Delano Roosevelt, as Commander-in-Chief, rallied the nation through the years of the Second World War to secure the Allied victory he did not live to see, and established the United States' leadership role in opposing aggression and preserving individual freedoms throughout the world; and

WHEREAS, Franklin Delano Roosevelt overcame the challenges of his physical disability to lead the nation and the world through the most difficult period in modern history;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby commemorates the fiftieth anniversary of the death of Franklin Delano Roosevelt, and honors and remembers his unmatched service to our nation and world.

#### MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1140 and the pending Committee on Law and Justice amendments on page 2, lines 5, 11 and 17, which Senator Smith had moved for adoption on April 11, 1995, and were deferred earlier today.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice amendments on page 2, lines 5, 11 and 17, to Substitute House Bill No. 1140.

The motion by Senator Smith carried and the committee amendments were adopted.

#### MOTION

Senator Smith moved that the following amendment be adopted:

On page 7, after line 24, insert the following:

"(i) The current offense was one of domestic violence as defined in RCW 10.99.020."

#### POINT OF ORDER

Senator Johnson: "Mr. President, a point of order. I challenge this amendment on the basis that it is not within the scope and object of the bill. The chairman is correct that the statute itself deals with aggravating circumstances, but the bill does not. The bill deals with the criminal history in sentencing offenders. That is, under the Sentencing Reform Act, the prior crimes are contemplated in setting the sentence. The amendment proposed here deals with the nature of the contemporaneous crime for which the defendant is before the court at that time. The bill is procedural; it deals with the washout provision. The amendment is one of substance. It deals with the substance of the statute. On that basis, I make that point of order."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senator Smith on page 7, after line 24, to Substitute House Bill No. 1140.

MOTION

Senator Pelz moved that the following amendment be adopted:

On page 7, after line 24, insert the following:

"(i) The current offense was a violent offense committed to obstruct or hinder legal abortions and the victim was an employee, volunteer, or patient of a health care facility as defined in RCW 9A.50.010 where legal abortions are performed. For purposes of this subsection (2)(i), "employee" includes a person contracting with the health care facility."

POINT OF ORDER

Senator Johnson: "Mr. President, I will make the same point of order and that is that this amendment, as well, is outside the scope and object of the bill. I might add that the additional paragraph that the chairman referred to does not refer to a new circumstance or a new crime, which both of these amendments do. Thank you."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute House Bill No. 1140.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

April 12, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 12, 1995, Governor Lowry approved the following Senate Bills entitled:

Substitute Senate Bill No. 5022

Relating to identification cards for liquor purchases.

Senate Bill No. 5027

Relating to the statute of limitations for homicide by abuse.

Substitute Senate Bill No. 5279

Relating to small loans by licensed check cashers and sellers.

Senate Bill No. 5630

Relating to nonconsensual common law liens.

Substitute Senate Bill No. 5660

Relating to heating oil pollution liability.

Sincerely,  
KENT CAPUTO, Legal Counsel to the Governor

MOTION

At 5:05 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Thursday, April 13, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-FOURTH DAY, APRIL 12, 1995

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

**NINETY-FIFTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Thursday, April 13, 1995

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Hargrove and Sutherland. On motion of Senator Kohl, Senator Cal Anderson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Peter Janci and Alexander Murray, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

**MOTION**

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

**STATEMENT FOR THE JOURNAL**

I am issuing this statement to discuss the status of my illness (AIDS-related non-Hodgkins lymphoma) and to dispel rumors or fears regarding my hospitalization.

As many people know, I have been undergoing chemotherapy and treatment for non-Hodgkins lymphoma. I am pleased to report that a CAT scan Wednesday showed no sign of the cancer. This was not only good news for me from a medical standpoint, but also from a psychological perspective.

At this point, I am resting and regaining my strength and energy. I hope to be able to return to my legislative duties in Olympia soon. I appreciate all the care and concern I have received from Senate Majority Leader Marc Gaspard and colleagues in the Senate.

SENATOR CAL ANDERSON, 34th District

**STATEMENT FOR THE JOURNAL**

During the morning session of April 13, 1995, I was absent from voting on final passage of Gubernatorial Appointment No. 9091, Substitute House Bill No. 1387, as amended by the Senate; Substitute House Bill No. 1929; Second Substitute House Bill No. 1027, as amended by the Senate; Substitute House Bill No. 1178; Substitute House Bill No. 1273, as amended by the Senate; Engrossed House Bill No. 1173, as amended by the Senate; Engrossed Second Substitute House Bill No. 1941, as amended by the Senate; Substitute House Bill No. 1809, as amended by the Senate; Engrossed Substitute House Bill No. 1107, as amended by the Senate; Substitute House Bill No. 2060; House Joint Memorial No. 4030, as amended by the Senate; House Joint Memorial No. 4028; House Joint Memorial No. 4029; and Substitute House Bill No. 1383, as amended by the Senate; due to a pre-arranged meeting in Vancouver, Washington.

SENATOR DEAN SUTHERLAND, 17th District

**REPORTS OF STANDING COMMITTEES**

April 12, 1995

ESHB 1070 Prime Sponsor, House Committee on Capital Budget: Adopting the capital budget. Reported by Committee on Ways and Means

**MAJORITY Recommendation:** Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Moyer, Pelz, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

HOLD.

April 12, 1995

SHB 1071 Prime Sponsor, House Committee on Capital Budget: Authorizing general obligation bonds for costs incidental to the 1995-97 biennium. Reported by Committee on Ways and Means

**MAJORITY Recommendation:** Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Fraser, Gaspard, Hargrove, Moyer, Pelz, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

HOLD.

April 12, 1995



ESHB 1518 Prime Sponsor, House Committee on Education: Authorizing clock hours for teachers participating in internships. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Strannigan, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 12, 1995

SHB 1673 Prime Sponsor, House Committee on Finance: Expanding property tax deferrals for senior citizens and persons retired by reason of physical disability. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Johnson, Long, McDonald, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute House Bill No. 1070 and Substitute House Bill No. 1071 were advanced to second reading and placed on the second reading calendar.

#### MOTION

At 9:13 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:27 a.m. by President Pritchard.

#### REPORTS OF STANDING COMMITTEES

April 12, 1995

SB 5393 Prime Sponsor, Senator Owen: Funding high occupancy vehicle lane projects. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5393 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Prentice, Prince, Rasmussen, Schow and Wood.

HOLD.

April 12, 1995

ESHB 1810 Prime Sponsor, House Committee on Agriculture and Ecology: Creating a legislative task force to review the model toxics control act. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Long, Sheldon, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 12, 1995

ESHB 2080 Prime Sponsor, House Committee on Transportation: Providing transportation funding and appropriations. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Wood.

HOLD.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

April 12, 1995

GA 9027 JAMES S. HATTORI, reappointed August 23, 1994, for a term ending August 2, 1999, as Chair of the Lottery Commission.

Reported by the Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale and Palmer.

Passed to Committee on Rules.

April 12, 1995

GA 9036 SAM KINVILLE, appointed March 14, 1994, for a term ending August 8, 1998, as a member of the Public Employment Relations Commission.

Reported by the Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; Deccio, Franklin, Hale and Palmer.

Passed to Committee on Rules.

April 12, 1995

GA 9048 WANDA MOSBARGER, reappointed July 1, 1994, for a term ending June 30, 2000, as a member of the Gambling Commission.

Reported by the Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale and Palmer.

Passed to Committee on Rules.

April 12, 1995

GA 9095 EDWARD HEAVEY, appointed March 2, 1994, for a term ending June 30, 1999, as a member of the Gambling Commission.

Reported by the Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale and Palmer.

Passed to Committee on Rules.

April 12, 1995

GA 9141 BRUCE F. BRENNAN, reappointed March 14, 1995, for a term ending February 21, 1998, as a member of the Washington State Apprenticeship and Training Council.

Reported by the Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale and Palmer.

Passed to Committee on Rules.

April 12, 1995

GA 9146 JOSEPH W. DUFFY, appointed February 28, 1995, for a term ending September 8, 1999, as a member of the Public Employment Relations Commission.

Reported by the Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser and Palmer.

Passed to Committee on Rules.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5393 and Engrossed Substitute House Bill No. 2080 were advanced to second reading and placed on the second reading calendar.

#### MESSAGES FROM THE HOUSE

April 12, 1995

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1081,

HOUSE BILL NO. 1087,  
HOUSE BILL NO. 1321,  
HOUSE BILL NO. 1343,  
SUBSTITUTE HOUSE BILL NO. 1404,  
HOUSE BILL NO. 1468,  
HOUSE BILL NO. 1501,  
HOUSE BILL NO. 1553, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 12, 1995

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1063,  
HOUSE BILL NO. 1064,  
SUBSTITUTE HOUSE BILL NO. 1069,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,  
HOUSE BILL NO. 1465,  
HOUSE BILL NO. 1532,  
HOUSE BILL NO. 1771,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2036, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 12, 1995

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5075,  
SENATE BILL NO. 5806,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5868,  
SENATE BILL NO. 5882,  
ENGROSSED SENATE BILL NO. 5888,  
SENATE BILL NO. 5894,  
SENATE BILL NO. 6011,  
SUBSTITUTE SENATE BILL NO. 6028,  
SENATE JOINT MEMORIAL NO. 8004,  
SENATE JOINT MEMORIAL NO. 8006, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 12, 1995

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5101,  
SENATE BILL NO. 5200,  
SECOND SUBSTITUTE SENATE BILL NO. 5235,  
SENATE BILL NO. 5372, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1063,  
HOUSE BILL NO. 1064,  
SUBSTITUTE HOUSE BILL NO. 1069,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,  
HOUSE BILL NO. 1465,  
HOUSE BILL NO. 1532,  
HOUSE BILL NO. 1771,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2036.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1081,  
HOUSE BILL NO. 1087,  
HOUSE BILL NO. 1321,  
HOUSE BILL NO. 1343,  
SUBSTITUTE HOUSE BILL NO. 1404,  
HOUSE BILL NO. 1468,  
HOUSE BILL NO. 1501,

## MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5992 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature continues to recognize the vital role that work force development efforts play in equipping the state's workers with the skills they need to succeed in an economy that requires higher levels of skill and knowledge. The legislature also recognizes that businesses are increasingly relying on the state's work force development programs and expect them to be responsive to their changing skill requirements. The state benefits from a work force development system that allows firms and workers to be highly competitive in global markets.

(2) The establishment of the work force training and education coordinating board was an integral step in developing a strategic approach to work force development. For the coordinating board to carry out its intended role, the board must be able to give unambiguous guidance to operating agencies, the governor, and the legislature. It is the intent of this act to clarify the preeminent role intended for the work force training and education coordinating board in coordination and policy development of the state's work force development efforts.

(3) In the event that federal work force development funds are block granted to the state, it is the intent of the legislature to seek the broadest possible input, from local and state-wide organizations concerned with work force development, on the allocation of the federal funds.

(4) For purposes of sections 2 and 4 through 6 of this act, the term "program" shall not refer to the activities of individual institutions such as individual community or technical colleges, common schools, service delivery areas, or job service centers; nor shall it refer to individual fields of study or courses.

**NEW SECTION. Sec. 2.** (1) The state comprehensive plan for work force training and education shall be updated every two years and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan and the updates. The plan shall then become the state's work force training policy unless legislation is enacted to alter the policies set forth in the plan.

(2) The comprehensive plan shall include work force training role and mission statements for the work force development programs of operating agencies represented on the board and sufficient specificity regarding expected actions by the operating agencies to allow them to carry out actions consistent with the comprehensive plan.

(3) Operating agencies represented on the board shall have operating plans for their work force development efforts that are consistent with the comprehensive plan and that provide detail on implementation steps they will take to carry out their responsibilities under the plan. Each operating agency represented on the board shall provide an annual progress report to the board.

(4) The comprehensive plan shall include recommendations to the legislature and the governor on the modification, consolidation, initiation, or elimination of work force training and education programs in the state.

(5) The board shall report to the appropriate legislative policy committees by December 1 of each year on its progress in implementing the comprehensive plan and on the progress of the operating agencies in meeting their obligations under the plan.

**Sec. 3.** RCW 28C.18.050 and 1991 c 238 s 6 are each amended to read as follows:

(1) The board shall be designated as the state board of vocational education as provided for in P.L. 98-524, as amended, and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law.

(2) The board shall perform the functions of the human resource investment council as provided for in the federal job training partnership act, P.L. 97-300, as amended.

(3) The board shall provide policy advice for any federal act pertaining to work force development that is not required by state or federal law to be provided by another state body.

(4) Upon enactment of new federal initiatives relating to work force development, the board shall advise the governor and the legislature on mechanisms for integrating the federal initiatives into the state's work force development system and make recommendations on the legislative or administrative measures necessary to streamline and coordinate state efforts to meet federal guidelines.

(5) The board shall monitor for consistency with the state comprehensive plan for work force training and education the policies and plans established by the state job training coordinating council, the advisory council on adult education, and the Washington state plan for adult basic education, and provide guidance for making such policies and plans consistent with the state comprehensive plan for work force training and education.

**NEW SECTION. Sec. 4.** (1) The board shall specify, by December 31, 1995, the common core data to be collected by the operating agencies of the state training system and the standards for data collection and maintenance required in RCW 28C.18.060(8).

(2) The minimum standards for program evaluation by operating agencies required in RCW 28C.18.060(9) shall include biennial program evaluations; the first of such evaluations shall be completed by the operating agencies July 1, 1996. The program evaluation of adult basic skills education shall be provided by the advisory council on adult education.

(3) The board shall complete, by January 1, 1996, its first outcome-based evaluation and, by September 1, 1996, its nonexperimental net-impact and cost-benefit evaluations of the training system. The outcome, net-impact, and cost-benefit evaluations shall for the first evaluations, include evaluations of each of the following programs: Secondary vocational-technical education, work-related adult basic skills education, postsecondary work force training, job training partnership act titles II and III, as well as of the system as a whole.

(4) The board shall use the results of its outcome, net-impact, and cost-benefit evaluations to develop and make recommendations to the legislature and the governor for the modification, consolidation, initiation, or elimination of work force training and education programs in the state.

The board shall perform the requirements of this section in cooperation with the operating agencies.

**NEW SECTION. Sec. 5.** The board shall, by January 1, 1996, and biennially thereafter: (1) Assess the total demand for training from the perspective of workers, and from the perspective of employers; (2) assess the available supply of publicly and privately provided training which workers and employers are demanding; (3) assess the costs to the state of meeting the demand; and (4) present the legislature and the governor with a strategy for bridging the gap between the supply and the demand for training services.

**NEW SECTION. Sec. 6.** The board shall, in cooperation with the operating agencies, by January 1, 1996:

(1) Identify policies to reduce administrative and other barriers to efficient operation of the state's work force development system and barriers to improved coordination of work force development in the state. These policies shall include waivers of statutory requirements and administrative rules, as well as implementation of one-stop access to work force development services and school-to-work transition;

(2) Identify ways for operating agencies to share resources, instructors, and curricula through collaboration with other public and private entities to increase training opportunities and reduce costs; and

(3) Report to the governor and the appropriate legislative committees its recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination. The board shall work with the operating agencies of the state's work force development system to reduce administrative barriers that do not require statutory changes.

**NEW SECTION. Sec. 7.** Sections 2 and 4 through 6 of this act are each added to chapter 28C.18 RCW."

Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Pelz, the Senate concurred in the House amendment to Substitute Senate Bill No. 5992.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5992, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5992, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senators Hargrove and Sutherland - 2.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5992, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9091, Patrick Fahey, as a member of the Higher Education Facilities Authority, was confirmed.

#### MOTION

On motion of Senator Loveland, Senators Hargrove and Sutherland were excused.

#### APPOINTMENT OF PATRICK FAHEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Hargrove and Sutherland - 3.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1387, by House Committee on Law and Justice (originally sponsored by Representatives Delvin, Dellwo, Carrell, Cody, Morris, Padden, Hickel, Sommers, Conway, Brown, Mason, B. Thomas, Dickerson, Boldt, Campbell, Carlson, Patterson, Kessler, Mielke, Mulliken, Honeyford, Hargrove, L. Thomas, Kremen, Scott and Huff)

Revoking the license of a massage practitioner who has been convicted of prostitution.

The bill was read the second time.

#### MOTION

Senator Kohl moved that the following amendment by Senators Kohl, Long, Moyer, Hargrove and Quigley be adopted:  
Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.108.040 and 1991 c 3 s 255 are each amended to read as follows:

It shall be unlawful to advertise the practice of massage using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the secretary as a massage practitioner or without printing in display advertisement the license number of the massage practitioner. Any person who holds a license to practice as a massage practitioner in this state may use the title "licensed massage practitioner" and the abbreviation "L.M.P.". No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage practitioner.

**Sec. 2.** RCW 18.108.085 and 1991 c 3 s 259 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

- (a) Adopt rules, in accordance with chapter 34.05 RCW necessary to implement this chapter;
- (b) Set all license, examination, and renewal fees in accordance with RCW 43.70.250;
- (c) Establish forms and procedures necessary to administer this chapter;
- (d) Issue a license to any applicant who has met the education, training, and examination requirements for licensure; and
- (e) Hire clerical, administrative, and investigative staff as necessary to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the disciplining of persons under this chapter. The secretary shall be the disciplining authority under this chapter.

(3) Any license issued under this chapter to a person who is or has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances shall automatically be revoked by the secretary upon receipt of a certified copy of the court documents reflecting such conviction. No further hearing or procedure is required, and the secretary has no discretion with regard to the revocation of the license. The revocation shall be effective even though such conviction may be under appeal, or the time period for such appeal has not elapsed. However, upon presentation of a final appellate decision overturning such conviction or upon completion of a prostitution prevention and intervention program under sections 7 through 15 of this act, the license shall be reinstated, unless grounds for disciplinary action have been found pursuant to chapter 18.130 RCW. Unless an applicant demonstrates that he or she has completed a prostitution prevention and intervention program under sections 7 through 15 of this act, no license may be granted under this chapter to any person who has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances within the eight years immediately preceding the date of application. For purposes of this subsection, "convicted" does not include a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence, but does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(4) The secretary shall keep an official record of all proceedings under this chapter, a part of which record shall consist of a register of all applicants for licensure under this chapter, with the result of each application.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.130 RCW to read as follows:

RCW 18.108.085 shall govern the issuance and revocation of licenses issued or applied for under chapter 18.108 RCW to or by persons convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances.

**Sec. 4.** RCW 35.21.692 and 1991 c 182 s 1 are each amended to read as follows:

(1) A state licensed massage practitioner seeking a city or town license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The city or town may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same city or town and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.

(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.

**Sec. 5.** RCW 35A.82.025 and 1991 c 182 s 2 are each amended to read as follows:

(1) A state licensed massage practitioner seeking a city license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The city may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same city and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.

(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.

**Sec. 6.** RCW 36.32.122 and 1991 c 182 s 3 are each amended to read as follows:

(1) A state licensed massage practitioner seeking a county license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The county may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same county and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.

(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.63A RCW to read as follows:

There is established in the department of community, trade, and economic development a grant program to enhance funding for prostitution prevention and intervention services. Activities that can be funded through this grant program shall provide effective prostitution prevention and intervention services, such as counseling, parenting, housing relief, education, and vocational training, that:

- (1) Comprehensively address the problems of persons who are prostitutes; and
- (2) Enhance the ability of persons to leave or avoid prostitution.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.63A RCW to read as follows:

(1) Applications for funding under this chapter must:

- (a) Meet the criteria in section 7 of this act; and

(b) Contain evidence of active participation of the community and its commitment to providing effective prevention and intervention services for prostitutes through the participation of local governments, tribal governments, networks under chapter 70.190 RCW, human service and health organizations, and treatment entities and through meaningful involvement of others, including citizen groups.

(2) Local governments, networks under chapter 70.190 RCW, nonprofit community groups, and nonprofit treatment providers including organizations that provide services, such as emergency housing, counseling, and crisis intervention shall, among others, be eligible for grants established under section 7 of this act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.63A RCW to read as follows:

At a minimum, grant applications must include the following:

- (1) The proposed geographic service area;
- (2) A description of the extent and effect of the needs for prostitution prevention and intervention within the relevant geographic area;
- (3) An explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;
- (4) An explanation of what organizations were involved in the development of the proposal; and
- (5) The methods that will be employed to measure the success of the program.

**NEW SECTION. Sec. 10.** A new section is added to chapter 43.63A RCW to read as follows:

- (1) Subject to funds appropriated by the legislature, including funds in the prostitution prevention and intervention account, the department of community, trade, and economic development shall make awards under the grant program established by section 7 of this act.
- (2) Awards shall be made competitively based on the purposes of and criteria in sections 7 through 9 of this act.
- (3) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new activities. Funding of a program or activity under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.
- (4) The department of community, trade, and economic development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the grant program established under section 7 of this act and expend the same or any income from these sources according to the terms of the gifts, grants, or endowments.
- (5) The department of community, trade, and economic development may expend up to five percent of the funds appropriated for the grant program for administrative costs and grant supervision.

**NEW SECTION. Sec. 11.** A new section is added to chapter 43.63A RCW to read as follows:

The prostitution prevention and intervention account is created in the state treasury. All designated receipts from fees under sections 12 and 13 of this act shall be deposited into the account. Expenditures from the account may be used only for funding the grant program to enhance prostitution prevention and intervention services under section 7 of this act.

**NEW SECTION. Sec. 12.** A new section is added to chapter 9.68A RCW to read as follows:

- (1)(a) In addition to penalties set forth in RCW 9.68A.100, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9.68A.100 or a comparable county or municipal ordinance shall be assessed a two hundred fifty dollar fee.
- (b) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.
- (c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 9.68A.100 or a comparable county or municipal ordinance, the court shall assess the fee under (a) of this subsection. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.
- (2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under section 11 of this act for the purpose of funding prostitution prevention and intervention activities.

**NEW SECTION. Sec. 13.** A new section is added to chapter 9A.88 RCW to read as follows:

- (1)(a) In addition to penalties set forth in RCW 9A.88.010, 9A.88.030, and 9A.88.090, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county or municipal ordinances shall be assessed a fifty dollar fee.
- (b) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a one hundred fifty dollar fee.
- (c) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal ordinances shall be assessed a three hundred dollar fee.
- (2) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.
- (3) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation under this chapter or comparable county or municipal ordinances, the court shall assess the fee as specified under subsection (1) of this section. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.
- (4) Any fee assessed under this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under section 11 of this act for the purpose of funding prostitution prevention and intervention activities.

**NEW SECTION. Sec. 14.** The amendments to RCW 35.21.692, 35A.82.025, and 36.32.122 contained in sections 4 through 6 of this act shall expire July 1, 1997."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl, Long, Moyer, Hargrove and Quigley to Substitute House Bill No. 1387.

The motion by Senator Kohl carried and the striking amendment was adopted.

## MOTIONS

On motion of Senator Quigley, the following title amendments were considered simultaneously and were adopted:  
On page 1, line 2 of the title, after "36.32.122;" strike "and"

On page 1, line 3 of the title, after "18.130 RCW;" strike the remainder of the title and insert "adding new sections to chapter 43.63A RCW; adding a new section to chapter 9.68A RCW; adding a new section to chapter 9A.88 RCW; prescribing penalties; and providing an expiration date."

On motion of Senator Quigley, the rules were suspended, Substitute House Bill No. 1387, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1387, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1387, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Sutherland - 2.

SUBSTITUTE HOUSE BILL NO. 1387, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1929, by House Committee on Corrections (originally sponsored by Representatives Brumsickle and Morris)

Concerning the employment of inmates.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1929 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1929.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1929 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Sellar - 1.

Excused: Senators Anderson, C. and Sutherland - 2.

SUBSTITUTE HOUSE BILL NO. 1929, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1027, by House Committee on Appropriations (originally sponsored by Representatives Brumsickle, Carlson, Cooke, Ballasiotes, B. Thomas, Chandler, Lisk, Horn, Foreman, Dyer, Sehlin, Silver, Sherstad, Benton, Schoesler, Buck, Johnson, Thompson, Radcliff, Hickel, Backlund, Cairnes, Elliot, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Chappell, Smith, Honeyford, Blanton, D. Schmidt, Mulliken, McMorris, Clements, Fuhrman, Sheldon, Huff, Mielke, Talcott and McMahan)

Redirecting school administrative resources to the classroom.

The bill was read the second time.

#### MOTIONS

On motion of Senator McAuliffe, the following Committee on Education amendment was adopted:  
Strike everything after the enacting clause and insert the following:



**"NEW SECTION. Sec. 1.** The legislature finds that in order to improve student learning in Washington's public schools, school districts and the state need to take actions to use the maximum amount of available funding and resources to improve student achievement. The legislature intends to study the state-level education governance system to improve student learning and to reduce unnecessary regulatory oversight. The legislature also finds that if school districts are encouraged to review their expenditures, school districts can develop strategies that will increase the amount of resources used in the classroom.

**NEW SECTION. Sec. 2.** (1) The joint select committee on education restructuring established in RCW 28A.630.950 shall review the current constitutional and statutory roles and responsibilities of the office of the superintendent of public instruction, the state board of education, the work force training and education coordinating board, the commission on student learning, and educational service districts, and by December 15, 1996, develop a recommendation to the legislature for creating a revised state-level education governance system. The new state-level governance system shall: (a) Focus on the improvement of student learning; (b) result in a reduction of state-level administrative expenditures; (c) provide school district staff and parents technical assistance and leadership; (d) result in minimal regulatory oversight; and (e) have clear lines of authority and accountability.

(2) The select committee may continue its review of laws that inhibit, or do not enhance, student learning.

(3) This section shall expire December 31, 1997.

**NEW SECTION. Sec. 3.** (1) School district boards of directors are strongly encouraged to review school district expenditures, and to take actions that will increase the percentage of district funds that are used to support the classroom. In order to assist school districts in this effort, the school district financial review program is created. The purpose of the program is to provide funding to school districts to conduct financial reviews and to develop strategies that will increase the amount of resources that are used in the classroom.

(2) The program shall be administered by the superintendent of public instruction, or a public, nonprofit, or private contractor as designated by the superintendent.

(3) The superintendent, or his or her designee, shall establish application and approval requirements for the program. A minimum fifty percent financial match shall be required of school districts. Districts with enrollments larger than five hundred full-time equivalent students that expended less than two-thirds of their total general fund expenditures on teaching and teaching support during the 1993-94 fiscal year shall receive priority in the allocation of funds.

(4) School districts that receive grants shall submit a report to the superintendent, or his or her designee, by December 31, 1995, of actions that the district has taken, or plans to take, to increase classroom expenditures. The superintendent, or his or her designee, shall summarize the information submitted by the districts and present a summary to the fiscal and education policy committees of the legislature before January 15, 1996. If one or more of the fiscal or policy committees find that adequate progress is not being made in redirecting resources to the classroom, the committee or committees shall recommend to the legislature additional measures that should be taken.

(5) The process established in subsections (1) through (4) of this section shall be repeated during calendar year 1997, with the summary in subsection (4) of this section being submitted to the legislature before December 31, 1997.

(6) This section shall expire December 31, 1997.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect May 1, 1995."

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 1 of the title, after "classroom;" strike the remainder of the title and insert "creating new sections; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 1027, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1027, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1027, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Sutherland - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1027, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Stephen Turner, Her Majesty's Consul, representing Britain in Washington State for the past five years, who was seated in the gallery.

#### MOTIONS

On motion of Senator Loveland, Senator Bauer was excused.

On motion of Senator Ann Anderson, Senators Hale and Oke were excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1178, by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Lisk, Mulliken, Chandler, L. Thomas, Thompson, Boldt, Mastin, Goldsmith, Stevens, Schoesler, Honeyford, Johnson, Koster, Mielke and Sheahan)

Exempting persons under age twenty-one employed on the family farm from industrial insurance coverage.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1178 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1178.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1178 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wojahn - 43.

Absent: Senator Wood - 1.

Excused: Senators Anderson, C., Bauer, Hale, Oke and Sutherland - 5.

SUBSTITUTE HOUSE BILL NO. 1178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1273, by House Committee on Transportation (originally sponsored by Representatives Fuhrman, Blanton, Elliot and McMorris)

Refunding motor vehicle fuel and special fuel taxes to Indian tribes.

The bill was read the second time.

#### MOTIONS

On motion of Senator Morton, the following amendments by Senators Morton, Owen and Prince were considered simultaneously and were adopted:

On page 2, beginning on line 7, after "in" strike all material through "(2)" on line 8

On page 2, beginning on line 25, after "in" strike all material through "(2)" on line 26

On motion of Senator Owen, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 2, after line 10, strike all of section 3

On page 2, after line 27, strike all of section 5

Renumber the remaining sections consecutively and correct any internal references accordingly.

#### MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "tribes;" strike all material through "RCW;" on line 3 and insert "adding a new section to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW;"

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1273, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Ann Anderson, Senator Cantu was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1273, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1273, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, C., Bauer, Cantu, Hale, Oke and Sutherland - 6.

SUBSTITUTE HOUSE BILL NO. 1273, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1173, by Representatives Cooke and Brown (by request of Department of Social and Health Services)

Modifying adoption support provisions.

The bill was read the second time.

#### MOTIONS

On motion of Senator Hargrove, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.13.118 and 1985 c 7 s 138 are each amended to read as follows:

At least ~~((annually))~~ once every five years, the secretary shall review the need of any adoptive parent or parents receiving continuing support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145, or the need of any parent who is to receive more than one lump sum payment where such payments are to be spaced more than one year apart. ~~((Such review shall be made not later than the anniversary date of the adoption support agreement.))~~

At the time of such ~~((annual))~~ review and at other times ~~((during the year))~~ when changed conditions, including variations in medical opinions, prognosis and costs, are deemed by the secretary to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child, in the adoptive parents' income, resources, and expenses for the care of such child or other members of the family, including medical and/or hospitalization expense not otherwise covered by or subject to reimbursement from insurance or other sources of financial assistance.

Any parent who is a party to such an agreement may at any time in writing request, for reasons set forth in such request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of such request. Any adjustment may be made retroactive to the date such request was received by the secretary. If such request is not acted on within thirty days after it has been received by the secretary, such parent may invoke his rights under the hearing provisions set forth in RCW 74.13.127.

**Sec. 2.** RCW 74.13.121 and 1985 c 7 s 139 are each amended to read as follows:

So long as any adoptive parent is receiving support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 he or she shall, ~~((not later than two weeks after it is filed with the United States government))~~ upon request, file with the secretary a copy of his or her federal income tax return. Such return and any information thereon shall be marked by the secretary "confidential", shall be used by the secretary solely for the purposes of RCW 26.33.320 and 74.13.100 through 74.13.145, and shall not be revealed to any other person, institution or agency, public or private, including agencies of the United States government, other than a superior court, judge or commissioner before whom a petition for adoption of a child being supported or to be supported pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 is then pending.

In carrying on the review process authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may require the adoptive parent or parents to disclose such additional financial information, not privileged, as may enable him or her to make determinations and adjustments in support to the end that the purposes and policies of this state expressed in RCW 74.13.100 may be carried out, provided that no adoptive parent or parents shall be obliged, by virtue of this section, to sign any agreement or other writing waiving any constitutional right or privilege nor to admit to his or her home any agent, employee, or official of any department of this state, or of the United States government.

Such information shall be marked "confidential" by the secretary, shall be used by him or her solely for the purposes of RCW 26.33.320 and 74.13.100 through 74.13.145, and shall not be revealed to any other person, institution, or agency, public or private, including agencies of the United States government other than a superior court judge or commissioner before whom a petition for adoption of a child being supported or to be supported pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 is then pending.

**NEW SECTION. Sec. 3.** The legislature recognizes that some prospective adoptive parents may not have finalized the adoption of a foster child in their care because the adoption support program as it is presently structured may offer special children with complex needs fewer necessary services than the foster care program provides them through exceptional cost plans. Enhancement of the adoption support program could increase the likelihood that such special needs children could be adopted.

The department of social and health services is directed to conduct a study to determine the costs, program impact, and appropriateness of extending exceptional cost rate foster care plans for special needs children to the adoption support program. The department of social and health services shall complete the study and report its findings to the legislature no later than September 1, 1995."

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "amending RCW 74.13.118 and 74.13.121; and creating a new section."

## MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed House Bill No. 1173, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1173, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1173, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Bauer, Cantu, Hale and Sutherland - 5.

ENGROSSED HOUSE BILL NO. 1173, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941, by House Committee on Appropriations (originally sponsored by Representatives Johnson, Brumsickle, Talcott and Thompson)

Improving student learning by focusing on reading literacy.

The bill was read the second time.

## MOTION

Senator Johnson moved that the following Committee on Education striking amendment not be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the ability to read with comprehension and skill is essential for success in school, and for success in future life. It is the intent of the legislature to improve student learning by focusing on reading literacy in our public schools. The legislature encourages the school districts that are ready to use the reading assessment system developed by the commission on student learning under RCW 28A.630.885 to use the system and the information provided from the assessments as tools to evaluate instructional practices and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements in reading.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) The elementary grades assessment developed by the commission on student learning under RCW 28A.630.885 shall be designed to assess students for reading literacy skills no later than the spring of third grade and at other appropriate grade levels.

(2) The information provided by the reading assessment shall be used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements for reading.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) To the extent funds are appropriated, the office of the superintendent of public instruction and the commission on student learning shall jointly establish a pilot program for the reading assessment system for elementary grades developed under RCW 28A.630.885. The program shall provide additional student learning improvement grants for elementary schools in one small school district, one medium-sized school district, and one large school district that are each ready to begin implementing the reading assessment system. The purpose of the grants is to provide funds for additional time and resources for site-based planning activities and staff development and planning to support the implementation of the reading assessment system and to improve reading literacy of students.

(2) To the extent funds are appropriated, and for allocation purposes only, the amount of grants for the 1995-96 and 1996-97 school years shall be based on time equivalent to one day and on the number of full-time equivalent certificated staff who work in the elementary school. Funds from the grant may be used to pay for staff development and planning for certificated and classified staff and site-based planning activities to implement the reading assessment system and improve reading literacy. Use of the funds shall be governed by RCW 28A.300.138.

(3) Districts participating in the reading assessment pilot program shall report the results of their participation to the commission on student learning. The commission on student learning shall include the results of the report in its annual report to the joint select committee on education restructuring and to the legislature.

(4) This section shall expire June 30, 2000.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the motion by Senator Johnson that the Committee on Education striking amendment to Engrossed Second Substitute House Bill No. 1941 not be adopted.

The motion by Senator Johnson carried and the committee striking amendment was not adopted.

## MOTION

Senator Johnson moved that the following amendment by Senators Johnson and McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the ability to read with comprehension and skill is essential for success in school, and for success in future life. It is the intent of the legislature to improve student learning by focusing on reading literacy in our public schools. The legislature encourages the school districts that are ready to use the reading assessment system developed by the commission on student learning under RCW 28A.630.885 to use the system and the information provided from the assessments as tools to evaluate instructional practices and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements in reading.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) The elementary grades assessment developed by the commission on student learning under RCW 28A.630.885 shall be designed to assess students for reading literacy skills no later than the spring of third grade and at other appropriate grade levels.

(2) Elementary schools that are ready to begin implementing the third grade reading assessment system are encouraged to begin implementation in the 1996-97 school year.

(3) The information provided by the third grade reading assessment shall be used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements for reading.

(4) Districts that implement the third grade reading assessment shall report the results of their participation to the commission on student learning. The commission on student learning shall include the results of the report in its annual report to the joint select committee on education restructuring and to the legislature.

(5) This section shall expire June 30, 2000."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Johnson and McAuliffe to Engrossed Second Substitute House Bill No. 1941.

The motion by Senator Johnson carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Johnson, the following title amendment was adopted:

On page 1, line 1 of the title, after "literacy;" strike the remainder of the title and insert "adding a new section to chapter 28A.630 RCW; and a creating new section."

On motion of Senator Johnson, the rules were suspended, Engrossed Second Substitute House Bill No. 1941, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1941, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1941 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Hale and Sutherland - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1809, by House Committee on Health Care (originally sponsored by Representatives Dyer and Dickerson)

Authorizing naturopaths to give direction to registered nurses.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fairley, the following Committee on Health and Long-Term Care amendment was adopted:

On page 2, after line 26, insert the following:

**"NEW SECTION. Sec. 3.** By July 31, 1996, the Washington state nursing care quality assurance commission shall develop rules for nursing practice under the direction of naturopathic physicians.

**NEW SECTION. Sec. 4.** This act shall take effect August 1, 1996."

On motion of Senator Fairley, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "18.79 RCW;" strike "and"

On page 1, line 3 of the title, after "18.79.270" insert "; creating a new section; and providing an effective date"

#### MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1809, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Spanel, Senator Wojahn was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1809, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1809, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 46.

Excused: Senators Anderson, C., Sutherland and Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 1809, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107, by House Committee on Government Operations (originally sponsored by Representatives Reams, Rust, Goldsmith, Kremen, Wolfe, R. Fisher and Chopp) (by request of Governor Lowry)

Eliminating and consolidating boards and commissions.

The bill was read the second time.

#### MOTIONS

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:  
Strike everything after the enacting clause and insert the following:

#### **"PART 1 LAW REVISION COMMISSION**

**NEW SECTION. Sec. 101.** The following acts or parts of acts are each repealed:

- (1) RCW 1.30.010 and 1982 c 183 s 1;
- (2) RCW 1.30.020 and 1982 c 183 s 2;
- (3) RCW 1.30.030 and 1982 c 183 s 3;
- (4) RCW 1.30.040 and 1987 c 505 s 2 & 1982 c 183 s 4;
- (5) RCW 1.30.050 and 1982 c 183 s 5; and
- (6) RCW 1.30.060 and 1982 c 183 s 9.

#### **PART 2 JUDICIAL COUNCIL**

**NEW SECTION. Sec. 201.** The following acts or parts of acts are each repealed:

- (1) RCW 2.52.010 and 1994 c 32 s 1, 1987 c 322 s 1, 1977 ex.s. c 112 s 1, 1973 c 18 s 1, 1971 c 40 s 1, 1967 c 124 s 1, 1961 c 271 s 1, 1955 c 40 s 1, & 1925 ex.s. c 45 s 1;
- (2) RCW 2.52.020 and 1925 ex.s. c 45 s 2;
- (3) RCW 2.52.030 and 1987 c 322 s 2 & 1925 ex.s. c 45 s 3;
- (4) RCW 2.52.035 and 1987 c 322 s 4;
- (5) RCW 2.52.040 and 1977 ex.s. c 112 s 2 & 1925 ex.s. c 45 s 4; and
- (6) RCW 2.52.050 and 1987 c 322 s 3 & 1981 c 260 s 1.

#### **PART 3 JUVENILE DISPOSITION STANDARDS COMMISSION**

**NEW SECTION. Sec. 301.** A new section is added to chapter 9.94A RCW to read as follows:

(1) The juvenile disposition standards commission is hereby abolished and its powers, duties, and functions are hereby transferred to the sentencing guidelines commission. All references to the director or the juvenile disposition standards commission in the Revised Code of Washington shall be construed to mean the director or the sentencing guidelines commission.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the juvenile disposition standards commission shall be delivered to the custody of the sentencing guidelines commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the juvenile disposition standards commission shall be made available to the sentencing guidelines commission. All funds, credits, or other assets held by the juvenile disposition standards commission shall be assigned to the sentencing guidelines commission.

(b) Any appropriations made to the juvenile disposition standards commission shall, on the effective date of this section, be transferred and credited to the sentencing guidelines commission.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the juvenile disposition standards commission are transferred to the jurisdiction of the sentencing guidelines commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the sentencing guidelines commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the juvenile disposition standards commission shall be continued and acted upon by the sentencing guidelines commission. All existing contracts and obligations shall remain in full force and shall be performed by the sentencing guidelines commission.

(5) The transfer of the powers, duties, functions, and personnel of the juvenile disposition standards commission shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**Sec. 302.** RCW 13.40.025 and 1986 c 288 s 8 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following nine members appointed by the governor, subject to confirmation by the senate: (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) The commission shall (~~meet at least once every three months~~) cease to exist on June 30, 1997, and its powers and duties shall be transferred to the sentencing guidelines commission established under RCW 9.94A.040.

**Sec. 303.** RCW 9.94A.040 and 1994 c 87 s 1 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

(7) The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.

(8) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

(9) The commission may (a) serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local sentencing practices; (b) develop and maintain a computerized sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (c) conduct ongoing research regarding sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the criminal justice system.

(10) The staff and executive officer of the commission may provide staffing and services to the juvenile disposition standards commission, if authorized by RCW 13.40.025 and 13.40.027. The commission may conduct joint meetings with the juvenile disposition standards commission.

(11) The commission shall assume the powers and duties of the juvenile disposition standards commission after June 30, 1997.

(12) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

#### **PART 4 COSMETOLOGY, BARBERING, ESTHETICS, AND MANICURING ADVISORY BOARD**

NEW SECTION. Sec. 401. The legislature finds that the economic opportunities for cosmetologists, barbers, estheticians, and manicurists have deteriorated in this state as a result of the lack of skilled practitioners, inadequate licensing controls, and inadequate enforcement of health standards. To increase the opportunities for individuals to earn viable incomes in these professions and to protect the general health of the public, the state cosmetology, barbering, esthetics, and manicuring advisory board should be reconstituted and given a new charge to develop appropriate responses to this situation, including legislative proposals.

**Sec. 402.** RCW 18.16.050 and 1991 c 324 s 3 are each amended to read as follows:

(1) ~~There is created a state cosmetology, barbering, esthetics, and manicuring advisory board consisting of ((five)) seven members appointed by the ((governor who shall advise the director concerning the administration of this chapter)) director. ((Four)) These seven members of the board shall include ((a minimum of two instructors)) a representative of a private cosmetology school and a representative of a public vocational technical school involved in cosmetology training, with the balance made up of currently practicing licensees who have been engaged in the practice of manicuring, esthetics, barbering, or cosmetology for at least three years. One member of the board shall be a consumer who is unaffiliated with the cosmetology, barbering, esthetics, or manicuring industry. The term of office for all board members ((is three years)) serving as of the effective date of this section expires June 30, 1995. On June 30, 1995, the director shall appoint seven new members to the board. These new members shall serve a term of two years, at the conclusion of which the board shall cease to exist. Any members serving on the advisory board as of the effective date of this section are eligible to be reappointed. Any board member may be removed for just cause. The director may appoint a new member to fill any vacancy on the ((committee)) board for the remainder of the unexpired term. ((No board member may serve more than two consecutive terms, whether full or partial.))~~

(2) ~~The board appointed on June 30, 1995, together with the director or the director's designee, shall conduct a thorough review of educational requirements, licensing requirements, and enforcement and health standards for persons engaged in cosmetology, barbering, esthetics, or manicuring and shall prepare a report to be delivered to the governor, the director, and the chairpersons of the governmental operations committees of the house of representatives and the senate. The report must summarize their findings and make recommendations, including, if appropriate, recommendations for legislation reforming and restructuring the regulation of cosmetology, barbering, esthetics, and manicuring.~~

(3) Board members shall be entitled to compensation pursuant to RCW 43.03.240 for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

#### **PART 5 SHORTHAND REPORTERS ADVISORY BOARD**

**Sec. 501.** RCW 18.145.030 and 1989 c 382 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing.

(3) "Shorthand reporter" and "court reporter" mean an individual certified under this chapter.

~~((4)) "Board" means the Washington state shorthand reporter advisory board.~~

**Sec. 502.** RCW 18.145.050 and 1989 c 382 s 6 are each amended to read as follows:

In addition to any other authority provided by law, the director may:

(1) Adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter;

(2) Set all certification examination, renewal, late renewal, duplicate, and verification fees in accordance with RCW 43.24.086;

(3) Establish the forms and procedures necessary to administer this chapter;

(4) Issue a certificate to any applicant who has met the requirements for certification;

(5) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(6) Investigate complaints or reports of unprofessional conduct as defined in this chapter and hold hearings pursuant to chapter 34.05

RCW;

(7) Issue subpoenas for records and attendance of witnesses, statements of charges, statements of intent to deny certificates, and orders; administer oaths; take or cause depositions to be taken; and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;



- (8) Maintain the official departmental record of all applicants and certificate holders;
- (9) Delegate, in writing to a designee, the authority to issue subpoenas, statements of charges, and statements of intent to deny certification;
- (10) Prepare and administer or approve the preparation and administration of examinations for certification;
- (11) Establish by rule the procedures for an appeal of a failure of an examination;
- (12) Conduct a hearing under chapter 34.05 RCW on an appeal of a denial of a certificate based on the applicant's failure to meet minimum qualifications for certification;

(13) Establish ad hoc advisory committees whose membership shall include representatives of professional court reporting and stenomasking associations and representatives from accredited schools offering degrees in court reporting or stenomasking to advise the director on testing procedures, professional standards, disciplinary activities, or any other matters deemed necessary.

**Sec. 503.** RCW 18.145.070 and 1989 c 382 s 8 are each amended to read as follows:

The director(~~(=members of the board,))~~ and individuals acting on ~~((the#))~~ the director's behalf shall not be civilly liable for any act performed in good faith in the course of their duties.

**Sec. 504.** RCW 18.145.080 and 1989 c 382 s 9 are each amended to read as follows:

(1) The department shall issue a certificate to any applicant who, as determined by the director (~~(upon advice of the board))~~), has:

- (a) Successfully completed an examination approved by the director;
- (b) Good moral character;
- (c) Not engaged in unprofessional conduct; and
- (d) Not been determined to be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) A one-year temporary certificate may be issued, at the discretion of the director, to a person holding one of the following: National shorthand reporters association certificate of proficiency, registered professional reporter certificate, or certificate of merit; a current court or shorthand reporter certification, registration, or license of another state; or a certificate of graduation of a court reporting school. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under subsection (1)(a) of this section within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

(3) The examination required by subsection (1)(a) of this section shall be no more difficult than the examination provided by the court reporter examining committee as authorized by RCW 2.32.180.

**NEW SECTION. Sec. 505.** RCW 18.145.060 and 1989 c 382 s 7 are each repealed.

## **PART 6 MARITIME BICENTENNIAL ADVISORY COMMITTEE**

**NEW SECTION. Sec. 601.** RCW 27.34.300 and 1989 c 82 s 2 are each repealed.

## **PART 7 CENTENNIAL COMMISSION**

**NEW SECTION. Sec. 701.** The following acts or parts of acts are each repealed:

- (1) RCW 27.60.010 and 1982 c 90 s 1;
- (2) RCW 27.60.020 and 1985 c 291 s 1, 1984 c 120 s 1, & 1982 c 90 s 2;
- (3) RCW 27.60.030 and 1982 c 90 s 3;
- (4) RCW 27.60.040 and 1987 c 195 s 1, 1985 c 291 s 2, & 1982 c 90 s 4;
- (5) RCW 27.60.050 and 1982 c 90 s 5;
- (6) RCW 27.60.070 and 1985 c 291 s 4;
- (7) RCW 27.60.090 and 1986 c 157 s 2; and
- (8) RCW 27.60.900 and 1989 c 82 s 3, 1985 c 268 s 3, & 1982 c 90 s 6.

## **PART 8 STUDENT FINANCIAL AID POLICY STUDY ADVISORY COMMITTEE**

**Sec. 801.** RCW 28B.10.804 and 1969 ex.s. c 222 s 10 are each amended to read as follows:

The commission shall be cognizant of the following guidelines in the performance of its duties:

- (1) The commission shall be research oriented, not only at its inception but continually through its existence.
- (2) The commission shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The commission shall take the initiative and responsibility for coordinating all federal student financial aid programs to insure that the state recognizes the maximum potential effect of these programs, and shall design the state program which complements existing federal, state and institutional programs.

(4) Counseling is a paramount function of student financial aid, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the commission, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) ~~(In the development of any new program, the commission shall seek advice from and consultation with the institutions of higher learning, state agencies, industry, labor, and such other interested groups as may be able to contribute to the effectiveness of program development and implementation.~~

~~(6))~~ The "package" approach of combining loans, grants and employment for student financial aid shall be the conceptual element of the state's involvement.

## **PART 9**

**ADVISORY COMMITTEE ON ACCESS TO EDUCATION  
FOR STUDENTS WITH DISABILITIES**

NEW SECTION. Sec. 901. The following acts or parts of acts are each repealed:

- (1) RCW 28B.80.550 and 1991 c 228 s 7; and
- (2) RCW 28B.80.555 and 1991 c 228 s 8.

**PART 10  
ADVISORY COMMITTEE FOR PROGRAM FOR  
DISLOCATED FOREST PRODUCTS WORKERS**

**Sec. 1001.** RCW 28B.80.575 and 1991 c 315 s 19 are each amended to read as follows:

The board shall administer a program designed to provide upper division higher education opportunities to dislocated forest products workers, their spouses, and others in timber impact areas. In administering the program, the board shall have the following powers and duties:

(1) Distribute funding for institutions of higher education to service placebound students in the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average; and

(2) ~~((Appoint an advisory committee to assist the board in program design and future project selection;~~

~~(3)) Monitor the program and report on student progress and outcome(=and~~

~~(4) Report to the legislature by December 1, 1993, on the status of the program)).~~

**PART 11  
STATE FIRE DEFENSE BOARD AND  
FIRE PROTECTION POLICY BOARD**

**Sec. 1101.** RCW 38.54.030 and 1992 c 117 s 11 are each amended to read as follows:

~~((There is created the state fire defense board consisting of the state fire marshal, a representative from the department of natural resources appointed by the commissioner of public lands, the assistant director of the emergency management division of the department of community development, and one representative selected by each regional fire defense board in the state. Members of the state fire defense board shall select from among themselves a chairperson. Members serving on the board do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses from the state.))~~

The state fire ~~((defense board shall develop and maintain))~~ protection policy board shall review and make recommendations to the director on the refinement and maintenance of the Washington state fire services mobilization plan, which shall include the procedures to be used during fire and other emergencies for coordinating local, regional, and state fire jurisdiction resources. In carrying out this duty, the fire protection policy board shall consult with and solicit recommendations from representatives of state and local fire and emergency management organizations, regional fire defense boards, and the department of natural resources. The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The director shall review the fire services mobilization plan as submitted by the state fire defense board and after consultation with the fire protection policy board, recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.

It is the responsibility of the director to mobilize jurisdictions under the Washington state fire services mobilization plan. The state fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.

**PART 12  
EMERGENCY MANAGEMENT COUNCIL AND RELATED BOARDS**

**Sec. 1201.** RCW 38.52.030 and 1991 c 322 s 20 and 1991 c 54 s 2 are each reenacted and amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) ~~((The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee))~~ The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a state-wide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.01(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

**Sec. 1202.** RCW 38.52.040 and 1988 c 81 s 18 are each amended to read as follows:

(1) There is hereby created the emergency management council (hereinafter called the council), to consist of not ~~((less than seven nor))~~ more than seventeen members who shall be appointed by the governor. ~~((The council shall advise the governor and the director on all matters pertaining to emergency management and shall advise the chief of the Washington state patrol on safety in the transportation of hazardous materials described in RCW 46.48.170.))~~ The membership of the council shall include, but not be limited to, representatives of city and county governments, sheriffs and police chiefs, the Washington state patrol, ~~the military department, the department of ecology, state and local fire chiefs, seismic safety experts, state and local emergency management directors, search and rescue volunteers, medical professions who have expertise in emergency medical care, building officials, and private industry((and local fire chiefs)).~~ The representatives of private industry shall include persons knowledgeable in ~~((the handling and transportation of hazardous materials))~~ emergency and hazardous materials management. The council members shall elect a chairman from within the council membership. The members of the council shall serve without compensation, but may be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The emergency management council shall advise the governor and the director on all matters pertaining to state and local emergency management. The council may appoint such ad hoc committees, subcommittees, and working groups as are required to develop specific recommendations for the improvement of emergency management practices, standards, policies, or procedures. The council shall ensure that the governor receives an annual assessment of state-wide emergency preparedness including, but not limited to, specific progress on hazard mitigation and reduction efforts, implementation of seismic safety improvements, reduction of flood hazards, and coordination of hazardous materials planning and response activities. The council or a subcommittee thereof shall periodically convene in special session and serve during those sessions as the state emergency response commission required by P.L. 99-499, the emergency planning and community right-to-know act. When sitting in session as the state emergency response commission, the council shall confine its deliberations to those items specified in federal statutes and state administrative rules governing the coordination of hazardous materials policy. The council shall review administrative rules governing state and local emergency management practices and recommend necessary revisions to the director.

**NEW SECTION. Sec. 1203.** By July 1, 1995, the director of community, trade, and economic development shall terminate the state emergency response commission, the disaster assistance council, the hazardous materials advisory committee, the hazardous materials transportation act grant review committee, the flood damage reduction committee, and the hazard mitigation grant review committee. The director shall ensure that the responsibilities of these committees are carried out by the emergency management council or subcommittees thereof.

### **PART 13 OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES ADVISORY COMMITTEE**

**NEW SECTION. Sec. 1301.** RCW 39.19.040 and 1985 c 466 s 45 & 1983 c 120 s 4 are each repealed.

**NEW SECTION. Sec. 1302.** A new section is added to chapter 39.19 RCW to read as follows:

The director may establish ad hoc advisory committees, as necessary, to assist in the development of policies to carry out the purposes of this chapter.

### **PART 14 SUPPLY MANAGEMENT ADVISORY BOARD**

**Sec. 1401.** RCW 43.19.190 and 1994 c 138 s 1 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state:

PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by the legislature: PROVIDED, That any agency may purchase material, supplies, services, and equipment for which the agency has notified the purchasing and material control director that it is more cost-effective for the agency to make the purchase directly from the vendor: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935: PROVIDED FURTHER, That, except for the authority of the risk manager to purchase insurance and bonds, the director is not required to provide purchasing services for institutions of higher education that choose to exercise independent purchasing authority under RCW 28B.10.029;

~~(3) ((Provide the required staff assistance for the state supply management advisory board through the division of purchasing;~~

~~(4)) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies(~~(= PROVIDED, That)~~). Acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, or from policies established by the director (~~(after consultation with the state supply management advisory board: PROVIDED FURTHER, That)~~). Also, delegation of such authorization to a state agency, including an educational institution to which this section applies, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;~~

~~((5)) (4) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;~~

~~((6)) (5) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;~~

~~((7)) (6) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;~~

~~((8)) (7) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;~~

~~((9)) (8) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications (~~(after receiving the recommendation of the supply management advisory board)~~);~~

~~((10)) (9) Provide for the maintenance of inventory records of supplies, materials, and other property;~~

~~((11)) (10) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;~~

~~((12)) (11) Publish procedures and guidelines for compliance by all state agencies, including those educational institutions to which this section applies, which implement overall state purchasing and material control policies;~~

~~((13)) (12) Advise state agencies, including educational institutions, regarding compliance with established purchasing and material control policies under existing statutes.~~

**Sec. 1402.** RCW 43.19.1905 and 1993 sp.s. c 10 s 3 are each amended to read as follows:

The director of general administration(~~(= after consultation with the supply management advisory board)~~) shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

(2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

(3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

(4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

(5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;

(6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;

(7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions (~~(under the provisions of RCW 43.19.510)~~), including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;

(8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

(16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(19) Resolution of all other purchasing and material matters (~~(referred to him by a member of the advisory board)~~) which require the establishment of overall state-wide policy for effective and economical supply management;

(20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002).

**Sec. 1403.** RCW 43.19.19052 and 1986 c 158 s 9 are each amended to read as follows:

Initial policy determinations for the functions described in RCW 43.19.1905 shall be developed and published within the 1975-77 biennium by the director (~~(, after consultation with the supply management advisory board)~~) for guidance and compliance by all state agencies, including educational institutions, involved in purchasing and material control. Modifications to these initial supply management policies established during the 1975-77 biennium shall be instituted by the director (~~(, after consultation with the advisory board,)~~) in future biennia as required to maintain an efficient and up-to-date state supply management system. The director shall transmit to the governor and the legislature in June 1976 and June 1977 a progress report which indicates the degree of accomplishment of each of these assigned duties, and which summarizes specific achievements obtained in increased effectiveness and dollar savings or cost avoidance within the overall state purchasing and material control system. The second progress report in June 1977 shall include a comprehensive supply management plan which includes the recommended organization of a state-wide purchasing and material control system and development of an orderly schedule for implementing such recommendation. In the interim between these annual progress reports, the director shall furnish periodic reports to the office of financial management for review of progress being accomplished in achieving increased efficiencies and dollar savings or cost avoidance.

It is the intention of the legislature that measurable improvements in the effectiveness and economy of supply management in state government shall be achieved during the 1975-77 biennium, and each biennium thereafter. All agencies, departments, offices, divisions, boards, and commissions and educational, correctional, and other types of institutions are required to cooperate with and support the development and implementation of improved efficiency and economy in purchasing and material control. To effectuate this legislative intention, the director. (~~(in consultation with the supply management advisory board, and)~~) through the state purchasing and material control director, shall have the authority to direct and require the submittal of data from all state organizations concerning purchasing and material control matters.

**Sec. 1404.** RCW 43.19.1906 and 1994 c 300 s 1 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand

dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars (~~(with the approval of at least ten of the members of the state supply management advisory board)~~), if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

**Sec. 1405.** RCW 43.19.1937 and 1975-'76 2nd ex.s. c 21 s 13 are each amended to read as follows:

No (~~member of the state supply management advisory board or~~) state employee whose duties performed for the state include:

- (1) Advising on or drawing specifications for supplies, equipment, commodities, or services;
- (2) Suggesting or determining vendors to be placed upon a bid list;
- (3) Drawing requisitions for supplies, equipment, commodities, or services;
- (4) Evaluating specifications or bids and suggesting or determining awards; or
- (5) Accepting the receipt of supplies, equipment, and commodities or approving the performance of services or contracts;

shall accept or receive, directly or indirectly, a personal financial benefit, or accept any gift, token, membership, or service, as a result of a purchase entered into by the state, from any person, firm, or corporation engaged in the sale, lease, or rental of property, material, supplies, equipment, commodities, or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission.

**Sec. 1406.** RCW 43.19A.020 and 1991 c 297 s 3 are each amended to read as follows:

(1) The director shall adopt standards specifying the minimum content of recycled materials in products or product categories. The standards shall:

(a) Be consistent with the USEPA product standards, unless the director finds that a different standard would significantly increase recycled product availability or competition;

(b) Consider the standards of other states, to encourage consistency of manufacturing standards;

(c) Consider regional product manufacturing capability;

(d) Address specific products or classes of products; and

(e) Consider postconsumer waste content and the recyclability of the product.

(2) The director shall consult with the (~~supply management board and~~) department of ecology prior to adopting the recycled content standards.

(3) The director shall adopt recycled content standards for at least the following products by the dates indicated:

(a) By July 1, 1992:

(i) Paper and paper products;

(ii) Organic recovered materials; and

(iii) Latex paint products;

(b) By July 1, 1993:

(i) Products for lower value uses containing recycled plastics;

(ii) Retread and remanufactured tires;

(iii) Lubricating oils;

(iv) Automotive batteries; and

(v) Building insulation.

(4) The standards required by this section shall be applied to recycled product purchasing by the department and other state agencies. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

**NEW SECTION. Sec. 1407.** RCW 43.19.1904 and 1979 c 88 s 2, 1975-'76 2nd ex.s. c 21 s 4, 1967 ex.s. c 104 s 4, & 1965 c 8 s 43.19.1904 are each repealed.

## **PART 15 PRESCRIPTION DRUG PROGRAM ADVISORY COMMITTEE**

**NEW SECTION. Sec. 1501.** By July 1, 1995, the secretary of the department of social and health services shall abolish the prescription drug program advisory committee.

## **PART 16 TELECOMMUNICATIONS RELAY SERVICE PROGRAM ADVISORY COMMITTEE**

**NEW SECTION. Sec. 1601.** RCW 43.20A.730 and 1992 c 144 s 4, 1990 c 89 s 4, & 1987 c 304 s 4 are each repealed.

## **PART 17**

## LABORATORY ACCREDITATION ADVISORY COMMITTEE

NEW SECTION. Sec. 1701. By July 1, 1995, the director of the department of ecology shall abolish the laboratory accreditation advisory committee.

### PART 18 METALS MINING ADVISORY GROUP

NEW SECTION. Sec. 1801. 1994 c 232 s 27 (uncodified) is repealed.

### PART 19 HYDRAULIC APPEALS BOARD

**Sec. 1901.** RCW 43.21B.005 and 1990 c 65 s 1 are each amended to read as follows:

There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, and the shorelines hearings board created in RCW 90.58.170(~~(and the hydraulic appeals board created in RCW 75.20.130)~~). The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board, the forest practices appeals board, and the shorelines hearings board(~~(and the hydraulic appeals board)~~) shall be as provided by law.

The chief executive officer of the environmental hearings office may appoint an administrative appeals judge who shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, in cases before the boards comprising the office. The administrative appeals judge shall have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. Additional administrative appeals judges may also be appointed by the chief executive officer on the same terms. Administrative appeals judges shall not be subject to chapter 41.06 RCW.

The chief executive officer may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

The chief executive officer may also contract for required services.

**Sec. 1902.** RCW 75.20.103 and 1993 sp.s. c 2 s 32 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, and when such diversion or streambank stabilization will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 (~~and 75.20.1002~~), the department shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. (~~Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision.~~) The burden shall be upon the department to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective (~~unless appealed to the hydraulic appeals board~~) within thirty days from the notice of the proposed modification. The burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. (~~A decision by the department may be appealed to the hydraulic appeals board within thirty days of the notice of the decision.~~) The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.

**Sec. 1903.** RCW 75.20.160 and 1991 c 279 s 1 are each amended to read as follows:

(1) In order to protect the property of marine waterfront shoreline owners it is necessary to facilitate issuance of hydraulic permits for bulkheads or rockwalls under certain conditions.

(2) The department shall issue a hydraulic permit with or without conditions within forty-five days of receipt of a complete and accurate application which authorizes commencement of construction, replacement, or repair of a marine beach front protective bulkhead or rockwall for single-family type residences or property under the following conditions:

(a) The waterward face of a new bulkhead or rockwall shall be located only as far waterward as is necessary to excavate for footings or place base rock for the structure and under no conditions shall be located more than six feet waterward of the ordinary high water line;

(b) Any bulkhead or rockwall to replace or repair an existing bulkhead or rockwall shall be placed along the same alignment as the bulkhead or rockwall it is replacing; however, the replaced or repaired bulkhead or rockwall may be placed waterward of and directly abutting the existing structure only in cases where removal of the existing bulkhead or rockwall would result in environmental degradation or removal problems related to geological, engineering, or safety considerations;

(c) Construction of a new bulkhead or rockwall, or replacement or repair of an existing bulkhead or rockwall waterward of the existing structure shall not result in the permanent loss of critical food fish or shellfish habitats; and

(d) Timing constraints shall be applied on a case-by-case basis for the protection of critical habitats, including but not limited to migration corridors, rearing and feeding areas, and spawning habitats, for the proper protection of fish life.

(3) Any bulkhead or rockwall construction, replacement, or repair not meeting the conditions in this section shall be processed under this chapter in the same manner as any other application.

(4) ~~((Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic permit approval under this section may formally appeal the decision to the hydraulic appeals board pursuant to this chapter.))~~ The director shall establish an advisory committee to develop new and review existing technical provisions for hydraulic project permit conditions that would commonly apply to bulkhead construction. The purpose of the advisory committee shall be to develop recommendations for legislative and rule changes that (a) protect against the loss of property of waterfront shoreline owners; (b) facilitate the timely issuance of hydraulic permits and the prompt completion of projects; (c) reduce subjective project approval decisions by the department; and (d) foster better working relationships between bulkhead contractors, landowners, and the department. These recommendations shall be based on scientific evidence that demonstrates the association of project activities with impacts on fish life. The advisory committee shall be comprised of technical experts in the field of bulkhead construction, civil engineering, hydrology, and fish biology. By January 1, 1996, the committee shall submit recommendations to the director and the natural resources committees of the house of representatives and senate. The advisory committee shall expire on December 31, 1996.

**NEW SECTION. Sec. 1904.** The following acts or parts of acts are each repealed:

- (1) RCW 75.20.130 and 1993 sp.s. c 2 s 37, 1989 c 175 s 160, 1988 c 272 s 3, 1988 c 36 s 37, & 1986 c 173 s 4; and
- (2) RCW 75.20.140 and 1989 c 175 s 161 & 1986 c 173 s 5.

## **PART 20 ECONOMIC RECOVERY COORDINATION BOARD**

**Sec. 2001.** RCW 43.20A.750 and 1993 c 280 s 38 are each amended to read as follows:

(1) The department of social and health services shall help families and workers in timber impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency timber task force ~~((and in consultation with the economic recovery coordination board.))~~ and, where appropriate, under an interagency agreement with the department of community, trade, and economic development, shall provide grants through the office of the secretary for services to the unemployed in timber impact areas, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.

(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the economic recovery coordination board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs. No funds shall be used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Timber impact area" means:

~~((a))~~ A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: ~~((a))~~ (a) A lumber and wood products employment location quotient at or above the state average; ~~((b))~~ (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or ~~((c))~~ (c) an annual unemployment rate twenty percent or more above the state average ~~((; or~~



(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection).

NEW SECTION. Sec. 2002. RCW 43.31.631 and 1993 c 316 s 3 & 1991 c 314 s 6 are each repealed.

## PART 21 JOINT OPERATING AGENCY EXECUTIVE COMMITTEE

NEW SECTION. Sec. 2101. RCW 43.52.373 and 1982 1st ex.s. c 43 s 6 & 1965 c 8 s 43.52.373 are each repealed.

## PART 22 OFFICE OF CRIME VICTIMS ADVOCACY ADVISORY COMMITTEE

NEW SECTION. Sec. 2201. By July 1, 1995, the director of the department of community, trade, and economic development shall abolish the office of crime victims advocacy advisory committee.

NEW SECTION. Sec. 2202. A new section is added to chapter 43.63A RCW to read as follows:

The director of the department of community, trade, and economic development may establish ad hoc advisory committees, as necessary, to obtain advice and guidance regarding the office of crime victims advocacy program.

## PART 23 HEALTH CARE ACCESS AND COST CONTROL COUNCIL

Sec. 2301. RCW 43.70.010 and 1994 sp.s. c 7 s 206 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Assessment" means the regular collection, analysis, and sharing of information about health conditions, risks, and resources in a community. Assessment activities identify trends in illness, injury, and death and the factors that may cause these events. They also identify environmental risk factors, community concerns, community health resources, and the use of health services. Assessment includes gathering statistical data as well as conducting epidemiologic and other investigations and evaluations of health emergencies and specific ongoing health problems;

(2) "Board" means the state board of health;

(3) ("~~Council~~" means the health care access and cost control council;

(4)) "Department" means the department of health;

((5)) (4) "Policy development" means the establishment of social norms, organizational guidelines, operational procedures, rules, ordinances, or statutes that promote health or prevent injury, illness, or death; and

((6)) (5) "Secretary" means the secretary of health.

Sec. 2302. RCW 43.70.070 and 1989 1st ex.s. c 9 s 109 are each amended to read as follows:

The department shall evaluate and analyze readily available data and information to determine the outcome and effectiveness of health services, utilization of services, and payment methods. This section should not be construed as allowing the department access to proprietary information.

(1) The department shall make its evaluations available to the board (~~and the council~~) for use in preparation of the state health report required by RCW 43.20.050, and to consumers, purchasers, and providers of health care.

(2) The department(~~, with advice from the council~~) shall use the information to:

(a) Develop guidelines which may be used by consumers, purchasers, and providers of health care to encourage necessary and cost-effective services; and

(b) Make recommendations to the governor on how state government and private purchasers may be prudent purchasers of cost-effective, adequate health services.

Sec. 2303. RCW 70.170.020 and 1989 1st ex.s. c 9 s 502 are each amended to read as follows:

As used in this chapter:

(1) ("~~Council~~" means the health care access and cost control council created by this chapter.

(2)) "Department" means department of health.

((3)) (2) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

((4)) (3) "Secretary" means secretary of health.

((5)) (4) "Charity care" means necessary hospital health care rendered to indigent persons, to the extent that the persons are unable to pay for the care or to pay deductibles or co-insurance amounts required by a third-party payer, as determined by the department.

((6)) (5) "Sliding fee schedule" means a hospital-determined, publicly available schedule of discounts to charges for persons deemed eligible for charity care; such schedules shall be established after consideration of guidelines developed by the department.

((7)) (6) "Special studies" means studies which have not been funded through the department's biennial or other legislative appropriations.

NEW SECTION. Sec. 2304. The following acts or parts of acts are each repealed:

(1) RCW 70.170.030 and 1989 1st ex.s. c 9 s 503; and

(2) RCW 70.170.040 and 1989 1st ex.s. c 9 s 504.

## PART 24 COUNCIL ON VOLUNTEERISM AND CITIZEN SERVICE

Sec. 2401. RCW 43.150.030 and 1992 c 66 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer" means a person who is willing to work without expectation of salary or financial reward and who chooses where he or she provides services and the type of services he or she provides.

(2) "Center" means the state center for volunteerism and citizen service.

~~((3) "Council" means the Washington state council on volunteerism and citizen service.))~~

NEW SECTION. Sec. 2402. RCW 43.150.060 and 1992 c 66 s 6, 1987 c 505 s 39, 1985 c 110 s 1, & 1982 1st ex.s. c 11 s 6 are each repealed.

## PART 25 COMMISSION ON EFFICIENCY AND ACCOUNTABILITY IN GOVERNMENT

NEW SECTION. Sec. 2501. The following acts or parts of acts are each repealed:

- (1) RCW 43.17.260 and 1987 c 480 s 1;
- (2) RCW 43.17.270 and 1987 c 480 s 2;
- (3) RCW 43.17.280 and 1987 c 480 s 3;
- (4) RCW 43.17.290 and 1987 c 480 s 4;
- (5) RCW 43.17.300 and 1987 c 480 s 5; and
- (6) 1991 c 53 s 1 & 1987 c 480 s 6 (uncodified).

## PART 26 TECHNICAL ADVISORY COMMITTEE ON PUPIL TRANSPORTATION

Sec. 2601. RCW 46.61.380 and 1984 c 7 s 70 are each amended to read as follows:

The state superintendent of public instruction (~~(, by and with the advice of the state department of transportation and the chief of the Washington state patrol,)) shall adopt and enforce rules not inconsistent with the law of this state to govern the design, marking, and mode of operation of all school buses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children. Those rules shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district is subject to such rules. It is unlawful for any officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such rules.~~

## PART 27 TRANSPORTATION IMPROVEMENT BOARD AND MULTIMODAL TRANSPORTATION PROGRAMS AND PROJECTS SELECTION COMMITTEE

Sec. 2701. RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the ~~((department of))~~ transportation improvement board and allocated by the ~~((multimodal transportation programs and projects selection committee created in RCW 47.66.020))~~ transportation improvement board to public transportation projects within the region from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the ~~((department of))~~ transportation improvement board and allocated by the ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.

Sec. 2702. RCW 81.104.090 and 1993 c 393 s 2 are each amended to read as follows:

The department of transportation shall be responsible for distributing amounts appropriated from the high capacity transportation account, which shall be allocated by the ~~((multimodal transportation programs and projects selection committee))~~ department of transportation based on criteria in subsection (2) of this section. The department shall assemble and participate in a committee comprised of transit agencies eligible to receive funds from the high capacity transportation account for the purpose of reviewing fund applications.

- (1) State high capacity transportation account funds may provide up to eighty percent matching assistance for high capacity transportation planning efforts.
- (2) Authorizations for state funding for high capacity transportation planning projects shall be subject to the following criteria:
- (a) Conformance with the designated regional transportation planning organization's regional transportation plan;
  - (b) Local matching funds;
  - (c) Demonstration of projected improvement in regional mobility;
  - (d) Conformance with planning requirements prescribed in RCW 81.104.100, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of RCW 81.104.110; and
  - (e) Establishment, through interlocal agreements, of a joint regional policy committee as defined in RCW 81.104.030 or 81.104.040.
- (3) The department of transportation shall provide general review and monitoring of the system and project planning process prescribed in RCW 81.104.100.

**Sec. 2703.** RCW 47.26.121 and 1994 c 179 s 13 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of ~~((eighteen))~~ twenty-one members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) One representative appointed by the governor who shall be a state employee with responsibility for transportation policy, planning, or funding; (b) ~~((the assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation; (c) the assistant secretary for local programs of))~~ two representatives from the department of transportation; ((d-a)) (c) two representatives of ((a)) public transit systems; ((e)) (d) a private sector representative; ((and (f) a public member)) (e) a member representing the ports; (f) a member representing nonmotorized transportation; and (g) a member representing special needs transportation.

(2) Of the county members of the board, one shall be a county engineer or public works director; one shall be the executive director of the county road administration board; one shall be a county planning director or planning manager; one shall be a county executive, councilmember, or commissioner from a county with a population of one hundred twenty-five thousand or more; one shall be a county executive, councilmember, or commissioner of a county who serves on the board of a public transit system; and one shall be a county executive, councilmember, or commissioner from a county with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. No more than two of the three county-elected officials may represent counties located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(3) Of the city members of the board one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city with a population of twenty thousand or more; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; one shall be a city planning director or planning manager; one shall be a mayor, commissioner, or city councilmember of a city with a population of twenty thousand or more; one shall be a mayor, commissioner, or city councilmember of a city who serves on the board of a public transit system; and one shall be a mayor, commissioner, or councilmember of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city. No more than two of the three city-elected officials may represent cities located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(4) Of the transit members, at least one shall be a general manager, executive director, or transit director of a public transit system in an urban area with a population over two hundred thousand and at least one representative from a rural or small urban transit system in an area with a population less than two hundred thousand.

(5) The private sector member shall be a citizen with business, management, and transportation related experience and shall be active in a business community-based transportation organization.

(6) The public member shall have professional experience in transportation or land use planning, a demonstrated interest in transportation issues, and involvement with community groups or grass roots organizations.

~~(7) The port member shall be a commissioner or senior staff person of a public port.~~

~~(8) The nonmotorized transportation member shall be a citizen with a demonstrated interest and involvement with a nonmotorized transportation group.~~

~~(9) The specialized transportation member shall be a citizen with a demonstrated interest and involvement with a state-wide specialized needs transportation group.~~

(10) Appointments of county, city, Washington department of transportation, transit, port, nonmotorized transportation, special needs transportation, private sector, and public representatives shall be made by the secretary of the department of transportation. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members, the association of Washington cities for city members, ~~((and))~~ the Washington state transit association for the transit members, and the Washington public ports association for the port member. The private sector ~~((and)),~~ public, nonmotorized transportation, and special needs members shall be sought through classified advertisements in selected newspapers collectively serving all urban areas of the state, and other appropriate means. Persons applying for the private sector, nonmotorized transportation, special needs transportation, or the public member position must provide a letter of interest and a resume to the secretary of the department of transportation. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason or when a private sector, nonmotorized transportation, special needs transportation, or public member resigns or is unable or unwilling to serve.

~~((8))~~ (11) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years. The initial term of appointed members may be for less than four years. No appointed member may serve more than two consecutive four-year terms.

~~((9))~~ (12) The board shall elect a chair from among its members for a two-year term.

~~((10))~~ (13) Expenses of the board shall be paid in accordance with RCW 47.26.140.

~~((14))~~ (14) For purposes of this section, "public transit system" means a city-owned transit system, county transportation authority, metropolitan municipal corporation, public transportation benefit area, or regional transit authority.

**Sec. 2704.** RCW 47.66.030 and 1993 c 393 s 5 are each amended to read as follows:

(1)(a) The ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board is authorized and responsible for the final selection of programs and projects funded from the central Puget Sound public transportation account; public

transportation systems account; high capacity transportation account; and the intermodal surface transportation and efficiency act of 1991, surface transportation program, state-wide competitive.

(b) The ~~((committee))~~ board may establish subcommittees ~~((of the full committee))~~ as well as technical advisory committees to carry out the mandates of this chapter.

~~(2)((a))~~ Expenses of the ~~((committee))~~ board, including administrative expenses for managing the program, shall be paid ~~((from the transportation fund))~~ in accordance with RCW 47.26.140.

~~((b))~~ Members of the committee shall receive no compensation for their services on the committee, but shall be reimbursed for travel expenses incurred while attending meetings of the committee or while engaged on other business of the committee when authorized by the committee in accordance with RCW 43.03.050 and 43.03.060.)

**Sec. 2705.** RCW 47.26.140 and 1994 c 179 s 14 are each amended to read as follows:

The transportation improvement board shall appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board, and may employ additional staff as it deems appropriate. All costs associated with staff, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060, shall be paid from the urban arterial trust account, small city account, city hardship assistance account, transportation fund, and the transportation improvement account in the motor vehicle fund as determined by the biennial appropriation.

**Sec. 2706.** RCW 47.66.040 and 1993 c 393 s 6 are each amended to read as follows:

(1) The ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board shall select programs and projects based on a competitive process consistent with the mandates governing each account or source of funds. The competition shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the ~~((committee))~~ board in selecting programs and projects:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with disabilities act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by this ~~((committee))~~ board, and safety and security issues.

(3) The ~~((committee))~~ board shall determine the appropriate level of local match required for each program and project based on the source of funds.

**Sec. 2707.** RCW 47.26.160 and 1994 c 179 s 15 are each amended to read as follows:

The transportation improvement board shall:

- (1) Adopt rules necessary to implement the provisions of chapter 47.66 RCW and this chapter relating to the allocation of funds;
- (2) Adopt reasonably uniform design standards for city and county arterials.

**NEW SECTION. Sec. 2708.** The following acts or parts of acts are each repealed:

- (1) RCW 47.66.020 and 1993 c 393 s 4;
- (2) RCW 47.66.050 and 1993 c 393 s 7; and
- (3) RCW 47.66.060 and 1993 c 393 s 8.

## PART 28

### OVERSIGHT COMMITTEE ON LONGSHOREMAN'S AND HARBOR WORKER'S COMPENSATION COVERAGE

**NEW SECTION. Sec. 2801.** The following acts or parts of acts are each repealed:

- (1) RCW 48.22.071 and 1992 c 209 s 3; and
- (2) RCW 48.22.072 and 1993 c 177 s 2 & 1992 c 209 s 4.

## PART 29

### BOARD OF ADVISORS FOR SOLID WASTE INCINERATOR AND LANDFILL OPERATOR CERTIFICATION

**Sec. 2901.** RCW 70.95D.010 and 1989 c 431 s 65 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

~~(1) ("Board" means the board of advisors for solid waste incinerator and landfill operator certification established by RCW 70.95D.050.~~

~~(2))~~ "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ (2) "Department" means the department of ecology.

~~((4))~~ (3) "Director" means the director of ecology.

~~((5))~~ (4) "Incinerator" means a facility which has the primary purpose of burning or which is designed with the primary purpose of burning solid waste or solid waste derived fuel, but excludes facilities that have the primary purpose of burning hog fuel.

~~((6))~~ (5) "Landfill" means a landfill as defined under RCW 70.95.030.

~~((7))~~ (6) "Owner" means, in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee; in the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee; in the case of a privately owned landfill or incinerator, the legal owner.

~~((8))~~ (7) "Solid waste" means solid waste as defined under RCW 70.95.030.

**Sec. 2902.** RCW 70.95D.060 and 1989 c 431 s 70 are each amended to read as follows:

(1) The director may ~~((with the recommendation of the board and after a hearing before the board,))~~ revoke a certificate:

- (a) If it were found to have been obtained by fraud or deceit;

- (b) For gross negligence in the operation of a solid waste incinerator or landfill;
- (c) For violating the requirements of this chapter or any lawful rule or order of the department; or
- (d) If the facility operated by the certified employee is operated in violation of state or federal environmental laws.

(2) A person whose certificate is revoked under this section shall not be eligible to apply for a certificate for one year from the effective date of the final order (~~(or [of])~~) of revocation.

**NEW SECTION. Sec. 2903.** RCW 70.95D.050 and 1989 c 431 s 69 are each repealed.

**NEW SECTION. Sec. 2904.** A new section is added to chapter 70.95D RCW to read as follows:

The director may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance on the certification of solid waste incinerator and landfill operators.

### PART 30 WATER AND WASTEWATER OPERATOR CERTIFICATION BOARD OF EXAMINERS

**Sec. 3001.** RCW 70.95B.020 and 1987 c 357 s 1 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

- (1) "Director" means the director of the department of ecology.
- (2) "Department" means the department of ecology.
- (3) (~~"Board" means the water and wastewater operator certification board of examiners established by RCW 70.95B.070.~~)
- (4) "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((5))~~ (4) "Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems.

~~((6))~~ (5) "Operator in responsible charge" means an individual who is designated by the owner as the person on-site in responsible charge of the routine operation of a wastewater treatment plant.

~~((7))~~ (6) "Nationally recognized association of certification authorities" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((8))~~ (7) "Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used for the purpose of collecting and transporting wastewater.

~~((9))~~ (8) "Operating experience" means routine performance of duties, on-site in a wastewater treatment plant, that affects plant performance or effluent quality.

~~((10))~~ (9) "Owner" means in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chairman of the county legislative authority or the chairman's designee; in the case of a sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee; in the case of a privately owned wastewater treatment plant, the legal owner.

~~((11))~~ (10) "Wastewater certification program coordinator" means an employee of the department (~~who is appointed by the director to serve on the board and~~) who administers the wastewater treatment plant operators' certification program.

**Sec. 3002.** RCW 70.95B.040 and 1987 c 357 s 3 are each amended to read as follows:

The director (~~(, with the approval of the board,)~~) shall adopt and enforce such rules and regulations as may be necessary for the administration of this chapter. The rules and regulations shall include, but not be limited to, provisions for the qualification and certification of operators for different classifications of wastewater treatment plants.

**Sec. 3003.** RCW 70.95B.100 and 1973 c 139 s 10 are each amended to read as follows:

The director may, (~~with the recommendation of the board and after a hearing before the same~~) **after conducting a hearing**, revoke a certificate found to have been obtained by fraud or deceit, or for gross negligence in the operation of a waste treatment plant, or for violating the requirements of this chapter or any lawful rule, order or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of this final order or revocation.

**Sec. 3004.** RCW 70.119.020 and 1991 c 305 s 2 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) (~~"Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.~~)

(2) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

(3) (2) "Certified operator" means an individual holding a valid certificate and employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington and who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

(4) (3) "Department" means the department of health.

(5) (4) "Distribution system" means that portion of a public water system which stores, transmits, pumps and distributes water to consumers.

(6) (5) "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:

- (a) Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as giardia lamblia; or
- (b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

(7) (6) "Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of

service connections. Group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people.

~~((8))~~ (7) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((9))~~ (8) "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

~~((10))~~ (9) "Purification plant" means that portion of a public water system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

~~((11))~~ (10) "Secretary" means the secretary of the department of health.

~~((12))~~ (11) "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations, three persons will be considered equivalent to one service.

~~((13))~~ (12) "Surface water" means all water open to the atmosphere and subject to surface runoff.

**Sec. 3005.** RCW 70.119.050 and 1983 c 292 s 4 are each amended to read as follows:

The secretary shall adopt ~~((, with the approval of the board,))~~ such rules and regulations as may be necessary for the administration of this chapter and shall enforce such rules and regulations. The rules and regulations shall include provisions establishing minimum qualifications and procedures for the certification of operators, criteria for determining the kind and nature of continuing educational requirements for renewal of certification under RCW 70.119.100(2), and provisions for classifying water purification plants and distribution systems.

Rules and regulations adopted under the provisions of this section shall be adopted in accordance with the provisions of chapter 34.05 RCW.

**Sec. 3006.** RCW 70.119.110 and 1991 c 305 s 7 are each amended to read as follows:

The secretary may ~~((, with the recommendation of the board and after hearing before the same,))~~ after conducting a hearing revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for an intentional violation of the requirements of this chapter or any lawful rules, order, or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of the final order of revocation.

**NEW SECTION. Sec. 3007.** The following acts or parts of acts are each repealed:

(1) RCW 70.95B.070 and 1984 c 287 s 106, 1975-'76 2nd ex.s. c 34 s 161, & 1973 c 139 s 7; and

(2) RCW 70.119.080 and 1983 c 292 s 6 & 1977 ex.s. c 99 s 8.

**NEW SECTION. Sec. 3008.** A new section is added to chapter 70.95B RCW to read as follows:

The director, in cooperation with the secretary of health, may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance regarding the examination and certification of operators of wastewater treatment plants.

**NEW SECTION. Sec. 3009.** A new section is added to chapter 70.119 RCW to read as follows:

The secretary, in cooperation with the director of ecology, may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance regarding the development of rules implementing this chapter and on the examination and certification of operators of water systems.

### PART 31 TWIN RIVERS CORRECTIONS CENTER VOLUNTEER ADVISORY COMMITTEE

**NEW SECTION. Sec. 3101.** By July 1, 1995, the secretary of the department of corrections shall abolish the twin rivers corrections center volunteer advisory committee.

### PART 32 SEA URCHIN AND SEA CUCUMBER ADVISORY REVIEW BOARDS

**Sec. 3201.** RCW 75.30.050 and 1994 sp.s. c 9 s 807 and 1994 c 260 s 18 are each reenacted and amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

(a) The commercial crab fishing industry in cases involving Dungeness crab—Puget Sound fishery licenses;

(b) The commercial herring fishery in cases involving herring fishery licenses;

(c) The commercial sea urchin and sea cucumber fishery in cases involving sea urchin and sea cucumber dive fishery licenses;

~~((The commercial sea cucumber fishery in cases involving sea cucumber dive fishery licenses;~~

~~((e)))~~ (e) The commercial ocean pink shrimp industry (Pandalus jordani) in cases involving ocean pink shrimp delivery licenses; and  
~~((f)))~~ (f) The commercial coastal crab fishery in cases involving Dungeness crab—coastal fishery licenses and Dungeness crab—coastal class B fishery licenses. The members shall include one person from the commercial crab processors, one Dungeness crab—coastal fishery license holder, and one citizen representative of a coastal community.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

### PART 33 ADVISORY BOARD FOR THE PURCHASE OF FISHING VESSELS AND LICENSES

**Sec. 3301.** RCW 75.44.140 and 1983 1st ex.s. c 46 s 159 are each amended to read as follows:

The director shall adopt rules for the administration of the program. To assist the department in the administration of the program, the director may contract with persons not employed by the state and may enlist the aid of other state agencies.

~~((The director shall appoint an advisory board composed of five individuals who are knowledgeable of the commercial fishing industry to advise the director concerning the values of licenses and permits. Advisory board members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.))~~

#### **PART 34 RAIL DEVELOPMENT COMMISSION**

**NEW SECTION. Sec. 3401.** The following acts or parts of acts are each repealed:

- (1) RCW 81.62.010 and 1987 c 429 s 1;
- (2) RCW 81.62.020 and 1987 c 429 s 2;
- (3) RCW 81.62.030 and 1987 c 429 s 3;
- (4) RCW 81.62.040 and 1987 c 429 s 4;
- (5) RCW 81.62.050 and 1987 c 429 s 5;
- (6) RCW 81.62.060 and 1987 c 429 s 6;
- (7) RCW 81.62.900 and 1987 c 429 s 7; and
- (8) RCW 81.62.901 and 1987 c 429 s 8.

#### **PART 35 MARINE OVERSIGHT BOARD**

**NEW SECTION. Sec. 3501.** RCW 90.56.450 and 1992 c 73 s 40 & 1991 c 200 s 501 are each repealed.

#### **PART 36 INTERAGENCY COORDINATING COMMITTEE FOR PUGET SOUND AMBIENT MONITORING PROGRAM**

**Sec. 3601.** RCW 90.70.065 and 1994 c 264 s 98 are each amended to read as follows:

(1) In addition to other powers and duties specified in this chapter, the authority shall ensure implementation and coordination of the Puget Sound ambient monitoring program established in the plan under RCW 90.70.060(12). The program shall:

- (a) Develop a baseline and examine differences among areas of Puget Sound, for environmental conditions, natural resources, and contaminants in seafood, against which future changes can be measured;
- (b) Take measurements relating to specific program elements identified in the plan;
- (c) Measure the progress of the ambient monitoring programs implemented under the plan;
- (d) Provide a permanent record of significant natural and human-caused changes in key environmental indicators in Puget Sound; and
- (e) Help support research on Puget Sound.

(2) ~~((To ensure proper coordination of the ambient monitoring program, the authority may establish an interagency coordinating committee consisting of representatives from the departments of ecology, fish and wildlife, natural resources, and health, and such federal, local, tribal, and other organizations as are necessary to implement the program.~~

~~(3))~~ Each state agency with responsibilities for implementing the Puget Sound ambient monitoring program, as specified in the plan, shall participate in the program.

#### **PART 37 PUGET SOUND WATER QUALITY AUTHORITY**

**Sec. 3701.** RCW 43.131.369 and 1990 c 115 s 11 are each amended to read as follows:

The Puget Sound water quality authority and its powers and duties shall be terminated on June 30, ~~((1995))~~ 2002, as provided in RCW 43.131.370.

**Sec. 3702.** RCW 43.131.370 and 1990 c 115 s 12 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1996))~~ 2003:

- (1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;
- (2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;
- (3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115, Laws of 1990 and RCW 90.70.011;
- (4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;
- (5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;
- (6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36, Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;
- (7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115, Laws of 1990 and RCW 90.70.055;
- (8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11, Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;
- (9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115, Laws of 1990 and RCW 90.70.070;
- (10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115, Laws of 1990 and RCW 90.70.080; and
- (11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

#### **PART 38**

## MISCELLANEOUS

NEW SECTION. Sec. 3801. Part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 3802. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 3803. Section 301 of this act shall take effect June 30, 1997.

NEW SECTION. Sec. 3804. Sections 3701 and 3702 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 3805. Sections 101, 201, 302, 303, 401, 402, 501 through 505, 601, 701, 801, 901, 1001, 1101, 1201 through 1203, 1301, 1302, 1401 through 1407, 1501, 1601, 1701, 1801, 1901 through 1904, 2001, 2002, 2101, 2201, 2202, 2301 through 2304, 2401, 2402, 2501, 2601, 2701 through 2708, 2801, 2901 through 2904, 3001 through 3009, 3101, 3201, 3301, 3401, 3501, and 3601 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On motion of Senator Haugen, the following amendment by Senators Haugen, Winsley and Snyder to the Committee on Government Operations striking amendment was adopted:

On page 54, after line 4 of the amendment, insert the following:

"**Sec. 3801.** RCW 9.94A.060 and 1993 c 11 s 1 are each amended to read as follows:

(1) The commission consists of sixteen voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor(~~(, subject to confirmation by the senate)~~).

(2) The voting membership consists of the following:

- (a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;
- (b) The director of financial management or designee, as an ex officio member;
- (c) Until June 30, 1998, the chair of the indeterminate sentence review board, as an ex officio member;
- (d) The chair of the clemency and pardons board, as an ex officio member;
- (e) Two prosecuting attorneys;
- (f) Two attorneys with particular expertise in defense work;
- (g) Four persons who are superior court judges;
- (h) One person who is the chief law enforcement officer of a county or city;
- (i) Three members of the public who are not and have never been prosecutors, attorneys, judges, or law enforcement officers.

In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the attorney members, of the association of superior court judges in respect to the members who are judges, and of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer.

(3) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed (~~and confirmed~~). However, the governor shall stagger the terms by appointing four of the initial members for terms of one year, four for terms of two years, and four for terms of three years.

(4) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120(~~(as now existing or hereafter amended)~~). Members shall be compensated in accordance with RCW 43.03.250.

**Sec. 3802.** RCW 9.94A.250 and 1981 c 137 s 25 are each amended to read as follows:

(1) The clemency and pardons board is established as a board within the office of the governor. The board consists of five members appointed by the governor(~~(, subject to confirmation by the senate)~~).

(2) Members of the board shall serve terms of four years and until their successors are appointed (~~and confirmed~~). However, the governor shall stagger the terms by appointing one of the initial members for a term of one year, one for a term of two years, one for a term of three years, and two for terms of four years.

(3) The board shall elect a chairman from among its members and shall adopt bylaws governing the operation of the board.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 (~~(as now existing or hereafter amended)~~).

(5) The attorney general shall provide a staff as needed for the operation of the board.

**Sec. 3803.** RCW 9.95.003 and 1986 c 224 s 3 are each amended to read as follows:

The board shall consist of a chairman and six other members, each of whom shall be appointed by the governor (~~(with the consent of the senate)~~). Each member shall hold office for a term of five years, and until his or her successor is appointed and qualified. The terms shall expire on April 15th of the expiration year. Vacancies in the membership of the board shall be filled by appointment by the governor (~~(with the consent of the senate)~~). In the event of the inability of any member to act, the governor shall appoint some competent person to act in his or her stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate one of them to serve as chairman at the governor's pleasure.

The members of the board and its officers and employees shall not engage in any other business or profession or hold any other public office; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board shall each severally receive salaries fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition shall receive travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a secretary and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment.



**Sec. 3804.** RCW 13.40.025 and 1986 c 288 s 8 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following nine members appointed by the governor (~~subject to confirmation by the senate~~): (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) The commission shall meet at least once every three months.

**Sec. 3805.** RCW 18.64.001 and 1984 c 153 s 1 are each amended to read as follows:

There shall be a state board of pharmacy consisting of seven members, to be appointed by the governor (~~by and with the advice and consent of the senate~~). Five of the members shall be designated as pharmacist members and two of the members shall be designated a public member.

Each pharmacist member shall be a citizen of the United States and a resident of this state, and at the time of his or her appointment shall have been a duly registered pharmacist under the laws of this state for a period of at least five consecutive years immediately preceding his or her appointment and shall at all times during his or her incumbency continue to be a duly licensed pharmacist: PROVIDED, That subject to the availability of qualified candidates the governor shall appoint pharmacist members representative of the areas of practice and geographically representative of the state of Washington.

The public member shall be a citizen of the United States and a resident of this state. The public member shall be appointed from the public at large, but shall not be affiliated with any aspect of pharmacy.

Members of the board shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

No person who has been appointed to and served for two four year terms shall be eligible for appointment to the board.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his or her appointment and until his or her successor is appointed and qualified.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.

**Sec. 3806.** RCW 28B.07.030 and 1985 c 370 s 48 are each amended to read as follows:

(1) The Washington higher education facilities authority is hereby established as a public body corporate and politic, with perpetual corporate succession, constituting an agency of the state of Washington exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010.

(2) The authority shall consist of seven members as follows: The governor, lieutenant governor, executive director of the higher education coordinating board, and four public members, one of whom shall be the president of a higher education institution at the time of appointment. The public members shall be residents of the state and appointed by the governor (~~subject to confirmation by the senate~~) on the basis of their interest or expertise in the provision of higher education and the financing of higher education. The public members of the authority shall serve for terms of four years. The initial terms of the public members shall be staggered in a manner determined by the governor. In the event of a vacancy on the authority due to death, resignation, or removal of one of the public members, and upon the expiration of the term of any public member, the governor shall appoint a successor for a term expiring on the fourth anniversary of the successor's date of the appointment. If any of the state offices are abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office. Any public member of the authority may be removed by the governor for misfeasance, malfeasance, wilful neglect of duty, or any other cause after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing.

(3) The governor shall serve as chairperson of the authority. The authority shall elect annually one of its members as secretary. If the governor shall be absent from a meeting of the authority, the secretary shall preside. However, the governor may designate an employee of the governor's office to act on the governor's behalf in all other respects during the absence of the governor at any meeting of the authority. If the designation is in writing and is presented to the person presiding at the meetings of the authority who is included in the designation, the vote of the designee has the same effect as if cast by the governor.

(4) Any person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute book or a journal of the authority, and the authority's official seal, if any. The person may cause copies to be made of all minutes and other records and documents of the authority, and may give certificates to the effect that such copies are true copies. All persons dealing with the authority may rely upon the certificates.

(5) Four members of the authority constitute a quorum. The authority may act on the basis of a motion except when authorizing the issuance and sale of bonds, in which case the authority shall act by resolution. Bond resolutions and other resolutions shall be adopted upon the affirmative vote of four members of the authority, and shall be signed by those members voting yes. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the authority. All actions taken by the authority shall take effect immediately without need for publication or other public notice. A vacancy in the membership of the authority does not impair the power of the authority to act under this chapter.

(6) The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses as determined by the authority incurred in the discharge of their duties under this chapter.

**Sec. 3807.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read as follows:

(1) There is hereby created the work force training and education coordinating board as a state agency and as the successor agency to the state board for vocational education. Once the coordinating board has convened, all references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the work force training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community and technical colleges.

(2)(a) The board shall consist of nine voting members appointed by the governor (~~with the consent of the senate~~) as follows: Three representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, and the commissioner of the employment security department. The chair of the board shall be a nonvoting member selected by the governor (~~with the consent of the senate~~), and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting those needs. Each voting member of the board may appoint a designee to function in his or her place with the right to vote. In making appointments to the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by the appointment of persons with disabilities.

(b) The business representatives shall be selected from among nominations provided by a state-wide business organization representing a cross-section of industries. However, the governor may request, and the organization shall provide, an additional list or lists from which the governor shall select the business representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities, and diversity in sizes of businesses.

(c) The labor representatives shall be selected from among nominations provided by state-wide labor organizations. However, the governor may request, and the organizations shall provide, an additional list or lists from which the governor shall select the labor representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities.

(d) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

(e) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

(f) The chair shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member appointed by the chair shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.

(g) The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(h) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(i) Any vacancies among board members representing business or labor shall be filled by the governor with nominations provided by state-wide organizations representing business or labor, respectively.

(j) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the voting members.

(k) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(l) The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.

(m) The director of the board shall be appointed by the governor from a list of three names submitted by a committee made up of the business and labor members of the board. However, the governor may request, and the committee shall provide, an additional list or lists from which the governor shall select the director. The lists compiled by the committee shall not be subject to public disclosure. The governor may dismiss the director only with the approval of a majority vote of the board. The board, by a majority vote, may dismiss the director with the approval of the governor.

(3) The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the work force training and education coordinating board. All references to the director or the state board for vocational education in the Revised Code of Washington shall be construed to mean the director or the work force training and education coordinating board.

**Sec. 3808.** RCW 41.64.010 and 1981 c 311 s 1 are each amended to read as follows:

(1) There is hereby created a "personnel appeals board," hereinafter in this chapter referred to as the "board," which shall consist of three members to be appointed by the governor (~~subject to confirmation by the senate~~). The first board shall be appointed within thirty days after May 19, 1981, for terms of two, four, and six years. Thereafter, appointments shall be made for six-year terms. A vacancy shall be filled by appointment by the governor for the unexpired term in which the vacancy exists. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Members may be reappointed to the board for successive terms. Persons appointed to the board shall be qualified by experience and training in the field of administrative procedures and merit principles. Such members:

(a) May not hold any other employment with the state;

(b) May not during the terms to which they are appointed be or become candidates for public office, hold any other public office or trust, engage in any occupation or business which interferes, or is inconsistent, with their duties as members of the board, serve on or under any committee of any political party, and may not have been officers of a political party for a period of one year immediately prior to their appointment; and

(c) May not for a period of one year after the termination of their membership on the board, act in a representative capacity before the board on any matter.

(2) Unless the context clearly indicates otherwise, the following definitions apply to this chapter:

(a) "Agency" means any agency as defined in RCW 41.06.020;

(b) For appeals filed on or after July 1, 1981, under RCW 41.64.090, "board" or "personnel appeals board" means the personnel appeals board created by subsection (1) of this section;

(c) For purposes of RCW 41.64.080 through 41.64.140 for appeals filed before July 1, 1981, under RCW 41.06.170, as it existed prior to or after May 19, 1981, "board" or "personnel appeals board" means the state personnel board created by RCW 41.06.110.

**Sec. 3809.** RCW 43.97.025 and 1987 c 499 s 2 are each amended to read as follows:

(1) The governor, the Columbia River Gorge commission, and all state agencies and counties are hereby directed and provided authority to carry out their respective functions and responsibilities in accordance with the compact executed pursuant to RCW 43.97.015, the Columbia River Gorge National Scenic Area Act, and the provisions of this chapter.

(2) The governor shall appoint three members of the Columbia River Gorge commission who reside in the state of Washington, at least one of whom shall be a resident of the scenic area as defined in the act.

(3)(a) The governing bodies of Clark, Klickitat, and Skamania counties shall each appoint one member of the Columbia River Gorge commission.

(b) In the event the governing body of a county fails to make the appointments prescribed in section 5(a)(c)(1) of that act and (a) of this subsection, the governor shall appoint any such member.

(4) Each member appointed by the governor (~~shall be subject to confirmation by the Washington state senate and~~) shall serve at the pleasure of the governor until their term shall expire or until a disqualifying change in residence.

(5) Of those members appointed to the Columbia River Gorge commission by the governing body of the counties of Clark, Klickitat, and Skamania, the governor shall designate one member to serve for a term of five years and one to serve for six years. Of those members appointed directly by the governor pursuant to RCW 43.97.015, the governor shall designate one to serve a term of five years and one to serve a term of six years. All other members shall serve a period of four years.

Neither the governor nor governing body of any of the counties may appoint federal, state, or local elected or appointed officials as members to the Columbia River Gorge commission.

Vacancies shall be filled in accordance with the appointing procedure for the commission member occupying the seat before its vacancy.

**Sec. 3810.** RCW 43.99.110 and 1994 c 264 s 31 are each amended to read as follows:

There is created the interagency committee for outdoor recreation consisting of the commissioner of public lands, the director of parks and recreation, and the director of fish and wildlife, or their designees, and, by appointment of the governor (~~with the advice and consent of the senate~~), five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation in the state. The terms of members appointed from the public at large shall commence on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term; provided the first such members shall be appointed for terms as follows: One member for one year, two members for two years, and two members for three years. The governor shall appoint one of the members from the public at large to serve as chairman of the committee for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 3811.** RCW 43.180.040 and 1985 c 6 s 14 are each amended to read as follows:

(1) There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington state housing finance commission. The commission is an instrumentality of the state exercising essential government functions and, for purposes of the code, acts as a constituted authority on behalf of the state when it issues bonds pursuant to this chapter. The commission is a "public body" within the meaning of RCW 39.53.010.

(2) The commission shall consist of the following voting members:

(a) The state treasurer, ex officio;

(b) The director of community, trade, and economic development, ex officio;

(c) An elected local government official, ex officio, with experience in local housing programs, who shall be appointed by the governor (~~with the consent of the senate~~);

(d) A representative of housing consumer interests, appointed by the governor (~~with the consent of the senate~~);

(e) A representative of labor interests, appointed by the governor, (~~with the consent of the senate~~), after consultation with representatives of organized labor;

(f) A representative of low-income persons, appointed by the governor (~~with the consent of the senate~~);

(g) Five members of the public appointed by the governor (~~with the consent of the senate~~), on the basis of geographic distribution and their expertise in housing, real estate, finance, energy efficiency, or construction, one of whom shall be appointed by the governor as chair of the commission and who shall serve on the commission and as chair of the commission at the pleasure of the governor.

The term of the persons appointed by the governor, other than the chair, shall be four years from the date of their appointment, except that the terms of three of the initial appointees shall be for two years from the date of their appointment. The governor shall designate the appointees who will serve the two-year terms. An appointee may be removed by the governor for cause pursuant to RCW 43.06.070 and 43.06.080. The governor shall fill any vacancy in an appointed position by appointment for the remainder of the unexpired term. If the department of community, trade, and economic development is abolished, the resulting vacancy shall be filled by a state official who shall be appointed to the commission by the governor. (~~If this official occupies an office or position for which senate confirmation is not required, then his appointment to the commission shall be subject to the consent of the senate.~~) The members of the commission shall be compensated in accordance with RCW 43.03.240 and may be reimbursed, solely from the funds of the commission, for expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority of the commission constitutes a quorum. Designees shall be appointed in such manner and shall exercise such powers as are specified by the rules of the commission.

(3) The commission may adopt an official seal and may select from its membership a vice chair, a secretary, and a treasurer. The commission shall establish rules concerning its exercise of the powers authorized by this chapter. The rules shall be adopted in conformance with chapter 34.05 RCW.

**Sec. 3812.** RCW 43.210.030 and 1991 c 314 s 15 are each amended to read as follows:

The small business export finance assistance center and its branches shall be governed and managed by a board of nineteen directors appointed by the governor (~~and confirmed by the senate~~). The directors shall serve terms of six years except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses. The directors shall include a representative of a not-for-profit corporation formed for the purpose of facilitating economic development, at least two representatives of state financial institutions engaged in the financing of export transactions, a representative of a port district, and a representative of organized labor. Of the remaining board members, there shall be one representative of business from the area west of Puget Sound, one representative of business from the area east of Puget Sound and west of the Cascade range, one representative of

business from the area east of the Cascade range and west of the Columbia river, one representative of business from the area east of the Columbia river, the director of the department of community, trade, and economic development, and the director of the department of agriculture. One of the directors shall be a representative of the public selected from the area in the state west of the Cascade mountain range and one director shall be a representative of the public selected from that area of the state east of the Cascade mountain range. One director shall be a representative of the public at large. The directors shall be broadly representative of geographic areas of the state, and the representatives of businesses shall represent at least four different industries in different sized businesses as follows: (a) One representative of a company employing fewer than one hundred persons; (b) one representative of a company employing between one hundred and five hundred persons; (c) one representative of a company employing more than five hundred persons; (d) one representative from an export management company; and (e) one representative from an agricultural or food processing company. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

**Sec. 3813.** RCW 49.04.010 and 1984 c 287 s 97 are each amended to read as follows:

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. The governor shall appoint a public member to the apprenticeship council for a three-year term. ~~((The appointment of the public member is subject to confirmation by the senate.))~~ Each member shall hold office until his or her successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the commission for vocational education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of ~~((said))~~ the council, without vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated in accordance with RCW 43.03.240. The apprenticeship council with the consent of employee and employer groups shall: (1) Establish standards for apprenticeship agreements in conformity with the provisions of this chapter; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter, including a procedure to resolve an impasse should a tie vote of the council occur; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report to the director of labor and industries of its activities and findings which shall be available to the public.

**Sec. 3814.** RCW 70.37.030 and 1989 1st ex.s. c 9 s 261 are each amended to read as follows:

There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington health care facilities authority. The authority shall constitute a political subdivision of the state established as an instrumentality exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010~~((, as now or hereafter amended)).~~ The authority shall consist of the governor who shall serve as chairman, the lieutenant governor, the insurance commissioner, the secretary of health, and one member of the public who shall be appointed by the governor~~((, subject to confirmation by the senate,))~~ on the basis of the member's interest or expertise in health care delivery, for a term expiring on the fourth anniversary of the date of appointment. In the event that any of the offices referred to shall be abolished the resulting vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof. The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority shall constitute a quorum.

The governor may designate an employee of the governor's office to act on behalf of the governor during the absence of the governor at one or more of the meetings of the authority. The vote of the designee shall have the same effect as if cast by the governor if the designation is in writing and is presented to the person presiding at the meetings included within the designation.

The governor may designate a member to preside during the governor's absence.

**Sec. 3815.** RCW 72.23.025 and 1992 c 230 s 1 are each amended to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. Over the next six years, their involvement in providing short-term, acute care, and less complicated long-term care shall be diminished in accordance with the revised responsibilities for mental health care under chapter 71.24 RCW. To this end, the legislature intends that funds appropriated for mental health programs, including funds for regional support networks and the state hospitals be used for persons with primary diagnosis of mental disorder. The legislature finds that establishment of the eastern state hospital board, the western state hospital board, and institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor ~~((with the consent of the senate.))~~. Each board shall include:

- (i) The director of the institute for the study and treatment of mental disorders established at the hospital;
- (ii) One family member of a current or recent hospital resident;
- (iii) One consumer of services;
- (iv) One community mental health service provider;
- (v) Two citizens with no financial or professional interest in mental health services;
- (vi) One representative of the regional support network in which the hospital is located;
- (vii) One representative from the staff who is a physician;
- (viii) One representative from the nursing staff;
- (ix) One representative from the other professional staff;
- (x) One representative from the nonprofessional staff; and
- (xi) One representative of a minority community.

(b) At least one representative listed in (a) (viii), (ix), or (x) of this subsection shall be a union member.

(c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.

(3) The boards established under this section shall:

- (a) Monitor the operation and activities of the hospital;
- (b) Review and advise on the hospital budget;
- (c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;

(d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section;  
(e) Report periodically to the governor and the legislature on the implementation of the legislative intent set forth in this section; and  
(f) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.

(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to conduct training, research, and clinical program development activities that will directly benefit mentally ill persons receiving treatment in Washington state by performing the following activities:

(i) Promote recruitment and retention of highly qualified professionals at the state hospitals and community mental health programs;  
(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;

(iii) Provide expanded training opportunities for existing staff at the state hospitals and community mental health programs;  
(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals and community mental health programs;

(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;

(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;

(iv) Establish a student loan forgiveness and conditional scholarship program to retain qualified professionals at the state hospitals and community mental health providers when the secretary has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

**Sec. 3816.** RCW 75.40.040 and 1983 1st ex.s. c 46 s 152 are each amended to read as follows:

The director, ex officio, and two appointees of the governor representing the fishing industry shall act as the representatives of this state on the Pacific Marine Fisheries Commission. ~~((The appointees of the governor are subject to confirmation by the state senate.))~~

**Sec. 3817.** RCW 80.50.030 and 1994 c 264 s 75 and 1994 c 154 s 315 are each reenacted and amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2)(a) The chairman of the council shall be appointed by the governor ~~((with the advice and consent of the senate)),~~ shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The chairman is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.240.

(b) The chairman or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington state energy office shall provide all administrative and staff support for the council. The director of the energy office has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (a) Department of ecology;
- (b) Department of fish and wildlife;
- (c) Parks and recreation commission;
- (d) Department of health;
- (e) State energy office;
- (f) Department of community, trade, and economic development;
- (g) Utilities and transportation commission;
- (h) Office of financial management;
- (i) Department of natural resources;
- (j) Department of agriculture;
- (k) Department of transportation.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

**Sec. 3818.** RCW 88.16.010 and 1991 c 200 s 1001 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the assistant secretary of marine transportation of the department of transportation of the state of Washington, or the assistant secretary's designee who shall be an

employee of the marine division, who shall be chairperson, the administrator of the office of marine safety, or the administrator's designee, and seven members appointed by the governor ~~((and confirmed by the senate))~~. Each of the appointed commissioners shall be appointed for a term of four years from the date of the member's commission. No person shall be eligible for appointment to the board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of the appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of appointment and while serving on the board. One pilot shall be from the Puget Sound pilotage district and one shall be from the Grays Harbor pilotage district. Two of the appointed commissioners shall be actively engaged in the ownership, operation, or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of appointment and while serving on the board~~((;))~~, with one ~~((of said shipping commissioners shall be a representative of))~~ representing American and one ~~((of))~~ representing foreign shipping. One of the commissioners shall be a representative from a recognized environmental organization concerned with marine waters. The remaining commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Any vacancy in an appointed position on the board shall be filled by the governor for the remainder of the unfilled term~~((; subject to confirmation by the senate))~~.

(3) Five members of the board shall constitute a quorum. At least one pilot, one shipping representative, and one public member must be present at every meeting. All commissioners and the chairperson shall have a vote."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to Engrossed Substitute House Bill No. 1107.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 13.40.025, 9.94A.040, 18.16.050, 18.145.030, 18.145.050, 18.145.070, 18.145.080, 28B.10.804, 28B.80.575, 38.54.030, 38.52.040, 43.19.190, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1937, 43.19A.020, 43.21B.005, 75.20.103, 75.20.160, 43.20A.750, 43.70.010, 43.70.070, 70.170.020, 43.150.030, 46.61.380, 81.104.090, 47.26.121, 47.66.030, 47.26.140, 47.66.040, 47.26.160, 70.95D.010, 70.95D.060, 70.95B.020, 70.95B.040, 70.95B.100, 70.119.020, 70.119.050, 70.119.110, 75.44.140, 90.70.065, 43.131.369, and 43.131.370; reenacting and amending RCW 38.52.030, 82.44.180, and 75.30.050; adding a new section to chapter 9.94A RCW; adding a new section to chapter 39.19 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 70.95D RCW; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.119 RCW; creating new sections; repealing RCW 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050, 1.30.060, 2.52.010, 2.52.020, 2.52.030, 2.52.035, 2.52.040, 2.52.050, 18.145.060, 27.34.300, 27.60.010, 27.60.020, 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.090, 27.60.900, 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904, 43.20A.730, 75.20.130, 75.20.140, 43.31.631, 43.52.373, 70.170.030, 70.170.040, 43.150.060, 43.17.260, 43.17.270, 43.17.280, 43.17.290, 43.17.300, 47.66.020, 47.66.050, 47.66.060, 48.22.071, 48.22.072, 70.95D.050, 70.95B.070, 70.119.080, 81.62.010, 81.62.020, 81.62.030, 81.62.040, 81.62.050, 81.62.060, 81.62.900, 81.62.901, and 90.56.450; repealing 1994 c 232 s 27 (uncodified); repealing 1991 c 53 s 1 and 1987 c 480 s 6 (uncodified); providing effective dates; and declaring an emergency."

On page 55, beginning on line 6 of the title amendment, after "43.131.369," strike "and 43.131.370" and insert "43.131.370, 9.94A.060, 9.94A.250, 9.95.003, 13.40.025, 18.64.001, 28B.07.030, 28C.18.020, 41.64.010, 43.97.025, 43.99.110, 43.180.040, 43.210.030, 49.04.010, 70.37.030, 72.23.025, 75.40.040, and 88.16.010"

On page 55, beginning on line 7 of the title amendment, after "82.44.180," strike "and 75.30.050" and insert "75.30.050, and 80.50.030"

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1107, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1107, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1107, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Swecker, Winsley and Wood - 41.

Voting nay: Senators Anderson, A., Johnson, Palmer, Strannigan and West - 5.

Excused: Senators Anderson, C., Sutherland and Wojahn - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2060, by House Committee on Appropriations (originally sponsored by Representative Foreman)

Redefining budget document.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Sellar, Senator Wood was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2060.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2060 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West and Winsley - 45.

Excused: Senators Anderson, C., Sutherland, Wojahn and Wood - 4.

SUBSTITUTE HOUSE BILL NO. 2060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4030, by Representatives Hankins, Honeyford, Delvin, Grant and Kessler

Concerning federal funds for the cleanup of the Hanford waste disposal site.

The joint memorial was read the second time.

#### MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

On page 1, after line 8, strike the remainder of the joint memorial and insert the following:

"WHEREAS, The federal government, in an effort to protect the national security of the United States, established the Hanford site in Central Washington in 1943; and

WHEREAS, During the course of the past five decades, many dangerous, toxic, and nuclear wastes were disposed of or stored at the site; and

WHEREAS, Two-thirds of the volume of nuclear waste in the entire United States is stored at Hanford; and

WHEREAS, The Department of Energy has been tasked with overseeing the cleanup of the site; and

WHEREAS, Millions of dollars have been expended at Hanford for environmental cleanup; and

WHEREAS, The United States General Accounting Office estimates that a significant amount of the cleanup funds have been expended on administrative and legal activities; and

WHEREAS, The federal government agreed under the "Tri-Party Agreement" to a series of milestones to clean up the site; and

WHEREAS, Key milestones in this agreement cannot be met if the Department of Energy does not follow through on its proposal to reduce cleanup funding at the Hanford site; and

WHEREAS, The federal government has now announced that four thousand five hundred jobs will be eliminated as a result of these cuts; and

WHEREAS, These cuts will delay the cleanup and increase its cost.

NOW, THEREFORE, Your Memorialists respectfully pray that the federal government work with Washington State and local officials to eliminate duplicative Department of Energy orders, streamline paperwork requirements, and otherwise reduce unnecessary costs so that full and adequate funding may be available for environmental cleanup; that it begin immediately to construct the facilities necessary to implement cleanup of the Hanford site; and that it maintain its commitment to funding and implementing all the key milestones of the "Tri-Party Agreement."

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the Secretary of the Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

On motion of Fraser, the rules were suspended, House Joint Memorial No. 4030, as amended by the Senate, was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4030, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4030, as amended by the Senate, and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West and Winsley - 45.

Excused: Senators Anderson, C., Sutherland, Wojahn and Wood - 4.

HOUSE JOINT MEMORIAL NO. 4030, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4028, by Representatives K. Schmidt, R. Fisher, Hatfield, Cairnes, Hankins, Ogden, Johnson, D. Schmidt and Blanton

Urging passage of legislation authorizing the National Highway System.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Joint Memorial No. 4028 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4028.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4028 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West and Winsley - 45.

Excused: Senators Anderson, C., Sutherland, Wojahn and Wood - 4.

HOUSE JOINT MEMORIAL NO. 4028, having received the constitutional majority, was declared passed.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4029, by Representatives K. Schmidt, R. Fisher, Hatfield, Cairnes, Hankins, D. Schmidt, Robertson, Brown, Ogden, Johnson, Elliot, Radcliff, Backlund, Benton, Sherstad and Blanton

Urging Congress to use transportation funds for transportation purposes.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Joint Memorial No. 4029 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4029.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4029 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West and Winsley - 45.

Excused: Senators Anderson, C., Sutherland, Wojahn and Wood - 4.

HOUSE JOINT MEMORIAL NO. 4029, having received the constitutional majority, was declared passed.

#### SECOND READING



SUBSTITUTE HOUSE BILL NO. 1383, by House Committee on Government Operations (originally sponsored by Representatives Reams, Scott, Rust and Hargrove)

Clarifying annexation authority by municipal corporations providing sewer or water service of unincorporated territory.

The bill was read the second time.

#### MOTIONS

On motion of Senator Sheldon, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 56.24.205 and 1987 c 449 s 8 are each amended to read as follows:

When there is unincorporated territory containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to two (~~sewer districts or contiguous to a sewer district and a water~~) municipal corporations providing sewer service, one of which is either a sewer or water district, the (~~board of commissioners of one~~) legislative authority of either of the (~~districts~~) contiguous municipal corporations may resolve to annex such territory to that (~~district~~) municipal corporation, provided a majority of the (~~board of commissioners~~) legislative authority of the other (~~sewer or water district~~) contiguous municipal corporation concurs. The (~~district~~) municipal corporation resolving to annex such territory may proceed to effect the annexation by complying with RCW 56.24.180 through 56.24.200. For purposes of this section, "municipal corporation" means a water district, sewer district, city, or town.

**Sec. 2.** RCW 57.24.210 and 1987 c 449 s 17 are each amended to read as follows:

When there is unincorporated territory containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to two (~~water districts or contiguous to a water district and a sewer~~) municipal corporations providing water service, one of which is either a water or sewer district, the (~~board of commissioners of one~~) legislative authority of either of the (~~districts~~) contiguous municipal corporations may resolve to annex such territory to that (~~district~~) municipal corporation, provided a majority of the (~~board of commissioners~~) legislative authority of the other (~~water or sewer district~~) contiguous municipal corporation concurs. In such event, the (~~district~~) municipal corporation resolving to annex such territory may proceed to effect the annexation by complying with RCW 57.24.170 through 57.24.190. For purposes of this section, "municipal corporation" means a water district, sewer district, city, or town.

**NEW SECTION. Sec. 3.** A new section is added to chapter 35.13 RCW to read as follows:

Nothing in this chapter precludes or otherwise applies to an annexation by a city or town of unincorporated territory as authorized by RCW 56.24.180, 56.24.200, and 56.24.205, or RCW 57.24.170, 57.24.190, and 57.24.210.

**NEW SECTION. Sec. 4.** A new section is added to chapter 35A.14 RCW to read as follows:

Nothing in this chapter precludes or otherwise applies to an annexation by a code city of unincorporated territory as authorized by RCW 56.24.180, 56.24.200, and 56.24.205, or RCW 57.24.170, 57.24.190, and 57.24.210."

On motion of Senator Sheldon, the following title amendment was adopted:

On page 1, line 2 of the title, after "service;" strike the remainder of the title and insert "amending RCW 56.24.205 and 57.24.210; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW."

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute House Bill No. 1383, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1383, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1383, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West and Winsley - 44.

Voting nay: Senator Long - 1.

Excused: Senators Anderson, C., Sutherland, Wojahn and Wood - 4.

SUBSTITUTE HOUSE BILL NO. 1383, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate returned to the fourth order of business.

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2084, and the same is herewith transmitted.

April 12, 1995

TIMOTHY A. MARTIN, Chief Clerk

April 12, 1995

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2082, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 12, 1995

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4407, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief clerk

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2082 by Representative Chandler

Eliminating the wood stove education program.

Referred to Committee on Ecology and Parks.

HB 2084 by Representatives Silver and Cooke

Eliminating the family policy council, including community network provisions.

Referred to Committee on Human Services and Corrections.

HCR 4407 by Representatives Chandler and Mastin

Establishing a task force on agricultural safety standards.

Referred to Committee on Agriculture and Agricultural Trade and Development.

#### MOTION

At 12:02 p.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:20 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGES FROM THE HOUSE

April 12, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5895, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 12, 1995

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5060,  
SENATE BILL NO. 5108,  
SUBSTITUTE SENATE BILL NO. 5780,  
SENATE BILL NO. 5848, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5060,  
SENATE BILL NO. 5108,  
SUBSTITUTE SENATE BILL NO. 5308,  
SUBSTITUTE SENATE BILL NO. 5780,

SENATE BILL NO. 5848  
SENATE BILL NO. 5895.

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

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1756, by House Committee on Children and Family Services (originally sponsored by Representatives Veloria, Cooke, Cody, Lambert, Thibaudeau, Patterson and Costa)

Changing provisions relating to dependent children.

The bill was read the second time.

## MOTIONS

On motion of Senator Hargrove, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.110 and 1993 c 412 s 7 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement. The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. ~~Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care ((or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court may allow)), the child's foster parent ((or relative care provider)), to attend ((dependency review))~~ all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

"**Sec. 2.** RCW 13.34.130 and 1994 c 288 s 4 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(5) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed." On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "and amending RCW 13.34.110 and 13.34.130."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1756, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Kohl, Senators Drew, Loveland and Rinehart were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1756, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1756, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 44.

Excused: Senators Anderson, C., Drew, Loveland, Rinehart and Wojahn - 5.

SUBSTITUTE HOUSE BILL NO. 1756, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher, Johnson, Elliot, Buck, Blanton, Robertson, D. Schmidt, Mitchell, Skinner, Tokuda, Benton, Romero, Brown, Hankins, Cairnes, Hatfield, Scott, Quall, Backlund, Ogden, McMahan, Horn, Koster, Schoesler and Mielke)

Revising provision for distribution of surplus balance investment earnings.

The bill was read the second time.

#### MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Prince be adopted:

On page 5, after line 16, insert the following new sections:

**"Sec. 3.** RCW 43.99.070 and 1990 c 42 s 116 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. From time to time, but at least once each biennium, the director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 43.99.030, shall request the state treasurer to transfer ~~((an amount equal to the proportion of the moneys in the account representing the motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1, 1990, to the outdoor recreation account and the remainder to the motor vehicle fund))~~ to the recreation resource account such of the moneys in the marine fuel tax refund account that are not required for payment of the refund claims or costs, and the state treasurer shall make the transfer.

**Sec. 4.** RCW 46.09.170 and 1994 c 264 s 36 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, ~~((based on the tax rate in effect January 1, 1990,))~~ less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

- (i) Not more than five percent may be expended for information programs under this chapter;
- (ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;
- (iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;
- (iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;
- (v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the ~~((outdoor recreation))~~ nonhighway road and off-road vehicle activities account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

**Sec. 5.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile(--) and the number of registered snowmobiles during the calendar year under determination(~~(-- and the fuel tax rate in effect January 1, 1990)).~~)"

Renumber remaining sections and correct any internal references accordingly.

#### POINT OF ORDER

Senator Owen: "I believe that this amendment expands the scope of the bill and I would ask you to rule appropriately. The bill is a bill that merely returns the interest collected from transportation revenues to a transportation fund. The amendment is an amendment that determines what the distribution of specific revenues are within the department and I think that they are totally different in their scope of each other."

Further debate ensued.

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 1787.

#### MOTION

At 1:30 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:29 p.m. by President Pritchard.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1156, by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Brumsickle, Radcliff, Chopp, Mason, Cody, Hatfield, Poulsen, Veloria, Morris, Cole, Skinner, Tokuda, Costa, Elliot, Wolfe and Oden)

Requiring the SPI to provide support to individuals and organizations for the establishment of nonprofit education foundations.

The bill was read the second time.

#### MOTIONS

On motion of Senator McAuliffe, the following Committee on Education amendment was adopted:

On page 1, beginning on line 9, after "nonprofit" strike "partnerships between school districts and local communities that" and insert "corporations that are organized to benefit education in school districts and local communities. These foundations"

On motion of Senator Kohl, the following amendments by Senators Kohl and McAuliffe were considered simultaneously and were adopted:

On page 2, beginning on line 19, strike all material through "1999." on line 23

On page 2, line 27, after "31," strike "1999" and insert "1997"

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 1156, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1156, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1156, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley, Wojahn and Wood - 26.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker and West - 22.

Excused: Senator Anderson, C. - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1156, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1700, by House Committee on Finance (originally sponsored by Representatives Sehlin, Chopp, Quall and B. Thomas)

Changing current use taxation provisions.

The bill was read the second time.

#### MOTIONS

On motion of Senator Loveland, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.33.120 and 1992 c 69 s 1 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. Values for the several grades of bare forest land shall be as follows.

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	2 136	1 \$141 3 131 4 95
2	2 114	1 118 3 110 4 80
3	2 90	1 93 3 87 4 66
4	2 68	1 70 3 66 4 52
5	2 48	1 51 3 46 4 31
6	2 25	1 26 3 25 4 23
7	2 12	1 12 3 11 4 11
8	1	

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.05 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his or her use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him or her by the department of revenue, and he or she shall compute the assessed value of such land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he or she shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from classification if a governmental agency, organization, or other recipient identified in subsection (9) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in classified forest land by means of a transaction that qualifies for an exemption under subsection (9) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the classified land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year.

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance~~((+))~~, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW ~~((82.45.120, as now or hereafter amended))~~ 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to ~~((subsections))~~ (c) or (d) ~~((above))~~ of this subsection prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of ~~((subsection))~~ (a), (b), (d), or (e) ~~((above))~~ of this subsection shall apply only to the land affected, and upon occurrence of ~~((subsection))~~ (c) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100 as now or hereafter amended.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsections (5)(e) and (9) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax



and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to ~~((-a))~~ the difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by ~~((b))~~ a number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes.

(10) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his or her own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

**Sec. 2.** RCW 84.33.140 and 1992 c 69 s 2 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance ~~((f))~~, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW ~~((82.45.120, as now or hereafter amended))~~ 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that: (i) Such land is no longer primarily devoted to and used for growing and harvesting timber ~~((g))~~. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (5) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in designated forest land by means of a transaction that qualifies for an exemption under subsection (5) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year.

(ii) ~~((ueh))~~ The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder ~~((i))~~; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of ~~((subsections))~~ (a) through (c) ~~((above))~~ of this subsection shall apply only to the land affected, and upon occurrence of ~~((subsection))~~ (d) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation: PROVIDED, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100 as now or hereafter amended.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to ~~((-a))~~ the difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by ~~((b))~~ a number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 1 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 84.33.120 and 84.33.140; and declaring an emergency."

#### MOTION

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 1700, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1700, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1700, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Hochstatter, Morton and Schow - 3.

Absent: Senator Gaspard - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1700, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1140 and the pending amendment by Senator Smith on page 7, after line 24, and the pending amendment by Senator Pelz on page 7, after line 24, deferred April 12, 1995, after the Committee on Law and Justice amendments on page 2, lines 5, 11 and 17, were adopted.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the points of order raised by Senator Johnson, the President finds that Substitute House Bill No. 1140 is a measure which changes the calculation of offender scores and adds an aggravating circumstance of certain prior offenses to the list of circumstances justifying an exceptional sentence.

"The amendment proposed by Senator Smith on page 7, after line 24, and the amendment proposed by Senator Pelz on page 7, after line 24, would add additional aggravating circumstances justifying an exceptional sentence.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and the points of order are not well taken."

The amendment by Senator Smith on page 7, after line 24, to Substitute House Bill No. 1140 was ruled in order.

The amendment by Senator Pelz on page 7, after line 24, to Substitute House Bill No. 1140 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Smith on page 7, after line 24, to Substitute House Bill No. 1140.

Debate ensued.

The motion by Senator Smith carried and the amendment was adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pelz on page 7, after line 24, to Substitute House Bill No. 1140.

Debate ensued.

The motion by Senator Pelz carried and the amendment was adopted on a rising vote.

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1140, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1140, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1140, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Moyer, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley, Wojahn and Wood - 32.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hochstatter, Johnson, McCaslin, McDonald, Morton, Oke, Palmer, Roach, Schow, Strannigan, Swecker and West - 15.

Absent: Senator Sellar - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1140, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1787 and the pending amendment by Senators Fraser and Prince on page 5, after line 16, deferred earlier today

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Owen, the President finds that Engrossed Substitute House Bill No. 1787 is a measure which directs that a portion of the money which would otherwise be placed in the general fund be retained in certain transportation-related accounts.

"The amendment proposed by Senators Fraser and Prince on page 5, after line 16, would change the distribution of certain motor vehicle funds by directing them to specified recreation accounts.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Fraser and Prince on page 5, after line 16, to Engrossed Substitute House Bill No. 1787 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Prince on page 5, after line 16, to Engrossed Substitute House Bill No. 1787.

Debate ensued.

The motion by Senator Fraser failed and the amendment was not adopted.

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 1787 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1787.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1787 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Hankins, Benton, Elliot, Skinner, Buck, McMahan, Robertson, Johnson, D. Schmidt, Chandler, Mitchell, Koster, Backlund, Cairnes, Horn, Blanton and Stevens)

Providing transportation funding and appropriations.

The bill was read the second time.

#### MOTIONS

Senator Owen moved that the following Committee on Transportation amendment be adopted:  
Strike everything after the enacting clause and insert the following:

#### "TRANSPORTATION APPROPRIATIONS

**NEW SECTION. Sec. 1.** The legislature finds and declares that it is essential to maintain an efficient and effective transportation system. The legislature finds that certain agency practices need to be reexamined and specific policies put in place in order to ensure cost-effective program delivery. All planning, training, engineering, and related activities should be aimed at achieving delivery of projects and services. Staffing levels and equipment purchases should be commensurate with the workload assumed in this budget.

**NEW SECTION. Sec. 2.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1997.

(2) Legislation with fiscal impacts enacted in the 1995 legislative session not referenced in this act are not funded in the 1995-97 transportation budget.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

#### PART I

#### GENERAL GOVERNMENT AGENCIES--OPERATING

##### **NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Fund--State Appropriation \$ 300,000

TOTAL APPROPRIATION \$ 300,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The department of agriculture shall report to the legislative transportation committee by January 1, 1996, and January 1, 1997, on the number of fuel samples tested and the findings of the tests for the motor fuel quality program.

##### **NEW SECTION. Sec. 102. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

Motor Vehicle Fund--State Appropriation \$ 40,000

TOTAL APPROPRIATION \$ 40,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The joint legislative systems committee shall enter into a service level agreement with the legislative transportation committee by June 30, 1995.

##### **NEW SECTION. Sec. 103. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Fund--State Appropriation \$ 205,000

TOTAL APPROPRIATION \$ 205,000

The appropriation in this section is for fiscal year 1996 and is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative evaluation and accountability program committee shall enter into a service level agreement with the legislative transportation committee by June 30, 1995.

##### **NEW SECTION. Sec. 104. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Fund--State Appropriation \$ 110,000

TOTAL APPROPRIATION \$ 110,000

##### **NEW SECTION. Sec. 105. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

Motor Vehicle Fund--State Appropriation \$ 2,808,000

Marine Operating Fund--State Appropriation \$ 1,157,000

TOTAL APPROPRIATION \$ 3,965,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The amount of the transfer from the motor vehicle fund and the marine operating fund is to be transferred into the tort claims revolving fund only as claims have been settled or adjudicated to final conclusion and are ready for payout. The appropriation contained in this section is to retire tort obligations that occurred before July 1, 1990.

##### **NEW SECTION. Sec. 106. FOR THE STATE PARKS AND RECREATION COMMISSION--OPERATING**

Motor Vehicle Fund--State Appropriation \$ 927,000

TOTAL APPROPRIATION \$ 927,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The commission shall not expend any state funds for maintenance, repair, or snow and ice removal on county or private roads.

**NEW SECTION. Sec. 107. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Fund--State  
Appropriation \$ 222,000

TOTAL APPROPRIATION \$ 222,000

**PART II  
TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Fund--State Appropriation \$ 428,000  
Highway Safety Fund--Federal Appropriation \$ 5,160,000  
Transportation Fund--State Appropriation \$ 1,100,000

TOTAL APPROPRIATION \$ 6,688,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation fund--state appropriation shall be used solely to fund community DUI task forces. Funding from the transportation fund for any community DUI task force may not exceed fifty percent of total expenditures in support of that task force. The DUI community task forces shall identify and implement methods to reduce the incidence of drug and alcohol-related accidents involving persons 16 through 35 years of age.

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation \$ 260,000

TOTAL APPROPRIATION \$ 260,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The appropriation of \$260,000 from the pilotage account--state shall be reduced by \$104,000 if chapter . . . (House Bill No. 1311 or Senate Bill No. 5356), Laws of 1995 is not enacted by the 1995 legislature.

**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Fund--Rural Arterial Trust  
Account--State Appropriation \$ 37,553,000  
Motor Vehicle Fund--State Appropriation \$ 1,340,000  
Motor Vehicle Fund--Private/Local Appropriation \$ 508,000  
Motor Vehicle Fund--County Arterial Preservation  
Account --State Appropriation \$ 26,023,000

TOTAL APPROPRIATION \$ 65,424,000

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Motor Vehicle Fund--Urban Arterial Trust  
Account--State Appropriation \$ 38,997,000  
Motor Vehicle Fund--Transportation Improvement  
Account--State Appropriation \$ 143,061,000  
Motor Vehicle Fund--City Hardship Assistance  
Account--State Appropriation \$ 1,904,000  
Motor Vehicle Fund--Small City Account--  
State Appropriation \$ 5,702,000

TOTAL APPROPRIATION \$ 189,664,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Fund--State Appropriation \$ 2,528,000

TOTAL APPROPRIATION \$ 2,528,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The legislative transportation committee shall convene representatives from the department of transportation, Washington state patrol, department of licensing, and any other agency receiving an appropriation in this act, as necessary, to establish performance measures that are associated with the final legislative appropriation. The performance measures are to be established and will be tracked within the transportation executive information system.
- (2) The legislative transportation committee shall convene one or more groups to address activities that result in the loss of transportation tax revenue. The groups shall present their findings to the legislative transportation committee and the office of financial management.
- (3) The legislative transportation committee shall retain an independent, professional management consultant for the purpose of conducting an organizational and management review of the department of transportation.
- (4) The legislative transportation committee shall undertake an examination of the state's role in the intercity and freight rail programs funded by the department of transportation with regard to the long term costs and benefits of such programs and the constitutionality of the use of state funds for such activities.

**NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION**

Motor Vehicle Fund--Puget Sound Ferry Operations  
Account--State Appropriation \$ 345,000

TOTAL APPROPRIATION \$ 345,000

**NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION**

Transportation Fund--State Appropriation \$ 721,000  
TOTAL APPROPRIATION \$ 721,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Transportation commissioners may not be paid for more than ninety-six days per year on commission business, except the chair of the commission, who may not be compensated for more than one hundred twenty days per year working on commission business.

(2) None of the appropriation may be used to conduct studies or hire consultants without specific authorization from the legislative transportation committee prior to commencing any studies or hiring any consultants.

(3) In no event shall the commission hold meetings outside of the state of Washington. The commission is directed to seek methods of reducing travel and meeting costs.

**NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS**

Motor Vehicle Fund--State Patrol Highway  
Account--State Appropriation \$ 140,134,000  
Motor Vehicle Fund--State Patrol Highway  
Account--Federal Appropriation \$ 3,196,000  
Motor Vehicle Fund--State Appropriation \$ 747,000  
Marine Operating Fund--State Appropriation \$ 927,000  
TOTAL APPROPRIATION \$ 145,004,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The state patrol shall have a staffing level of no less than 730 commissioned officers at the end of the 1995-97 biennium. This compares to a level of 700 commissioned officers that was established in the 1993-95 biennium. To achieve these levels: A class of 30 cadets shall begin on July 1, 1995 and a class of 30 cadets shall begin on January 1, 1996.

(2) The additional three percent salary increase for commissioned officers provided for in section 404 of this act shall occur only if the decommissioning of the vehicle inspection program occurs by June 30, 1995.

(3) Management levels, lieutenants and above, are redirected to perform direct traffic law enforcement activities equivalent to five field force FTE staff years. Management personnel engaged in management activity shall not exceed 55 FTE staff years. This level compares to 76 FTE management level staff years in January of 1993.

(4) Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

(5) The state patrol may not sell or purchase any aircraft until the legislative transportation committee has completed a review of the type of air services provided by the various state agencies, and the feasibility of consolidating the state's air fleet.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**

Motor Vehicle Fund--State Appropriation \$ 4,509,000  
Transportation Fund--State Appropriation \$ 1,982,000  
TOTAL APPROPRIATION \$ 6,491,000

**NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway  
Account--State Appropriation \$ 53,229,000  
Motor Vehicle Fund--State Appropriation \$ 1,491,000  
Transportation Fund--State Appropriation \$ 3,286,000  
TOTAL APPROPRIATION \$ 58,006,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The office of the chief of the state patrol shall prepare a strategic plan that represents the future of the Washington state patrol and how management envisions meeting the challenges identified in the plan. The plan shall address the future responsibilities of commissioned and non-commissioned personnel, and the use of technology in law enforcement. It will focus on maximizing joint services and projects with other transportation agencies such as communication systems, computer systems, and facilities. Additionally, the state patrol shall include any other issues it deems necessary and will provide a six-year financial plan to address the future challenges identified in the strategic plan. The plan outline shall be delivered to the legislative transportation committee by August 1, 1995, and the final plan delivered to the legislature by January 1, 1996.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Highway Safety Fund--Motorcycle Safety Education Account--  
State Appropriation \$ 78,000  
State Wildlife Account--State Appropriation \$ 68,000  
Highway Safety Fund--State Appropriation \$ 5,058,000  
Motor Vehicle Fund--State Appropriation \$ 4,306,000  
Transportation Fund--State Appropriation \$ 791,000  
TOTAL APPROPRIATION \$ 10,301,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

General Fund--Wildlife Account--State  
Appropriation \$ 118,000  
Highway Safety Fund--State Appropriation \$ 7,820,000  
Motor Vehicle Fund--State Appropriation \$ 12,871,000  
Transportation Fund--State Appropriation \$ 1,302,000  
TOTAL APPROPRIATION \$ 22,111,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$15,223,000 for the licensing application migration project (LAMP), of which \$9,134,000 is motor vehicle account--state, \$6,089,000 is highway safety fund--state.

Of the \$15,223,000 LAMP appropriation \$761,150 is provided solely as a contingency amount.

(2) The licensing application migration project (LAMP) shall comply with section 49, chapter 23, Laws of 1993 ex. sess.

(3) The steering committee specified in the licensing application migration project (LAMP) feasibility study, dated July 7, 1992, shall meet monthly. In addition to the existing steering committee membership established in the feasibility study, the LAMP project director, the LAMP contractor's project manager, the LAMP quality assurance consultant, and a representative of the Washington state patrol shall be ex officio members of the LAMP steering committee.

(4) The licensing application migration project (LAMP) quality assurance consultant shall provide the LAMP steering committee with bimonthly reports on the status of the LAMP project. The bimonthly reports shall be on alternate months from the bimonthly reports provided by the department of information services. The reports required in this subsection shall also be delivered to the senate and house of representatives transportation committee chairs.

(5) No moneys are provided in this act for the inclusion of general fund activities in the LAMP project.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

General Fund--Marine Fuel Tax Refund Account--

State Appropriation \$ 26,000

General Fund--Wildlife Account--State

Appropriation \$ 534,000

Motor Vehicle Fund--State Appropriation \$ 46,263,000

Department of Licensing Services Account--

State Appropriation \$ 2,944,000

TOTAL APPROPRIATION \$ 49,767,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$ 1,150,000

Highway Safety Fund--State Appropriation \$ 55,606,000

Transportation Fund--State Appropriation \$ 4,214,000

TOTAL APPROPRIATION \$ 60,970,000

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$ 24,194,000

Motor Vehicle Fund--Federal Appropriation \$ 400,000

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 21,974,000

TOTAL APPROPRIATION \$ 46,568,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

General Fund--Aeronautics Account--State

Appropriation \$ 3,780,000

General Fund--Aeronautics Account--Federal

Appropriation \$ 500,000

Aircraft Search and Rescue, Safety, and Education

Account--State Appropriation \$ 132,000

TOTAL APPROPRIATION \$ 4,412,000

The general fund--aeronautics account appropriations contained in this section will become transportation fund--aeronautics account appropriations if either House Bill No. 1190 or Senate Bill No. 5233 are enacted into law.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Fund--Economic Development Account--

State Appropriation \$ 1,000,000

Motor Vehicle Fund--State Appropriation \$ 227,714,000

Motor Vehicle Fund--Federal Appropriation \$ 296,700,000

Motor Vehicle Fund--Private/Local

Appropriation \$ 47,750,000

High Capacity Transportation Account--State

Appropriation \$ 8,572,000

Special Category C Account--State Appropriation \$ 177,600,000

Special Category C Account--Local

Appropriation \$ 50,000

Transportation Fund--State Appropriation \$ 60,000,000

Central Puget Sound Public Transportation Account--

State Appropriation \$ 2,500,000

Puyallup Tribal Settlement Account--State

Appropriation \$ 21,000,000

Puyallup Tribal Settlement Account--Federal

Appropriation \$ 1,000,000

Puyallup Tribal Settlement Account--Private/Local

Appropriation \$ 2,300,000

TOTAL APPROPRIATION \$ 846,186,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$32,204,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$7,525,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements.

However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(2) The special category C account--state appropriation of \$177,600,000 includes \$160,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 for the 1st avenue south bridge in Seattle, North-South Corridor/Division street improvements in Spokane, and selected sections of state route 18. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The motor vehicle fund--state appropriation includes \$8,710,000 in proceeds from the sale of bonds authorized by RCW 47.10.761 and 47.10.762. These funds shall be expended for the following projects:

- (a) Sea Tac International Blvd;
- (b) SR 99 to SR 5 - HOV Lanes;
- (c) SR 3 to Bremerton Ferry Terminal;
- (d) Leavenworth Intermodal Improvement;
- (e) Olympic Interchange;
- (f) Sunset Dr. I/C - I/C Modifications;
- (g) 94th Ave. E. Interchange;
- (h) 164th Ave. Interchange; and
- (i) NE 160th I/C Modifications (CN only).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(4) \$44,685,000 appropriated in this section, which includes: \$3,212,000 of the motor vehicle fund--state appropriation; \$39,886,000 of the transportation fund--state appropriation; \$1,328,000 of the motor vehicle fund--local appropriation; and \$259,000 of the economic development account--state appropriation, is to be expended on the following projects:

- (a) Spring St. to Johnson Rd;
- (b) W. Lk. Samm. Pkwy. to SR 202;
- (c) Diamond Lake Channelization;
- (d) 15th SW to SR 161 U-Xing;
- (e) Andresen Road to SR 503;
- (f) NE 144th St. to Battleground;
- (g) Steamboat Island Rd I/C;
- (h) Graham Hill Vicinity;
- (i) North of Winslow - Stage 1;
- (j) SR 5 to Blandford Drive;
- (k) North Sumner Interchange; and
- (l) Sunnyslope I/C - Stage 2.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(5) \$69,111,000 appropriated in this section, which includes: \$35,060,000 of the motor vehicle fund--state appropriation; \$18,948,000 of the transportation fund--state appropriation; and \$15,103,000 of the motor vehicle fund--federal appropriation, is to be expended on the following projects:

- (a) SO 360th St/Milton Rd SO to SR 18 - Stage 1;
- (b) SR 522 to 228th St. SE - Stage 1;
- (c) 104th Ave NE to 124th Ave NE I/C;
- (d) 124th NE I/C to W. Lake Samm. Pkwy.;
- (e) Lewis Street Interchange;
- (f) SR 202 Interchange;
- (g) SR 82 to Selah;
- (h) O'Brien to Lewis Rd;
- (i) NE 147th to 80th NE - HOV Lanes;
- (j) Old Cascade Hwy - to Deception CR - Stage 1;
- (k) Prophets point to Old Cascade Hwy - Stage 2; and
- (l) Sequim Bypass.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(6) The central Puget Sound public transportation account--state appropriation, the high capacity transportation account--state appropriation, and \$36,000,000 of the motor vehicle fund--state appropriation, which includes \$12,000,000 transferred from the gasohol exemption holding account and up to \$24,000,000 from the sale of bonds authorized by Senate Bill No. 5393, are provided solely for the following high occupancy lane projects:

- (a) 15th St SW to 84th Ave. SO - Stage 2; and
- (b) Pierce C.L. to Tukwila I/C - Stage 1.

If additional revenue from the repeal of the gasohol exemption and credit becomes available, the proceeds shall be used to reduce the sale of bonds for the purposes identified in this subsection.

(7) When the projects identified in subsections (4) through (6) of this section are complete, the legislature will have fulfilled the commitments made in 1990 associated with the passage of the 1990 transportation revenue package.

(8) The motor vehicle fund appropriation in this section includes \$10,000,000 for new preconstruction activities.

(9) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(10) If chapter . . . (Substitute House Bill No. 1597), Laws of 1995 is enacted by the 1995 legislature, the department of transportation shall assess the impacts of the bill upon the department of transportation and provide a report on such impacts to the legislative transportation committee by January 1, 1997.

(11) The legislature needs to determine all possible causes for changes in a project's cost from the time the cost is identified in the transportation commission's budget recommendation provided to the governor and legislature in support of the proposed highway construction budget, through completion of project construction.



The department shall provide a historical data report showing changes throughout the life of selected projects. The historical data report shall quantify the reasons for project increases or decreases and include department of transportation actions taken to minimize such changes. The department is directed to assess whether construction cost efficiencies can be achieved by ensuring continuity between design efforts and construction administrative activities.

(12) The motor vehicle fund--state appropriation in this section includes \$2,700,000 solely for state match for the Blaine border crossing project to be used only if federal demonstration project funding is authorized for this project.

(13) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(14) The motor vehicle fund--state appropriation in this section includes \$4,000,000 solely for infrastructure associated with the development of a horse racetrack in western Washington.

(15) The motor vehicle fund--state appropriation in this section includes \$2,500,000 solely for the department of transportation match for transportation improvement board projects ready for construction in fiscal year 1996.

(16) The motor vehicle fund--state appropriation in this section includes \$6,783,000 solely for additional all-weather highway projects.

(17) The motor vehicle fund--state appropriation in this section includes \$16,000,000, including up to \$11,000,000 from the sales of bonds authorized in Senate Bill No. 5393, for high occupancy vehicle lane projects

(18) The motor vehicle fund--state appropriation in this section includes \$4,870,000 to be expended on the following project: SR 82, SR 823 UC to SR 12 UC. This project will complete the Selah project identified in subsection (5) of this section.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Fund--State Appropriation \$ 222,274,000

Motor Vehicle Fund--Federal Appropriation \$ 461,000

Motor Vehicle Fund--Private/Local Appropriation \$ 3,305,000

TOTAL APPROPRIATION \$ 226,040,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters such as fire, flooding, and major slides, supplemental appropriations will be requested to restore funding for ongoing maintenance activities.

(2) If projected snow and ice expenditures exceed the plan of \$40,000,000, the department will continue service delivery as planned within the other major maintenance groups, and will request a supplemental appropriation in the following legislative session to fund the additional snow and ice expenditures.

(3) The department shall provide recommendations to the legislative transportation committee by December 15, 1995, on: (a) The feasibility of developing a maintenance management system; (b) methods for providing a consistent maintenance level of service throughout the state; (c) options for centralized versus decentralized management of the program; (d) improving accountability and oversight of the maintenance program; and (e) improving accountability and oversight of the transportation equipment fund program.

(4) The motor vehicle fund--state appropriation in this section includes \$250,000 solely for augmentation of the adopt-a-highway program. This appropriation is to be used only if Engrossed Substitute House Bill No. 1512 is enacted.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State Appropriation \$ 115,944,000

Motor Vehicle Fund--Federal Appropriation \$ 74,600,000

Motor Vehicle Fund--Private/Local Appropriation \$ 8,100,000

Transportation Fund--State Appropriation \$ 98,600,000

Transportation Fund--Federal Appropriation \$ 143,400,000

Transportation Fund--Private/Local Appropriation \$ 3,000,000

TOTAL APPROPRIATION \$ 443,644,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$8,300,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section include \$10,034,000 for seismic retrofit activities.

(3) The department shall not reduce its commitment to sexual harassment training and diversity training, notwithstanding the reduction in this section for training.

(4) The motor vehicle fund--state appropriation in this section includes \$36,000,000 for additional pavement preservation projects.

(5) The appropriations in this section include \$6,879,000 for Washington state's share to replace the deck on the Lewis and Clark bridge. If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the bridge into Oregon's public/private partnership program, up to \$1,000,000 of this amount shall be used for Washington's share of emergency deck repairs to extend the service life of the bridge. The remaining funds may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by January 15, 1996.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SYSTEMS MANAGEMENT--PROGRAM Q**

Motor Vehicle Fund--State Appropriation \$ 21,736,000

TOTAL APPROPRIATION \$ 21,736,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: By December 31, 1995, the department shall increase from ten dollars to twenty-five dollars the fee charged to businesses

participating in the motorist information sign program. The department shall provide recommendations to the legislative transportation committee by December 1, 1995, regarding a plan to make this program and the billboard program self-supporting within five years. For purposes of this proviso, the erection, maintenance, and replacement of backpanels shall not be considered part of the program cost.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation \$ 368,000  
Motor Vehicle Fund--Federal Appropriation \$ 400,000  
Motor Vehicle Fund--Private/Local Appropriation \$ 2,232,000  
TOTAL APPROPRIATION \$ 3,000,000

(1) By December 1, 1995, the department of transportation is to provide the legislative transportation committee an analysis and recommended policy modifications, where appropriate, regarding the following regional practices:

- (a) Recovery of full costs for reimbursable services; and
- (b) Consistency of charging for reimbursable services across the department's regions.

(2) It is the intent of the legislature to continue the state's partnership with the federal government, local government, and the private sector in transportation construction and operations in the most cost-effective manner. The program is established to allow the department the ability to provide services on nonappropriated, outside requests through the unanticipated receipt process including both dollar and full-time equivalent staff increases.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital Construction  
Account--State Appropriation \$ 1,109,000  
Motor Vehicle Fund--State Appropriation \$ 52,597,000  
Motor Vehicle Fund--Puget Sound Ferry Operations  
Account--State Appropriation \$ 1,105,000  
Transportation Fund--State Appropriation \$ 10,372,000  
TOTAL APPROPRIATION \$ 65,183,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The transportation fund--state appropriation includes \$8,370,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions to public-private transportation initiatives projects. \$2,160,000 of the bond proceeds are to be transferred to the improvement program to pay back the loan recommended by the transportation commission and the legislative transportation committee.

(2) Any additional FTEs required to support the public-private initiatives in the transportation program established under chapter 47.46 RCW shall be funded from program management and administration fees paid by private entities participating in the program.

(3) The department of transportation shall provide quarterly reports to the legislative transportation committee on the status of the public-private initiatives in the transportation program. The department shall conduct a program and fiscal review of the public-private initiatives in the transportation program, authorized under chapter 47.46 RCW, for the biennium ending June 30, 1997. Such review shall include, at a minimum, the extent to which the program has operated in the public interest and fulfilled its statutory obligation; the extent to which the program is operating in an efficient, effective, and economical manner; and the extent to which continuation of the program maintains, improves, or adversely impacts the transportation system of the state of Washington. The department shall provide a progress report on its program and fiscal review of the public-private initiatives in transportation program by June 30, 1996.

(4) It is the intent of the legislature to reduce the amount of money spent by the department on nonessential training programs for its employees.

(5) One of the two full-time employees funded in this section for enhanced public involvement shall be responsible for improving communications between the department and the public. His or her responsibilities shall include: (a) Developing a more efficient and effective system for replying to inquiries from the public and (b) supporting new and existing programs related to public involvement.

(6) By December 1, 1995, the department of transportation shall implement: (a) Modifications to the construction administration system that promote prudent project management and standards that ensure state-wide consistency of approach among all departmental regions; (b) modifications to the maintenance administration system to ensure consistency of approach among all departmental regions; and (c) modifications to the preconstruction system that streamline processes, reduce the number of internal reviews, and eliminate duplicative documentation.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T**

Essential Rail Assistance Account--State  
Appropriation \$ 1,036,000  
Motor Vehicle Fund--State Appropriation \$ 13,410,000  
Motor Vehicle Fund--Federal Appropriation \$ 16,198,000  
High Capacity Transportation Account--  
State Appropriation \$ 5,077,000  
Essential Rail Banking Account--State  
Appropriation \$ 52,000  
Transportation Fund--State Appropriation \$ 37,770,000  
Transportation Fund--Federal Appropriation \$ 11,643,000  
Transportation Fund--Private/Local  
Appropriation \$ 105,000  
Central Puget Sound Public Transportation  
Account--State Appropriation \$ 11,009,000  
Public Transportation Systems Account--State  
Appropriation \$ 3,082,000  
Air Pollution Control Account--State  
Appropriation \$ 6,342,000

TOTAL APPROPRIATION \$ 105,724,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$33,845,000 of the transportation fund--state and \$700,000 of the transportation fund--federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$10,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours. The lease purchase of the train sets is predicated on the condition that the assembly and/or manufacturing plant for these types of trains that are to be used within the United States be located in Washington state.

(2) Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties reduced on a pro rata basis from allocations provided in the 1993-1995 biennium, except that consideration for additional funds may be given for those counties not having metropolitan planning organizations within their boundaries. Funds provided to these organizations shall be predicated on an eighty percent state funds/twenty percent local funds match.

(3) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the transportation improvement board, except \$1,000,000 of the appropriation from the public transportation systems account shall be utilized for the rural mobility program and be administered by the department of transportation. Priority for grants provided from these accounts shall be given to projects and programs that can be accomplished in the 1995-1997 biennium and that are not primarily intended for the planning or design of facilities. Also, priority for grants to the rural mobility program funded from the public transportation systems account shall be given to programs that do not have ongoing costs.

(4) If the 1995 legislature does not enact Engrossed Second Substitute House Bill No. 2009 or transfer responsibility to the department of transportation for the commute trip reduction program, then the appropriation from the air pollution control account in this section shall lapse.

(5) Up to \$700,000 of the high capacity transportation account is reappropriated from the 1993-95 biennium ending fund balance for regional transit authority grants.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

Motor Vehicle Fund--State Appropriation \$ 4,646,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Fund--State Appropriation \$ 832,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Fund--State Appropriation \$ 3,374,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Fund--State Appropriation \$ 2,240,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--State Appropriation \$ 5,049,000

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--Puget Sound Ferry Operations  
Account--State Appropriation \$ 2,000,000

(7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Fund--State Appropriation \$ 508,000

(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Fund--State Appropriation \$ 95,000

(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Fund--State Appropriation \$ 361,000

(10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ 230,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W**

Motor Vehicle Fund--Puget Sound Capital Construction  
Account--State Appropriation \$ 244,659,000

Motor Vehicle Fund--Puget Sound Capital Construction  
Account--Federal Appropriation \$ 23,422,000

Motor Vehicle Fund--Puget Sound Capital Construction  
Account--Private/Local Appropriation \$ 765,000

TOTAL APPROPRIATION \$ 268,846,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 3) for the 1995-97 budget. The department shall reconcile the 1993-95 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$155,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriations contained in this section shall not be expended for the development of park facilities at the Seattle colman dock ferry terminal.

(4) The Washington state ferries shall acquire an appropriate passenger-only vessel if federal funding is available for this project. If no federal funds are available, it is the intent of the legislature that the construction and assembly of any passenger -only vessels occur within Washington state.

(5) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Fund--State Appropriation \$ 247,229,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$33,340,000 for vessel operating fuel in the 1995-97 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1995-97 biennium may not exceed \$159,990,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$305.32 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1995-97 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1995, and thereafter, as established in the 1995-97 general fund operating budget.

(3) The appropriation in this section includes \$614,000 for the automated ticket vending program. These funds shall be expended only in accordance with the implementation of the automated ticket vending program.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

Motor Vehicle Fund--State Appropriation \$ 10,567,000

Motor Vehicle Fund--Federal Appropriation \$ 168,253,000

Motor Vehicle Fund--Private/Local Appropriation \$ 5,087,000

Transfer Relief Account--State Appropriation \$ 307,000

TOTAL APPROPRIATION \$ 184,214,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$13,100,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$3,275,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle fund--federal appropriation of transportation enhancements moneys shall be used in the following manner: Priority shall be given for up to fifty percent for the preservation and improvement of freight rail corridors; a maximum of fifty percent for bicycle and pedestrian projects; and the remainder for other purposes.

(3) The motor vehicle fund--state appropriation in this section includes \$1,750,000 solely to fund the state's share of the east marine view drive project. This amount represents a reappropriation of the funding first provided for Everett homeport transportation projects in 1987. With this reappropriation, the legislature has fulfilled its commitment for funding of special transportation projects associated with the Everett homeport.

(4) \$1,000,000 of the motor vehicle fund--state appropriation is provided solely for city or county barriers to fish passage and may be spent only on actual removal of barriers, not on planning or research.

(5) Up to \$430,000 of the motor vehicle fund--state appropriation contained in this section shall be used for evaluations that mutually benefit cities, counties, and the state department of transportation. The evaluations shall address fuel tax evasion, license fraud, access management, and miscellaneous cost/benefit measures.

**PART III  
CAPITAL**

**NEW SECTION. Sec. 301.** The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

**(1) JOINT PROJECTS**

**(a) FOR THE WASHINGTON STATE PATROL, DEPARTMENT OF LICENSING, AND DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SERVICE CENTER--PARKLAND**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 486,000

Motor Vehicle Fund--State Appropriation \$ 71,000

Highway Safety Fund--State Appropriation \$ 71,000

TOTAL APPROPRIATION \$ 628,000

**(b) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF LICENSING--UNION GAP**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 789,000

TOTAL APPROPRIATION \$ 789,000

(c) **FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF TRANSPORTATION--NORTH SPOKANE**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 215,000

TOTAL APPROPRIATION \$ 215,000

(d) **FOR THE DEPARTMENT OF TRANSPORTATION AND WASHINGTON STATE PATROL--BELLINGHAM**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 6,480,000

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 1,800,000

TOTAL APPROPRIATION \$ 8,280,000

(2) The agency listed first in the appropriation in subsection (1) of this section is designated as the lead agency responsible for management of the projects and shall receive the entire appropriation.

(3) The state patrol, the department of licensing, and the department of transportation shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing, vehicle inspection service facilities, and other transportation services whenever possible.

The department of licensing, the department of transportation, and the state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

(4) The department of licensing may lease develop with option to purchase or lease purchase new customer service centers to be paid for from operating revenues. The Washington state patrol shall provide project management for the department of licensing. Alternatively, a financing contract may be entered into on behalf of the department of licensing in the amounts indicated plus financing expenses and reserves pursuant to chapter 39.94 RCW. The locations and amounts for projects covered under this section are as follows:

(a) A new customer service center in Vancouver for \$2,629,700;

(b) A new customer service center in West Spokane for \$3,083,600;

(c) A new customer service center in Lacey for \$3,152,500;

(d) A new customer service center in Union Gap for \$3,026,500; and

(e) A new customer service center in Wenatchee for \$2,078,800.

(5) The Washington state patrol, department of licensing, and department of transportation shall provide bimonthly progress reports on the capital facilities receiving an appropriation in this act.

**NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL--CAPITAL PROJECTS**

The appropriations in this section are provided for the following projects:

(1) **ACADEMY DRIVE COURSE--SHELTON**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 500,000

TOTAL APPROPRIATION \$ 500,000

(2) **MINOR WORKS: PRESERVATION**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 890,000

TOTAL APPROPRIATION \$ 890,000

(3) **MINOR WORKS: PROGRAM**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 506,000

TOTAL APPROPRIATION \$ 506,000

(4) **SOUTH SEATTLE DETACHMENT**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 151,000

TOTAL APPROPRIATION \$ 151,000

(5) **WASHINGTON STATE PATROL OFFICE--SILVER LAKE REST AREA**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 197,000

TOTAL APPROPRIATION \$ 197,000

(6) **BELLEVUE COMMUNICATIONS CENTER IMPROVEMENT**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 358,000

TOTAL APPROPRIATION \$ 358,000

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

All projects in section 303 of this act are funded from the motor vehicle fund--Transportation capital facilities account--state.

(1) **OKANOGAN AREA MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 2,801,000

TOTAL APPROPRIATION \$ 2,801,000

(2) **CHEHALIS AREA MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 4,865,000

TOTAL APPROPRIATION \$ 4,865,000

(3) **WOODLAND SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 1,163,000

TOTAL APPROPRIATION \$ 1,163,000  
(4) **CONNELL SECTION MAINTENANCE FACILITY**  
Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 150,000  
TOTAL APPROPRIATION \$ 150,000

(5) **WILBUR SECTION MAINTENANCE FACILITY**  
Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 1,036,000  
TOTAL APPROPRIATION \$ 1,036,000

(6) **MINOR REGIONAL PROJECTS**  
Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 1,525,000  
TOTAL APPROPRIATION \$ 1,525,000

(7) **STATE-WIDE ADMINISTRATION AND SUPPORT**  
Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 1,525,000  
TOTAL APPROPRIATION \$ 1,525,000

(8) The department of transportation shall provide to the legislative transportation committee: (a) Prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1995-97 biennium, and (b) bimonthly progress reports on all transportation capital facilities projects receiving appropriations in this act.

#### GENERAL GOVERNMENT AGENCIES--CAPITAL

NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION--CAPITAL  
Motor Vehicle Fund--State Appropriation \$ 400,000  
TOTAL APPROPRIATION \$ 400,000

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION--CAPITAL  
Motor Vehicle Fund--State Appropriation \$ 2,500,000  
TOTAL APPROPRIATION \$ 2,500,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for the activity: The amount appropriated represents the total motor vehicle fund--state contribution for all phases of the plaza garage renovation project.

#### PART IV TRANSFERS AND DISTRIBUTIONS

##### NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Motor Vehicle Fund--Puget Sound Capital Construction Account  
Appropriation \$ 4,250,000  
Motor Vehicle Fund Appropriation \$ 695,000  
Transportation Improvement Account  
Appropriation \$ 1,250,000  
Transportation Fund Appropriation \$ 208,000  
Special Category C Account Appropriation \$ 4,000,000  
Highway Bond Retirement Account Appropriation \$ 195,814,000  
Ferry Bond Retirement Account Appropriation \$ 36,788,000  
TOTAL APPROPRIATION \$ 243,005,000

##### NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Fund--Puget Sound Capital Construction  
Account Appropriation \$ 850,000  
Motor Vehicle Fund Appropriation \$ 139,000  
Motor Vehicle Fund--Urban Arterial Trust Account  
Appropriation \$ 5,000  
Motor Vehicle Fund--Transportation Improvement  
Account Appropriation \$ 250,000  
Special Category C Account Appropriation \$ 800,000  
Transportation Fund Appropriation \$ 42,000  
Transportation Capital Facilities Account  
Appropriation \$ 1,000

TOTAL APPROPRIATION \$ 2,087,000

##### NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Fund Appropriation for motor  
vehicle fuel tax and overload penalties  
distribution \$ 452,180,000  
Transportation Fund Appropriation \$ 2,352,000  
TOTAL APPROPRIATION \$ 454,532,000

**NEW SECTION. Sec. 404. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT**

Motor Vehicle Fund--State Patrol Highway Account

Appropriation \$ 1,625,000

The appropriation in this section is provided to ensure all state patrol commissioned officers receive a salary increase of three percent, on July 1, 1996. The increase provided for in this section is in addition to any salary increases provided for in Engrossed Substitute House Bill No. 1410 or any other omnibus appropriations act for the 1995-97 biennium enacted by the 1995 legislature.

This section shall be null and void if the state patrol does not comply with the requirements of section 208 of this act.

**NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

Motor Vehicle Fund--State Patrol Highway Account:

For transfer to the department of retirement

systems expense fund \$ 130,000

TOTAL APPROPRIATION \$ 130,000

**NEW SECTION. Sec. 406. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 407.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 408. TRANSFERS**

(1) R V Account--State Appropriation:

For transfer to the Motor Vehicle Fund--

State \$ 454,000

(2) Transfer Relief Account--State Appropriation:

For transfer to the Motor Vehicle Fund--

State \$ 1,329,000

(3) Motor Vehicle Fund--State Appropriation:

For transfer to the Transportation Capital

Facilities Account--State \$ 41,519,000

(4) Small City Account--State Appropriation:

For transfer to the Urban Arterial Trust

Account--State \$ 2,544,000

(5) Small City Account--State Appropriation:

For transfer to the Transportation Improvement

Account--State \$ 7,500,000

**NEW SECTION. Sec. 409.** The department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

**NEW SECTION. Sec. 410.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

**NEW SECTION. Sec. 411.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 412.** The additional distribution of transit equalization moneys provided for in chapter ... (Substitute House Bill No. 1871), Laws of 1995 are contingent upon the enactment of this act.

**NEW SECTION. Sec. 413. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

**PART V  
MISCELLANEOUS**

**NEW SECTION. Sec. 501. COORDINATION OF TRANSPORTATION INFORMATION TECHNOLOGY.** To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, inter-governmental services bureau; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads, the office of financial management and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

**NEW SECTION. Sec. 502. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the business problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative transportation committee. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A bimonthly project status report shall be submitted to the department of information services, the office of financial management, and legislative transportation committee for each project prior to reaching key decision points identified in the project management plan. Project status reports include: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and legislative transportation committee.

**NEW SECTION. Sec. 503.** By December 1, 1995, the department of transportation, in consultation with the department of personnel, shall provide recommendations to the legislative transportation committee regarding the feasibility of consolidating the department of transportation's personnel office with the department of personnel.

**NEW SECTION. Sec. 504.** By December 1, 1995, the department of transportation, in consultation with the transportation improvement board and the county road administration board, shall provide recommendations to the legislative transportation committee regarding the feasibility of consolidating the financial functions of the three agencies.

**NEW SECTION. Sec. 505.** Notwithstanding the provisions of RCW 43.19.1919, the department of licensing, the Washington state patrol, and the department of transportation may transfer obsolete equipment or supplies surplus to their needs to local programs provided under RCW 43.63A.066.

**NEW SECTION. Sec. 506.** The attorney general shall prepare annually a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

**Sec. 507.** RCW 70.94.531 and 1991 c 202 s 13 are each amended to read as follows:

(1) Not more than six months after the adoption of the commute trip reduction plan by a jurisdiction, each major employer in that jurisdiction shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than six months after submission to the jurisdiction.

(2) A commute trip reduction program shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single-occupant vehicle commuting; (c) an annual review of employee commuting and reporting of progress toward meeting the single-occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

- (i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;
- (ii) Instituting or increasing parking charges for single-occupant vehicles;
- (iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;
- (iv) Provision of subsidies for transit fares;



- (v) Provision of vans for van pools;
- (vi) Provision of subsidies for car pooling or van pooling;
- (vii) Permitting the use of the employer's vehicles for car pooling or van pooling;
- (viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;
- (ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;
- (x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;
- (xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
- (xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;
- (xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their

homes;

- (xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting;
- ((and))

(xv) Establishment of proximate commuting programs by employers with multiple worksites; and  
 (xvi) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

(3) Employers or owners of worksites may form or utilize existing transportation management associations to assist members in developing and implementing commute trip reduction programs.

(4) Section 507, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 508.** RCW 36.79.010 and 1988 c 26 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Rural arterial program" means improvement projects on those two systems of county roads in rural areas classified as major collectors and minor collectors in accordance with the federal functional classification system, pedestrian and bicycle facilities that supplement rural major and minor collectors, and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas. Pedestrian and bicycle facilities may be sited away from county roads.

(2) "Rural area" means every area of the state outside of areas designated as urban areas by the state transportation commission with the approval of the secretary of the United States department of transportation in accordance with federal law.

(3) "Board" means the county road administration board created by RCW 36.78.030.

(4) Section 508, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 509.** RCW 36.79.020 and 1988 c 26 s 2 are each amended to read as follows:

(1) There is created in the motor vehicle fund the rural arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the rural arterial trust account shall be expended for ~~((4))~~ (a) the construction and improvement of county major and minor collectors in rural areas, ~~((2))~~ (b) pedestrian and bicycle facilities in rural areas, (c) the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas, and ~~((3))~~ (d) for those expenses of the board associated with the administration of the rural arterial program.

(2) Section 509, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 510.** RCW 36.79.050 and 1988 c 26 s 3 are each amended to read as follows:

(1) At the beginning of each fiscal biennium, the board shall establish apportionment percentages for the five regions defined in RCW 36.79.030 in the manner prescribed in RCW 36.79.040 for that biennium. The apportionment percentages shall be used once each calendar quarter by the board to apportion funds credited to the rural arterial trust account that are available for expenditure for rural major and minor collector projects, pedestrian and bicycle facilities in rural areas, and for construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas. The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules of the board. Within each region, funds shall be allocated by the board to counties for the construction of specific rural arterial projects on major and minor collectors, pedestrian and bicycle facilities, and construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas in accordance with the procedures set forth in this chapter.

(2) Section 510, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 511.** RCW 36.79.060 and 1988 c 26 s 4 are each amended to read as follows:

The board shall:

(1) Adopt rules necessary to implement the provisions of this chapter relating to the allocation of funds in the rural arterial trust account to counties;

(2) Adopt reasonably uniform design standards for county major and minor collectors that meet the requirements for trucks transporting commodities;

(3) Adopt criteria and procedures for awarding funds for pedestrian or bicycle facilities;

(4) Report biennially on the first day of November of the even-numbered years to the legislative transportation committee and the house and senate transportation committees regarding the progress of counties in developing plans for their rural major and minor collector construction programs, pedestrian and bicycle facilities, and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas and the allocation of rural arterial trust funds to the counties.

(5) Section 511, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 512.** RCW 36.79.080 and 1983 1st ex.s. c 49 s 8 are each amended to read as follows:

In preparing their respective six-year programs relating to rural arterial improvements, counties shall select specific priority improvement projects for each functional class of arterial based on the rating of each arterial section proposed to be improved in relation to other arterial sections within the same functional class, taking into account the following:

(1) Its structural ability to carry loads imposed upon it;

(2) Its capacity to move traffic at reasonable speeds;

(3) Its adequacy of alignment and related geometrics;

(4) Its accident experience; ((and))

(5) Its fatal accident experience;

(6) Public support for the project; and

(7) A finding that no reasonable alternative to construction, such as access management or transportation system management, is possible.

The six-year construction programs shall remain flexible and subject to annual revision as provided in RCW 36.81.121.

Section 512, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 513.** RCW 36.79.090 and 1988 c 26 s 5 are each amended to read as follows:

(1) Upon receipt of a county's revised six-year program, the board as soon as practicable shall review and may revise the construction program as it relates to rural arterials, rural pedestrian facilities, rural bicycle facilities, and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas for which rural arterial trust account moneys are requested as necessary to conform to (1) the priority rating of the proposed project, based upon the factors in RCW 36.79.080, in relation to proposed projects in all other rural arterial construction programs submitted by the counties and within each region; and (2) the amount of rural arterial trust account funds that the board estimates will be apportioned to the region.

(2) Section 513, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 514.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read as follows:

(1) Counties receiving funds from the rural arterial trust account for construction of arterials, rural pedestrian facilities, rural bicycle facilities, and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas shall provide such matching funds as established by rules recommended by the board, subject to review, revision, and final approval by the state transportation commission. Matching requirements shall be established after appropriate studies by the board, taking into account financial resources available to counties to meet arterial needs.

(2) Section 514, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 515.** RCW 47.26.080 and 1994 c 179 s 8 are each amended to read as follows:

There is hereby created in the motor vehicle fund the urban arterial trust account. The intent of the urban arterial trust account program is to improve the urban arterial street system and related bicycle and pedestrian facilities of the state by improving mobility and safety while supporting an environment essential to the quality of life of the citizens of the state of Washington. To be eligible to receive these funds, a project must be consistent with the Growth Management Act, the Clean Air Act including conformity, and the Commute Trip Reduction Law. ~~((The project shall consider))~~ Before the board approves funding for a project, the board must be assured that alternatives to construction have been considered including, but not limited to, access management, transportation system management, and demand management. The board shall also determine that the community has had adequate opportunity to review and comment on the proposed project and alternatives to the project. Criteria for project selection must also include safety, mobility, and physical characteristics of the roadway; and ((must be partially funded)) funding contributions by local government. Bicycle and pedestrian facilities may be funded in conjunction with an urban arterial project or separately. Bicycle and pedestrian facilities may be sited away from arterials or highways.

All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas, for bicycle facilities within urban areas, for pedestrian walkways within urban areas, for expenses of the transportation improvement board in accordance with RCW 47.26.140, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas, or for reimbursement to the state, counties, cities, and towns in accordance with RCW 47.26.4252 and 47.26.4254, the amount of any payments made on principal or interest on urban arterial trust account bonds from motor vehicle or special fuel tax revenues which were distributable to the state, counties, cities, and towns.

The board shall not allocate funds, nor make payments of the funds under RCW 47.26.260, to any county, city, or town identified by the governor under RCW 36.70A.340.

Section 515, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 516.** RCW 47.26.086 and 1994 c 179 s 11 are each amended to read as follows:

Transportation improvement account projects selected for funding programs after fiscal year 1995 are governed by the requirements of this section.

The board shall allocate funds from the account by June 30th of each year for the ensuing fiscal year to urban counties, cities with a population of five thousand and over, and to transportation benefit districts. Projects may include, but are not limited to, multi-agency projects ~~((and)),~~ arterial improvement projects in fast-growing areas, pedestrian facilities, and bicycle facilities. Pedestrian or bicycle facilities may be sited away from arterials and highways. The board shall endeavor to provide geographical diversity in selecting improvement projects to be funded from the account.

The intent of the program is to improve mobility of people and goods in Washington state by supporting economic development and environmentally responsive solutions to our state-wide transportation system needs.

To be eligible to receive these funds, a project must be consistent with the Growth Management Act, the Clean Air Act including conformity, and the Commute Trip Reduction Law and consideration must have been given to the project's relationship, both actual and potential, with the state-wide rail passenger program and rapid mass transit. Projects must be consistent with any adopted high capacity transportation plan, must consider existing or reasonably foreseeable congestion levels attributable to economic development or growth and all modes of transportation and safety, and must be partially funded by local government or private contributions, or a combination of such contributions. Before the board approves funding for a project, the board must be assured that alternatives to construction have been considered including but not limited to access management, transportation demand management, and transportation systems management. The board shall also determine that the community has had adequate opportunity to review and comment on the proposed project and alternatives to the project. Priority consideration shall be given to those projects with the greatest percentage of local or private contribution, or both.

Within one year after board approval of an application for funding, the lead agency shall provide written certification to the board of the pledged local and private funding for the phase of the project approved. Funds allocated to an applicant that does not certify its funding within one year after approval may be reallocated by the board.

Section 516, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 517.** RCW 47.26.270 and 1994 c 179 s 20 are each amended to read as follows:

(1) Counties, cities, towns, and transportation benefit districts receiving funds from the board shall provide such matching funds as established by rules adopted by the transportation improvement board. When determining matching requirements, the board shall consider (1) financial resources available to counties and cities to meet arterial, pedestrian, and bicycle needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes.

(2) Section 517, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 518.** RCW 47.26.305 and 1994 c 179 s 21 are each amended to read as follows:

(1) Bicycle routes (~~shall, when established in accordance with RCW 47.06.100 be~~) are eligible for establishment, improvement, and upgrading with board funds. The board shall adopt rules and procedures that will encourage the development of a system of bicycle routes within counties, cities, and towns.

~~(2) Section 518, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.~~

~~NEW SECTION. Sec. 519.~~ RCW 47.26.084 and 1994 c 179 s 10 & 1988 c 167 s 2 are each repealed.

~~Sec. 520.~~ RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the multimodal transportation programs and projects selection committee created in RCW 47.66.020 to public transportation projects within the region from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (e) Public transportation system contributions required to fund projects under federal programs and those approved by the

transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the multimodal transportation programs and projects selection committee to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the

transportation improvement board.

~~(4) Section 520, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.~~

~~Sec. 521.~~ RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:

(1) There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for high occupancy vehicle lane construction or for local high capacity transportation purposes including rail freight.

~~(2) Section 521, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.~~

~~Sec. 522.~~ 1994 c 303 s 20 (uncodified) is amended to read as follows:

(1) There is hereby appropriated cumulatively from the motor vehicle fund--state, the transportation fund--state, and the general fund--state, up to \$35,500,000 for preliminary engineering, right of way acquisition, and construction of the following regular category C projects:

- ~~((1))~~ ~~(a)~~ SPRING ST TO JOHNSON RD (627000D);
- ~~((2))~~ ~~(b)~~ W. LK SAMM. PKWY. TO SR 202 (152038A, 152039D);
- ~~((3))~~ ~~(c)~~ DIAMOND LAKE CHANNELIZATION (600232E);
- ~~((4))~~ ~~(d)~~ 15TH SW TO SR 161 U-XING (351214A);
- ~~((5))~~ ~~(e)~~ ANDRESEN ROAD TO SR 503 (450093B);
- ~~((6))~~ ~~(f)~~ NE 144TH ST TO BATTLEGROUND (450387B);
- ~~((7))~~ ~~(g)~~ STEAMBOAT ISLAND RD I/C (310199A);
- ~~((8))~~ ~~(h)~~ GRAHAM HILL VICINITY (316111A);
- ~~((9))~~ ~~(i)~~ NORTH OF WINSLOW - STAGE 1 (330505A);
- ~~((10))~~ ~~(j)~~ SR 5 TO BLANDFORD DRIVE (401487A);
- ~~((11))~~ ~~(k)~~ 32ND STREET INTERCHANGE (316711A); and
- ~~((12))~~ ~~(l)~~ SUNNYSLOPE I/C - STAGE 2 (228531A).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

The total expenditures under this section from all fund sources, including funds transferred under section 18(5) of this act, shall not exceed \$35,500,000. The general fund--state expenditure under this section and sections 18, 21, and 22 of this act, cumulatively, shall not exceed \$93,925,000.

(2) The purpose of this amendment is to clarify the intent of the legislature that the appropriation for project No. (b) included moneys for construction of Stage 1, including a diamond interchange at SR 520/SR 202. Such moneys are reappropriated for the project, W. Lake Sammamish Parkway to SR 202, including the construction of the diamond interchange at SR 520/SR 202. Such reappropriation shall be considered to be effective as of the date of section 20, chapter 303, Laws of 1994. All expenditures made by the department from that date are hereby ratified.

~~(3) If House Bill No. 2074 is enacted by June 30, 1995, this section is null and void.~~

~~(4) Section 522, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.~~

~~NEW SECTION. Sec. 523.~~ The state shall not provide refunds for any taxes collected as a result of the repeal of RCW 82.36.2251 by section 1, chapter 225, Laws of 1994.

~~NEW SECTION. Sec. 524.~~ It is the intent of the legislature that the department of transportation may implement a retirement incentive program that is cost neutral provided that such program is approved by the director of financial management.

~~Sec. 525.~~ RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1)(a) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections. Revenues deposited in the fund are considered taxes levied for transportation purposes, and may not be used for general government purposes.

(b) Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(c) All bonds obligating principal and interest payments from transportation fund revenues shall not constitute an indebtedness of the state of Washington within the meaning of the debt limitation contained in Article VIII, section 1 of the Washington state Constitution, as amended by a vote of the people pursuant to HJR 52, 1971.

(d) No transportation bonds, notes, or other evidences of indebtedness for borrowed money shall be issued that will cause the aggregate debt contract by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of transportation fund revenues for the three immediately preceding fiscal years as certified by the treasurer.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the department of transportation and allocated by the multimodal transportation programs and projects selection committee created in RCW 47.66.020 to public transportation projects within the region from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the department of transportation and allocated by the multimodal transportation programs and projects selection committee to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

NEW SECTION. Sec. 526. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 527. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 528. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Owen, the following amendment to the Committee on Transportation striking amendment was adopted:

On page 4, after line 30, insert the following:

**"NEW SECTION. Sec. 108. FOR THE OFFICE OF THE STATE TREASURER**

State Treasurer's Service Fund--State

Appropriation \$ 44,000

TOTAL APPROPRIATION \$ 44,000"

MOTION

Senator Snyder moved that the following amendment by Senators Snyder, Spanel, Newhouse, Bauer, Morton and Palmer to the Committee on Transportation striking amendment be adopted:

On page 4, after line 30, insert the following:

**"NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Motor Vehicle Fund--State

Appropriation \$ 585,000

TOTAL APPROPRIATION \$ 585,000"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Snyder, Spanel, Newhouse, Bauer, Morton and Palmer on page 4, after line 30, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2080.

The motion by Senator Snyder carried and the amendment to the committee striking amendment was adopted.

MOTION

Senator Wood moved that the following amendments Senators Wood and Prentice to the Committee on Transportation striking amendment be considered simultaneously and be adopted:

On page 8, line 3 strike "140,134,000" and insert "138,433,200".

Readjust the total accordingly.

On page 8, line 13, after "a" insert "field force".

On page 8, line 16 after "achieve" strike all the material through "30" on line 17 and insert "the level of 730, a class of 54".

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Wood and Prentice on page 8, lines 3, 13, and 16, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2080.

The motion by Senator Wood failed and the amendments to the committee striking amendment were not adopted.

#### MOTION

Senator Kohl moved that the following amendments by Senators Kohl, Owen and Prince to the Committee on Transportation striking amendment be considered simultaneously and be adopted:

On page 12, line 7 of the amendment, strike "227,714,000" and insert "227,807,000"

On page 12, line 25 of the amendment, strike "846,186,000" and insert "846,279,000"

On page 16, after line 17 of the amendment, insert:

"(19) The motor vehicle fund--state appropriation in this section includes \$93,000 solely for the Aurora bicycle/pedestrian overpass at Galer Street."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl, Owen and Prince on page 12, lines 7 and 25, and page 16, after line 17, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2080.

The motion by Senator Kohl carried and the amendments to the committee striking amendment were adopted on a rising vote.

#### MOTION

Senator Kohl moved that the following amendment by Senators Kohl, Owen and Prince to the Committee on Transportation striking amendment be adopted

On page 22, after line 25, insert:

"(6) The appropriation from the essential rail assistance account shall include up to \$500,000 for the acquisition and rehabilitation of the Ballard spur."

Debate ensued.

#### POINT OF INQUIRY

Senator West: "Senator Owen, since you have identified that this is actually designating something on a list, I think it would be important for the members to know what projects may not get funded, because this is being pushed to the top of the list. You know, are there projects in my district or somebody else's district that now may have been higher in priority that get bumped down? Can you give us a copy of the list or at least recite it for us?"

Senator Owen: "Senator West, the fact is that there is no list right now, because they have to make application to get funded through this. You know, we don't know what those are going to be."

Senator West: "Well, have these people made application?"

Further debate ensued.

Senator Spanel demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be roll call on the adoption of the amendment by Senators Kohl, Owen and Prince on page 22, after line 25, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2080.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted, the President voting 'nay,' by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1,

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 24.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 24.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator Fairley moved that the following amendment to the Committee on Transportation striking amendment be adopted:

On page 49, after line 27 of the amendment, insert the following:

"**Sec. 525.** RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any

county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection ~~((40))~~ (9) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. ~~((The ballot title shall reference the document identified in subsection (8) of this section.~~

~~(8) Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.~~

~~(9))~~ (8) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

~~((40))~~ (9) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

(10) Section 525, chapter . . . , Laws of 1995 (this act) shall expire June 30, 1997."

Renumber the remaining section consecutively and correct any internal references accordingly.

#### POINT OF INQUIRY

Senator McDonald: "Senator Fairley, I am just trying to read through this amendment. Basically, what this is saying is that it is going to be a brochure that will tell people what they are--you are eliminating the issue that will tell people exactly what they are voting on--is that the essence of what you are talking about?"

Senator Fairley: "No, Senator. What it is is an extra, what we might call a campaign fee. The voter's pamphlet will outline all the issues and will tell them what they are voting on and I'm sure the media would make up for any absences and that, but it will be in all the voter's pamphlets--the full--what they are voting on. What this is is that extra piece that we required of them."

Senator McDonald: "Thank you very much."

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 49, after line 27, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2080.

The motion by Senator Fairley carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Engrossed Substitute House Bill No. 2080.

The committee striking amendment, as amended, was adopted.

#### MOTION

On motion of Senator Owen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 70.94.531, 36.79.010, 36.79.020, 36.79.050, 36.79.060, 36.79.080, 36.79.090, 36.79.120, 47.26.080, 47.26.086, 47.26.270, 47.26.305, and 47.78.010; reenacting and amending RCW 82.44.180 and 82.44.180; creating new sections; repealing RCW 47.26.084; making appropriations; and declaring an emergency."

On page 53, line 23 of the title amendment, after "47.26.305," strike "and 47.78.010" and insert "47.78.010, and 81.104.140"

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 2080, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2080, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2080, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 41.

Voting nay: Senators Cantu, Hochstatter, McCaslin, Morton, Roach, Schow and Sellar - 7.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5393, by Senators Owen, Prince and Wood

Funding high occupancy vehicle lane projects.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5393 was substituted for Senate Bill No. 5393 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5393 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5393.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5393 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Cantu, Hochstatter, McCaslin and Oke - 4.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 3:59 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:46 p.m. by President Pritchard.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1241, by House Committee on Energy and Utilities (originally sponsored by Representatives Crouse, Casada, Dellwo, Chappell, Schoesler, Honeyford, Hymes, Sherstad, Backlund, Mastin, Benton, Campbell and Kremen)

Providing waivers of electric and gas utility connection charges.

The bill was read the second time.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 1241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1241.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1241 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010, by House Committee on Government Operations (originally sponsored by Representatives Reams, Horn, Lisk, Cairnes, Dyer, Van Luven, Ballasiotes, Buck, Casada, D. Schmidt, B. Thomas, Chandler, L. Thomas, Brumsickle, Sehlin, Sherstad, Carlson, Benton, Skinner, Kremen, Hargrove, Cooke, Delvin, Schoesler, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Elliot, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Chappell, Basich, Grant, Smith, Robertson, Foreman, Honeyford, Pelesky, Blanton, Koster, Lambert, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, Sheldon, Huff, Mielke, Talcott, Silver, McMahan, Stevens, Morris and Hymes)

Implementing regulatory reform.

The bill was read the second time.

## MOTION

Senator Sheldon moved that the following Committee on Government Operations amendment not be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds regulatory reform is an issue citizens of this state have demanded over the last several years.

The legislature also finds that state agencies shoulder a significant responsibility to implement the policies established by the legislature. This responsibility requires that agency personnel, and particularly agency directors, commissioners, and secretaries carefully review proposed rule making, taking into consideration alternative approaches to achieving objectives established by the legislature.

The legislature further recognizes and hereby reaffirms the state's responsibility to protect health and safety of workers as required by Article II, section 35 of the state Constitution. Adoption of this act is not intended to undermine the significant protections currently provided to this state's workers whether by the Constitution, by law, or by rule.

## PART I GRANTS OF AUTHORITY

**NEW SECTION. Sec. 101.** A new section is added to chapter 43.12 RCW to read as follows:

For rules adopted after the effective date of this section, the commissioner of public lands may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**NEW SECTION. Sec. 102.** A new section is added to chapter 43.20A RCW to read as follows:

For rules adopted after the effective date of this section, the secretary may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**Sec. 103.** RCW 43.21A.080 and 1970 ex.s. c 62 s 8 are each amended to read as follows:

The director of the department of ecology is authorized to adopt such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter: **PROVIDED, That the director may not adopt rules after the effective date of this section that are based solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt the rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.**

**NEW SECTION. Sec. 104.** A new section is added to chapter 43.23 RCW to read as follows:

For rules adopted after the effective date of this section, the director of agriculture may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**Sec. 105.** RCW 43.70.040 and 1989 1st ex.s. c 9 s 106 are each amended to read as follows:

In addition to any other powers granted the secretary, the secretary may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.: **PROVIDED, That for rules adopted after the effective date of this section, the secretary may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute;**

(2) Appoint such advisory committees as may be necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The secretary and the board of health shall review each advisory committee within their jurisdiction and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;



(3) Undertake studies, research, and analysis necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess. in accordance with RCW 43.70.050;

(4) Delegate powers, duties, and functions of the department to employees of the department as the secretary deems necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.;

(5) Enter into contracts on behalf of the department to carry out the purposes of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program to the purposes of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.; or

(7) Accept gifts, grants, or other funds.

**Sec. 106.** RCW 82.01.060 and 1977 c 75 s 92 are each amended to read as follows:

The director of revenue, hereinafter in ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. referred to as the director, through the department of revenue, hereinafter in ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. referred to as the department, shall:

(1) Assess and collect all taxes and administer all programs relating to taxes which are the responsibility of the tax commission at the time ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. takes effect or which the legislature may hereafter make the responsibility of the director or of the department;

(2) Make, adopt and publish such rules ~~((and regulations))~~ as he or she may deem necessary or desirable to carry out the powers and duties imposed upon him or her or the department by the legislature: PROVIDED, That the director may not adopt rules after the effective date of this section that are based solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute;

(3) Rules ~~((and regulations))~~ adopted by the tax commission ~~((prior to))~~ before the effective date of this ~~((1967 amendatory act))~~ section shall remain in force until such time as they may be revised or rescinded by the director;

~~((3))~~ (4) Provide by general regulations for an adequate system of departmental review of the actions of the department or of its officers and employees in the assessment or collection of taxes;

~~((4))~~ (5) Maintain a tax research section with sufficient technical, clerical and other employees to conduct constant observation and investigation of the effectiveness and adequacy of the revenue laws of this state and of the sister states in order to assist the governor, the legislature and the director in estimation of revenue, analysis of tax measures, and determination of the administrative feasibility of proposed tax legislation and allied problems;

~~((5))~~ (6) Recommend to the governor such amendments, changes in, and modifications of the revenue laws as seem proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of taxes in the most economical manner.

NEW SECTION. Sec. 107. A new section is added to chapter 43.22 RCW to read as follows:

For rules adopted after the effective date of this section, the director of the department of labor and industries may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

NEW SECTION. Sec. 108. A new section is added to chapter 43.24 RCW to read as follows:

For rules adopted after the effective date of this section, the director of the department of licensing may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**Sec. 109.** RCW 46.01.110 and 1979 c 158 s 120 are each amended to read as follows:

The director of licensing is hereby authorized to adopt and enforce such reasonable rules ~~((and regulations))~~ as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW: PROVIDED, That the director of licensing may not adopt rules after the effective date of this section that are based solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**Sec. 110.** RCW 50.12.040 and 1973 1st ex. s. c 158 s 3 are each amended to read as follows:

Regular and emergency rules ~~((and regulations))~~ shall be adopted, amended, or repealed by the commissioner in accordance with the provisions of Title 34 RCW and the rules ~~((or regulations))~~ adopted pursuant thereto: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**Sec. 111.** RCW 76.09.040 and 1994 c 264 s 48 are each amended to read as follows:

(1) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall ~~((promulgate))~~ adopt forest practices ~~((regulations))~~ rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section: PROVIDED, That the board may not adopt rules after the effective date of this section that are based solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

(2) The board shall adopt rules that:

(a) Establish minimum standards for forest practices;

(b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

(c) Set forth necessary administrative provisions; and

(d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter.

Forest practices ~~((regulations))~~ rules pertaining to water quality protection shall be ~~((promulgated))~~ adopted individually by the board and by the department of ecology after they have reached agreement with respect thereto. All other forest practices ~~((regulations))~~ rules shall be ~~((promulgated))~~ adopted by the board.

Forest practices ((regulations)) rules shall be administered and enforced by the department except as otherwise provided in this chapter. Such ((regulations)) rules shall be ((promulgated)) adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

((2)) (3) The board shall prepare proposed forest practices ((regulations)) rules. In addition to any forest practices ((regulations)) rules relating to water quality protection proposed by the board, the department of ecology shall prepare proposed forest practices ((regulations)) rules relating to water quality protection.

Prior to initiating the rule making process, the proposed ((regulations)) rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices ((regulations)) rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed ((regulations)) rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed ((regulations)) rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices ((regulations)) rules relating to problems existing within such county. The board and the department of ecology may adopt such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

**Sec. 112.** RCW 77.04.090 and 1984 c 240 s 1 are each amended to read as follows:

The commission shall adopt permanent rules and amendments to or repeals of existing rules by approval of four members by resolution, entered and recorded in the minutes of the commission: PROVIDED, That the commission may not adopt rules after the effective date of this section that are based solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute. The commission shall adopt emergency rules by approval of four members. The commission or the director, when adopting emergency rules under RCW 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW. Judicial notice shall be taken of the rules filed and published as provided in RCW 34.05.380 and 34.05.210.

A copy of an emergency rule, certified as a true copy by a member of the commission, the director, or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

**Sec. 113.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows:

(1) The commissioner shall have the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code.

(2) The commissioner shall execute his or her duties and shall enforce the provisions of this code.

(3) The commissioner may:

(a) ~~((Make reasonable rules and regulations for effectuating any provision of this code, except those relating to his election, qualifications, or compensation. No such rules and regulations shall be effective prior to their being filed for public inspection in the commissioner's office.))~~ Adopt, in accordance with chapter 34.05 RCW, rules or policy statements, only as specifically authorized, and only to the extent specifically authorized, by the legislature.

(b) Conduct investigations to determine whether any person has violated any provision of this code.

(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.

(4) Any permanent rule that was adopted by the commissioner under the authority of this section as it existed before the effective date of this section, and that was in effect as of the effective date of this section, shall, if otherwise valid, remain in effect until and unless it is repealed by the commissioner, who shall retain the authority to repeal any such rule, or is effectively repealed by an act of the legislature.

**Sec. 114.** RCW 48.30.010 and 1985 c 264 s 13 are each amended to read as follows:

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices ~~((are defined pursuant to subsection (2) of this section.~~

~~((2) In addition to such unfair methods and unfair or deceptive acts or practices))~~ as are expressly defined and prohibited by this code ~~((; the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive.~~

~~((3) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated)).~~

~~((4))~~ (2) If the commissioner has cause to believe that any person is violating any such ((regulation)) prohibition of this code, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter.

~~((5))~~ (3) If any such ((regulation)) prohibition of this code is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of ~~((a regulation))~~ that prohibition.

(4) Any permanent rule that was adopted by the commissioner under the authority of this section as it existed before the effective date of this section, and that was in effect as of the effective date of this section, shall, if otherwise valid, remain in effect until and unless it is repealed by the commissioner, who shall retain the authority to repeal any such rule, or is effectively repealed by an act of the legislature.

**Sec. 115.** RCW 48.44.050 and 1947 c 268 s 5 are each amended to read as follows:

The insurance commissioner shall make reasonable regulations in aid of the administration of this chapter ~~((which may include, but shall not be limited to regulations))~~ as specifically authorized, and only to the extent specifically authorized, by the legislature and may make reasonable rules concerning the maintenance of adequate insurance, bonds, or cash deposits, information required of registrants, and methods of expediting speedy and fair payments to claimants.

Any permanent rule that was adopted by the commissioner under the authority of this section as it existed before the effective date of this section, and that was in effect as of the effective date of this section, shall, if otherwise valid, remain in effect until and unless it is repealed by the commissioner, who shall retain the authority to repeal any such rule, or is effectively repealed by an act of the legislature.

**Sec. 116.** RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each amended to read as follows:

The commissioner may adopt, in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW, ~~((promulgate))~~ rules ((and regulations as necessary or proper to carry out the provisions of this chapter)) or policy statements, only as specifically authorized, and only to the extent specifically authorized, by the legislature. Nothing in this chapter shall be construed to prohibit the commissioner from requiring changes in procedures previously approved by ~~((him))~~ the commissioner.

Any permanent rule that was adopted by the commissioner under the authority of this section as it existed before the effective date of this section, and that was in effect as of the effective date of this section, shall, if otherwise valid, remain in effect until and unless it is repealed by the commissioner, who shall retain the authority to repeal any such rule, or is effectively repealed by an act of the legislature.

**Sec. 117.** RCW 70.94.331 and 1991 c 199 s 710 are each amended to read as follows:

(1) The department shall have all the powers as provided in RCW 70.94.141.

(2) The department, in addition to any other powers vested in it by law after consideration at a public hearing held in accordance with chapters 42.30 and 34.05 RCW shall:

(a) Adopt rules establishing air quality objectives and air quality standards;

(b) Adopt emission standards which shall constitute minimum emission standards throughout the state. An authority may enact more stringent emission standards, except for emission performance standards for new wood stoves and opacity levels for residential solid fuel burning devices which shall be state-wide, but in no event may less stringent standards be enacted by an authority without the prior approval of the department after public hearing and due notice to interested parties;

(c) Adopt by rule air quality standards and emission standards for the control or prohibition of emissions to the outdoor atmosphere of radionuclides, dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof. Such requirements may be based upon a system of classification by types of emissions or types of sources of emissions, or combinations thereof, which it determines most feasible for the purposes of this chapter. However, an industry, or the air pollution control authority having jurisdiction, can choose, subject to the submittal of appropriate data that the industry has quantified, to have any limit on the opacity of emissions from a source whose emission standard is stated in terms of a weight of particulate per unit volume of air (e.g., grains per dry standard cubic foot) be based on the applicable particulate emission standard for that source, such that any violation of the opacity limit accurately indicates a violation of the applicable particulate emission standard. Any alternative opacity limit provided by this section that would result in increasing air contaminants emissions in any nonattainment area shall only be granted if equal or greater emission reductions are provided for by the same source obtaining the revised opacity limit. A reasonable fee may be assessed to the industry to which the alternate opacity standard would apply. The fee shall cover only those costs to the air pollution control authority which are directly related to the determination on the acceptability of the alternate opacity standard, including testing, oversight and review of data.

(3) The air quality standards and emission standards may be for the state as a whole or may vary from area to area or source to source, except that emission performance standards for new wood stoves and opacity levels for residential solid fuel burning devices shall be state-wide, as may be appropriate to facilitate the accomplishment of the objectives of this chapter and to take necessary or desirable account of varying local conditions of population concentration, the existence of actual or reasonably foreseeable air pollution, topographic and meteorologic conditions and other pertinent variables.

(4) The department is directed to cooperate with the appropriate agencies of the United States or other states or any interstate agencies or international agencies with respect to the control of air pollution and air contamination, or for the formulation for the submission to the legislature of interstate air pollution control compacts or agreements.

(5) The department is directed to conduct or cause to be conducted a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants and conduct or cause to be conducted a program to determine the quantity of emissions to the atmosphere.

(6) The department shall enforce the air quality standards and emission standards throughout the state except where a local authority is enforcing the state regulations or its own regulations which are more stringent than those of the state.

(7) The department shall encourage local units of government to handle air pollution problems within their respective jurisdictions; and, on a cooperative basis provide technical and consultative assistance therefor.

(8) The department shall have the power to require the addition to or deletion of a county or counties from an existing authority in order to carry out the purposes of this chapter. No such addition or deletion shall be made without the concurrence of any existing authority involved. Such action shall only be taken after a public hearing held pursuant to the provisions of chapter 34.05 RCW.

(9) The department shall establish rules requiring sources or source categories to apply reasonable and available control methods. Such rules shall apply to those sources or source categories that individually or collectively contribute the majority of state-wide air emissions of each regulated pollutant. The department shall review, and if necessary, update its rules every five years to ensure consistency with current reasonable and available control methods. The department shall have adopted rules required under this subsection for all sources by July 1, 1996.

For the purposes of this section, "reasonable and available control methods" shall include but not be limited to, changes in technology, processes, or other control strategies.

(10) After July 1, 1995, the department may adopt or amend a rule under the authority of this chapter that imposes burdens or obligations on any person that exceed the requirements of the federal clean air act, or that imposes burdens or obligations sooner than otherwise required by the federal clean air act, only after compliance with the procedures established in subsections (11) through (13) of this section.

(11) Before adopting a rule or amendment described in subsection (10) of this section, the department shall find in writing that those features of the proposed rule or amendment that exceed the requirements of the federal clean air act are necessary to:

(a) Satisfy an express and specific requirement of Washington or federal law, which requirement shall be identified in the department's written finding; or

(b) Protect human health and the environment from air quality problems which are specific to the state or an area of the state, and which are not addressed or not adequately addressed by the federal clean air act.

(12) The findings required by subsection (11)(b) of this section shall be supported by a written analysis of (a) the differences between the proposed rule or amendment and the corresponding provisions of the federal clean air act; (b) the air quality problem that the rule would address, including the sources of the problem and any factors that make the problem more severe in the state or in an area of the state than in other parts of the United States; (c) the quantitative effect of the proposed rule or amendment in eliminating the problem or reducing its severity; and (d) the projected cost that Washington sources would bear to comply with the proposed rule or amendment.

(13) The findings required by subsection (11) of this section and the analysis required by subsection (12) of this section shall be signed by the director and made available to the public, at least thirty days prior to the public hearing on any regulation described in subsection (10) of this section.

**NEW SECTION. Sec. 118.** A new section is added to chapter 90.48 RCW to read as follows:

The director shall approve short-term water quality modifications allowing licensed applicators to apply federally approved herbicides for elodea and algae control on lake Steilacoom subject only to compliance with federal labeling requirements, the federal insecticide, fungicide, and rodenticide act, the noxious weed control board act, the Washington pesticide control act, and the Washington pesticide application act. The

director shall not use this permit authority to otherwise condition or burden weed control efforts. The director's authority to issue water quality permits for activities other than the application of approved herbicides to control aquatic noxious weeds is unaffected by this section.

**NEW SECTION. Sec. 119.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

(1) For rules implementing statutes enacted after the effective date of this section, except emergency rules adopted under RCW 34.05.350, an agency may not rely solely on the statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for its statutory authority to adopt the rule. An agency may use the statement of intent or purpose or the agency enabling provisions to interpret ambiguities in a statute's other provisions.

(2) This section does not apply to: The commissioner of public lands, the department of social and health services, the department of ecology, the department of agriculture, the department of health, the department of revenue, the department of labor and industries, the department of licensing, the employment security department, the forest practices board, the fish and wildlife commission, and the office of the insurance commissioner.

## **PART II RULE-MAKING CRITERIA**

**NEW SECTION. Sec. 201.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

(1) Before adopting a rule described in subsection (4) of this section, an agency shall:

- (a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements;
  - (b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule;
  - (c) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented;
  - (d) Determine, after considering alternative versions of the rule and the analysis required under (b) and (c) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with the rule that will achieve the general goals and the specific objectives stated under (a) of this subsection;
  - (e) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law;
  - (f) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law;
  - (g) Determine if the rule differs from any applicable federal regulation or statute and, if so, determine that the difference is justified by the following:
    - (i) State statutory authority that explicitly allows the agency to differ from federal standards; or
    - (ii) Substantial evidence that the difference is necessary to achieve the specific objectives of the authorizing state statute;
  - (h) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same circumstances and list, by citation, duplicative, inconsistent, or conflicting laws;
  - (i) Describe how the agency will monitor and evaluate on an ongoing basis whether the rule in fact achieves the general goals and specific objectives stated under (a) of this subsection, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes;
  - (j) Describe how the agency will implement and enforce the rule and encourage voluntary compliance with the rule;
  - (k) Describe which resources the agency intends to use to implement the rule; and
  - (l) Document compliance with the requirements of this section in the rule-making file.
- (2) Before adopting a rule, the agency shall place evidence in the rule-making file documenting agency compliance with the requirement of subsection (1) of this section. Agency determinations under subsection (1)(b) through (g) of this section shall each be supported by substantial evidence. For purposes of this section, "substantial evidence" is evidence in sufficient quantity to persuade a fair-minded person of the truth of the declared premises.
- (3) Before adopting a rule described in subsection (4) of this section, an agency shall include in the rule-making file a written plan that describes:
- (a) The methods the agency will use in making a reasonable attempt to notify those to whom the rule applies of the adoption of the rule and how they may get more information on how to comply with the rule; and
  - (b) How the agency will provide adequate sources of information and technical assistance to those to whom the rule applies to assist them in voluntarily complying with the rule.
- (4)(a) This section shall apply only to:
- (i) Legislative rules of the departments of ecology, labor and industries, and revenue, and the employment security department, the department of natural resources, the forest practices board, the office of the insurance commissioner, the department of health, and to legislative rules of the department of fish and wildlife implementing chapter 75.20 RCW; and
  - (ii) Legislative rules of any agency, if such rules are designated to be reviewed under this section by the joint administrative rules review committee pursuant to (d) of this subsection.
- (b) Notwithstanding (a) of this subsection, subsections (1) and (3) of this section shall not apply to:
- (i) Emergency rules adopted under RCW 34.05.350;
  - (ii) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;
  - (iii) Rules adopting or incorporating by reference without material change federal statutes or rules, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, as referenced by Washington state law, national consensus codes that generally establish industry standards, as long as the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
  - (iv) Rules that only correct typographical errors, make address or name changes, clarify language of a rule without changing its effect;
- or
- (v) Rules that set or adjust fees or rates pursuant to legislative standards.
- (c) For purposes of this subsection:

(i) A "procedural rule" is a rule that establishes, alters, or revokes (A) any procedure, practice, or requirement relating to any agency hearings, (B) any filing or related process requirement for making application to an agency for a license, or (C) any policy statement pertaining to the consistent internal operations of an agency.

(ii) An "interpretive rule" is a rule, the violation of which does not subject a person to a penalty or sanction, that sets forth the agency's interpretation of statutory provisions it administers.

(iii) A "legislative rule" includes a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction, (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license, (C) makes significant amendments to an existing policy or regulatory program, (D) is designated as such by the agency, or (E) is designated as such by the joint administrative rules review committee pursuant to (d) of this subsection.

(d) At the time of filing a notice of proposed rule making pursuant to RCW 34.05.320, an agency shall designate whether it considers the rule contemplated to be developed a legislative rule and shall so inform the joint administrative rules review committee of that designation by providing to that committee a copy of that notice. The joint administrative rules review committee by a vote of fifty percent of the members within ninety days of receipt of the notice may designate the contemplated rule as legislative and so inform the agency.

(e) Any agency may voluntarily adopt a rule under the factors listed in subsection (1) of this section. Such a decision by the agency shall be included in the filing of the notice of proposed rule making made pursuant to RCW 34.05.320.

(5) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report shall document:

(a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted;

(b) The costs incurred by state agencies in complying with this section;

(c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result;

(d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission;

(e) The extent to which this section has improved the acceptability of state rules to those regulated; and

(f) Any other information considered by the office of financial management to be useful in evaluating the effect of this section.

### PART III PUBLIC PARTICIPATION

**Sec. 301.** RCW 34.05.310 and 1994 c 249 s 1 are each amended to read as follows:

(1) To meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, agencies shall solicit comments from the public on a subject of possible rule making before ~~((publication of))~~ filing with the code reviser a notice of proposed rule adoption under RCW 34.05.320. The agency shall prepare a statement of ~~((intent))~~ inquiry that:

~~((a))~~ (a) States the specific statutory authority for the new rule;

~~((b))~~ (b) Identifies the reasons the new rule is needed;

~~((c))~~ (c) Identifies the goals of the new rule;

~~((d))~~ (d) Describes) Identifies the specific statute or statutes authorizing the agency to adopt rules on this subject;

~~((e))~~ (e) Discusses why rules on this subject may be needed and what they might accomplish;

~~((f))~~ (f) Identifies other federal and state agencies that regulate this subject, and describes the process whereby the agency would coordinate the contemplated rule with these agencies;

~~((g))~~ (g) Discusses the process by which the rule ((will)) might be developed, including, but not limited to, negotiated rule making, pilot rule making, or agency study; ((and))

~~((h))~~ (h) Specifies the process by which interested parties can effectively participate in the ((formulation of the)) decision to adopt a new rule and formulation of a proposed rule before its publication.

The statement of ~~((intent))~~ inquiry shall be filed with the code reviser for publication in the state register and shall be sent to any party that has requested receipt of the agency's statements of ~~((intent))~~ inquiry.

(2) Agencies are encouraged to develop and use new procedures for reaching agreement among interested parties before publication of notice and the adoption hearing on a proposed rule. Examples of new procedures include, but are not limited to:

(a) Negotiated rule making ~~((which includes:))~~

~~((i))~~ (i) Identifying individuals and organizations that have a recognized interest in or will be significantly affected by the adoption of the proposed rule;

~~((ii))~~ (ii) Soliciting participation by persons who are capable, willing, and appropriately authorized to enter into such negotiations;

~~((iii))~~ (iii) Assuring that participants fully recognize the consequences of not participating in the process, are committed to negotiate in good faith, and recognize the alternatives available to other parties;

~~((iv))~~ (iv) Establishing guidelines to encourage consideration of all pertinent issues, to set reasonable completion deadlines, and to provide fair and objective settlement of disputes that may arise;

~~((v))~~ (v) Agreeing on a reasonable time period during which the agency will be bound to the rule resulting from the negotiations without substantive amendment; and

~~((vi))~~ (vi) Providing a mechanism by which one or more parties may withdraw from the process or the negotiations may be terminated if it appears that consensus cannot be reached on a draft rule that accommodates the needs of the agency, interested parties, and the general public and conforms to the legislative intent of the statute that the rule is intended to implement)) that means a process by which representatives of an agency and of the interests that are affected by a subject of rule making, including where appropriate county and city representatives, seek to reach consensus on the terms of the proposed rule and on the process by which it is negotiated; and

~~((b))~~ (b) Pilot rule making which includes testing the ((draft of a proposed rule)) feasibility of complying with or administering new draft rules or draft revisions to adopted rules through the use of volunteer pilot ((study)) groups in various areas and circumstances, as provided in RCW 34.05.313.

(3)(a) An agency must make a determination whether negotiated rule making, pilot rule making, or another process for generating participation from interested parties prior to development of the rule is appropriate.

(b) An agency must include a written justification in the rule-making file if an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided.

(4) This section does not apply to:

(a) Emergency rules adopted under RCW 34.05.350;

(b) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;

(c) Rules adopting or incorporating by reference without material change federal statutes or rules, rules of other Washington state agencies, shoreline master programs other than those governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(d) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

(e) Rules whose content is explicitly and specifically dictated by statute;

(f) Rules that establish, alter, or repeal (i) a procedure, practice, or requirement relating to agency hearings, or (ii) a filing or related process requirement for applying to an agency for a license.

**Sec. 302.** RCW 34.05.320 and 1994 c 249 s 14 are each amended to read as follows:

(1) No sooner than thirty days after publication of the statement of inquiry under RCW 34.05.310, and at least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A title, a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A summary of the rule and a statement of the reasons supporting the proposed action;

(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement;

(h) When, where, and how persons may present their views on the proposed rule;

(i) The date on which the agency intends to adopt the rule;

(j) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make; and

(k) A statement indicating how a person can obtain a copy of the small business economic impact statement prepared under chapter 19.85 RCW, or an explanation for why the agency did not prepare the statement.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the notice on file and available for public inspection and shall forward three copies of the notice to the rules review committee.

(3) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person ~~(who)~~, city, and county that has made a request to the agency for a mailed copy of such notices. An agency may charge for the ~~(actual)~~ postage cost of providing ~~(individual)~~ a requesting party mailed copies of these notices.

(4) In addition to the notice required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

**Sec. 303.** RCW 34.05.313 and 1993 c 202 s 4 are each amended to read as follows:

~~(If,) (1) During the development of a rule or after its adoption, an agency ((determines that implementation may produce unreasonable economic, procedural, or technical burdens, agencies are encouraged to)) may develop methods for measuring or testing the feasibility of ((compliance)) complying with or administering the rule((-including the use of voluntary pilot study groups)) and for identifying simple, efficient, and economical alternatives for achieving the goal of the rule. ((Measuring and testing methods should emphasize)) A pilot project shall include public notice, participation by ((persons who have a recognized interest in or are significantly affected by the adoption of the proposed rule)) volunteers who are or will be subject to the rule, a high level of involvement from agency management, ((consensus on issues and procedures among participants in the pilot group, assurance of fairness, and)) reasonable completion dates, and a process by which one or more parties may withdraw from the process or the process may be terminated ((if consensus cannot be reached on the rule)). Volunteers who agree to test a rule and attempt to meet the requirements of the draft rule, to report periodically to the proposing agency on the extent of their ability to meet the requirements of the draft rule, and to make recommendations for improving the draft rule shall not be obligated to comply fully with the rule being tested nor be subject to any enforcement action or other sanction for failing to comply with the requirements of the draft rule.~~

~~(2) An agency conducting a pilot rule project authorized under subsection (1) of this section may waive one or more provisions of agency rules otherwise applicable to participants in such a pilot project if the agency first determines that such a waiver is in the public interest and necessary to conduct the project. Such a waiver may be only for a stated period of time, not to exceed the duration of the project.~~

~~(3) The findings of the pilot project should be widely shared and, where appropriate, adopted as amendments to the rule.~~

~~(4) If an agency conducts a pilot rule project in lieu of meeting the requirements of the regulatory fairness act, chapter 19.85 RCW, the agency shall ensure the following conditions are met:~~

~~(a) If over ten small businesses are affected, there shall be at least ten small businesses in the test group and at least one-half of the volunteers participating in the pilot test group shall be small businesses.~~

~~(b)(i) If there are at least one hundred businesses affected, the participation by small businesses in the test group shall be as follows:~~

~~(A) Not less than twenty percent of the small businesses must employ twenty-six to fifty employees;~~

~~(B) Not less than twenty percent of the small businesses must employ eleven to twenty-six employees, and~~

~~(C) Not less than twenty percent of the small businesses must employ zero to ten employees.~~

(ii) If there do not exist a sufficient number of small businesses in each size category set forth in (b)(i) of this subsection willing to participate in the pilot project to meet the minimum requirements of that subsection, then the agency must comply with this section to the maximum extent practicable.

(c) The agency may not terminate the pilot project before completion.

(d) Before filing the notice of proposed rule making pursuant to RCW 34.05.320, the agency must prepare a report of the pilot rule project that includes:

(i) A description of the difficulties small businesses had in complying with the pilot rule;

(ii) A list of the recommended revisions to the rule to make compliance with the rule easier or to reduce the cost of compliance with the rule by the small businesses participating in the pilot rule project;

(iii) A written statement explaining the options it considered to resolve each of the difficulties described and a statement explaining its reasons for not including a recommendation by the pilot test group to revise the rule; and

(iv) If the agency was unable to meet the requirements set forth in (b)(i) of this subsection, a written explanation of why it was unable to do so and the steps the agency took to include small businesses in the pilot project.

**Sec. 304.** RCW 34.05.325 and 1994 c 249 s 7 are each amended to read as follows:

(1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) If the agency possesses equipment capable of receiving telefacsimile transmissions or recorded telephonic communications, the agency may provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency chooses to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the official record if the comments are made in accordance with the agency's instructions.

(4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW.

(5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320.

(6) ((Before the adoption of a final rule)) (a) Except as otherwise provided in (c) of this subsection, before it files an adopted rule with the code reviser, an agency shall prepare a ((written summary of)) concise explanatory statement of the rule:

(i) Identifying the agency's reasons for adopting the rule;

(ii) Describing differences between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for differences; and

(iii) Summarizing all comments received regarding the proposed rule, and ((a substantive response)) responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.

(b) The agency shall provide the ((written summary and response)) concise explanatory statement to any person upon request or from whom the agency received comment.

(c) This subsection does not apply to rules described in RCW 34.05.310(4).

**NEW SECTION. Sec. 305.** RCW 34.05.355 and 1994 c 249 s 8 & 1988 c 288 s 310 are each repealed.

#### **PART IV REGULATORY FAIRNESS ACT**

**NEW SECTION. Sec. 401.** A new section is added to chapter 19.85 RCW to read as follows:

(1) Unless an agency receives a written objection to the expedited repeal of a rule, this chapter does not apply to a rule proposed for expedited repeal pursuant to section 701 of this act. If an agency receives a written objection to expedited repeal of the rule, this chapter applies to the rule-making proceeding.

(2) This chapter does not apply to the adoption of a rule described in RCW 34.05.310(4).

(3) An agency is not required to prepare a separate statement under this chapter if it prepared an analysis under section 201 of this act that makes the findings required and includes the mitigation required by this chapter and designates that part of the analysis that meets the requirements of this chapter.

**Sec. 402.** RCW 19.85.030 and 1994 c 249 s 11 are each amended to read as follows:

(1) In the adoption of any rule pursuant to RCW 34.05.320 that will impose more than minor costs on more than twenty percent of all industries, or more than ten percent of any one industry, the adopting agency:

(a) Shall reduce the economic impact of the rule on small business by doing one or more of the following when it is legal and feasible in meeting the stated objective of the statutes which are the basis of the proposed rule:

(i) Establish differing compliance or reporting requirements or timetables for small businesses;

(ii) Clarify, consolidate, or simplify the compliance and reporting requirements under the rule for small businesses;

(iii) Establish performance rather than design standards;

(iv) Exempt small businesses from any or all requirements of the rule;

(v) Reduce or modify fine schedules for noncompliance; and

(vi) Other mitigation techniques;

(b) Before filing notice of a proposed rule, shall either:

- (i) Prepare a small business economic impact statement in accordance with RCW 19.85.040 and file notice of how the person can obtain the statement with the code reviser as part of the notice required under RCW 34.05.320; or
- (ii) Complete the pilot rule process as defined by RCW 34.05.313 before filing the notice of a proposed rule.
- (2) If requested to do so by a majority vote of the joint administrative rules review committee within thirty days after notice of the proposed rule is published in the state register, an agency shall prepare a small business economic impact statement on the proposed rule before adoption of the rule. Upon completion, an agency shall provide a copy of the small business economic impact statement to any person requesting it.
- (3) An agency may request assistance from the business assistance center in the preparation of the small business economic impact statement.
- (4) The business assistance center shall develop guidelines to assist agencies in determining whether a proposed rule will impose more than minor costs on businesses in an industry and therefore require preparation of a small business economic impact statement. The business assistance center may review an agency determination that a proposed rule will not impose such costs, and shall advise the joint administrative rules review committee on disputes involving agency determinations under this section.

## PART V STRENGTHENED LEGISLATIVE OVERSIGHT

**NEW SECTION. Sec. 501.** A new section is added to chapter 34.05 RCW to read as follows:

The joint administrative rules review committee shall not render a decision on a rule unless a quorum is present. A quorum shall consist of at least five members of the committee. Once a quorum is established, a majority of the quorum may render any decision except a suspension recommendation. A recommendation to suspend a rule under RCW 34.05.640 shall require a majority vote of the entire membership of the rules review committee.

**NEW SECTION. Sec. 502.** A new section is added to chapter 34.05 RCW to read as follows:

(1) Any person potentially impacted by a proposed rule or currently impacted by an existing rule may petition the rules review committee for a review of that rule. Within thirty days of the receipt of the petition, the rules review committee shall acknowledge receipt of the petition and describe the initial action taken. If the rules review committee rejects the petition, a written statement of the reasons for rejection shall be included.

(2) Within ninety days of receipt of the petition, the rules review committee shall make a final decision on the rule.

**NEW SECTION. Sec. 503.** A new section is added to chapter 34.05 RCW to read as follows:

Any individual employed or holding office in any department or agency of state government may submit rules warranting review to the rules review committee. Any such state employee is protected under chapter 42.40 RCW.

**Sec. 504.** RCW 34.05.660 and 1988 c 288 s 606 are each amended to read as follows:

(1) It is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by RCW 34.05.630(2) and 34.05.640(2) in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

(2) Notwithstanding subsection (1) of this section, if the joint administrative rules review committee recommends to the governor that an existing rule be suspended because it does not conform with the intent of the legislature, the recommendation shall establish a rebuttable presumption in any proceeding challenging the validity of the rule that the rule is invalid. The burden of demonstrating the rule's validity is then on the adopting agency.

**NEW SECTION. Sec. 505.** A new section is added to chapter 34.05 RCW to read as follows:

(1) The rules review committee may make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings.

(2) The committee may establish ad hoc advisory boards, including but not limited to, ad hoc economics or science advisory boards to assist the committee in its rules review functions.

(3) The committee may hire staff as needed to perform functions under this chapter.

**NEW SECTION. Sec. 506.** A new section is added to chapter 34.05 RCW to read as follows:

In the discharge of any duty imposed under this chapter, the rules review committee may examine and inspect all properties, equipment, facilities, files, records, and accounts of any state office, department, institution, board, committee, commission, or agency, and administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

**NEW SECTION. Sec. 507.** A new section is added to chapter 34.05 RCW to read as follows:

In case of the failure on the part of any person to comply with any subpoena issued in behalf of the rules review committee, or on the refusal of any witness to testify to any matters regarding which he or she may be lawfully interrogated, it is the duty of the superior court of any county, or of the judge thereof, on application of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court.

**Sec. 508.** RCW 42.40.010 and 1982 c 208 s 1 are each amended to read as follows:

It is the policy of the legislature that employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions, and it is the intent of the legislature to protect the rights of state employees making these disclosures. It is also the policy of the legislature that employees should be encouraged to identify rules warranting review or provide information to the rules review committee, and it is the intent of the legislature to protect the rights of these employees.

**Sec. 509.** RCW 42.40.020 and 1992 c 118 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.



(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3)(a) "Improper governmental action" means any action by an employee:

(i) Which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and

(ii) Which is in violation of any state law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) "Improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, or any action which may be taken under chapter 41.06 (~~or 28B.16~~) RCW, or other disciplinary action except as provided in RCW 42.40.030.

(4) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 (~~or 28B.16~~) RCW, or other disciplinary action.

(5) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means: (a) An employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported alleged improper governmental action to the auditor or to have provided information to the auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or (b) an employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

**Sec. 510.** RCW 42.40.030 and 1989 c 284 s 2 are each amended to read as follows:

(1) An employee shall not directly or indirectly use or attempt to use the employee's official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence any individual for the purpose of interfering with the right of the individual to: (a) Disclose to the auditor (or representative thereof) information concerning improper governmental action; or (b) identify rules warranting review or provide information to the rules review committee.

(2) Nothing in this section authorizes an individual to disclose information otherwise prohibited by law.

**NEW SECTION. Sec. 511.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective December 1, 1996:

(1) RCW 34.05.610 and 1988 c 288 s 601, 1983 c 53 s 1, & 1981 c 324 s 5;

(2) RCW 34.05.620 and 1994 c 249 s 17, 1988 c 288 s 602, 1987 c 451 s 1, & 1981 c 324 s 6;

(3) RCW 34.05.630 and 1993 c 249 s 18, 1993 c 277 s 1, 1988 c 288 s 603, 1987 c 451 s 2, & 1981 c 324 s 7;

(4) RCW 34.05.640 and 1994 c 249 s 19, 1993 c 277 s 2, 1988 c 288 s 604, 1987 c 451 s 3, & 1981 c 324 s 8; and

(5) RCW 34.05.650 and 1988 c 288 s 605, 1987 c 451 s 4, & 1981 c 324 s 9.

**NEW SECTION. Sec. 512.** Before the 1996 legislative session, the appropriate standing committees of the legislature shall study alternative means to provide effective, objective oversight of state agency rule making, and make a recommendation whether the joint administrative rules review committee should be continued or replaced.

## PART VI TECHNICAL ASSISTANCE

**NEW SECTION. Sec. 601.** The legislature finds that, due to the volume and complexity of laws and rules it is appropriate for regulatory agencies to adopt programs and policies that encourage voluntary compliance by those affected by specific rules. The legislature recognizes that a cooperative partnership between agencies and regulated parties that emphasizes education and assistance before the imposition of penalties will achieve greater compliance with laws and rules and that most individuals and businesses who are subject to regulation will attempt to comply with the law, particularly if they are given sufficient information. In this context, enforcement should assure that the majority of a regulated community that complies with the law are not placed at a competitive disadvantage and that a continuing failure to comply that is within the control of a party who has received technical assistance is considered by an agency when it determines the amount of any civil penalty that is issued.

**NEW SECTION. Sec. 602.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Civil penalty" means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law or rules. The term does not include any criminal penalty, damage assessments, wages, premiums, or taxes owed, or interest or late fees on any existing obligation.

(2) "Regulatory agency" means an agency as defined in RCW 34.05.010 that has the authority to issue civil penalties. The term does not include the state patrol or any institution of higher education as defined in RCW 28B.10.016.

(3) "Technical assistance" includes:

(a) Information on the laws, rules, and compliance methods and technologies applicable to the regulatory agency's programs;

(b) Information on methods to avoid compliance problems;

(c) Assistance in applying for permits; and

(d) Information on the mission, goals, and objectives of the program.

**NEW SECTION. Sec. 603.** All regulatory agencies shall develop programs to encourage voluntary compliance by providing technical assistance consistent with statutory requirements. The programs shall include but are not limited to technical assistance visits, printed information, information and assistance by telephone, training meetings, and other appropriate methods to provide technical assistance. In addition, all regulatory agencies shall provide upon request a list of organizations, including private companies, that provide technical assistance. This list shall be compiled by the agencies from information submitted by the organizations and shall not constitute an endorsement by an agency of any organization.

**NEW SECTION. Sec. 604.** (1) For the purposes of this chapter, a technical assistance visit is a visit by a regulatory agency to a facility, business, or other location that:

- (a) Has been requested or is voluntarily accepted; and
- (b) Is declared by the regulatory agency at the beginning of the visit to be a technical assistance visit.
- (2) A technical assistance visit also includes a consultative visit pursuant to RCW 49.17.250.
- (3) During a technical assistance visit, or within a reasonable time thereafter, a regulatory agency shall inform the owner or operator of the facility of any violations of law or agency rules identified by the agency as follows:
  - (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
  - (b) A statement of what is required to achieve compliance;
  - (c) The date by which the agency requires compliance to be achieved;
  - (d) Notice of the means to contact any technical assistance services provided by the agency or others; and
  - (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

**NEW SECTION. Sec. 605.** The owner and operator shall be given a reasonable period of time to correct violations identified during a technical assistance visit before any civil penalty provided for by law is imposed for those violations. A regulatory agency may revisit a facility, business, or other location after a technical assistance visit and a reasonable period of time has passed to correct violations identified by the agency in writing and issue civil penalties as provided for by law for any uncorrected violations.

**NEW SECTION. Sec. 606.** A regulatory agency that observes a violation during a technical assistance visit may issue a civil penalty as provided for by law if: (1) The individual or business has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) the issue involves sales taxes due to the state and the individual or business is not remitting previously collected sales taxes to the state; or (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

**NEW SECTION. Sec. 607.** (1) If in the course of any site inspection or visit that is not a technical assistance visit, the department of ecology becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in section 608 of this act, the department may issue a notice of correction to the responsible party that shall include:

- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
  - (b) A statement of what is required to achieve compliance;
  - (c) The date by which the department requires compliance to be achieved;
  - (d) Notice of the means to contact any technical assistance services provided by the department or others; and
  - (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.
- (2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.
- (3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

**NEW SECTION. Sec. 608.** The department of ecology may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; or (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

**NEW SECTION. Sec. 609.** The provisions of sections 607 and 608 of this act affecting civil penalties issued by the department of ecology shall not apply to civil penalties for negligent discharge of oil as authorized under RCW 90.56.330 or to civil penalties as authorized under RCW 90.03.600 for unlawful use of water in violation of RCW 90.03.250 or 90.44.050.

**NEW SECTION. Sec. 610.** (1) Following a consultative visit pursuant to RCW 49.17.250, the department of labor and industries shall issue a report to the employer that the employer shall make available to its employees. The report shall contain:

- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance to be achieved;
- (d) Notice of means to contact technical assistance services provided by the department; and
- (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) Following a compliance inspection pursuant to RCW 49.17.120, the department of labor and industries shall issue a citation for violations of industrial safety and health standards. The citation shall not assess a penalty if the violations:

- (a) Are determined not to be of a serious nature;
- (b) Have not been previously cited;
- (c) Are not willful; and
- (d) Do not have a mandatory penalty under chapter 49.17 RCW.

**NEW SECTION. Sec. 611.** The date for compliance established by the department of ecology or the department of labor and industries pursuant to section 607 or 610 of this act respectively shall provide for a reasonable time to achieve compliance. Any person receiving a notice of correction pursuant to section 607 of this act or a report or citation pursuant to section 610 of this act may request an extension of time to achieve compliance for good cause from the issuing department. Requests shall be submitted to the issuing department and responded to by the issuing department in writing in accordance with procedures specified by the issuing department in the notice, report, or citation.

**NEW SECTION. Sec. 612.** (1) If in the course of any inspection or visit that is not a technical assistance visit, the department of agriculture, fish and wildlife, health, licensing, or natural resources becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in section 613 of this act, the department may issue a notice of correction to the responsible party that shall include:

- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance to be achieved;
- (d) Notice of the means to contact any technical assistance services provided by the department or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

**NEW SECTION. Sec. 613.** The department of agriculture, fish and wildlife, health, licensing, or natural resources may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars; or (4) the violation was committed by a business that employed fifty or more employees on at least one day in each of the preceding twelve months. In addition, the department of fish and wildlife may issue a civil penalty provided for by law without first issuing a notice of correction for a violation of any rule dealing with seasons, catch or bag limits, gear types, or geographical areas for fish or wildlife removal, reporting, or disposal.

**NEW SECTION. Sec. 614.** The date for compliance established by the department of ecology, labor and industries, agriculture, fish and wildlife, health, licensing, or natural resources pursuant to section 607, 610, or 612 of this act respectively shall provide for a reasonable time to achieve compliance. Any person receiving a notice of correction pursuant to section 607 or 612 of this act or a report or citation pursuant to section 610 of this act may request an extension of time to achieve compliance for good cause from the issuing department. Requests shall be submitted to the issuing department and responded to by the issuing department in writing in accordance with procedures specified by the issuing department in the notice, report, or citation.

**NEW SECTION. Sec. 615.** The departments of revenue and labor and industries and the employment security department shall undertake an educational program directed at those who have the most difficulty in determining their tax or premium liability. The departments may rely on information from internal data, trade associations, and businesses to determine which entities should be selected. The educational programs may include, but not be limited to, targeted informational fact sheets, self-audits, or workshops, and may be presented individually by the agency or in conjunction with other agencies.

**NEW SECTION. Sec. 616.** The department of revenue, the department of labor and industries in respect to its duties in Title 51 RCW, and the employment security department shall develop and administer a pilot voluntary audit program. Voluntary audits can be requested by businesses from any of these agencies according to guidelines established by each agency. No penalty assessments may be made against participants in such a program except when the agency determines that either a good faith effort has not been made by the taxpayer or premium payer to comply with the law or that the taxpayer has failed to remit previously collected sales taxes to the state. The persons conducting the voluntary audit shall provide the business undergoing the voluntary audit an audit report that describes errors or omissions found and future reporting instructions. This program does not relieve a business from past or future tax or premium obligations.

**NEW SECTION. Sec. 617.** The departments of revenue and labor and industries and the employment security department shall each review the penalties it issues related to taxes or premiums to determine if they are consistent and provide for waivers in appropriate circumstances. Each department shall report the results of its review to the legislature no later than December 1, 1995.

**NEW SECTION. Sec. 618.** Nothing in this chapter obligates a regulatory agency to conduct a technical assistance visit. The state and officers or employees of the state shall not be liable for damages to a person to the extent that liability is asserted to arise from providing technical assistance, or if liability is asserted to arise from the failure of the state or officers or employees of the state to provide technical assistance. This chapter does not limit the authority of any regulatory agency to take any enforcement action, other than a civil penalty, authorized by law. This chapter shall not limit a regulatory agency's authority to issue a civil penalty as authorized by law based upon a person's failure to comply with specific terms and conditions of any permit or license issued by the agency to that person.

**NEW SECTION. Sec. 619.** Agency rules, guidelines, and procedures necessary to implement this act shall be established and implemented expeditiously and not later than July 1, 1996.

**NEW SECTION. Sec. 620.** If a regulatory agency determines any part of this chapter to be in conflict with federal law or program requirements, in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, or in conflict with the requirements for eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this chapter shall be inoperative solely to the extent of the conflict. Any rules under this chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

**NEW SECTION. Sec. 621.** If notified by responsible federal officials of any conflict of this chapter with federal law or program requirements or with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the regulatory agency notified of the conflict shall actively seek to resolve the conflict. If the agency determines that the conflict cannot be resolved without loss of benefits or authority to the state, the agency shall notify the governor, the president of the senate, and the speaker of the house of representatives in writing within thirty days of making that determination.

**NEW SECTION. Sec. 622.** (1) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state regulatory agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this chapter on the regulatory system in this state. The report shall document:

(a) Technical assistance, including but not limited to technical assistance visits, provided by state regulatory agencies consistent with this chapter;

(b) Any rules adopted, guidelines developed, or training conducted to implement this chapter;

(c) Any changes in the appropriation, allocation, or expenditure of regulatory agency resources to implement this chapter;

(d) Any legal action against state regulatory agencies for any alleged failure to comply with this chapter, the costs to the state of the action, and the result;

(e) The extent to which this chapter has resulted in either an increase or decrease in regulatory agency use of civil penalties;

(f) The extent to which this chapter has contributed to any change in voluntary compliance with state statutes or rules;

(g) The extent to which this chapter has improved the acceptability or effectiveness of state regulatory procedures; and

(h) Any other information considered by the office of financial management to be useful in evaluating the effect of this chapter.

(2) This section shall expire June 30, 2000.

**NEW SECTION. Sec. 623.** A new section is added to chapter 43.12 RCW to read as follows:

Enforcement action taken after the effective date of this section by the commissioner of public lands shall be in accordance with sections 614 and 615 of this act.

**NEW SECTION. Sec. 624.** A new section is added to chapter 43.23 RCW to read as follows:

Enforcement action taken after the effective date of this section by the director or the department of agriculture shall be in accordance with sections 614 and 615 of this act.

**NEW SECTION. Sec. 625.** A new section is added to chapter 43.24 RCW to read as follows:

Enforcement action taken after the effective date of this section by the director or the department of licensing shall be in accordance with sections 614 and 615 of this act.

**NEW SECTION. Sec. 626.** A new section is added to chapter 43.30 RCW to read as follows:

Enforcement action taken after the effective date of this section by the commissioner or supervisor of public lands shall be in accordance with sections 614 and 615 of this act.

**NEW SECTION. Sec. 627.** A new section is added to chapter 43.70 RCW to read as follows:

Enforcement action taken after the effective date of this section by the director or the department shall be in accordance with sections 614 and 615 of this act.

**NEW SECTION. Sec. 628.** A new section is added to chapter 43.300 RCW to read as follows:

Enforcement action taken after the effective date of this section by the director or the department shall be in accordance with sections 614 and 615 of this act.

**Sec. 629.** RCW 18.104.155 and 1993 c 387 s 21 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 of this act, the department of ecology may assess a civil penalty for a violation of this chapter or rules or orders of the department adopted or issued pursuant to it.

(2) There shall be three categories of violations: Minor, serious, and major.

(a) A minor violation is a violation that does not seriously threaten public health, safety, and the environment. Minor violations include, but are not limited to:

- (i) Failure to submit completed start cards and well reports within the required time;
- (ii) Failure to submit variance requests before construction;
- (iii) Failure to submit well construction fees;
- (iv) Failure to place a well identification tag on a new well; and
- (v) Minor or repairable construction problems.

(b) A serious violation is a violation that poses a critical or serious threat to public health, safety, and the environment. Serious violations include, but are not limited to:

- (i) Improper well construction;
  - (ii) Intentional and improper location or siting of a well;
  - (iii) Construction of a well without a required permit;
  - (iv) Violation of decommissioning requirements;
  - (v) Repeated minor violations; or
  - (vi) Construction of a well by a person whose license has expired or has been suspended for not more than ninety days.
- (c) A major violation is the construction of a well by a person:

- (i) Without a license; or
- (ii) After the person's license has been suspended for more than ninety days or revoked.

(3)(a) The penalty for a minor violation shall be not less than one hundred dollars and not more than five hundred dollars. Before the imposition of a penalty for a minor violation, the department may issue an order of noncompliance to provide an opportunity for mitigation or compliance.

(b) The penalty for a serious violation shall be not less than five hundred dollars and not more than five thousand dollars.

(c) The penalty for a major violation shall be not less than five thousand dollars and not more than ten thousand dollars.

(4) In determining the appropriate penalty under subsection (3) of this section the department shall consider whether the person:

- (a) Has demonstrated a general disregard for public health and safety through the number and magnitude of the violations;
- (b) Has demonstrated a disregard for the well construction laws or rules in repeated or continuous violations; or
- (c) Knew or reasonably should have known of circumstances that resulted in the violation.

(5) Penalties provided for in this section shall be imposed pursuant to RCW 43.21B.300. The department shall provide thirty days written notice of a violation as provided in RCW 43.21B.300(3).

(6) For informational purposes, a copy of the notice of violation, resulting from the improper construction of a well, that is sent to a water well contractor or water well construction operator, shall also be sent by the department to the well owner.

(7) Penalties collected by the department pursuant to this section shall be deposited in the reclamation account established by chapter 89.16 RCW. Subject to legislative appropriation, the penalties may be spent only for purposes related to the restoration and enhancement of ground water resources in the state.

**Sec. 630.** RCW 49.17.180 and 1991 c 108 s 1 are each amended to read as follows:

(1) Except as provided in section 610 of this act, any employer who willfully or repeatedly violates the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 may be assessed a civil penalty not to exceed seventy thousand dollars for each violation. A minimum penalty of five thousand dollars shall be assessed for a willful violation.

(2) Any employer who has received a citation for a serious violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 as determined in accordance with subsection (6) of this section, shall be assessed a civil penalty not to exceed seven thousand dollars for each such violation.

(3) Any employer who has received a citation for a violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090, where such violation is specifically determined not to be of a serious nature as provided in subsection (6) of this section, may be assessed a civil penalty not to exceed seven thousand dollars for each such violation, unless such violation is determined to be de minimis.

(4) Any employer who fails to correct a violation for which a citation has been issued under RCW 49.17.120 or 49.17.130 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board of industrial insurance appeals in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than seven thousand dollars for each day during which such failure or violation continues.

(5) Any employer who violates any of the posting requirements of this chapter, or any of the posting requirements of rules promulgated by the department pursuant to this chapter related to employee or employee representative's rights to notice, including but not limited to those employee rights to notice set forth in RCW 49.17.080, 49.17.090, 49.17.120, 49.17.130, 49.17.220(1) and 49.17.240(2), shall be assessed a penalty not to exceed seven thousand dollars for each such violation. Any employer who violates any of the posting requirements for the posting of informational, educational, or training materials under the authority of RCW 49.17.050(7), may be assessed a penalty not to exceed seven thousand dollars for each such violation.

(6) For the purposes of this section, a serious violation shall be deemed to exist in a work place if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such work place, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) The director, or his authorized representatives, shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the number of affected employees of the employer being charged, the gravity of the violation, the size of the employer's business, the good faith of the employer, and the history of previous violations.

(8) Civil penalties imposed under this chapter shall be paid to the director for deposit in the supplemental pension fund established by RCW 51.44.033. Civil penalties may be recovered in a civil action in the name of the department brought in the superior court of the county where the violation is alleged to have occurred, or the department may utilize the procedures for collection of civil penalties as set forth in RCW 51.48.120 through 51.48.150.

**Sec. 631.** RCW 70.94.431 and 1991 c 199 s 311 are each amended to read as follows:

(1) ~~Except as provided in sections 607 through 609 of this act, and~~ in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW, chapter 70.120 RCW, or any of the rules in force under such chapters may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70.94.015 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) By January 1, 1992, the department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

**Sec. 632.** RCW 70.105.080 and 1987 c 109 s 12 are each amended to read as follows:

(1) ~~Except as provided in sections 607 through 609 of this act, every person who fails to comply with any provision of this chapter or of the rules adopted thereunder shall be subjected to a penalty in an amount of not more than ten thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.~~

(2) The penalty provided for in this section shall be imposed pursuant to the procedures in RCW 43.21B.300.

**Sec. 633.** RCW 70.132.050 and 1982 c 113 s 5 are each amended to read as follows:

~~Except as provided in sections 607 through 609 of this act, any person who violates any provision of this chapter or any rule adopted under this chapter is subject to a civil penalty not exceeding five hundred dollars for each violation. Each day of a continuing violation is a separate violation.~~

**Sec. 634.** RCW 70.138.040 and 1987 c 528 s 4 are each amended to read as follows:

(1) ~~Except as provided in sections 607 through 609 of this act, any person who violates any provision of a department regulation or regulatory order relating to the management of special incinerator ash shall incur in addition to any other penalty provided by law, a penalty in an amount up to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense. ((If [H])) In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.~~

(2) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or

mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, giving consideration to the degree of hazard associated with the violation, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper.

(3) Any penalty imposed by this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or petition for review by the hearings board is filed. When such an application for remission or mitigation is made, any penalty incurred pursuant to this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or any county in which such violator may do business, to recover such penalty. In all such actions, the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise provided in this chapter.

**Sec. 635.** RCW 86.16.081 and 1987 c 523 s 8 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 of this act, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board.

**Sec. 636.** RCW 90.03.600 and 1987 c 109 s 157 are each amended to read as follows:

Except as provided in sections 607 through 609 of this act, the power is granted to the department of ecology to levy civil penalties of up to one hundred dollars per day for violation of any of the provisions of this chapter and chapters 43.83B, 90.22, and 90.44 RCW, and rules, permits, and similar documents and regulatory orders of the department of ecology adopted or issued pursuant to such chapters. The procedures of RCW 90.48.144 shall be applicable to all phases of the levying of a penalty as well as review and appeal of the same.

**Sec. 637.** RCW 90.48.144 and 1992 c 73 s 27 are each amended to read as follows:

Except as provided in sections 607 through 609 of this act, every person who:

(1) Violates the terms or conditions of a waste discharge permit issued pursuant to RCW 90.48.180 or 90.48.260 through 90.48.262, or  
(2) Conducts a commercial or industrial operation or other point source discharge operation without a waste discharge permit as required by RCW 90.48.160 or 90.48.260 through 90.48.262, or

(3) Violates the provisions of RCW 90.48.080, or other sections of this chapter or chapter 90.56 RCW or rules or orders adopted or issued pursuant to either of those chapters, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty amount shall be set in consideration of the previous history of the violator and the severity of the violation's impact on public health and/or the environment in addition to other relevant factors. The penalty herein provided for shall be imposed pursuant to the procedures set forth in RCW 43.21B.300.

**Sec. 638.** RCW 90.58.210 and 1986 c 292 s 4 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 of this act, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

(2) Any person who shall fail to conform to the terms of a permit issued under this chapter or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty upon whatever terms the department or local government in its discretion deems proper. Any penalty imposed pursuant to this section by the department shall be subject to review by the shorelines hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the shorelines hearings board.

**Sec. 639.** RCW 90.58.560 and 1983 c 138 s 2 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 of this act, a person who violates RCW 90.58.550, or any rule adopted thereunder, is subject to a penalty in an amount of up to five thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty provided for in this section.

(2) The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the director or the director's representative describing such violation with reasonable particularity. The director or the director's representative may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed to carry out the purposes of this chapter, remit or mitigate any penalty provided

for in this section upon such terms as he or she deems proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he or she may deem proper.

(3) Any person incurring any penalty under this section may appeal the penalty to the hearings board as provided for in chapter 43.21B RCW. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the director or the director's representative setting forth the disposition of the application. Any penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred under this section is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

**Sec. 640.** RCW 90.76.080 and 1989 c 346 s 9 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 of this act, a person who fails to notify the department pursuant to tank notification requirements or who submits false information is subject to a civil penalty not to exceed five thousand dollars per violation.

(2) Except as provided in sections 607 through 609 of this act, a person who violates this chapter is subject to a civil penalty not to exceed five thousand dollars for each tank per day of violation.

## PART VII RULES REVIEW

**NEW SECTION. Sec. 701.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

(1) Not later than June 30th of each year, each agency shall submit to the code reviser, according to procedures and time lines established by the code reviser, rules that it determines should be repealed by the expedited repeal procedures provided for in this section. An agency shall file a copy of a preproposal notice of intent, as provided in RCW 34.05.310(1), that identifies the rule as one that is proposed for expedited repeal.

(2) An agency may propose the expedited repeal of rules meeting one or more of the following criteria:

(a) The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;

(b) The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;

(c) The rule is no longer necessary because of changed circumstances; or

(d) Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

(3) The agency shall also send a copy of the preproposal notice of intent to any person who has requested notification of copies of proposals for the expedited repeal of rules or of agency rule making. The preproposal notice of intent shall include a statement that any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after the preproposal notice of intent is published. The notice of intent shall also include an explanation of the reasons the agency believes the expedited repeal of the rule is appropriate.

(4) The code reviser shall publish all rules proposed for expedited repeal in a separate section of a regular edition of the Washington state register or in a special edition of the Washington state register. The publication shall be not later than July 31st, or in the first register published after that date.

(5) Any person may file a written objection to the expedited repeal of a rule. The notice shall be filed with the agency rules coordinator within thirty days after the notice of intent has been published in the Washington state register. The written objection need not state any reason for objecting to the expedited repeal of the rule.

(6) If no written objections to the expedited repeal of a rule are filed with the agency within thirty days after the preproposal notice of intent is published, the agency may enter an order repealing the rule without further notice or an opportunity for a public hearing. The order shall be published in the manner required by this chapter for any other order of the agency adopting, amending, or repealing a rule. If a written objection to the expedited repeal of the rule is filed with the agency within thirty days after the notice of intent has been published, the preproposal notice of intent published pursuant to this section shall be considered a preproposal notice of intent for the purposes of RCW 34.05.310(1) and the agency may initiate rule adoption proceedings in accordance with the provisions of this chapter.

**Sec. 702.** RCW 34.05.230 and 1988 c 288 s 203 are each amended to read as follows:

(1) If the adoption of rules is not feasible and practicable, an agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of interpretive or policy statements. Current interpretive and policy statements are advisory only. An agency is encouraged to convert long-standing interpretive and policy statements into rules.

(2) A person may petition an agency requesting the adoption of a rule to supersede one or more specified principles of law or policy used by the agency as part of the basis for its decisions in particular cases.

(3) The agency shall:

(a) Notify the joint administrative rules review committee of the request; and

(b) Adopt such a rule as soon as feasible and to the extent practicable, and in accordance with the requirements of this chapter.

(4) Each agency shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by that agency. Each agency shall update the roster once each year and eliminate persons who do not indicate a desire to continue on the roster. Whenever an agency issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster. The agency may charge a nominal fee to the interested person for this service.

**Sec. 703.** RCW 34.05.330 and 1988 c 288 s 305 are each amended to read as follows:

(1) Any person may petition an agency requesting the adoption, amendment, or repeal of any rule. ~~((Each agency may))~~ The office of financial management shall prescribe by rule the ~~((form))~~ format for such petitions and the procedure for their submission, consideration, and disposition and provide a standard form that may be used to petition any agency. Within sixty days after submission of a petition, the agency shall ~~((+))~~ either (a) deny the petition in writing, stating (i) its reasons for the denial, specifically addressing the concerns raised by the

petitioner, and, where appropriate, (ii) the alternative means by which it will address the concerns raised by the petitioner, or ~~((2))~~ (b) initiate rule-making proceedings in accordance with this chapter.

(2) If an agency denies a petition to repeal or amend a rule submitted under subsection (1) of this section, the petitioner, within thirty days of the denial, may appeal the denial to the governor. The governor shall immediately file notice of the appeal with the code reviser for publication in the Washington state register. Within forty-five days after receiving the appeal, the governor shall either (a) deny the petition in writing, stating (i) his or her reasons for the denial, specifically addressing the concerns raised by the petitioner, and, (ii) where appropriate, the alternative means by which he or she will address the concerns raised by the petitioner; (b) for agencies listed in RCW 43.17.010, direct the agency to initiate rule-making proceedings in accordance with this chapter; or (c) for agencies not listed in RCW 43.17.010, recommend that the agency initiate rule-making proceedings in accordance with this chapter. The governor's response to the appeal shall be published in the Washington state register and copies shall be submitted to the chief clerk of the house of representatives and the secretary of the senate.

(3) In petitioning for repeal or amendment of a rule under this section, a person is encouraged to address, among other concerns:

(a) Whether the rule is authorized;

(b) Whether the rule is needed;

(c) Whether the rule conflicts with or duplicates other federal, state, or local laws;

(d) Whether alternatives to the rule exist that will serve the same purpose at less cost;

(e) Whether the rule applies differently to public and private entities;

(f) Whether the rule serves the purposes for which it was adopted;

(g) Whether the costs imposed by the rule are unreasonable; and

(h) Whether the rule is clearly and simply stated.

(4) The business assistance center and the office of financial management shall coordinate efforts among agencies to inform the public about the existence of this rules review process.

(5) The office of financial management shall initiate the rule making required by subsection (1) of this section by September 1, 1995.

## PART VIII JUDICIAL REVIEW

**Sec. 801.** RCW 34.05.370 and 1994 c 249 s 2 are each amended to read as follows:

(1) Each agency shall maintain an official rule-making file for each rule that it (a) proposes by publication in the state register, or (b) adopts. The file and materials incorporated by reference shall be available for public inspection.

(2) The agency rule-making file shall contain all of the following:

(a) Copies of all publications in the state register with respect to the rule or the proceeding upon which the rule is based;

(b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding on which the rule is based;

(c) All written petitions, requests, submissions, and comments received by the agency and all other written material regarded by the agency as important to adoption of the rule or the proceeding on which the rule is based;

(d) Any official transcript of oral presentations made in the proceeding on which the rule is based or, if not transcribed, any tape recording or stenographic record of them, and any memorandum prepared by a presiding official summarizing the contents of those presentations;

~~(e) (The concise explanatory statement required by RCW 34.05.355;~~

~~(f))~~ All petitions for exceptions to, amendment of, or repeal or suspension of, the rule;

~~((g))~~ (f) Citations to data, factual information, studies, or reports on which the agency relies in the adoption of the rule, indicating where such data, factual information, studies, or reports are available for review by the public, but this subsection (2)(f) does not require the agency to include in the rule-making file any data, factual information, studies, or reports gathered pursuant to chapter 19.85 RCW that can be identified to a particular business;

~~((h))~~ (g) The ~~((written summary and response))~~ concise explanatory statement required by RCW 34.05.325(6); and

~~((i))~~ (h) Any other material placed in the file by the agency.

(3) Internal agency documents are exempt from inclusion in the rule-making file under subsection (2) of this section to the extent they constitute preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific document is not exempt from inclusion when it is publicly cited by an agency in connection with its decision.

(4) Upon judicial review, the file required by this section constitutes the official agency rule-making file with respect to that rule. Unless otherwise required by another provision of law, the official agency rule-making file need not be the exclusive basis for agency action on that rule. However, any basis for agency action on a rule not included in the rule-making file must have existed before the adoption of the rule.

**Sec. 802.** RCW 34.05.570 and 1989 c 175 s 27 are each amended to read as follows:

(1) Generally. Except to the extent that this chapter or another statute provides otherwise:

(a) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity;

(b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken;

(c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and

(d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.

(2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding.

(b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: ~~((#))~~ The rule violates constitutional provisions~~((:));~~ the rule exceeds the statutory authority of the agency~~((:));~~ the rule was adopted without compliance with statutory



rule-making procedures(~~(-or could not conceivably have been the product of a rational decision-maker)~~); the determinations of the agency are not supported by substantial evidence as required under section 201 of this act; or the rule is arbitrary and capricious.

(3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that:

(a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied;  
(b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;  
(c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;  
(d) The agency has erroneously interpreted or applied the law;  
(e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter;

(f) The agency has not decided all issues requiring resolution by the agency;  
(g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion;

(h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; or

(i) The order is arbitrary or capricious.

(4) Review of other agency action.

(a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection.

(b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer.

(c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is:

(i) Unconstitutional;

(ii) Outside the statutory authority of the agency or the authority conferred by a provision of law;

(iii) Arbitrary or capricious; or

(iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action.

## **PART IX EQUAL ACCESS TO JUSTICE**

**NEW SECTION. Sec. 901.** The legislature finds that certain individuals, smaller partnerships, smaller corporations, and other organizations may be deterred from seeking review of or defending against an unreasonable agency action because of the expense involved in securing the vindication of their rights in administrative proceedings. The legislature further finds that because of the greater resources and expertise of the state of Washington, individuals, smaller partnerships, smaller corporations, and other organizations are often deterred from seeking review of or defending against state agency actions because of the costs for attorneys, expert witnesses, and other costs. The legislature therefore adopts this equal access to justice act to ensure that these parties have a greater opportunity to defend themselves from inappropriate state agency actions and to protect their rights.

**NEW SECTION. Sec. 902.** A new section is added to chapter 4.84 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 902 through 904 of this act.

(1) "Agency" means agency as defined by chapter 34.05 RCW.

(2) "Agency action" means agency action as defined by chapter 34.05 RCW.

(3) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (a) no expert witness shall be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (b) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(4) "Judicial review" means a judicial review as defined by chapter 34.05 RCW.

(5) "Qualified party" means (a) an individual whose net worth did not exceed one million dollars at the time the initial petition for judicial review was filed or (b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed five million dollars at the time the initial petition for judicial review was filed, except that an organization described in section 501(c)(3) of the federal internal revenue code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the agricultural marketing act (12 U.S.C. 1141J(a)), may be a party regardless of the net worth of such organization or cooperative association.

**NEW SECTION. Sec. 903.** A new section is added to chapter 4.84 RCW to read as follows:

(1) Except as otherwise specifically provided by statute, a court shall award a qualified party that prevails in a judicial review of an agency action fees and other expenses, including reasonable attorneys' fees, unless the court finds that the agency action was substantially justified or that circumstances make an award unjust. A qualified party shall be considered to have prevailed if the qualified party obtained relief on a significant issue that achieves some benefit that the qualified party sought.

(2) The amount awarded a qualified party under subsection (1) of this section shall not exceed thirty-five thousand dollars. Subsection (1) of this section shall not apply unless all parties challenging the agency action are qualified parties. If two or more qualified parties join in an action, the award in total shall not exceed thirty-five thousand dollars. The court, in its discretion, may reduce the amount to be awarded pursuant to subsection (1) of this section, or deny any award, to the extent that a qualified party during the course of the proceedings engaged in conduct that unduly or unreasonably protracted the final resolution of the matter in controversy.

**NEW SECTION. Sec. 904.** A new section is added to chapter 4.84 RCW to read as follows:

Fees and other expenses awarded under sections 902 and 903 of this act shall be paid by the agency over which the party prevails from operating funds appropriated to the agency within sixty days. Agencies paying fees and other expenses pursuant to sections 902 and 903 of this act shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the court shall be subject to the provisions of chapter 39.76 RCW and shall be deemed payable on the date the court announces the award.

**NEW SECTION. Sec. 905.** A new section is added to chapter 43.88 RCW to read as follows:

The office of financial management shall report annually to the legislature on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to sections 902 through 904 of this act. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and other relevant information that may aid the legislature in evaluating the scope and impact of the awards.

## **PART X BUSINESS LICENSE INFORMATION**

**NEW SECTION. Sec. 1001.** The master license system of the department of licensing is a proven, progressive program for one-stop state licensing. This flexible system should be expanded into a state-wide shared data base to facilitate combined licensing processes at local, state, and federal levels as a benefit to the business community through improved customer service.

In order to achieve this goal the department of licensing should expand the license information management system, offered by the master license system, to include local and federal licensing requirements, making this information readily accessible at appropriate locations throughout the state. In addition, the department should develop a pilot program expanding the capabilities of the master licensing system to local and federal levels in an efficient manner; and provide access to the expanded master licensing system for all jurisdictions within the state of Washington.

**NEW SECTION. Sec. 1002.** (1) The department shall solicit advice and recommendations for planning and establishing policy for a combined licensing pilot project and license information management system. Advice and assistance shall be solicited from:

- (a) The business assistance center;
  - (b) The office of the secretary of state;
  - (c) The department of revenue;
  - (d) The department of labor and industries;
  - (e) The employment security department;
  - (f) The Washington state association of counties;
  - (g) The association of Washington cities;
  - (h) The department of information services;
  - (i) The small business improvement council; and
  - (j) The cities chosen under section 1005 of this act.
- (2) The department may create ad hoc advisory committees for purposes of subsection (1) of this section.
- (3) This section shall expire July 1, 1997.

**NEW SECTION. Sec. 1003.** By December 31, 1995, the department of licensing, with advice and recommendations provided in section 1002 of this act, shall develop a plan for the state-wide license information management system. This plan shall include:

- (1) The scope and phases of the project, listing areas of responsibility for each phase;
- (2) Analysis of the costs and benefits, as well as funding sources, staffing levels, and technological issues involved in completing the project; and
- (3) A computer prototype for demonstration of the new license information system to interested jurisdictions.

**NEW SECTION. Sec. 1004.** By December 31, 1995, the department of licensing, with advice and recommendations provided in section 1002 of this act, shall develop a plan for a pilot combined licensing program. The plan shall include:

- (1) The scope and phases of the project, listing areas of responsibility for each phase;
- (2) Analysis of the costs and benefits, as well as funding sources, staffing levels, and technological issues involved in completing the project;
- (3) The use of the state unified business identifier as the key number for identifying persons and businesses, for licensing purposes, throughout local, state and, if appropriate, federal levels of government;
- (4) Steps leading to the expansion of the department's master license automated system, to be used for combined licensing processes at selected local service jurisdictions;
- (5) Development of common technology for information dissemination, access, and delivery at appropriate service locations through the master license system, including remote field input of master business application information;
- (6) Adoption of the state's master business application to become the standard for all registration or licensing applications used at local and state levels, and federal levels where appropriate; and
- (7) Necessary training for staff at service locations.

**NEW SECTION. Sec. 1005.** By December 31, 1996, the department of licensing shall:

- (1) Expand the license information management system, in order to provide on-line local, state, and federal business registration and licensing requirements;
- (2) Include specific licensing requirements for local jurisdictions in the license information packet;
- (3) Provide the capability to distribute the information packets at the appropriate service locations;
- (4) Provide the ability for local jurisdictions to access, store, and update the license requirements data of their own jurisdiction; and
- (5) Provide training to all organizations providing services using the master license information management system.

**NEW SECTION. Sec. 1006.** A new section is added to chapter 19.02 RCW to read as follows:

- (1) By June 30, 1997, the department shall have a pilot combined licensing project fully operational in at least two cities within the state of Washington, with at least one city west of the Cascade mountains and at least one city east of the Cascade mountains.
- (2) By January 31, 1997, the department shall make an interim report to the legislature on the progress of the pilot combined licensing project.

(3) By January 31, 1998, the department shall have evaluated the pilot combined licensing project and reported to the legislature with a plan for transition of the pilot project into an ongoing program. The transition plan shall include cost, funding sources, and staffing needs for the ongoing program.

(4) Upon approval and continued funding of the transition plan by the legislature under this section, the master license system shall implement a transition from the pilot program to the ongoing program.

**Sec. 1007.** RCW 19.02.075 and 1992 c 107 s 2 are each amended to read as follows:

(1) ~~((Beginning June 1, 1992,))~~ The department shall collect a fee of fifteen dollars on each master application ~~((and five dollars on each license information packet. From June 1, 1992, to June 30, 1992, twelve dollars of the master application fee shall be deposited in the general fund and three dollars deposited in the master license fund. Thereafter,))~~. The entire master application fee shall be deposited in the master license fund. ~~((License information packet fees shall be deposited in the general fund.))~~

(2) ~~((Beginning July 1, 1992,))~~ The department shall collect a fee of nine dollars on each renewal application. Renewal application fees shall be deposited in the master license fund.

## PART XI MISCELLANEOUS

NEW SECTION. **Sec. 1101.** Part headings as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 1102.** Sections 601 through 616, 618, and 620 through 622 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 1103.** If specific funding for the purposes of sections 1001 through 1007 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1995, in the omnibus appropriations act, sections 1001 through 1007 of this act shall be null and void.

NEW SECTION. **Sec. 1104.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

The President declared the question before the Senate to be the motion by Senator Sheldon that the Committee on Government Operations striking amendment to Engrossed Substitute House Bill No. 1010 not be adopted.

The motion by Senator Sheldon carried and the committee striking amendment was not adopted.

## MOTIONS

Senator Sheldon moved that the following amendment by Senators Sheldon and Hale be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) One of its fundamental responsibilities, to the benefit of all the citizens of the state, is the protection of public health and safety, including health and safety in the workplace, and the preservation of the extraordinary natural environment with which Washington is endowed;

(b) Essential to this mission is the delegation of authority to state agencies to implement the policies established by the legislature; and that the adoption of administrative rules by these agencies helps assure that these policies are clearly understood, fairly applied, and uniformly enforced;

(c) Despite its importance, Washington's regulatory system must not impose excessive, unreasonable, or unnecessary obligations; to do so serves only to discredit government, makes enforcement of essential regulations more difficult, and detrimentally affects the economy of the state and the well-being of our citizens.

(2) The legislature therefore enacts chapter . . . , Laws of 1995 (this act), to be known as the regulatory reform act of 1995, to ensure that the citizens and environment of this state receive the highest level of protection, in an effective and efficient manner, without stifling legitimate activities and responsible economic growth. To that end, it is the intent of the legislature, in the adoption of this act, that:

(a) Unless otherwise authorized, substantial policy decisions affecting the public be made by those directly accountable to the public, namely the legislature, and that state agencies not use their administrative authority to create or amend regulatory programs;

(b) When an agency is authorized to adopt rules imposing obligations on the public, that it do so responsibly: The rules it adopts should be justified and reasonable, with the agency having determined, based on common sense criteria established by the legislature, that the obligations imposed are truly in the public interest;

(c) Governments at all levels better coordinate their regulatory efforts to avoid confusing and frustrating the public with overlapping or contradictory requirements;

(d) The public respect the process whereby administrative rules are adopted, whether or not they agree with the result: Members of the public affected by administrative rules must have the opportunity for a meaningful role in their development; the bases for agency action must be legitimate and clearly articulated;

(e) Members of the public have adequate opportunity to challenge administrative rules with which they have legitimate concerns through meaningful review of the rule by the executive, the legislature, and the judiciary. While it is the intent of the legislature that upon judicial review of a rule, a court should not substitute its judgment for that of an administrative agency, the court should determine whether the agency decision making was rigorous and deliberative; whether the agency reached its result through a process of reason; and whether the agency took a hard look at the rule before its adoption;

(f) In order to achieve greater compliance with administrative rules at less cost, that a cooperative partnership exist between agencies and regulated parties that emphasizes education and assistance before the imposition of penalties; and

(g) Workplace safety and health in this state not be diminished, whether provided by constitution, by statute, or by rule.

## PART I GRANTS OF AUTHORITY

NEW SECTION. **Sec. 101.** A new section is added to chapter 43.12 RCW to read as follows:

For rules adopted after the effective date of this section, the commissioner of public lands may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**NEW SECTION. Sec. 102.** A new section is added to chapter 43.20A RCW to read as follows:

For rules adopted after the effective date of this section, the secretary may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**Sec. 103.** RCW 43.21A.080 and 1970 ex.s. c 62 s 8 are each amended to read as follows:

The director of the department of ecology is authorized to adopt such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter; PROVIDED, That the director may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt the rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**NEW SECTION. Sec. 104.** A new section is added to chapter 43.23 RCW to read as follows:

For rules adopted after the effective date of this section, the director of agriculture may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**Sec. 105.** RCW 43.70.040 and 1989 1st ex.s. c 9 s 106 are each amended to read as follows:

In addition to any other powers granted the secretary, the secretary may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.: PROVIDED, That for rules adopted after the effective date of this section, the secretary may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute;

(2) Appoint such advisory committees as may be necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The secretary and the board of health shall review each advisory committee within their jurisdiction and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess. in accordance with RCW 43.70.050;

(4) Delegate powers, duties, and functions of the department to employees of the department as the secretary deems necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.;

(5) Enter into contracts on behalf of the department to carry out the purposes of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program to the purposes of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.; or

(7) Accept gifts, grants, or other funds.

**Sec. 106.** RCW 82.01.060 and 1977 c 75 s 92 are each amended to read as follows:

The director of revenue, hereinafter in ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. referred to as the director, through the department of revenue, hereinafter in ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. referred to as the department, shall:

(1) Assess and collect all taxes and administer all programs relating to taxes which are the responsibility of the tax commission at the time ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. takes effect or which the legislature may hereafter make the responsibility of the director or of the department;

(2) Make, adopt and publish such rules ~~((and regulations))~~ as he or she may deem necessary or desirable to carry out the powers and duties imposed upon him or her or the department by the legislature: PROVIDED, That the director may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute;

(3) Rules ~~((and regulations))~~ adopted by the tax commission ~~((prior to))~~ before the effective date of this ~~((1967 amendatory act))~~ section shall remain in force until such time as they may be revised or rescinded by the director;

~~((3))~~ (4) Provide by general regulations for an adequate system of departmental review of the actions of the department or of its officers and employees in the assessment or collection of taxes;

~~((4))~~ (5) Maintain a tax research section with sufficient technical, clerical and other employees to conduct constant observation and investigation of the effectiveness and adequacy of the revenue laws of this state and of the sister states in order to assist the governor, the legislature and the director in estimation of revenue, analysis of tax measures, and determination of the administrative feasibility of proposed tax legislation and allied problems;

~~((5))~~ (6) Recommend to the governor such amendments, changes in, and modifications of the revenue laws as seem proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of taxes in the most economical manner.

**NEW SECTION. Sec. 107.** A new section is added to chapter 43.24 RCW to read as follows:

For rules adopted after the effective date of this section, the director of the department of licensing may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**Sec. 108.** RCW 46.01.110 and 1979 c 158 s 120 are each amended to read as follows:

The director of licensing is hereby authorized to adopt and enforce such reasonable rules ~~((and regulations))~~ as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW: PROVIDED, That the director of licensing may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**Sec. 109.** RCW 50.12.040 and 1973 1st ex.s. c 158 s 3 are each amended to read as follows:

~~((Regular))~~ Permanent and emergency rules ~~((and regulations))~~ shall be adopted, amended, or repealed by the commissioner in accordance with the provisions of Title 34 RCW and the rules ~~((or regulations))~~ adopted pursuant thereto: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

**Sec. 110.** RCW 76.09.040 and 1994 c 264 s 48 are each amended to read as follows:

(1) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall ~~((promulgate))~~ adopt forest practices ~~((regulations))~~ rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section: PROVIDED, That the board may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

(2) The board shall adopt rules that:

- (a) Establish minimum standards for forest practices;
- (b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;
- (c) Set forth necessary administrative provisions; and
- (d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter.

Forest practices ~~((regulations))~~ rules pertaining to water quality protection shall be ~~((promulgated))~~ adopted individually by the board and by the department of ecology after they have reached agreement with respect thereto. All other forest practices ~~((regulations))~~ rules shall be ~~((promulgated))~~ adopted by the board.

Forest practices ~~((regulations))~~ rules shall be administered and enforced by the department except as otherwise provided in this chapter. Such ~~((regulations))~~ rules shall be ~~((promulgated))~~ adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

~~((2))~~ (3) The board shall prepare proposed forest practices ~~((regulations))~~ rules. In addition to any forest practices ~~((regulations))~~ rules relating to water quality protection proposed by the board, the department of ecology shall prepare proposed forest practices ~~((regulations))~~ rules relating to water quality protection.

Prior to initiating the rule making process, the proposed ~~((regulations))~~ rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices ~~((regulations))~~ rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed ~~((regulations))~~ rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed ~~((regulations))~~ rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices ~~((regulations))~~ rules relating to problems existing within such county. The board and the department of ecology may adopt such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

**Sec. 111.** RCW 77.04.090 and 1984 c 240 s 1 are each amended to read as follows:

The commission shall adopt permanent rules and amendments to or repeals of existing rules by approval of four members by resolution, entered and recorded in the minutes of the commission: PROVIDED, That the commission may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute. The commission shall adopt emergency rules by approval of four members. The commission or the director, when adopting emergency rules under RCW 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW. Judicial notice shall be taken of the rules filed and published as provided in RCW 34.05.380 and 34.05.210.

A copy of an emergency rule, certified as a true copy by a member of the commission, the director, or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

**Sec. 112.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows:

(1) The commissioner shall have the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code.

(2) The commissioner shall execute his or her duties and shall enforce the provisions of this code.

(3) The commissioner may:

(a) Make reasonable rules ~~((and regulations))~~ for effectuating any provision of this code, except those relating to his election, qualifications, or compensation. No such rules ~~((and regulations))~~ shall be effective prior to their being filed for public inspection in the commissioner's office: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying words in, or procedures necessary to the implementation of, a statute.

(b) Conduct investigations to determine whether any person has violated any provision of this code.

(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.

**NEW SECTION. Sec. 113.** A new section is added to chapter 70.94 RCW to read as follows:

(1) After the effective date of this section, the department may adopt or amend a rule under the authority of this chapter that exceeds the requirements of the federal clean air act or regulations adopted under it or that imposes burdens or obligations before the scheduled adoption of federal regulations addressing similar subject matter only after compliance with the procedures established in section 201 of this act.

(2) In fulfilling the requirements of section 201(1)(g)(ii) of this act, the department shall consider: (a) The differences between the proposed rule and the corresponding provisions of the federal clean air act; (b) the air quality problem that the proposed rule would address, including the sources of the problem and any factors that make the problem different in the state or in a part of the state than in other parts of the United States; and (c) the effect of the proposed rule in eliminating the problem or reducing its severity. This section shall not be interpreted to impede efforts to streamline or simplify federal air regulations that are developed with participation of the public and regulated entities.

(3) This section shall expire July 1, 1999.

**NEW SECTION. Sec. 114.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

For rules implementing statutes enacted after the effective date of this section, an agency may not rely solely on the section of law stating a statute's intent or purpose, or on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for its statutory authority to adopt the rule. An agency may use the statement of intent or purpose or the agency enabling provisions to interpret ambiguities in a statute's other provisions.

**NEW SECTION. Sec. 115.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

Section 114 of this act does not apply to: The commissioner of public lands, the department of social and health services, the department of ecology, the department of agriculture, the department of health, the department of revenue, the department of licensing, the employment security department, the forest practices board, the fish and wildlife commission, and the office of the insurance commissioner.

## PART II RULE-MAKING CRITERIA

**NEW SECTION. Sec. 201.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

(1) Before adopting a rule described in subsection (5) of this section, an agency shall:

- (a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements;
- (b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule;
- (c) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented;
- (d) Determine, after considering alternative versions of the rule and the analysis required under (b) and (c) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under (a) of this subsection;
- (e) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law;
- (f) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law;
- (g) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following:
  - (i) A state statute that explicitly allows the agency to differ from federal standards; or
  - (ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under (a) of this subsection; and
- (h) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

(2) Before adopting a rule described in subsection (5) of this section, an agency shall place in the rule-making file documentation of sufficient quantity and quality to support its determinations under subsection (1) (b) through (g) of this section.

(3) Before adopting rules described in subsection (5) of this section, an agency shall place in the rule-making file a rule implementation plan for rules filed under each adopting order. The plan shall describe how the agency intends to:

- (a) Implement and enforce the rule, including a description of the resources the agency intends to use;
  - (b) Inform and educate affected persons about the rule;
- (c) Promote and assist voluntary compliance; and
- (d) Evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes.
- (4) After adopting a rule described in subsection (5) of this section regulating the same activity or subject matter as another provision of federal or state law, an agency shall do all of the following:
- (a) Provide to the business assistance center a list citing by reference the other federal and state laws that regulate the same activity or subject matter;
  - (b) Coordinate implementation and enforcement of the rule with the other federal and state entities regulating the same activity or subject matter by making every effort to do one or more of the following:
    - (i) Deferring to the other entity;
    - (ii) Designating a lead agency; or
    - (iii) Entering into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement.

If the agency is unable to comply with this subsection (4)(b), the agency shall report to the legislature pursuant to (c) of this subsection;

- (c) Report to the joint administrative rules review committee:
  - (i) The existence of any overlap or duplication of other federal or state laws, any differences from federal law, and any known overlap, duplication, or conflict with local laws; and
  - (ii) Make recommendations for any legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference.

(5)(a) Except as provided in (b) of this subsection, this section applies to:

- (i) Significant legislative rules of the departments of ecology, labor and industries, health, revenue, and natural resources, the employment security department, the forest practices board, the office of the insurance commissioner, and to the legislative rules of the department of fish and wildlife implementing chapter 75.20 RCW; and
- (ii) Any rule of any agency, if this section is voluntarily made applicable to the rule by the agency, or is made applicable to the rule by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320.

(b) This section does not apply to:

- (i) Emergency rules adopted under RCW 34.05.350;
  - (ii) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;
  - (iii) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
  - (iv) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
  - (v) Rules the content of which is explicitly and specifically dictated by statute; or
  - (vi) Rules that set or adjust fees or rates pursuant to legislative standards.
- (c) For purposes of this subsection:
- (i) A "procedural rule" is a rule that adopts, amends, or repeals (A) any procedure, practice, or requirement relating to any agency hearings; (B) any filing or related process requirement for making application to an agency for a license or permit; or (C) any policy statement pertaining to the consistent internal operations of an agency.
  - (ii) An "interpretive rule" is a rule, the violation of which does not subject a person to a penalty or sanction, that sets forth the agency's interpretation of statutory provisions it administers.
  - (iii) A "significant legislative rule" is a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (C) adopts a new, or makes significant amendments to, a policy or regulatory program.
- (d) In the notice of proposed rule making under RCW 34.05.320, an agency shall state whether this section applies to the proposed rule pursuant to (a)(i) of this subsection, or if the agency will apply this section voluntarily.
- (6) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report shall document:
- (a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted;
  - (b) The costs incurred by state agencies in complying with this section;
  - (c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result;
  - (d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission;
  - (e) The extent to which this section has improved the acceptability of state rules to those regulated; and
  - (f) Any other information considered by the office of financial management to be useful in evaluating the effect of this section.

### PART III PUBLIC PARTICIPATION

**Sec. 301.** RCW 34.05.310 and 1994 c 249 s 1 are each amended to read as follows:

(1) To meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, agencies shall solicit comments from the public on a subject of possible rule making before ~~((publication of))~~ filing with the code reviser a notice of proposed rule ((adoption)) making under RCW 34.05.320. The agency shall prepare a statement of ~~((intent))~~ inquiry that:

- ~~(a) ((States the specific statutory authority for the new rule;~~
- ~~(b) Identifies the reasons the new rule is needed;~~
- ~~(c) Identifies the goals of the new rule;~~
- ~~(d) Describes))~~ Identifies the specific statute or statutes authorizing the agency to adopt rules on this subject;
- (b) Discusses why rules on this subject may be needed and what they might accomplish;
- (c) Identifies other federal and state agencies that regulate this subject, and describes the process whereby the agency would coordinate the contemplated rule with these agencies;
- ~~(d) Discusses~~ the process by which the rule ~~((with))~~ might be developed, including, but not limited to, negotiated rule making, pilot rule making, or agency study; ~~((and))~~
- ~~(e) Specifies the process by which interested parties can effectively participate in the ((formulation of the))~~ decision to adopt a new rule and formulation of a proposed rule before its publication.

The statement of ~~((intent))~~ inquiry shall be filed with the code reviser for publication in the state register at least thirty days before the date the agency files notice of proposed rule making under RCW 34.05.320 and shall be sent to any party that has requested receipt of the agency's statements of ~~((intent))~~ inquiry.

(2) Agencies are encouraged to develop and use new procedures for reaching agreement among interested parties before publication of notice and the adoption hearing on a proposed rule. Examples of new procedures include, but are not limited to:

- (a) Negotiated rule making ~~((which includes:~~
- ~~(i) Identifying individuals and organizations that have a recognized interest in or will be significantly affected by the adoption of the proposed rule;~~
- ~~(ii) Soliciting participation by persons who are capable, willing, and appropriately authorized to enter into such negotiations;~~
- ~~(iii) Assuring that participants fully recognize the consequences of not participating in the process, are committed to negotiate in good faith, and recognize the alternatives available to other parties;~~
- ~~(iv) Establishing guidelines to encourage consideration of all pertinent issues, to set reasonable completion deadlines, and to provide fair and objective settlement of disputes that may arise;~~
- ~~(v) Agreeing on a reasonable time period during which the agency will be bound to the rule resulting from the negotiations without substantive amendment; and~~
- ~~(vi) Providing a mechanism by which one or more parties may withdraw from the process or the negotiations may be terminated if it appears that consensus cannot be reached on a draft rule that accommodates the needs of the agency, interested parties, and the general public and~~

conforms to the legislative intent of the statute that the rule is intended to implement)) by which representatives of an agency and of the interests that are affected by a subject of rule making, including, where appropriate, county and city representatives, seek to reach consensus on the terms of the proposed rule and on the process by which it is negotiated; and

(b) Pilot rule making which includes testing the ((draft of a proposed rule)) feasibility of complying with or administering draft new rules or draft amendments to existing rules through the use of volunteer pilot ((study)) groups in various areas and circumstances, as provided in RCW 34.05.313 or as otherwise provided by the agency.

(3)(a) An agency must make a determination whether negotiated rule making, pilot rule making, or another process for generating participation from interested parties prior to development of the rule is appropriate.

(b) An agency must include a written justification in the rule-making file if an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided.

(4) This section does not apply to:

(a) Emergency rules adopted under RCW 34.05.350;

(b) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;

(c) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(d) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

(e) Rules the content of which is explicitly and specifically dictated by statute;

(f) Rules that set or adjust fees or rates pursuant to legislative standards; or

(g) Rules that adopt, amend, or repeal:

(i) A procedure, practice, or requirement relating to agency hearings; or

(ii) A filing or related process requirement for applying to an agency for a license or permit.

**Sec. 302.** RCW 34.05.320 and 1994 c 249 s 14 are each amended to read as follows:

(1) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A title, a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A summary of the rule and a statement of the reasons supporting the proposed action;

(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement;

(h) When, where, and how persons may present their views on the proposed rule;

(i) The date on which the agency intends to adopt the rule;

(j) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make; ~~((and))~~

(k) A ~~((statement indicating how a person can obtain a))~~ copy of the small business economic impact statement prepared under chapter 19.85 RCW, or an explanation for why the agency did not prepare the statement; and

(l) A statement indicating whether section 201 of this act applies to the rule adoption.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the notice on file and available for public inspection and shall forward three copies of the notice to the rules review committee.

(3) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person ~~((who)), city, and county that~~ has made a request to the agency for a mailed copy of such notices. An agency may charge for the actual cost of providing ~~((individual))~~ a requesting party mailed copies of these notices.

(4) In addition to the notice required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

**Sec. 303.** RCW 34.05.313 and 1993 c 202 s 4 are each amended to read as follows:

~~((If,))~~ (1) During the development of a rule or after its adoption, an agency ~~((determines that implementation may produce unreasonable economic, procedural, or technical burdens, agencies are encouraged to)) may develop methods for measuring or testing the feasibility of ~~((compliance)) complying with or administering the rule~~((including the use of voluntary pilot study groups)) and for identifying simple, efficient, and economical alternatives for achieving the goal of the rule. ~~((Measuring and testing methods should emphasize))~~ A pilot project shall include public notice, participation by ~~((persons who have a recognized interest in or are significantly affected by the adoption of the proposed rule))~~ volunteers who are or will be subject to the rule, a high level of involvement from agency management, ~~((consensus on issues and procedures among participants in the pilot group, assurance of fairness, and))~~ reasonable completion dates, and a process by which one or more parties may withdraw from the process or the process may be terminated ~~((if consensus cannot be reached on the rule)).~~ Volunteers who agree to test a rule and attempt to meet the requirements of the draft rule, to report periodically to the proposing agency on the extent of their ability to meet the requirements of the draft rule, and to make recommendations for improving the draft rule shall not be obligated to comply fully with the rule being tested nor be subject to any enforcement action or other sanction for failing to comply with the requirements of the draft rule.~~~~~~

(2) An agency conducting a pilot rule project authorized under subsection (1) of this section may waive one or more provisions of agency rules otherwise applicable to participants in such a pilot project if the agency first determines that such a waiver is in the public interest and necessary to conduct the project. Such a waiver may be only for a stated period of time, not to exceed the duration of the project.

(3) The findings of the pilot project should be widely shared and, where appropriate, adopted as amendments to the rule.



(4) If an agency conducts a pilot rule project in lieu of meeting the requirements of the regulatory fairness act, chapter 19.85 RCW, the agency shall ensure the following conditions are met:

(a) If over ten small businesses are affected, there shall be at least ten small businesses in the test group and at least one-half of the volunteers participating in the pilot test group shall be small businesses.

(b)(i) If there are at least one hundred businesses affected, the participation by small businesses in the test group shall be as follows:

(A) Not less than twenty percent of the small businesses must employ twenty-six to fifty employees;

(B) Not less than twenty percent of the small businesses must employ eleven to twenty-six employees, and

(C) Not less than twenty percent of the small businesses must employ zero to ten employees.

(ii) If there do not exist a sufficient number of small businesses in each size category set forth in (b)(i) of this subsection willing to participate in the pilot project to meet the minimum requirements of that subsection, then the agency must comply with this section to the maximum extent practicable.

(c) The agency may not terminate the pilot project before completion.

(d) Before filing the notice of proposed rule making pursuant to RCW 34.05.320, the agency must prepare a report of the pilot rule project that includes:

(i) A description of the difficulties small businesses had in complying with the pilot rule;

(ii) A list of the recommended revisions to the rule to make compliance with the rule easier or to reduce the cost of compliance with the rule by the small businesses participating in the pilot rule project;

(iii) A written statement explaining the options it considered to resolve each of the difficulties described and a statement explaining its reasons for not including a recommendation by the pilot test group to revise the rule; and

(iv) If the agency was unable to meet the requirements set forth in (b)(i) of this subsection, a written explanation of why it was unable to do so and the steps the agency took to include small businesses in the pilot project.

**Sec. 304.** RCW 34.05.325 and 1994 c 249 s 7 are each amended to read as follows:

(1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) If the agency possesses equipment capable of receiving telefacsimile transmissions or recorded telephonic communications, the agency may provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency chooses to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the official record if the comments are made in accordance with the agency's instructions.

(4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW.

(5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320.

~~(6) ((Before the adoption of a final rule))~~ (a) Before it files an adopted rule with the code reviser, an agency shall prepare a ~~((written summary of))~~ concise explanatory statement of the rule:

(i) Identifying the agency's reasons for adopting the rule;

(ii) Describing differences between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for differences; and

(iii) Summarizing all comments received regarding the proposed rule, and ~~((a substantive response))~~ responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.

~~(b) The agency shall provide the ~~((written summary and response))~~ concise explanatory statement to any person upon request or from whom the agency received comment.~~

**NEW SECTION. Sec. 305.** RCW 34.05.355 and 1994 c 249 s 8 & 1988 c 288 s 310 are each repealed.

#### **PART IV REGULATORY FAIRNESS ACT**

**NEW SECTION. Sec. 401.** A new section is added to chapter 19.85 RCW to read as follows:

(1) Unless an agency receives a written objection to the expedited repeal of a rule, this chapter does not apply to a rule proposed for expedited repeal pursuant to section 701 of this act. If an agency receives a written objection to expedited repeal of the rule, this chapter applies to the rule-making proceeding.

(2) This chapter does not apply to the adoption of a rule described in RCW 34.05.310(4).

(3) An agency is not required to prepare a separate small business economic impact statement under RCW 19.85.040 if it prepared an analysis under section 201 of this act that meets the requirements of a small business economic impact statement, and if the agency reduced the costs imposed by the rule on small business to the extent required by RCW 19.85.030(3). The portion of the analysis that meets the requirements of RCW 19.85.040 shall be filed with the code reviser and provided to any person requesting it in lieu of a separate small business economic impact statement.

**Sec. 402.** RCW 19.85.030 and 1994 c 249 s 11 are each amended to read as follows:

(1) ~~((In the adoption of any rule pursuant to RCW 34.05.320 that will impose more than minor costs on more than twenty percent of all industries, or more than ten percent of any one industry, the adopting agency:~~

(a) Shall reduce the economic impact of the rule on small business by doing one or more of the following when it is legal and feasible in meeting the stated objective of the statutes which are the basis of the proposed rule:

- (i) Establish differing compliance or reporting requirements or timetables for small businesses;
- (ii) Clarify, consolidate, or simplify the compliance and reporting requirements under the rule for small businesses;
- (iii) Establish performance rather than design standards;
- (iv) Exempt small businesses from any or all requirements of the rule;
- (v) Reduce or modify fine schedules for noncompliance; and
- (vi) Other mitigation techniques;

(b) Before filing notice of a proposed rule, shall prepare a small business economic impact statement in accordance with RCW 19.85.040 and file notice of how the person can obtain the statement with the code reviser as part of the notice required under RCW 34.05.320.

(2) If requested to do so by a majority vote of the joint administrative rules review committee within thirty days after notice of the proposed rule is published in the state register, an agency shall prepare a small business economic impact statement on the proposed rule before adoption of the rule. Upon completion, an agency shall provide a copy of the small business economic impact statement to any person requesting it.

~~(3))~~ In the adoption of a rule under chapter 34.05 RCW, an agency shall prepare a small business economic impact statement: (a) If the proposed rule will impose more than minor costs on businesses in an industry; or (b) if requested to do so by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320. However, if the agency has completed the pilot rule process as defined by RCW 34.05.313 before filing the notice of a proposed rule, the agency is not required to prepare a small business economic impact statement.

An agency shall prepare the small business economic impact statement in accordance with RCW 19.85.040, and file it with the code reviser along with the notice required under RCW 34.05.320. An agency shall file a statement prepared at the request of the joint administrative rules review committee with the code reviser upon its completion before the adoption of the rule. An agency shall provide a copy of the small business economic impact statement to any person requesting it.

An agency may request assistance from the business assistance center in the preparation of the small business economic impact statement.

~~((4))~~ (2) The business assistance center shall develop guidelines to assist agencies in determining whether a proposed rule will impose more than minor costs on businesses in an industry and therefore require preparation of a small business economic impact statement. The business assistance center may review an agency determination that a proposed rule will not impose such costs, and shall advise the joint administrative rules review committee on disputes involving agency determinations under this section.

(3) Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements;
- (b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- (c) Reducing the frequency of inspections;
- (d) Delaying compliance timetables;
- (e) Reducing or modifying fine schedules for noncompliance; or
- (f) Any other mitigation techniques.

**Sec. 403.** RCW 19.85.040 and 1994 c 249 s 12 are each amended to read as follows:

(1) A small business economic impact statement must include a brief description of the reporting, recordkeeping, and other compliance requirements of the proposed rule, and the kinds of professional services that a small business is likely to need in order to comply with such requirements. It shall analyze the costs of compliance for businesses required to comply with the proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor, and increased administrative costs. It shall consider, based on input received, whether compliance with the rule will cause businesses to lose sales or revenue. To determine whether the proposed rule will have a disproportionate impact on small businesses, the impact statement must compare the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs:

- (a) Cost per employee;
- (b) Cost per hour of labor; or
- (c) Cost per one hundred dollars of sales.

(2) A small business economic impact statement must also include:

(a) A statement of the steps taken by the agency to reduce the costs of the rule on small businesses as required by RCW 19.85.030~~((4))~~ (3), or reasonable justification for not doing so, addressing the options listed in RCW 19.85.030~~((4))~~ (3);

(b) A description of how the agency will involve small businesses in the development of the rule; and

(c) A list of industries that will be required to comply with the rule. However, this subsection (2)(c) shall not be construed to preclude application of the rule to any business or industry to which it would otherwise apply.

(3) To obtain information for purposes of this section, an agency may survey a representative sample of affected businesses or trade associations and should, whenever possible, appoint a committee under RCW 34.05.310(2) to assist in the accurate assessment of the costs of a proposed rule, and the means to reduce the costs imposed on small business.

**NEW SECTION. Sec. 404.** A new section is added to chapter 19.85 RCW to read as follows:

Unless so requested by a majority vote of the joint administrative rules review committee under RCW 19.85.030, an agency is not required to comply with this chapter when adopting any rule solely for the purpose of conformity or compliance, or both, with federal statute or regulations. In lieu of the statement required under RCW 19.85.030, the agency shall file a statement citing, with specificity, the federal statute or regulation with which the rule is being adopted to conform or comply, and describing the consequences to the state if the rule is not adopted.

**NEW SECTION. Sec. 405.** RCW 19.85.060 and 1989 c 374 s 5 are each repealed.

## PART V STRENGTHENED LEGISLATIVE OVERSIGHT

**NEW SECTION. Sec. 501.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

The joint administrative rules review committee shall not render a decision on a rule unless a quorum is present. A quorum shall consist of at least five members of the committee. Once a quorum is established, a majority of the quorum may render any decision except a suspension recommendation. A recommendation to suspend a rule under RCW 34.05.640 shall require a majority vote of the entire membership of the rules review committee.

**NEW SECTION. Sec. 502.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

(1) Any person may petition the rules review committee for a review of that rule. Within thirty days of the receipt of the petition, the rules review committee shall acknowledge receipt of the petition and describe any initial action taken. If the rules review committee rejects the petition, a written statement of the reasons for rejection shall be included.

(2) Within ninety days of receipt of the petition, the rules review committee shall make a final decision on the rule for which the petition for review was not previously rejected.

**NEW SECTION. Sec. 503.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

Any individual employed or holding office in any department or agency of state government may submit rules warranting review to the rules review committee. Any such state employee is protected under chapter 42.40 RCW.

**Sec. 504.** RCW 34.05.660 and 1988 c 288 s 606 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by RCW 34.05.630(2) and 34.05.640(2) in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

(2) If the joint administrative rules review committee recommends to the governor that an existing rule be suspended because it does not conform with the intent of the legislature, the recommendation shall establish a rebuttable presumption in any proceeding challenging the validity of the rule that the rule is invalid. The burden of demonstrating the rule's validity is then on the adopting agency.

**NEW SECTION. Sec. 505.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

(1) The rules review committee may make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings.

(2) The committee may establish ad hoc advisory boards, including but not limited to, ad hoc economics or science advisory boards to assist the committee in its rules review functions.

(3) The committee may hire staff as needed to perform functions under this chapter.

**NEW SECTION. Sec. 506.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

In the discharge of any duty imposed under this chapter, the rules review committee may examine and inspect all properties, equipment, facilities, files, records, and accounts of any state office, department, institution, board, committee, commission, or agency, and administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

**NEW SECTION. Sec. 507.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

In case of the failure on the part of any person to comply with any subpoena issued in behalf of the rules review committee, or on the refusal of any witness to testify to any matters regarding which he or she may be lawfully interrogated, it is the duty of the superior court of any county, or of the judge thereof, on application of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court.

**Sec. 508.** RCW 42.40.010 and 1982 c 208 s 1 are each amended to read as follows:

It is the policy of the legislature that employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions, and it is the intent of the legislature to protect the rights of state employees making these disclosures. It is also the policy of the legislature that employees should be encouraged to identify rules warranting review or provide information to the rules review committee, and it is the intent of the legislature to protect the rights of these employees.

**Sec. 509.** RCW 42.40.020 and 1992 c 118 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3)(a) "Improper governmental action" means any action by an employee:

(i) Which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and

(ii) Which is in violation of any state law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) "Improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, or any action which may be taken under chapter 41.06 (~~or 28B.16~~) RCW, or other disciplinary action except as provided in RCW 42.40.030.

(4) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 (~~or 28B.16~~) RCW, or other disciplinary action.

(5) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means: (a) An employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported alleged improper governmental action to the auditor or to have provided information to the auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or (b) an employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

**Sec. 510.** RCW 42.40.030 and 1989 c 284 s 2 are each amended to read as follows:

(1) An employee shall not directly or indirectly use or attempt to use the employee's official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence any individual for the purpose of interfering with the right of the individual to: (a) Disclose to the auditor (or representative thereof) information concerning improper governmental action; or (b) identify rules warranting review or provide information to the rules review committee.

(2) Nothing in this section authorizes an individual to disclose information otherwise prohibited by law.

**NEW SECTION. Sec. 511.** Before the 1996 legislative session, the appropriate standing committees of the legislature shall study alternative means to provide effective, objective oversight of state agency rule making, and make a recommendation whether the joint administrative rules review committee should be continued or replaced.

## PART VI TECHNICAL ASSISTANCE

**NEW SECTION. Sec. 601.** The legislature finds that, due to the volume and complexity of laws and rules it is appropriate for regulatory agencies to adopt programs and policies that encourage voluntary compliance by those affected by specific rules. The legislature recognizes that a cooperative partnership between agencies and regulated parties that emphasizes education and assistance before the imposition of penalties will achieve greater compliance with laws and rules and that most individuals and businesses who are subject to regulation will attempt to comply with the law, particularly if they are given sufficient information. In this context, enforcement should assure that the majority of a regulated community that complies with the law are not placed at a competitive disadvantage and that a continuing failure to comply that is within the control of a party who has received technical assistance is considered by an agency when it determines the amount of any civil penalty that is issued.

**NEW SECTION. Sec. 602.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Civil penalty" means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law or rules. The term does not include any criminal penalty, damage assessments, wages, premiums, or taxes owed, or interest or late fees on any existing obligation.

(2) "Regulatory agency" means an agency as defined in RCW 34.05.010 that has the authority to issue civil penalties. The term does not include the state patrol or any institution of higher education as defined in RCW 28B.10.016.

(3) "Technical assistance" includes:

- (a) Information on the laws, rules, and compliance methods and technologies applicable to the regulatory agency's programs;
- (b) Information on methods to avoid compliance problems;
- (c) Assistance in applying for permits; and
- (d) Information on the mission, goals, and objectives of the program.

**NEW SECTION. Sec. 603.** All regulatory agencies shall develop programs to encourage voluntary compliance by providing technical assistance consistent with statutory requirements. The programs shall include but are not limited to technical assistance visits, printed information, information and assistance by telephone, training meetings, and other appropriate methods to provide technical assistance. In addition, all regulatory agencies shall provide upon request a list of organizations, including private companies, that provide technical assistance. This list shall be compiled by the agencies from information submitted by the organizations and shall not constitute an endorsement by an agency of any organization.

**NEW SECTION. Sec. 604.** (1) For the purposes of this chapter, a technical assistance visit is a visit by a regulatory agency to a facility, business, or other location that:

- (a) Has been requested or is voluntarily accepted; and
  - (b) Is declared by the regulatory agency at the beginning of the visit to be a technical assistance visit.
- (2) A technical assistance visit also includes a consultative visit pursuant to RCW 49.17.250.

(3) During a technical assistance visit, or within a reasonable time thereafter, a regulatory agency shall inform the owner or operator of the facility of any violations of law or agency rules identified by the agency as follows:

- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the agency requires compliance to be achieved;
- (d) Notice of the means to contact any technical assistance services provided by the agency or others; and
- (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

**NEW SECTION. Sec. 605.** The owner and operator shall be given a reasonable period of time to correct violations identified during a technical assistance visit before any civil penalty provided for by law is imposed for those violations. A regulatory agency may revisit a facility, business, or other location after a technical assistance visit and a reasonable period of time has passed to correct violations identified by the agency in writing and issue civil penalties as provided for by law for any uncorrected violations.

**NEW SECTION. Sec. 606.** A regulatory agency that observes a violation during a technical assistance visit may issue a civil penalty as provided for by law if: (1) The individual or business has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) the issue involves sales taxes due to the state and the individual or business is not remitting previously collected sales taxes to the state; or (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

**NEW SECTION. Sec. 607.** (1) If in the course of any site inspection or visit that is not a technical assistance visit, the department of ecology becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in section 608 of this act, the department may issue a notice of correction to the responsible party that shall include:

- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance to be achieved;
- (d) Notice of the means to contact any technical assistance services provided by the department or others; and
- (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

**NEW SECTION. Sec. 608.** The department of ecology may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; or (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

**NEW SECTION. Sec. 609.** The provisions of sections 607 and 608 of this act affecting civil penalties issued by the department of ecology shall not apply to civil penalties for negligent discharge of oil as authorized under RCW 90.56.330 or to civil penalties as authorized under RCW 90.03.600 for unlawful use of water in violation of RCW 90.03.250 or 90.44.050.

**NEW SECTION. Sec. 610.** (1) Following a consultative visit pursuant to RCW 49.17.250, the department of labor and industries shall issue a report to the employer that the employer shall make available to its employees. The report shall contain:

- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance to be achieved;
- (d) Notice of means to contact technical assistance services provided by the department; and
- (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

department.

(2) Following a compliance inspection pursuant to RCW 49.17.120, the department of labor and industries shall issue a citation for violations of industrial safety and health standards. The citation shall not assess a penalty if the violations:

- (a) Are determined not to be of a serious nature;
- (b) Have not been previously cited;
- (c) Are not willful; and
- (d) Do not have a mandatory penalty under chapter 49.17 RCW.

**NEW SECTION. Sec. 611.** (1) If in the course of any inspection or visit that is not a technical assistance visit, the department of agriculture, fish and wildlife, health, licensing, or natural resources becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in section 612 of this act, the department may issue a notice of correction to the responsible party that shall include:

- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance to be achieved;
- (d) Notice of the means to contact any technical assistance services provided by the department or others; and
- (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

department.

(2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

**NEW SECTION. Sec. 612.** The department of agriculture, fish and wildlife, health, licensing, or natural resources may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars; or (4) the violation was committed by a business that employed fifty or more employees on at least one day in each of the preceding twelve months. In addition, the department of fish and wildlife may issue a civil penalty provided for by law without first issuing a notice of correction for a violation of any rule dealing with seasons, catch or bag limits, gear types, or geographical areas for fish or wildlife removal, reporting, or disposal.

**NEW SECTION. Sec. 613.** The date for compliance established by the department of ecology, labor and industries, agriculture, fish and wildlife, health, licensing, or natural resources pursuant to section 607, 610, or 611 of this act respectively shall provide for a reasonable time to achieve compliance. Any person receiving a notice of correction pursuant to section 607 or 611 of this act or a report or citation pursuant to section 610 of this act may request an extension of time to achieve compliance for good cause from the issuing department. Requests shall be submitted to the issuing department and responded to by the issuing department in writing in accordance with procedures specified by the issuing department in the notice, report, or citation.

**NEW SECTION. Sec. 614.** The departments of revenue and labor and industries and the employment security department shall undertake an educational program directed at those who have the most difficulty in determining their tax or premium liability. The departments may rely on information from internal data, trade associations, and businesses to determine which entities should be selected. The educational programs may include, but not be limited to, targeted informational fact sheets, self-audits, or workshops, and may be presented individually by the agency or in conjunction with other agencies.

**NEW SECTION. Sec. 615.** The department of revenue, the department of labor and industries in respect to its duties in Title 51 RCW, and the employment security department shall develop and administer a pilot voluntary audit program. Voluntary audits can be requested by businesses from any of these agencies according to guidelines established by each agency. No penalty assessments may be made against participants in such a program except when the agency determines that either a good faith effort has not been made by the taxpayer or premium payer to comply with the law or that the taxpayer has failed to remit previously collected sales taxes to the state. The persons conducting the voluntary audit shall provide the business undergoing the voluntary audit an audit report that describes errors or omissions found and future reporting instructions. This program does not relieve a business from past or future tax or premium obligations.

**NEW SECTION. Sec. 616.** The departments of revenue and labor and industries and the employment security department shall each review the penalties it issues related to taxes or premiums to determine if they are consistent and provide for waivers in appropriate circumstances. Each department shall report the results of its review to the legislature no later than December 1, 1995.

**NEW SECTION. Sec. 617.** Nothing in this chapter obligates a regulatory agency to conduct a technical assistance visit. The state and officers or employees of the state shall not be liable for damages to a person to the extent that liability is asserted to arise from providing technical assistance, or if liability is asserted to arise from the failure of the state or officers or employees of the state to provide technical assistance. This chapter does not limit the authority of any regulatory agency to take any enforcement action, other than a civil penalty, authorized by law. This chapter shall not limit a regulatory agency's authority to issue a civil penalty as authorized by law based upon a person's failure to comply with specific terms and conditions of any permit or license issued by the agency to that person.

**NEW SECTION. Sec. 618.** Agency rules, guidelines, and procedures necessary to implement sections 601 through 615, 617, and 619 through 621 of this act shall be established and implemented expeditiously and not later than July 1, 1996.

**NEW SECTION. Sec. 619.** If a regulatory agency determines any part of this chapter to be in conflict with federal law or program requirements, in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, or in conflict with the requirements for eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this chapter shall be inoperative solely to the extent of the conflict. Any rules under this chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

**NEW SECTION. Sec. 620.** If notified by responsible federal officials of any conflict of this chapter with federal law or program requirements or with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the regulatory agency notified of the conflict shall actively seek to resolve the conflict. If the agency determines that the conflict cannot be resolved without loss of benefits or authority to the state, the agency shall notify the governor, the president of the senate, and the speaker of the house of representatives in writing within thirty days of making that determination.

**NEW SECTION. Sec. 621.** (1) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state regulatory agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of sections 601 through 615, 617, and 619 through 621 of this act on the regulatory system in this state. The report shall document:

(a) Technical assistance, including but not limited to technical assistance visits, provided by state regulatory agencies consistent with this chapter;

(b) Any rules adopted, guidelines developed, or training conducted to implement this chapter;

(c) Any changes in the appropriation, allocation, or expenditure of regulatory agency resources to implement this chapter;

(d) Any legal action against state regulatory agencies for any alleged failure to comply with this chapter, the costs to the state of the action, and the result;

(e) The extent to which this chapter has resulted in either an increase or decrease in regulatory agency use of civil penalties;

(f) The extent to which this chapter has contributed to any change in voluntary compliance with state statutes or rules;

(g) The extent to which this chapter has improved the acceptability or effectiveness of state regulatory procedures; and

(h) Any other information considered by the office of financial management to be useful in evaluating the effect of this chapter.

(2) This section shall expire June 30, 2000.

**NEW SECTION. Sec. 622.** A new section is added to chapter 43.12 RCW to read as follows:  
Enforcement action taken after the effective date of this section by the commissioner of public lands shall be in accordance with sections 611 and 612 of this act.

**NEW SECTION. Sec. 623.** A new section is added to chapter 43.23 RCW to read as follows:  
Enforcement action taken after the effective date of this section by the director or the department of agriculture shall be in accordance with sections 611 and 612 of this act.

**NEW SECTION. Sec. 624.** A new section is added to chapter 43.24 RCW to read as follows:  
Enforcement action taken after the effective date of this section by the director or the department of licensing shall be in accordance with sections 611 and 612 of this act.

**NEW SECTION. Sec. 625.** A new section is added to chapter 43.30 RCW to read as follows:  
Enforcement action taken after the effective date of this section by the commissioner or supervisor of public lands shall be in accordance with sections 611 and 612 of this act.

**NEW SECTION. Sec. 626.** A new section is added to chapter 43.70 RCW to read as follows:  
Enforcement action taken after the effective date of this section by the director or the department shall be in accordance with sections 611 and 612 of this act.

**NEW SECTION. Sec. 627.** A new section is added to chapter 43.300 RCW to read as follows:  
Enforcement action taken after the effective date of this section by the director or the department shall be in accordance with sections 611 and 612 of this act.

**Sec. 628.** RCW 18.104.155 and 1993 c 387 s 21 are each amended to read as follows:

(1) ~~Except as provided in sections 607 through 609 and 617 of this act,~~ the department of ecology may assess a civil penalty for a violation of this chapter or rules or orders of the department adopted or issued pursuant to it.

(2) There shall be three categories of violations: Minor, serious, and major.

(a) A minor violation is a violation that does not seriously threaten public health, safety, and the environment. Minor violations include, but are not limited to:

(i) Failure to submit completed start cards and well reports within the required time;

(ii) Failure to submit variance requests before construction;

(iii) Failure to submit well construction fees;

(iv) Failure to place a well identification tag on a new well; and

(v) Minor or repairable construction problems.

(b) A serious violation is a violation that poses a critical or serious threat to public health, safety, and the environment. Serious violations include, but are not limited to:

(i) Improper well construction;

(ii) Intentional and improper location or siting of a well;

(iii) Construction of a well without a required permit;

- (iv) Violation of decommissioning requirements;
  - (v) Repeated minor violations; or
  - (vi) Construction of a well by a person whose license has expired or has been suspended for not more than ninety days.
- (c) A major violation is the construction of a well by a person:
- (i) Without a license; or
  - (ii) After the person's license has been suspended for more than ninety days or revoked.

(3)(a) The penalty for a minor violation shall be not less than one hundred dollars and not more than five hundred dollars. Before the imposition of a penalty for a minor violation, the department may issue an order of noncompliance to provide an opportunity for mitigation or compliance.

(b) The penalty for a serious violation shall be not less than five hundred dollars and not more than five thousand dollars.

(c) The penalty for a major violation shall be not less than five thousand dollars and not more than ten thousand dollars.

(4) In determining the appropriate penalty under subsection (3) of this section the department shall consider whether the person:

(a) Has demonstrated a general disregard for public health and safety through the number and magnitude of the violations;

(b) Has demonstrated a disregard for the well construction laws or rules in repeated or continuous violations; or

(c) Knew or reasonably should have known of circumstances that resulted in the violation.

(5) Penalties provided for in this section shall be imposed pursuant to RCW 43.21B.300. The department shall provide thirty days written notice of a violation as provided in RCW 43.21B.300(3).

(6) For informational purposes, a copy of the notice of violation, resulting from the improper construction of a well, that is sent to a water well contractor or water well construction operator, shall also be sent by the department to the well owner.

(7) Penalties collected by the department pursuant to this section shall be deposited in the reclamation account established by chapter 89.16 RCW. Subject to legislative appropriation, the penalties may be spent only for purposes related to the restoration and enhancement of ground water resources in the state.

**Sec. 629.** RCW 49.17.180 and 1991 c 108 s 1 are each amended to read as follows:

(1) Except as provided in section 610 of this act, any employer who willfully or repeatedly violates the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 may be assessed a civil penalty not to exceed seventy thousand dollars for each violation. A minimum penalty of five thousand dollars shall be assessed for a willful violation.

(2) Any employer who has received a citation for a serious violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 as determined in accordance with subsection (6) of this section, shall be assessed a civil penalty not to exceed seven thousand dollars for each such violation.

(3) Any employer who has received a citation for a violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090, where such violation is specifically determined not to be of a serious nature as provided in subsection (6) of this section, may be assessed a civil penalty not to exceed seven thousand dollars for each such violation, unless such violation is determined to be de minimis.

(4) Any employer who fails to correct a violation for which a citation has been issued under RCW 49.17.120 or 49.17.130 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board of industrial insurance appeals in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than seven thousand dollars for each day during which such failure or violation continues.

(5) Any employer who violates any of the posting requirements of this chapter, or any of the posting requirements of rules promulgated by the department pursuant to this chapter related to employee or employee representative's rights to notice, including but not limited to those employee rights to notice set forth in RCW 49.17.080, 49.17.090, 49.17.120, 49.17.130, 49.17.220(1) and 49.17.240(2), shall be assessed a penalty not to exceed seven thousand dollars for each such violation. Any employer who violates any of the posting requirements for the posting of informational, educational, or training materials under the authority of RCW 49.17.050(7), may be assessed a penalty not to exceed seven thousand dollars for each such violation.

(6) For the purposes of this section, a serious violation shall be deemed to exist in a work place if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such work place, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) The director, or his authorized representatives, shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the number of affected employees of the employer being charged, the gravity of the violation, the size of the employer's business, the good faith of the employer, and the history of previous violations.

(8) Civil penalties imposed under this chapter shall be paid to the director for deposit in the supplemental pension fund established by RCW 51.44.033. Civil penalties may be recovered in a civil action in the name of the department brought in the superior court of the county where the violation is alleged to have occurred, or the department may utilize the procedures for collection of civil penalties as set forth in RCW 51.48.120 through 51.48.150.

**Sec. 630.** RCW 70.94.431 and 1991 c 199 s 311 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW, chapter 70.120 RCW, or any of the rules in force under such chapters may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70.94.015 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) By January 1, 1992, the department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

**Sec. 631.** RCW 70.105.080 and 1987 c 109 s 12 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, every person who fails to comply with any provision of this chapter or of the rules adopted thereunder shall be subjected to a penalty in an amount of not more than ten thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed pursuant to the procedures in RCW 43.21B.300.

**Sec. 632.** RCW 70.132.050 and 1982 c 113 s 5 are each amended to read as follows:

Except as provided in sections 607 through 609 and 617 of this act, any person who violates any provision of this chapter or any rule adopted under this chapter is subject to a civil penalty not exceeding five hundred dollars for each violation. Each day of a continuing violation is a separate violation.

**Sec. 633.** RCW 70.138.040 and 1987 c 528 s 4 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, any person who violates any provision of a department regulation or regulatory order relating to the management of special incinerator ash shall incur in addition to any other penalty provided by law, a penalty in an amount up to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense. ~~((If-It))~~ In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, giving consideration to the degree of hazard associated with the violation, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper.

(3) Any penalty imposed by this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or petition for review by the hearings board is filed. When such an application for remission or mitigation is made, any penalty incurred pursuant to this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or any county in which such violator may do business, to recover such penalty. In all such actions, the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise provided in this chapter.

**Sec. 634.** RCW 86.16.081 and 1987 c 523 s 8 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board.

**Sec. 635.** RCW 90.03.600 and 1987 c 109 s 157 are each amended to read as follows:

Except as provided in sections 607 through 609 and 617 of this act, the power is granted to the department of ecology to levy civil penalties of up to one hundred dollars per day for violation of any of the provisions of this chapter and chapters 43.83B, 90.22, and 90.44 RCW, and rules, permits, and similar documents and regulatory orders of the department of ecology adopted or issued pursuant to such chapters. The procedures of RCW 90.48.144 shall be applicable to all phases of the levying of a penalty as well as review and appeal of the same.

**Sec. 636.** RCW 90.48.144 and 1992 c 73 s 27 are each amended to read as follows:

Except as provided in sections 607 through 609 and 617 of this act, every person who:

(1) Violates the terms or conditions of a waste discharge permit issued pursuant to RCW 90.48.180 or 90.48.260 through 90.48.262, or



(2) Conducts a commercial or industrial operation or other point source discharge operation without a waste discharge permit as required by RCW 90.48.160 or 90.48.260 through 90.48.262, or

(3) Violates the provisions of RCW 90.48.080, or other sections of this chapter or chapter 90.56 RCW or rules or orders adopted or issued pursuant to either of those chapters, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty amount shall be set in consideration of the previous history of the violator and the severity of the violation's impact on public health and/or the environment in addition to other relevant factors. The penalty herein provided for shall be imposed pursuant to the procedures set forth in RCW 43.21B.300.

**Sec. 637.** RCW 90.58.210 and 1986 c 292 s 4 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

(2) Any person who shall fail to conform to the terms of a permit issued under this chapter or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty upon whatever terms the department or local government in its discretion deems proper. Any penalty imposed pursuant to this section by the department shall be subject to review by the shorelines hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the shorelines hearings board.

**Sec. 638.** RCW 90.58.560 and 1983 c 138 s 2 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, a person who violates RCW 90.58.550, or any rule adopted thereunder, is subject to a penalty in an amount of up to five thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty provided for in this section.

(2) The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the director or the director's representative describing such violation with reasonable particularity. The director or the director's representative may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed to carry out the purposes of this chapter, remit or mitigate any penalty provided for in this section upon such terms as he or she deems proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he or she may deem proper.

(3) Any person incurring any penalty under this section may appeal the penalty to the hearings board as provided for in chapter 43.21B RCW. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the director or the director's representative setting forth the disposition of the application. Any penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred under this section is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

**Sec. 639.** RCW 90.76.080 and 1989 c 346 s 9 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, a person who fails to notify the department pursuant to tank notification requirements or who submits false information is subject to a civil penalty not to exceed five thousand dollars per violation.

(2) Except as provided in sections 607 through 609 and 617 of this act, a person who violates this chapter is subject to a civil penalty not to exceed five thousand dollars for each tank per day of violation.

## PART VII RULES REVIEW

**NEW SECTION. Sec. 701.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

(1) Not later than June 30th of each year, each agency shall submit to the code reviser, according to procedures and time lines established by the code reviser, rules that it determines should be repealed by the expedited repeal procedures provided for in this section. An agency shall file a copy of a preproposal notice of inquiry, as provided in RCW 34.05.310(1), that identifies the rule as one that is proposed for expedited repeal.

(2) An agency may propose the expedited repeal of rules meeting one or more of the following criteria:

(a) The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;

(b) The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;

(c) The rule is no longer necessary because of changed circumstances; or

(d) Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

(3) The agency shall also send a copy of the preproposal notice of inquiry to any person who has requested notification of copies of proposals for the expedited repeal of rules or of agency rule making. The preproposal notice of inquiry shall include a statement that any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after the preproposal notice of inquiry is published. The notice of inquiry shall also include an explanation of the reasons the agency believes the expedited repeal of the rule is appropriate.

(4) The code reviser shall publish all rules proposed for expedited repeal in a separate section of a regular edition of the Washington state register or in a special edition of the Washington state register. The publication shall be not later than July 31st of each year, or in the first register published after that date.

(5) Any person may file a written objection to the expedited repeal of a rule. The notice shall be filed with the agency rules coordinator within thirty days after the notice of inquiry has been published in the Washington state register. The written objection need not state any reason for objecting to the expedited repeal of the rule.

(6) If no written objections to the expedited repeal of a rule are filed with the agency within thirty days after the preproposal notice of inquiry is published, the agency may enter an order repealing the rule without further notice or an opportunity for a public hearing. The order shall be published in the manner required by this chapter for any other order of the agency adopting, amending, or repealing a rule. If a written objection to the expedited repeal of the rule is filed with the agency within thirty days after the notice of inquiry has been published, the preproposal notice of inquiry published pursuant to this section shall be considered a preproposal notice of inquiry for the purposes of RCW 34.05.310(1) and the agency may initiate rule adoption proceedings in accordance with the provisions of this chapter.

**Sec. 702.** RCW 34.05.230 and 1988 c 288 s 203 are each amended to read as follows:

(1) If the adoption of rules is not feasible and practicable, an agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of interpretive or policy statements. Current interpretive and policy statements are advisory only. An agency is encouraged to convert long-standing interpretive and policy statements into rules.

(2) A person may petition an agency requesting the conversion of interpretive and policy statements into rules. Upon submission, the agency shall notify the joint administrative rules review committee of the petition. Within sixty days after submission of a petition, the agency shall either deny the petition in writing, stating its reasons for the denial, or initiate rule-making proceedings in accordance with this chapter.

(3) Each agency shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by that agency. Each agency shall update the roster once each year and eliminate persons who do not indicate a desire to continue on the roster. Whenever an agency issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster. The agency may charge a nominal fee to the interested person for this service.

**Sec. 703.** RCW 34.05.330 and 1988 c 288 s 305 are each amended to read as follows:

(1) Any person may petition an agency requesting the adoption, amendment, or repeal of any rule. ~~((Each agency may))~~ The office of financial management shall prescribe by rule the ~~((form))~~ format for such petitions and the procedure for their submission, consideration, and disposition and provide a standard form that may be used to petition any agency. Within sixty days after submission of a petition, the agency shall ~~((+))~~ either (a) deny the petition in writing, stating (i) its reasons for the denial, specifically addressing the concerns raised by the petitioner, and, where appropriate, (ii) the alternative means by which it will address the concerns raised by the petitioner, or ~~((2))~~ (b) initiate rule-making proceedings in accordance with this chapter.

(2) If an agency denies a petition to repeal or amend a rule submitted under subsection (1) of this section, the petitioner, within thirty days of the denial, may appeal the denial to the governor. The governor shall immediately file notice of the appeal with the code reviser for publication in the Washington state register. Within forty-five days after receiving the appeal, the governor shall either (a) deny the petition in writing, stating (i) his or her reasons for the denial, specifically addressing the concerns raised by the petitioner, and, (ii) where appropriate, the alternative means by which he or she will address the concerns raised by the petitioner; (b) for agencies listed in RCW 43.17.010, direct the agency to initiate rule-making proceedings in accordance with this chapter; or (c) for agencies not listed in RCW 43.17.010, recommend that the agency initiate rule-making proceedings in accordance with this chapter. The governor's response to the appeal shall be published in the Washington state register and copies shall be submitted to the chief clerk of the house of representatives and the secretary of the senate.

(3) In petitioning for repeal or amendment of a rule under this section, a person is encouraged to address, among other concerns:

(a) Whether the rule is authorized;

(b) Whether the rule is needed;

(c) Whether the rule conflicts with or duplicates other federal, state, or local laws;

(d) Whether alternatives to the rule exist that will serve the same purpose at less cost;

(e) Whether the rule applies differently to public and private entities;

(f) Whether the rule serves the purposes for which it was adopted;

(g) Whether the costs imposed by the rule are unreasonable;

(h) Whether the rule is clearly and simply stated; and

(i) Whether the rule is different than a federal law applicable to the same activity or subject matter without adequate justification.

(4) The business assistance center and the office of financial management shall coordinate efforts among agencies to inform the public about the existence of this rules review process.

(5) The office of financial management shall initiate the rule making required by subsection (1) of this section by September 1, 1995.

**NEW SECTION. Sec. 704.** A new section is added to chapter 1.08 RCW to read as follows:

(1) The code reviser shall compile and publish on a quarterly basis a report on state agency rule-making activity. The report shall summarize the following information by agency and by type of activity for new, amended, and repealed rules adopted by state agencies pursuant to chapter 34.05 RCW:

(a) The number adopted, proposed for adoption, and withdrawn;

(b) The number adopted as emergency rules;

(c) The number adopted in order to comply with federal statute, with federal rules or standards, and with recently enacted state statutes;

- (d) The number adopted at the request of a nongovernmental entity;
- (e) The number adopted on an agency's own initiative;
- (f) The number adopted in order to clarify, streamline, or reform agency procedures;
- (g) The number of petitions for review of rules received by agencies;
- (h) The number of rules appealed to superior court; and
- (i) The number adopted using negotiated rule making, pilot rule making, or other alternative rule-making mechanisms.

(2) For purposes of the report required by this section, each Washington State Register filing section shall be considered as a separate rule. The code reviser may adopt rules necessary to implement this section. To the maximum extent practicable, the code reviser shall use information supplied on forms provided by state agencies pursuant to chapter 34.05 RCW to prepare the report required by this section.

## PART VIII JUDICIAL REVIEW

**Sec. 801.** RCW 34.05.370 and 1994 c 249 s 2 are each amended to read as follows:

(1) Each agency shall maintain an official rule-making file for each rule that it (a) proposes by publication in the state register, or (b) adopts. The file and materials incorporated by reference shall be available for public inspection.

(2) The agency rule-making file shall contain all of the following:

- (a) Copies of all publications in the state register with respect to the rule or the proceeding upon which the rule is based;
- (b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding on which the rule is based;
- (c) All written petitions, requests, submissions, and comments received by the agency and all other written material regarded by the agency as important to adoption of the rule or the proceeding on which the rule is based;
- (d) Any official transcript of oral presentations made in the proceeding on which the rule is based or, if not transcribed, any tape recording or stenographic record of them, and any memorandum prepared by a presiding official summarizing the contents of those presentations;
- (e) ~~(The concise explanatory statement required by RCW 34.05.355;~~
- ~~(f))~~ All petitions for exceptions to, amendment of, or repeal or suspension of, the rule;
- ~~(g))~~ (f) Citations to data, factual information, studies, or reports on which the agency relies in the adoption of the rule, indicating where such data, factual information, studies, or reports are available for review by the public, but this subsection (2)(f) does not require the agency to include in the rule-making file any data, factual information, studies, or reports gathered pursuant to chapter 19.85 RCW that can be identified to a particular business;

~~(h))~~ (g) The ~~(written summary and response)~~ concise explanatory statement required by RCW 34.05.325(6); and

~~(i))~~ (h) Any other material placed in the file by the agency.

(3) Internal agency documents are exempt from inclusion in the rule-making file under subsection (2) of this section to the extent they constitute preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific document is not exempt from inclusion when it is publicly cited by an agency in connection with its decision.

(4) Upon judicial review, the file required by this section constitutes the official agency rule-making file with respect to that rule. Unless otherwise required by another provision of law, the official agency rule-making file need not be the exclusive basis for agency action on that rule.

**Sec. 802.** RCW 34.05.570 and 1989 c 175 s 27 are each amended to read as follows:

(1) Generally. Except to the extent that this chapter or another statute provides otherwise:

- (a) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity;
- (b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken;
- (c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and
- (d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.

(2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding.

(b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: ~~((#)) The rule violates constitutional provisions((:)); the rule exceeds the statutory authority of the agency((:)); the rule was adopted without compliance with statutory rule-making procedures((; or could not conceivably have been the product of a rational decision-maker)); or the rule is arbitrary and capricious.~~

(3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that:

- (a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied;
- (b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;
- (c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;
- (d) The agency has erroneously interpreted or applied the law;
- (e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter;
- (f) The agency has not decided all issues requiring resolution by the agency;
- (g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion;

(h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; or

(i) The order is arbitrary or capricious.

(4) Review of other agency action.

(a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection.

(b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer.

(c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is:

(i) Unconstitutional;

(ii) Outside the statutory authority of the agency or the authority conferred by a provision of law;

(iii) Arbitrary or capricious; or

(iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action.

**Sec. 803.** RCW 34.05.534 and 1988 c 288 s 507 are each amended to read as follows:

A person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the agency whose action is being challenged, or available within any other agency authorized to exercise administrative review, except:

(1) A petitioner for judicial review of a rule need not have participated in the rule-making proceeding upon which that rule is based, ~~((or))~~ have petitioned for its amendment or repeal, or have appealed a petition for amendment or repeal to the governor;

(2) A petitioner for judicial review need not exhaust administrative remedies to the extent that this chapter or any other statute states that exhaustion is not required; or

(3) The court may relieve a petitioner of the requirement to exhaust any or all administrative remedies upon a showing that:

(a) The remedies would be patently inadequate;

(b) The exhaustion of remedies would be futile; or

(c) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies.

## PART IX EQUAL ACCESS TO JUSTICE

**NEW SECTION. Sec. 901.** The legislature finds that certain individuals, smaller partnerships, smaller corporations, and other organizations may be deterred from seeking review of or defending against an unreasonable agency action because of the expense involved in securing the vindication of their rights in administrative proceedings. The legislature further finds that because of the greater resources and expertise of the state of Washington, individuals, smaller partnerships, smaller corporations, and other organizations are often deterred from seeking review of or defending against state agency actions because of the costs for attorneys, expert witnesses, and other costs. The legislature therefore adopts this equal access to justice act to ensure that these parties have a greater opportunity to defend themselves from inappropriate state agency actions and to protect their rights.

**NEW SECTION. Sec. 902.** A new section is added to chapter 4.84 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 902 through 904 of this act.

(1) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law.

(2) "Agency action" means agency action as defined by chapter 34.05 RCW.

(3) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (a) no expert witness shall be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (b) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(4) "Judicial review" means a judicial review as defined by chapter 34.05 RCW.

(5) "Qualified party" means (a) an individual whose net worth did not exceed one million dollars at the time the initial petition for judicial review was filed or (b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed five million dollars at the time the initial petition for judicial review was filed, except that an organization described in section 501(c)(3) of the federal internal revenue code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the agricultural marketing act (12 U.S.C. 1141J(a)), may be a party regardless of the net worth of such organization or cooperative association.

**NEW SECTION. Sec. 903.** A new section is added to chapter 4.84 RCW to read as follows:

(1) Except as otherwise specifically provided by statute, a court shall award a qualified party that prevails in a judicial review of an agency action fees and other expenses, including reasonable attorneys' fees, unless the court finds that the agency action was substantially justified or that circumstances make an award unjust. A qualified party shall be considered to have prevailed if the qualified party obtained relief on a significant issue that achieves some benefit that the qualified party sought.

(2) The amount awarded a qualified party under subsection (1) of this section shall not exceed twenty-five thousand dollars. Subsection (1) of this section shall not apply unless all parties challenging the agency action are qualified parties. If two or more qualified parties join in an action, the award in total shall not exceed twenty-five thousand dollars. The court, in its discretion, may reduce the amount to be awarded pursuant to subsection (1) of this section, or deny any award, to the extent that a qualified party during the course of the proceedings engaged in conduct that unduly or unreasonably protracted the final resolution of the matter in controversy.

**NEW SECTION. Sec. 904.** A new section is added to chapter 4.84 RCW to read as follows:

Fees and other expenses awarded under sections 902 and 903 of this act shall be paid by the agency over which the party prevails from operating funds appropriated to the agency within sixty days. Agencies paying fees and other expenses pursuant to sections 902 and 903 of this act shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the court shall be subject to the provisions of chapter 39.76 RCW and shall be deemed payable on the date the court announces the award.

**NEW SECTION. Sec. 905.** A new section is added to chapter 43.88 RCW to read as follows:

The office of financial management shall report annually to the legislature on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to sections 902 through 904 of this act. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and other relevant information that may aid the legislature in evaluating the scope and impact of the awards.

## **PART X BUSINESS LICENSE INFORMATION**

**NEW SECTION. Sec. 1001.** The master license system of the department of licensing is a proven, progressive program for one-stop state licensing. This flexible system should be expanded into a state-wide shared data base to facilitate combined licensing processes at local, state, and federal levels as a benefit to the business community through improved customer service.

In order to achieve this goal the department of licensing should expand the license information management system, offered by the master license system, to include local and federal licensing requirements, making this information readily accessible at appropriate locations throughout the state. In addition, the department should develop a pilot program expanding the capabilities of the master licensing system to local and federal levels in an efficient manner; and provide access to the expanded master licensing system for all jurisdictions within the state of Washington.

**NEW SECTION. Sec. 1002.** (1) The department shall solicit advice and recommendations for planning and establishing policy for a combined licensing pilot project and license information management system. Advice and assistance shall be solicited from:

- (a) The business assistance center;
  - (b) The office of the secretary of state;
  - (c) The department of revenue;
  - (d) The department of labor and industries;
  - (e) The employment security department;
  - (f) The Washington state association of counties;
  - (g) The association of Washington cities;
  - (h) The department of information services;
  - (i) The small business improvement council; and
  - (j) The cities chosen under section 1005 of this act.
- (2) The department may create ad hoc advisory committees for purposes of subsection (1) of this section.
- (3) This section shall expire July 1, 1997.

**NEW SECTION. Sec. 1003.** By December 31, 1995, the department of licensing, with advice and recommendations provided in section 1002 of this act, shall develop a plan for the state-wide license information management system. This plan shall include:

- (1) The scope and phases of the project, listing areas of responsibility for each phase;
- (2) Analysis of the costs and benefits, as well as funding sources, staffing levels, and technological issues involved in completing the project; and
- (3) A computer prototype for demonstration of the new license information system to interested jurisdictions.

**NEW SECTION. Sec. 1004.** By December 31, 1995, the department of licensing, with advice and recommendations provided in section 1002 of this act, shall develop a plan for a pilot combined licensing program. The plan shall include:

- (1) The scope and phases of the project, listing areas of responsibility for each phase;
- (2) Analysis of the costs and benefits, as well as funding sources, staffing levels, and technological issues involved in completing the project;
- (3) The use of the state unified business identifier as the key number for identifying persons and businesses, for licensing purposes, throughout local, state and, if appropriate, federal levels of government;
- (4) Steps leading to the expansion of the department's master license automated system, to be used for combined licensing processes at selected local service jurisdictions;
- (5) Development of common technology for information dissemination, access, and delivery at appropriate service locations through the master license system, including remote field input of master business application information;
- (6) Adoption of the state's master business application to become the standard for all registration or licensing applications used at local and state levels, and federal levels where appropriate; and
- (7) Necessary training for staff at service locations.

**NEW SECTION. Sec. 1005.** By December 31, 1996, the department of licensing shall:

- (1) Expand the license information management system, in order to provide on-line local, state, and federal business registration and licensing requirements;
- (2) Include specific licensing requirements for local jurisdictions in the license information packet;
- (3) Provide the capability to distribute the information packets at the appropriate service locations;
- (4) Provide the ability for local jurisdictions to access, store, and update the license requirements data of their own jurisdiction; and
- (5) Provide training to all organizations providing services using the master license information management system.

**NEW SECTION. Sec. 1006.** A new section is added to chapter 19.02 RCW to read as follows:

- (1) By June 30, 1997, the department shall have a pilot combined licensing project fully operational in at least two cities within the state of Washington, with at least one city west of the Cascade mountains and at least one city east of the Cascade mountains.
- (2) By January 31, 1997, the department shall make an interim report to the legislature on the progress of the pilot combined licensing project.

(3) By January 31, 1998, the department shall have evaluated the pilot combined licensing project and reported to the legislature with a plan for transition of the pilot project into an ongoing program. The transition plan shall include cost, funding sources, and staffing needs for the ongoing program.

(4) Upon approval and continued funding of the transition plan by the legislature under this section, the master license system shall implement a transition from the pilot program to the ongoing program.

**Sec. 1007.** RCW 19.02.075 and 1992 c 107 s 2 are each amended to read as follows:

(1) ~~((Beginning June 1, 1992,))~~ The department shall collect a fee of fifteen dollars on each master application ~~((and five dollars on each license information packet. From June 1, 1992, to June 30, 1992, twelve dollars of the master application fee shall be deposited in the general fund and three dollars deposited in the master license fund. Thereafter,))~~. The entire master application fee shall be deposited in the master license fund. ~~((License information packet fees shall be deposited in the general fund.))~~

(2) ~~((Beginning July 1, 1992,))~~ The department shall collect a fee of nine dollars on each renewal application. Renewal application fees shall be deposited in the master license fund.

## PART XI MISCELLANEOUS

NEW SECTION. **Sec. 1101.** Part headings as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 1102.** Sections 201, 301 through 305, 401 through 405, and 801 of this act shall apply to all rule making for which a statement of proposed rule making under RCW 34.05.320 is filed after the effective date of this section.

NEW SECTION. **Sec. 1103.** Sections 601 through 615, 617, and 619 through 621 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 1104.** If specific funding for the purposes of sections 704 and 1001 through 1007 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1995, in the omnibus appropriations act, sections 704 and 1001 through 1007 of this act shall be null and void.

NEW SECTION. **Sec. 1105.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Hale moved that the following amendments to the striking amendment by Senators Sheldon and Hale be considered simultaneously and be adopted:

On page 2, beginning on line 35 of the amendment, after "rule" strike all material through "statute" on line 37

On page 3, beginning on line 7 of the amendment, after "rule" strike all material through "statute" on line 9

On page 3, beginning on line 19 of the amendment, after "rule" strike all material through "statute" on line 20

On page 3, beginning on line 27 of the amendment, after "rule" strike all material through "statute" on line 29

On page 4, beginning on line 4 of the amendment, after "rule" strike all material through "statute" on line 6

On page 5, beginning on line 10 of the amendment, after "rule" strike all material through "statute" on line 12

On page 6, beginning on line 14 of the amendment, after "rule" strike all material through "statute" on line 16

On page 6, beginning on line 27 of the amendment, after "rule" strike all material through "statute" on line 28

On page 7, beginning on line 4 of the amendment, after "rule" strike all material through "statute" on line 5

On page 8, beginning on line 17 of the amendment, after "rule" strike all material through "statute" on line 19

On page 9, beginning on line 8 of the amendment, after "rule" strike all material through "statute" on line 9

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Heavey: "Mr. President, a point of parliamentary inquiry. With no disrespect to any of our members, but isn't it necessary when reading a document to ask permission of the President? Isn't that part of the rules?"

## REPLY BY THE PRESIDENT

President Pritchard: "Well if somebody objects. It has been the custom to be not real strict on that, but it is there if you want to object, but it takes an objection."

The President declared the question before the Senate to be the adoption of the amendments by Senator Hale on pages 2, 3 (3), 4, 5, 6 (2), 7, 8 and 9, to the striking amendment by Senators Sheldon and Hale to Engrossed Substitute House Bill No. 1010.

The motion by Senator Hale carried and the amendments to the striking amendment were adopted on a rising vote, the President voting 'aye.'

## MOTION

Senator Hale moved that the following amendments to the striking amendment by Senators Sheldon and Hale be considered simultaneously and be adopted:

On page 8, after line 27 of the amendment, insert the following:

**"NEW SECTION. Sec. 112.** A new section is added to chapter 43.22 RCW to read as follows:

For rules adopted after the effective date of this section, the director of the department of labor and industries may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule: PROVIDED, That this section shall not apply to rules adopted pursuant to chapter 39.12 RCW. It is the intent of the legislature to retain the status quo and that the provisions of chapter . . ., Laws of 1995 (this act) shall neither explicitly or impliedly diminish nor expand the rule-making authority of the department under chapter 39.12 RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 10, line 13 of the amendment, after "licensing," insert "the department of labor and industries,"

Debate ensued.

Senator Prentice demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Hale on page 8, after line 27, and page 10, line 13 to the striking amendment by Senators Sheldon and Hale to Engrossed Substitute House Bill No. 1010.

#### ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were adopted by the following vote, the President voting 'aye:' Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 24.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator Hale moved that the following amendment to the striking amendment by Senators Sheldon and Hale be adopted:

On page 8, beginning on line 28 of the amendment, strike all of section 112 and insert the following:

**"Sec. 112.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows:

(1) The commissioner shall have the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code.

(2) The commissioner shall execute his or her duties and shall enforce the provisions of this code.

(3) The commissioner may:

(a) Make reasonable rules and regulations for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation; PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on this statute, or on a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. No such rules and regulations shall be effective prior to their being filed for public inspection in the commissioner's office.

(b) Conduct investigations to determine whether any person has violated any provision of this code.

(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.

**Sec. 113.** RCW 48.30.010 and 1985 c 264 s 13 are each amended to read as follows:

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices ~~((are defined pursuant to subsection (2) of this section.~~

~~(2) In addition to such unfair methods and unfair or deceptive acts or practices)) as are expressly defined and prohibited by this code((, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive.~~

~~(3) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated)).~~

~~((4))~~ (2) If the commissioner has cause to believe that any person is violating any such ~~((regulation))~~ rule or prohibition of this code, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter.

~~((5))~~ (3) If any such ~~((regulation))~~ rule or prohibition of this code is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a ~~((regulation))~~ rule or that prohibition.

(4) Any permanent rule that was adopted by the commissioner under the authority of this section as it existed before the effective date of this section, and that was in effect as of the effective date of this section, shall, if otherwise valid, remain in effect until and unless it is repealed by the commissioner, who shall retain the authority to repeal any such rule, or is effectively repealed by an act of the legislature.

**Sec. 114.** RCW 48.44.050 and 1947 c 268 s 5 are each amended to read as follows:

The insurance commissioner shall make reasonable regulations in aid of the administration of this chapter which may include, but shall not be limited to regulations concerning the maintenance of adequate insurance, bonds, or cash deposits, information required of registrants, and methods of expediting speedy and fair payments to claimants: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on this section, a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute.

**Sec. 115.** RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each amended to read as follows:

The commissioner may adopt, in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW, ~~((promulgate))~~ rules and regulations as necessary or proper to carry out the provisions of this chapter: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on this section, a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. Nothing in this chapter shall be construed to prohibit the commissioner from requiring changes in procedures previously approved by ~~((him))~~ the commissioner."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Franklin demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hale on page 8, beginning on line 28, to the striking amendment by Senators Sheldon and Hale to Engrossed Substitute House Bill No. 1010.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was adopted by the following vote, the President voting 'aye:' Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 24.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator Hale moved that the following amendment to the striking amendment by Senators Sheldon and Hale be adopted:

On page 11, beginning on line 18 of the amendment, after "(2)" strike all material through "section." on line 21, and insert "In making its determinations pursuant to subsection (1)(b) through (g) of this section, the agency shall place in the rule-making file documentation of sufficient quantity and quality so as to persuade a fair-minded person that the determinations are justified."

Debate ensued.

Senator Ann Anderson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hale on page 11, beginning on line 18, to the striking amendment by Senators Sheldon and Hale to Engrossed Substitute House Bill No. 1010.

#### ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were adopted by the following vote, the President voting 'aye:' Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 24.



Excused: Senator Anderson, C. - 1.

#### MOTION

Senator Spanel moved that further consideration of Engrossed Substitute House Bill No. 1010 be deferred.

Senator West objected to deferring consideration of Engrossed Substitute House Bill No. 1010.

Debate ensued.

Senator West demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Spanel to defer further consideration of Engrossed Substitute House Bill No. 1010.

#### ROLL CALL

The Secretary called the roll and the motion to defer further consideration of Engrossed Substitute House Bill No. 1010 failed by the following vote, the President voting 'nay:' Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 24.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator Newhouse moved that the rules be suspended and that Engrossed Substitute House Bill No. 1010 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

#### MOTION

At 5:43 p.m., Senator Spanel moved that the Senate be at ease.

Senator West requested to recess to a time specific.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Spanel for the Senate to be at ease.

#### ROLL CALL

The Secretary called the roll and the motion to be at ease carried by the following vote, the President voting 'aye:' Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 24.

Excused: Senator Anderson, C. - 1.

At 5:46 p.m., the Senate was declared to be at ease.

The Senate was called to order at 7:05 p.m. by President Pritchard.

#### MOTION

There being no objection, Senator Newhouse withdrew his motion to advance Engrossed Substitute House Bill No. 1010 to third reading.

#### MOTION

On motion of Senator Spanel, further consideration of Engrossed Substitute House Bill No. 1010 was deferred.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden, Dellwo, Schoesler, Sheahan and Chopp) (by request of Office of Financial Management)

Adopting the capital budget.

The bill was read the second time.

## MOTIONS

Senator Loveland moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1997, out of the several funds specified in this act.

**NEW SECTION. Sec. 2.** As used in this act, the following phrases have the following meanings:

"Aquatic Lands Acct" means the Aquatic Lands Enhancement Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Data Proc Rev Acct" means Data Processing Revolving Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;

"NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account;

"ORA" means Outdoor Recreation Account;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account;

"Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account;

"St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;

"St Bldg Constr Acct" means State Building Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"Thoroughbred Racing Acct" means Washington Thoroughbred Racing Account;

"Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account;  
 "UW Bldg Acct" means University of Washington Building Account;  
 "WA Housing Trust Acct" means Washington Housing Trust Account;  
 "WA St Dev Loan Acct" means Washington State Development Loan Account;  
 "Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;  
 "WSU Bldg Acct" means Washington State University Building Account;  
 "WWU Cap Proj Acct" means Western Washington University Capital Projects Account.  
 Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

**PART 1  
 GENERAL GOVERNMENT**

**NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Northwest Washington Regional Archives: Construction (90-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,970**  
 Prior Biennia (Expenditures) \$ 128,341  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 132,311

**NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Central Washington Regional Archives--Central Washington University Campus (93-2-001)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 434,000**  
 Prior Biennia (Expenditures) \$ 3,500,000  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 3,934,000

**NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Essential Records Storage Site--Asbestos survey and abatement (94-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**  
 Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 50,000

**NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Eastern Washington Branch Archives: Design (94-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,200**  
 Prior Biennia (Expenditures) \$ 52,000  
 Future Biennia (Projected Costs) \$ 4,540,612  
 TOTAL \$ 4,598,812

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Puget Sound Branch Archives--Building design (94-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 670,000**  
 Prior Biennia (Expenditures) \$ 40,000  
 Future Biennia (Projected Costs) \$ 6,030,125  
 TOTAL \$ 6,740,125

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Puget Sound Branch--Building "C" asbestos abatement and demolition (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 125,000**  
 Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 125,000

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Community economic revitalization (86-1-001)**

**Reappropriation:**

**Public Works Assistance Acct--State \$ 3,321,298**  
**Pub Fac Constr Loan Rev Acct--State \$ 3,862,729**  
**St Bldg Constr Acct--State \$ 2,106,034**  
Subtotal Reappropriation \$ 9,290,061

**Appropriation:**

**Pub Fac Constr Loan Rev Acct--State \$ 1,500,000**  
**Public Works Assistance Acct--State \$ 4,000,000**  
Subtotal Appropriation \$ 5,500,000  
Prior Biennia (Expenditures) \$ 7,026,937  
Future Biennia (Projected Costs) \$ 24,000,000  
TOTAL \$ 45,816,998

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Development loan fund (88-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,000,000**  
**Wa St Dev Loan Acct--Federal \$ 186,654**  
Subtotal Reappropriation \$ 2,186,654

**Appropriation:**

**Wa St Dev Loan Acct--Federal \$ 3,500,000**  
Prior Biennia (Expenditures) \$ 5,932,935  
Future Biennia (Projected Costs) \$ 20,000,000  
TOTAL \$ 31,619,589

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Grays Harbor dredging (88-3-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this reappropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,788,144**  
Prior Biennia (Expenditures) \$ 4,211,856  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 10,000,000

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Housing assistance, weatherization, and affordable housing program (88-5-015)**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the reappropriation from the state building and construction account, \$2,000,000 of the reappropriation from the charitable, educational, penal, and reformatory institutions account, and \$2,000,000 of the appropriation from the state building and construction account are provided solely for development of at least 367 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall implement this initiative in coordination with the managed care initiative developed by the division of developmental disabilities in accordance with the 1995-97 operating budget.

(2) \$3,000,000 of the appropriation from the state building and construction account is provided solely to assist nursing homes convert at least 200 existing beds to assisted living units to be operated under contract with the department of social and health services.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 33,214,000**  
**CEP & RI Acct--State \$ 2,830,959**  
Subtotal Reappropriation \$ 36,044,959

**Appropriation:**

**St Bldg Constr Acct--State \$ 50,000,000**  
Prior Biennia (Expenditures) \$ 77,601,500  
Future Biennia (Projected Costs) \$ 100,000,000  
TOTAL \$ 263,646,459

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
A Contemporary Theatre (ACT)--Seattle (90-1-006)**

This reappropriation is provided solely for the construction or renovation of a new theater in Seattle. If the project funded from the reappropriation in this section is not substantially complete by December 31, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 914,696**  
Prior Biennia (Expenditures) \$ 85,031  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 999,727

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Seattle Center redevelopment:** For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing **(92-1-019)**

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,735,637**  
Prior Biennia (Expenditures) \$ 5,764,364  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,500,001

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Yakima criminal justice facility:** For a grant to the city of Yakima for the construction of a new criminal justice facility **(92-2-001)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

(3) If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,991,000**  
Prior Biennia (Expenditures) \$ 9,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,000,000

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**7th Street Theatre (90-2-008)**

The reappropriation in this section is subject to the following conditions and limitations: The appropriation shall be matched by at least \$400,000 from nonstate sources. The match may include cash or in-kind contributions. If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 250,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 550,000

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Minor works: Emergency Management Building (92-2-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 62,263**  
Prior Biennia (Expenditures) \$ 223,737  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 286,000

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Snohomish County drainage:** To purchase land in drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands **(92-2-011)**

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 348,950**  
Prior Biennia (Expenditures) \$ 1,050  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 350,000

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Resource Center for the Handicapped:** To acquire and improve the facilities in which the center currently operates **(92-5-000)**

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources expended for the same purposes. The matching money may include lease-purchase payments made by the center prior to May 28, 1993.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 407,203**  
Prior Biennia (Expenditures) \$ 792,797  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,200,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Washington Technology Center laboratories (92-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,262,945**  
Prior Biennia (Expenditures) \$ 1,419,658  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,682,603

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Columbia River dredging feasibility:** For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver **(92-5-006)**

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose. If the project funded from the reappropriation in this section is not substantially complete by December 1, 1995, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 598,200**  
Prior Biennia (Expenditures) \$ 1,800  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 600,000

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Building for the arts:** For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-

100)

The appropriations in this section are subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

**Phase 1** Estimated Total

Capital Cost

Seattle Children's Theatre \$ 8,000,000  
Admiral Theatre (Bremerton) \$ 4,261,000  
Pacific Northwest Ballet \$ 7,500,000  
Seattle Symphony \$ 54,000,000  
Seattle Repertory Theatre (Phase 1) \$ 4,000,000  
Broadway Theatre District (Tacoma) \$ 11,800,000  
Allied Arts of Yakima \$ 500,000  
Spokane Art School \$ 454,000  
Seattle Art Museum \$ 4,862,500  
Total \$ 95,377,500

**Phase 2** Estimated Total

Capital Cost

Bainbridge Performing Arts Center \$ 1,200,000  
The Children's Museum \$ 2,850,000  
Everett Community Theatre \$ 12,119,063  
Kirkland Center for the Performing Arts \$ 2,500,000  
Makah Cultural and Research Center \$ 1,600,000  
Mount Baker Theatre Center \$ 1,581,000  
Seattle Group Theatre \$ 334,751  
Seattle Opera Association \$ 985,000  
Seattle Repertory Theatre (Phase 2) \$ 4,000,000  
Valley Museum of Northwest Art \$ 1,100,000  
Village Theatre \$ 6,000,000  
The Washington Center for the Performing Arts \$ 400,000  
Whidbey Island Center for the Arts \$ 1,200,000  
Total \$ 35,869,814

**Phase 3** Estimated Total

Capital Cost

ACT Theatre \$ 28,100,000  
Corbin Art Theater (Spokane) \$ 69,055  
Cutter Theater \$ 725,511  
Depot Arts Center (Anacortes) \$ 68,000  
Little Theater (Walla Walla) \$ 100,000  
Meadow for the Arts (Gig Harbor) \$ 2,550,000  
New City Theater \$ 281,000  
Northwest Puppet Theater \$ 413,300  
Paramount Theater \$ 14,705,262  
Rainier Valley Cultural Center \$ 600,000  
Seattle Children's Theater \$ 3,200,000  
Steilacoom Cultural Center \$ 65,000  
Meyendenbauer Theater \$ 2,400,000  
Tu-Ha-Buts Cultural Center \$ 777,405  
Vancouver Arts School \$ 8,549,313

World Kite Museum	\$ 900,000
Clallam County Gallery	\$ 174,314
Columbia Theater	\$ 500,000
Total	\$ 64,178,160

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon: Uniform criteria for the selection of projects and awarding of grants for up to fifteen percent of the total project cost; local community support for the project; a requirement that the sites for the projects are secured or optioned for purchase; and a state-wide geographic distribution of projects.

(5) By December 15, 1995, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 8,000,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 9,209,986

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,209,986

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**Columbia Gorge Interpretive Center (92-5-101)**

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,886**

Prior Biennia (Expenditures) \$ 3,999,114

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**Tri-Cities Trade Center (93-5-003)**

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. These appropriations shall be matched by at least \$2,800,000 provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,527,385**

Prior Biennia (Expenditures) \$ 272,615

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,800,000

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**Martin Luther King Jr. Memorial (93-5-005)**

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 95,450**

Prior Biennia (Expenditures) \$ 4,550

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**Challenger Learning Center (93-5-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and



(2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 322,908**  
Prior Biennia (Expenditures) \$ 477,092  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 800,000

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Fire Training Academy: Preservation (94-1-016)**

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 142 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,221,018**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,500,000**  
Prior Biennia (Expenditures) \$ 128,982  
Future Biennia (Projected Costs) \$ 1,200,000  
TOTAL \$ 4,050,000

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Emergency Management Building: Preservation (94-1-018)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 71,759**  
Prior Biennia (Expenditures) \$ 13,325  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 85,084

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Public works trust fund loans (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

Up to \$20,000,000 of the new appropriation may be used for preconstruction activity loans under House Bill No. 2063.

**Reappropriation:**

**Public Works Assistance Acct--State \$ 105,699,689**

**Appropriation:**

**Public Works Assistance Acct--State \$ 148,900,000**  
Prior Biennia (Expenditures) \$ 151,561,725  
Future Biennia (Projected Costs) \$ 695,900,000  
TOTAL \$ 1,102,061,414

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Washington Technology Center: Equipment (94-2-002)**

The reappropriation in this section is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 947,785**  
Prior Biennia (Expenditures) \$ 32,215  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 980,000

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Bigelow House: For restoration and renovation of this historic home to accommodate public visitors (94-2-004)**

The reappropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 298,923**  
Prior Biennia (Expenditures) \$ 9,077  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 308,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Olympic Peninsula Natural History Museum (94-2-005)**

The appropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 300,000

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Thorp Grist Mill:** To develop the ice pond park and provide facilities to accommodate public access (94-2-007)

The reappropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**  
Prior Biennia (Expenditures) \$ 30,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 130,000

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Camp North Bend Environmental Center:** For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center (94-2-008)

The reappropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 200,000

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Boren Field repairs:** To provide financial assistance to the Seattle school district for repairs to Boren Field (94-2-011)

The appropriation in this section shall be matched by at least \$50,000 from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 275,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 275,000

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Camelot community flooding assistance:** To provide financial assistance to King county to relieve flooding in the Camelot community (94-2-012)

The appropriation in this section is subject to the following conditions and limitations: Each dollar expended from the appropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 75,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 75,000

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Daybreak Star Center: Remodel (94-2-100)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 88,484**  
Prior Biennia (Expenditures) \$ 138,516  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 227,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Timber ports capital asset improvements:** To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities (94-2-102)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this reappropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

Port Amount

Port of Grays Harbor \$ 564,000

Port of Port Angeles \$ 1,500,000

Port of Longview \$ 1,855,000

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,281,019**

Prior Biennia (Expenditures) \$ 618,981

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,900,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Fire Training Academy Portable Building improvements (96-2-016)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 99,410**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 99,410

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Sand Point state use studies (96-2-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 50,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Community Action Agencies:** For grants to nonprofit community action agencies to assist in acquiring, developing, or rehabilitating buildings for the purpose of providing community-based family services under RCW 43.63A.115

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value, and other in-kind contributions;

(2) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met; and

(3) The following projects are eligible for funding:

	Estimated Total Capital Cost	State Grant
Benton Franklin Community		
Action Committee	\$1,200,000	\$ 300,000
Central Area Motivation Project	\$1,000,000	\$ 250,000
Community Action Center of		
Whitman County	\$ 390,000	\$ 90,000
Community Action Council of		
Lewis, Mason, and		
Thurston Counties	\$ 700,000	\$ 175,000
El Centro de la Raza	\$1,250,000	\$ 300,000
Fremont Public Association	\$3,000,000	\$ 600,000
Kitsap Community Action		

Program \$ 465,000 \$ 110,000  
 Kittitas Community Action  
 Council \$ 600,000 \$ 150,000  
 Lower Columbia Community  
     Action Council \$1,331,625 \$ 300,000  
 Metropolitan Development  
 Council \$ 880,000 \$ 220,000  
 Multi-Service Centers of  
     North and East King County \$1,600,000 \$ 350,000  
 Northeast Washington Rural  
     Resources Development  
     Association \$1,200,000 \$ 350,000  
 Okanogan County Community  
     Action Council \$ 350,000 \$ 80,000  
 South King County  
     Multi-Service Center \$ 800,000 \$ 200,000  
 Spokane Neighborhood  
     Action Programs \$1,500,000 \$ 375,000  
 Yakima Valley Farmworker  
 Clinic \$ 605,000 \$ 150,000  
 Total \$16,871,625 \$4,000,000

**Appropriation:**

**St Bldg Constr Acct--State \$ 4,000,000**  
 Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 4,000,000

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**Pacific Science Center (96-1-900)**

The appropriation in this section is provided for capital facilities improvements.

**Appropriation:**

**State Bldg Constr Acct--State \$ 4,000,000**  
 Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 4,000,000

**NEW SECTION. Sec. 141. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
**Collocated Cascadia Community College and University of Washington Branch Campus (94-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided to acquire property, design, and construct a new branch campus to meet the higher education needs of the north King and south Snohomish county area;
- (2) The location of the property to be acquired for the new collocated campus shall be determined by the higher education coordinating board. The higher education coordinating board shall acquire a site contingent upon a satisfactory site selection environmental impact statement, any necessary environmental permits, and fiscal approval by the office of financial management;
- (3) The moneys provided in this section may be allocated to the appropriate institution or institutions or fiscal agency as specified in the joint-operating agreement as approved by the higher education coordinating board; and
- (4) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 14,500,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,000,000**  
 Prior Biennia (Expenditures) \$ 10,710,000  
 Future Biennia (Projected Costs) \$ 75,000,000  
 TOTAL \$ 105,210,000

**NEW SECTION. Sec. 142. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
**Underground storage tank: Pool (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above-ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

**Reappropriation:**

**CEP & RI Acct--State \$ 105,000**  
**St Bldg Constr Acct--State \$ 345,000**  
Subtotal Reappropriation \$ 450,000

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 4,568,146  
Future Biennia (Projected Costs) \$ 7,000,000  
TOTAL \$ 15,018,146

**NEW SECTION. Sec. 143. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Asbestos abatement and associated minor demolition: Pool (96-1-002)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,500,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 6,358,088  
Future Biennia (Projected Costs) \$ 16,000,000  
TOTAL \$ 27,858,088

**NEW SECTION. Sec. 144. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Americans with Disabilities Act: Pool (96-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. The office of financial management shall implement an agency request and evaluation procedure similar to the one adopted in the 1993-95 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,000,000**  
Prior Biennia (Expenditures) \$ 8,360,000  
Future Biennia (Projected Costs) \$ 33,000,000  
TOTAL \$ 48,360,000

**NEW SECTION. Sec. 145. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Seismic retrofit: Pool (96-1-004)**

**Appropriation:**

**General Fund--Federal \$ 2,250,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,250,000

**NEW SECTION. Sec. 146. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Capital budget system improvements (96-1-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,900,000

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Lake repairs:** To repair dam gates and shoreline areas damaged by erosion (92-1-015)

**Reappropriation:**

**St Bldg Constr Acct--State \$ 985,000**

Prior Biennia (Expenditures) \$ 140,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Campus geotechnical and hydrologic survey (92-2-108)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 75,000**

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**CFC/Halon fire control systems (94-1-009)**

**Reappropriation:**

**Cap Bldg Constr Acct--State \$ 325,000**

Prior Biennia (Expenditures) \$ 139,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 464,000

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Campus preservation (94-1-010)**

**Reappropriation:**

**Cap Bldg Constr Acct--State \$ 910,000**

Prior Biennia (Expenditures) \$ 2,748,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,658,000

**NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Lake dredging:** To develop a dredging plan and to dredge Capitol Lake (92-1-019)

\$200,000 of the reappropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fish and wildlife, and transportation, and with affected local governments and Indian tribes.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,430,000**

Prior Biennia (Expenditures) \$ 570,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

**NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Legislative Building: Preservation:** To make critical repairs to the Legislative Building (96-1-001)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Plaza--Department of Transportation Garage renovation: Design and construction (96-1-002)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 2,200,000**  
**St Bldg Constr Acct--State \$ 5,312,000**  
**Thurston County Cap Fac**  
**Acct--State \$ 1,809,000**  
Subtotal Appropriation \$ 9,321,200  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 11,158,500  
TOTAL \$ 20,479,700

**NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**General Administration Building--Preservation:** To make critical repairs to the electrical service of the General Administration Building (96-1-003)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,950,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,950,000

**NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol campus controls systems phase 4 (96-1-004)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 868,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 868,000

**NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Heritage Park--Phased development:** To provide for a public access trail linking the campus to Capitol Lake, slope stabilization, environmental review, and design and permitting for future phases (92-5-105)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,035,000**  
Prior Biennia (Expenditures) \$ 7,030,000  
Future Biennia (Projected Costs) \$ 11,492,000  
TOTAL \$ 19,557,000

**NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Emergency and small repairs (96-1-007)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 300,000**  
**Thurston County Cap Fac Acct--State \$ 200,000**  
**St Bldg Constr Acct--State \$ 200,000**  
Subtotal Appropriation \$ 700,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 4,900,000  
TOTAL \$ 5,600,000

**NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Electrical improvements:** To make critical electrical improvements to the 600 S. Franklin Building (96-1-009)

**Appropriation:**

**Thurston County Cap Fac Acct--State \$ 12,000**  
**St Bldg Constr Acct--State \$ 300,000**  
Subtotal Appropriation \$ 312,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,800,000  
TOTAL \$ 2,112,000

**NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Roof repairs and replacement (96-1-010)**

**Appropriation:**

**Thurston County Cap Fac Acct--State \$ 775,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 3,200,000  
TOTAL \$ 3,975,000

**NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
CFC/Halon fire control systems: Removal and replacement (96-1-011)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 500,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,000,000  
TOTAL \$ 1,500,000

**NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Archives Building heating, ventilation, and air conditioning: Repairs (96-1-012)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,700,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,700,000

**NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Thurston County buildings: Preservation:** To make mechanical and heating, ventilation, and air conditioning improvements to the 600 S. Franklin Building, to replace and repair plumbing in the Capitol Park Building, to repair the Employment Security Building, the IBM Building, the Governor's Mansion, and the Institutions Building, and to improve the heating, ventilation, and air conditioning system at the Old Capitol Building (96-1-013)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 378,000**  
**St Bldg Constr Acct--State \$ 1,462,000**  
Subtotal Appropriation \$ 1,840,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 4,200,000  
TOTAL \$ 6,040,000

**NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Thurston County infrastructure: Preservation:** To repair the Columbia Street Garage, to repair the General Administration Garage, and to repair the Deschutes Parkway (96-1-015)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 230,000**  
**St Bldg Constr Acct--State \$ 200,000**  
Subtotal Appropriation \$ 430,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 5,800,000  
TOTAL \$ 6,230,000

**NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Training and Conference Center--Preservation (96-1-016)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 620,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 620,000

**NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Monumental buildings--Preservation:** To replace stone, repair and patch cracked stones, miscellaneous stone consolidation, water and chemical cleaning, and sealing the stone surface of campus monumental buildings (96-1-017)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,700,000**



Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 6,800,000  
TOTAL \$ 8,500,000

**NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**State Library: Preservation (96-1-018)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 800,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 800,000

**NEW SECTION. Sec. 167. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 168. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**General Administration engineering and architectural services: Project management (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or those that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize a project management cost allocation procedure approved by the office of financial management to allocate costs under the appropriation, and costs under any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall allocate costs at the project level for projects valued over \$500,000.

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,500,000**  
Prior Biennia (Expenditures) \$ 8,000,000  
Future Biennia (Projected Costs) \$ 30,000,000  
TOTAL \$ 45,500,000

**NEW SECTION. Sec. 169. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**Campus transport system phase I: Design and construct (95-2-002)**

In the 1997-99 biennium the department will start charging the benefiting agencies, through their rate structure, amounts sufficient to recover the costs (principal and interest) for the entire transport system over a fifteen year period.

**Appropriation:**

**Data Proc Rev Acct--State \$ 3,450,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,650,000  
TOTAL \$ 5,100,000

**NEW SECTION. Sec. 170. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**Washington Information Network Kiosks (95-2-003)**

Funding is provided solely for the acquisition and installation of up to 30 multimedia kiosks for the Washington Information Network.

**Appropriation:**

**Data Proc Rev Acct--State \$ 1,300,000**  
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,300,000

**NEW SECTION. Sec. 171. FOR THE WASHINGTON HORSE RACING COMMISSION  
Horse Racing Commission (94-5-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;
- (2) Expenditures from this appropriation shall only be made to construct horse race or related facilities after the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;
- (3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the states long-term interest in the continuation and development of thoroughbred horse racing.

**Reappropriation:**

**Thoroughbred Racing**  
Acct--State \$ 8,200,000

**Appropriation:**

**Thoroughbred Racing**  
Acct--State \$ 168,065  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,368,065

**NEW SECTION. Sec. 172. FOR THE LIQUOR CONTROL BOARD  
Distribution Center: Security fence replacement (94-1-003)**

**Reappropriation:**

**Liquor Revolving Acct--State \$ 28,800**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 28,800

**NEW SECTION. Sec. 173. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center--Predesign:** To complete predesign for a new warehouse in accordance with the predesign manual published by the office of financial management (96-2-001)

**Appropriation:**

**Liquor Revolving Acct--State \$ 100,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 100,000

**NEW SECTION. Sec. 174. FOR THE MILITARY DEPARTMENT**

**Yakima Armory demolition:** To reimburse the city of Yakima for demolition costs (94-2-001)

**Appropriation:**

**General Fund--Federal \$ 155,000**  
Prior Biennia (Expenditures) \$ 52,000  
Future Biennia (Projected Costs) \$ 6,143,069  
TOTAL \$ 6,350,069

**NEW SECTION. Sec. 175. FOR THE MILITARY DEPARTMENT**

**State-wide: Preservation (93-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 850,000**  
Prior Biennia (Expenditures) \$ 2,518,400  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,368,400

**NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT**

**Camp Murray buildings: Preservation (96-1-002)**

**Appropriation:**

**General Fund--Federal \$ 1,050,000**  
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 658,000  
TOTAL \$ 1,708,000

**NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT**

**Everett Armory: Preservation (96-1-003)**

**Appropriation:**

**General Fund--Federal \$ 500,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 500,000

**NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT**

**Camp Murray infrastructure: Preservation (96-1-006)**

**Appropriation:**

**General Fund--Federal \$ 500,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 2,000,000  
TOTAL \$ 2,500,000

**NEW SECTION. Sec. 179. FOR THE MILITARY DEPARTMENT**

**Minor works:** To provide support of federal construction projects (96-1-007)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**General Fund--Federal \$ 3,855,000**  
**St Bldg Constr Acct--State \$ 448,000**  
Subtotal Appropriation \$ 4,303,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 19,553,700  
TOTAL \$ 23,856,700

**NEW SECTION. Sec. 180. FOR THE MILITARY DEPARTMENT**

**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 181. FOR THE MILITARY DEPARTMENT**

**Emergency Coordination Center:** For design and construction of an emergency coordination center and remodeling of associated facilities at Camp Murray

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;
- (2) The appropriation in this section represents the maximum amount of funding available for this project. To the extent moneys in this appropriation are not needed to complete the project, as mutually determined by the military department and the office of financial management, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund; and
- (3) If Substitute House Bill No. 1017, or substantially similar legislation transferring emergency management responsibilities to the state military department, is not enacted by June 30, 1995, the appropriation in this section shall be transferred to the department of community, trade, and economic development, subject to the conditions and limitations in this section.

**Appropriation:**

**General Fund--Federal \$ 9,066,000**  
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,066,000

**NEW SECTION. Sec. 182. FOR THE STATE CONVENTION AND TRADE CENTER  
Minor works (93-2-001) (89-5-002) (89-5-003)**

If the projects funded from the reappropriation in this section are not substantially complete by January 1, 1997, the reappropriation shall lapse.

**Reappropriation:**

**St Conv & Trade Ctr Acct--State \$ 1,300,000**  
Prior Biennia (Expenditures) \$ 333,926  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,633,926

**PART 2  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Western State Hospital--Sanitary sewer (88-1-400)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 179,908**  
Prior Biennia (Expenditures) \$ 10,092  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 190,000

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Echo Glen--Perimeter fence (90-5-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 48,233**  
Prior Biennia (Expenditures) \$ 426,777  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 475,000

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Eastern State Hospital--Ward renovation phase 3 (92-1-340)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 818,536**  
Prior Biennia (Expenditures) \$ 5,429,786  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,248,322

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Maple Lane--Level 2 security units (92-2-230)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,718**  
Prior Biennia (Expenditures) \$ 746,781  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 758,499

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Child Study--Education Center 1 (92-2-319)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 896,907**  
Prior Biennia (Expenditures) \$ 2,928,093  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,825,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Energy conservation management and planning (94-1-006)**

**Reappropriation:**

**CEP & RI Acct \$ 127,559**  
Prior Biennia (Expenditures) \$ 102,917  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 230,476

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Underground Storage Tanks (94-1-060)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 142,641**  
Prior Biennia (Expenditures) \$ 81,359  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 224,000

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Western State Hospital--Ward renovation Phase 5 (92-1-314)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,042,000**  
Prior Biennia (Expenditures) \$ 10,009,327  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 12,051,327

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Level 1 Security Units--Maple Lane School (92-2-225)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,895,110**  
Prior Biennia (Expenditures) \$ 3,017,906  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,913,016

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Child care facilities (92-4-050)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 829,715**  
Prior Biennia (Expenditures) \$ 170,285  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Fire safety and sewer improvements--Maple Lane School (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 427,281**  
Prior Biennia (Expenditures) \$ 42,719  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 470,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Administration Building renovation--Maple Lane School (94-1-127)**

The reappropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,768,842**  
Prior Biennia (Expenditures) \$ 154,658  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,923,500

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Renovate apartment--Fircrest School (94-1-142)**

**Reappropriation:**

**CEP & RI Acct--State \$ 2,119,168**  
Prior Biennia (Expenditures) \$ 13,944  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,133,112

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Wastewater Treatment Plant--Maple Lane School (94-1-201)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 764,277**

Prior Biennia (Expenditures) \$ 8,223

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Water system improvements--Naselle Youth Camp (94-1-202)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,165,694**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,165,694

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Replace Eagle Lodge--Naselle Youth Camp (94-1-204)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 954,831**

Prior Biennia (Expenditures) \$ 1,145,169

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Clinic--Echo Glen Children's Center (94-1-207)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,025,262**

Prior Biennia (Expenditures) \$ 61,352

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,086,614

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Eagle Lodge rehabilitation--Naselle Youth Camp (94-1-210)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 224,455**

Prior Biennia (Expenditures) \$ 57,545

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 282,000

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Child Study and Treatment Center--Administration Building renovation (94-1-306)**

**Reappropriation:**

**CEP & RI Acct--State \$ 766,205**

Prior Biennia (Expenditures) \$ 11,395

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,600

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Western State Hospital: Security improvements (94-1-310)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Western State Hospital--Ward renovation phase 6 (94-1-316)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,905,826**  
Prior Biennia (Expenditures) \$ 245,174  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 12,151,000

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Frances Haddon Morgan Center--Remodel (94-1-402)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,707,781**  
Prior Biennia (Expenditures) \$ 13,519  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,721,300

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Green Hill School: Repairs (94-1-510)**

The reappropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 108,337**  
Prior Biennia (Expenditures) \$ 131,663  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 240,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Eastern State Hospital: Psychiatric Triage Unit grant (94-2-005)**

The reappropriation is provided to develop secure beds in Spokane county for persons in need of emergency short-term evaluation, treatment, and stabilization as a result of a psychiatric crisis. The department shall assure that: (1) Funding for the project shall be contingent upon a plan approved by the department of social and health services and upon an agreement by the participating regional support networks to reduce their utilization of eastern state hospital by at least 30 beds early in the 1995-97 biennium; and (2) the states investment shall be promptly repaid if the facility is converted to use other than psychiatric care for publicly assisted individuals before the useful life of the project funded by this appropriation has expired.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Asbestos abatement (96-1-002)**

**Reappropriation:**

**CEP & RI Acct--State \$ 349,260**

**Appropriation:**

**CEP & RI Acct--State \$ 755,000**  
Prior Biennia (Expenditures) \$ 367,764  
Future Biennia (Projected Costs) \$ 3,253,650  
TOTAL \$ 4,725,674

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Minor capital renewal (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**CEP & RI Acct--State \$ 1,739,331**  
**St Bldg Constr Acct--State \$ 397,207**  
Subtotal Reappropriation \$ 2,136,538

**Appropriation:**

**CEP & RI Acct--State \$ 5,650,000**  
**St Bldg Constr Acct--State \$ 9,450,000**  
Subtotal Appropriation \$ 15,100,000

Prior Biennia (Expenditures) \$ 6,131,034  
Future Biennia (Projected Costs) \$ 68,000,000  
TOTAL \$ 91,367,572

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Agency capital project management (96-1-005)**

**Appropriation:**

**CEP & RI Acct--State \$ 1,237,496**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 4,800,000  
TOTAL \$ 6,037,496

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Resource conservation: Fircrest heating study (96-1-006)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996

**Appropriation:**

**CEP & RI Acct--State \$ 132,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 132,000

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Emergency projects (96-1-007)**

**Reappropriation:**

**CEP & RI Acct--State \$ 107,460**

**Appropriation:**

**CEP & RI Acct--State \$ 250,000**  
Prior Biennia (Expenditures) \$ 321,454  
Future Biennia (Projected Costs) \$ 1,000,000  
TOTAL \$ 1,678,914

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Northern State Douglas Building: Mechanical, heating, ventilation, and air conditioning (96-1-070)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 170,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 170,000

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Chlorofluorocarbon abatement (96-1-008)**

**Reappropriation:**

**CEP & RI Acct--State \$ 100,000**

**Appropriation:**

**CEP & RI Acct--State \$ 150,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 150,000  
TOTAL \$ 400,000

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Rainier School infrastructure: Predesign (96-1-009)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 192,078**  
Prior Biennia (Expenditures) \$ 157,923  
Future Biennia (Projected Costs) \$ 30,300,000



TOTAL \$ 30,650,001

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Juvenile facilities preservation and rehabilitation (96-1-020)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 1,595,275

Prior Biennia (Expenditures) \$ 374,325

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,969,600

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Minor projects--Mental health (96-1-030)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

St Bldg Constr Acct--State \$ 1,412,297

**Appropriation:**

St Bldg Constr Acct--State \$ 1,950,000

Prior Biennia (Expenditures) \$ 433,004

Future Biennia (Projected Costs) \$ 14,000,000

TOTAL \$ 17,795,301

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Minor projects--Division of Developmental Disabilities (96-1-040)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

CEP & RI Acct--State \$ 864,813

**Appropriation:**

St Bldg Constr Acct--State \$ 539,000

Prior Biennia (Expenditures) \$ 1,658,687

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 9,062,500

**NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Underground storage tanks removal and replacement (96-1-060)**

**Reappropriation:**

CEP & RI Acct--State \$ 159,286

**Appropriation:**

CEP & RI Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 832,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,191,286

**NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Maintenance management and planning (96-1-150)**

**Reappropriation:**

CEP & RI Acct--State \$ 140,323

**Appropriation:**

CEP & RI Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 279,124

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 544,447

**NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Medical Lake wastewater treatment facility: Design (96-1-301)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 699,903

**Appropriation:**

St Bldg Constr Acct--State \$ 1,264,000

Prior Biennia (Expenditures) \$ 2,014,097  
Future Biennia (Projected Costs) \$ 750,000  
TOTAL \$ 4,728,000

**NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Ward renovation Phase 7 (96-1-316)**

Phase 7 will be split into a client support area and shell development of ward space for future needs. The project shall move forward on the client support area only. Funds for design and construction shall be released for this project by phase subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 150,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,493,518**

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 15,276,500

TOTAL \$ 17,470,018

**NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital Legal Offenders Unit: Predesign (96-1-318)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 22,300,000

TOTAL \$ 23,000,000

**NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital Legal Offenders Unit: Predesign (96-1-901)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 28,624

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 178,624

**NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital: Replace Boiler #1 (96-1-322)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,440,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,440,000

**NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Echo Glen new beds and infrastructure (96-2-229)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,484,300**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,484,300

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Green Hill redevelopment (96-2-230)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) \$380,000 of the appropriation in this section is provided for a facility and site master plan and environmental impact statement. Moneys for design and construction shall not be expended until the facility and site master plan is approved by the office of financial management; and

(3) New residential units constructed with this appropriation shall be designed to accommodate a sustained operating capacity of at least forty-two residents, except for intake units, mental health units, and units housing sex offenders.

**Appropriation:**

**St Bldg Constr Acct--State \$ 34,374,536**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 34,374,536

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Maple Lane School support services renovation and infrastructure improvements (96-2-231)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,335,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,335,000

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Naselle Youth Camp sewer and infrastructure improvements (96-2-232)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,125,500**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,125,500

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Mission Creek preservation projects (96-2-233)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 414,800**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 414,800

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Indian Ridge utility upgrade projects (96-2-234)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,521,500**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,521,500

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Minor works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 344,400**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 344,400

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Crisis Residential Centers (96-1-900)**

The appropriation in this section is provided to the department of social and health services for crisis residential centers.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,000,000

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH**

**Referendum 38--Water bonds (86-2-099)**

**Reappropriation:**

**LIRA, Water Sup Fac--State \$ 1,900,000**  
Prior Biennia (Expenditures) \$ 7,208,954  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,108,954

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF HEALTH**

**Health Laboratory: Repairs and improvements (96-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 800,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 364,000**  
Prior Biennia (Expenditures) \$ 118,204  
Future Biennia (Projected Costs) \$ 2,478,536  
TOTAL \$ 3,760,740

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF HEALTH**

**Emergency power system (96-1-009)**

**Appropriation:**

**CEP & RI Acct--State \$ 596,790**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 596,790

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Underground storage tank: Replacement (94-1-019)**

**Reappropriation:**

**CEP & RI Acct--State \$ 52,000**  
Prior Biennia (Expenditures) \$ 103,902  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 155,902

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Main kitchen upgrade, Washington Soldiers' Home (95-1-001)**

**Appropriation:**

**CEP & RI Acct--State \$ 1,096,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,096,000

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Roof repair and replacement, Washington Veterans' Home (95-1-002)**

**Reappropriation:**

**CEP & RI Acct--State \$ 50,000**

**Appropriation:**

**CEP & RI Acct--State \$ 402,000**

Prior Biennia (Expenditures) \$ 327,895

Future Biennia (Projected Costs) \$ 775,000

TOTAL \$ 1,554,895

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, and heating, ventilation, and air conditioning improvements, Washington Veterans' Home (95-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 600,000**

**Appropriation:**

**CEP & RI Acct--State \$ 360,000**

Prior Biennia (Expenditures) \$ 1,346,611

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 3,906,611

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Building connection and automatic doors, Washington Soldiers' Home (95-1-005)**

**Appropriation:**

**CEP & RI Acct--State \$ 511,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 511,000

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, heating, ventilation and air conditioning projects, Washington Soldiers' Home (95-1-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 250,000**

**Appropriation:**

**CEP & RI Acct--State \$ 235,000**

Prior Biennia (Expenditures) \$ 587,057

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 2,672,057

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Replace failing sewer line, Washington Soldiers' Home (95-1-011)**

**Appropriation:**

**CEP & RI Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 275,595

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 375,595

**NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Roof maintenance and demolition, Washington Soldiers' Home (95-1-012)**

**Reappropriation:**

**CEP & RI Acct--State \$ 30,000**

**Appropriation:**

**CEP & RI Acct--State \$ 120,000**

Prior Biennia (Expenditures) \$ 511,570

Future Biennia (Projected Costs) \$ 525,000

TOTAL \$ 1,186,570

**NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Emergency projects (95-1-013)**

**Appropriation:**

**CEP & RI Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 1,900,000

**NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Occupational Therapy and Physical Therapy Room addition in Building 10, Washington Veterans' Home (95-2-009)**

**Appropriation:**

**CEP & RI Acct--State \$ 110,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 110,000

**NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**

**McNeil Island master plan development (94-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,519,000**

Prior Biennia (Expenditures) \$ 11,359,689

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,878,689

**NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**

**Airway Heights Correctional Center improvements and infrastructure for 512-bed expansion (94-2-016)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,355,000**

Prior Biennia (Expenditures) \$ 12,248,062

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,603,062

**NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**

**State-wide preservation projects (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management;
- (2) Moneys from the appropriation may be spent for critical repairs at the western Washington prerelease facility and to evaluate options for continued utilization and possible expansion of the facility on the western state hospital campus. The department shall report such options to the legislature by December 1, 1995; and
- (3) Moneys from the appropriation may be used for repairs to the creamery facility necessary to continue the operation of the dairy and creamery at the Monroe honor farm until a new dairy facility is built.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 17,000,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 10,000,000**

Prior Biennia (Expenditures) \$ 54,525,756

Future Biennia (Projected Costs) \$ 94,000,000

TOTAL \$ 175,525,756

**NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS**

**Underground storage tank and above-ground storage tank program (96-1-002)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 142 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 794,729**

Prior Biennia (Expenditures) \$ 940,348

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,735,077

**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS**

**Emergency projects (96-1-015)**

**Reappropriation:**

**CEP & RI Acct--State \$ 106,000**

**Appropriation:**

**CEP & RI Acct--State \$ 1,602,750**

**St Bldg Constr Acct--State \$ 200,000**

Subtotal Appropriation \$ 1,802,750  
Prior Biennia (Expenditures) \$ 2,376,811  
Future Biennia (Projected Costs) \$ 6,000,000  
TOTAL \$ 10,179,561

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington State Penitentiary steam system replacement (96-1-016)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 4,411,252**  
Prior Biennia (Expenditures) \$ 2,482,811  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,894,063

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington Corrections Center for Women: Replace "G" Units with 256-bed unit (96-2-001)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,611,187**

**Appropriation:**

**St Bldg Constr Acct--State \$ 8,317,839**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,929,026

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS**

**400-bed minimum facility for Washington State Reformatory (96-2-002)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 18,733,120**  
Prior Biennia (Expenditures) \$ 50,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 18,783,120

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS**

**Airway Heights Correctional Center 512-bed expansion (96-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,055,776**

**Appropriation:**

**St Bldg Constr Acct--State \$ 17,155,382**  
Prior Biennia (Expenditures) \$ 4,439,774  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 23,650,932

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS**

**Convert medium to close custody at the Washington State Reformatory (96-2-004)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,236,266**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,236,266

**NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS**

**1936-bed multicustody facility design and acquisition (96-2-007)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 19,263,733**  
Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 166,190,016

TOTAL \$ 186,453,749

**NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS**

**Yakima Prerelease: Design and construction (96-2-008)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,527,900**

Prior Biennia (Expenditures) \$ 240,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,767,900

**NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS**

**Larch and Cedar Creek expansion to 400-bed camps (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The design and construction phase of this appropriation shall not be expended until the facility predesign documents developed in accordance with the predesign manual published by the office of financial management have been reviewed and approved. The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) If the appropriation in this section is in excess of the amount required to complete the expansion of the Larch and Cedar Creek camps, the office of financial management may authorize the transfer of excess appropriation authority to match federal grant funds received by the department to expand inmate capacity at the work ethic camp on McNeil Island. The office of financial management may also authorize the transfer of excess appropriation authority to expand the inmate capacity of the Olympic corrections center. The office of financial management shall notify the appropriate committees of the house of representatives and senate within ten days of any such transfer.

(3) It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project cost savings may be realized.

**Appropriation:**

**St Bldg Constr Acct--State \$ 22,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,000,000

**NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS**

**State-wide program projects (96-2-012)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,428,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,000,000**

Prior Biennia (Expenditures) \$ 45,659,492

Future Biennia (Projected Costs) \$ 70,000,000

TOTAL \$ 128,087,492

**PART 3**

**NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 26 waste disposal facilities (74-2-004)**

**Reappropriation:**

**LIRA--State \$ 6,216,000**

Prior Biennia (Expenditures) \$ 2,711,028

Future Biennia (Projected Costs) \$ 863,680

TOTAL \$ 9,790,708

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 38 water supply facilities (74-2-006)**

\$2,500,000 of the state and local improvements revolving account reappropriation is provided solely for funding the state's cost share in the water conservation demonstration project--Yakima river reregulation reservoir.



It is the intent of the legislature that \$17,500,000 of the state and local improvements revolving account bond authorization will be earmarked for use in funding the state's cost share to match future federal and local contributions to implement provisions of United States Public Law 103-434, Title XII affecting water resources enhancement in the Yakima river basin.

**Reappropriation:**

**LIRA, Water Sup Fac--State \$ 9,374,371**

**Appropriation:**

**LIRA, Water Sup Fac--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 5,738,929

Future Biennia (Projected Costs) \$ 20,712,800

TOTAL \$ 36,826,100

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

**State emergency water projects revolving account (76-2-003)**

**Reappropriation:**

**St Emerg Water Proj Rev--State \$ 7,749,052**

Prior Biennia (Expenditures) \$ 1,187,225

Future Biennia (Projected Costs) \$ 236,956

TOTAL \$ 9,173,233

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 39 waste disposal facilities (82-2-005)**

No expenditure from the appropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

**Reappropriation:**

**LIRA, Waste Fac 1980--State \$ 20,652,360**

**Appropriation:**

**LIRA, Waste Fac 1980--State \$ 638,273**

Prior Biennia (Expenditures) \$ 32,125,342

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 53,415,975

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY**

**Centennial clean water fund (86-2-007)**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the water quality account appropriation is provided solely for the extended grant payment to Metro/King county;

(2) \$10,000,000 of the water quality account appropriation is provided solely for a grant payment to Spokane for the Spokane-Rathdrum Prairie Aquifer;

(3) \$16,536,000 of the water quality account appropriation shall be awarded by the department of ecology for grants on a competitive basis.

(4) Eighty percent of grants awarded must be for implementation projects including facility design and parcel-specific planning and twenty percent grants awarded must be for planning projects.

**Reappropriation:**

**Water Quality Acct--State \$ 72,995,194**

**Appropriation:**

**Water Quality Acct--State \$ 51,536,000**

Prior Biennia (Expenditures) \$ 156,707,408

Future Biennia (Projected Costs) \$ 300,000,000

TOTAL \$ 587,238,602

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**

**Local toxics control account (88-2-008)**

**Reappropriation:**

**Local Toxics Control Acct--**

State \$ 29,538,197

**Appropriation:**

**Local Toxics Control Acct--**

State \$ 42,467,860

Prior Biennia (Expenditures) \$ 81,326,814

Future Biennia (Projected Costs) \$ 201,245,135

TOTAL \$ 354,578,006

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**

**Water pollution control revolving account (90-2-002)**

**Reappropriation:**

**Water Pollution Cont Rev**

Fund--State \$ 12,000,000

**Water Pollution Cont Rev**

Fund--Federal \$ 77,857,990

Subtotal Reappropriation \$ 89,857,990

**Appropriation:**

**Water Pollution Cont Rev Fund--**

State \$ 13,000,000

**Water Pollution Cont Rev Fund--**

Federal \$ 62,000,000

**Water Pollution Cont Rev Fund--**

Private/Local \$ 4,265,272

Subtotal Appropriation \$ 79,265,272

Prior Biennia (Expenditures) \$ 111,343,108

Future Biennia (Projected Costs) \$ 175,000,000

TOTAL \$ 455,466,370

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**

**Methow Basin water conservation (92-2-009)**

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

**Reappropriation:**

St Bldg Constr Acct--State \$ 171,000

Prior Biennia (Expenditures) \$ 229,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

**NEW SECTION. Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Spokane Centennial Trail (89-5-112)**

**Reappropriation:**

General Fund--Federal \$ 432,618

Prior Biennia (Expenditures) \$ 7,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,432,618

**NEW SECTION. Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Doug's Beach development (90-1-171)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 12,206

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 62,206

**NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Deception Pass State Park: Sewer development (91-2-006)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 925,000

Prior Biennia (Expenditures) \$ 37,433  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 962,433

**NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION  
Triton Cove State Park: Phase 1 (91-2-008)**

**Reappropriation:**

**ORA--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 228,140  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 628,140

**NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION  
Omnibus boating facilities (91-2-009)**

**Reappropriation:**

**ORA--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 54,780  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 254,780

**NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION  
St. Edwards State Park--Gym renovation and parking expansion (92-2-501)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 152,137  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 552,137

**NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION  
Sewer facility improvements (93-2-001)**

**Reappropriation:**

**LIRA, Waste Fac 1980--State \$ 650,000**  
Prior Biennia (Expenditures) \$ 935,820  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,585,820

**NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION  
Boating facility preservation (94-1-057)**

**Reappropriation:**

**ORA--State \$ 2,400,000**  
**General Fund--Federal \$ 150,000**  
Subtotal Reappropriation \$ 2,550,000

**Appropriation:**

**General Fund--Federal \$ 700,000**  
Prior Biennia (Expenditures) \$ 570,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,820,000

**NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION  
Asbestos abatement projects: State-wide (95-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 650,000**  
Prior Biennia (Expenditures) \$ 350,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

**NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION  
Iron Horse Trail State Park: Acquisition (95-2-000)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 70,000**  
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 70,000

**NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Emergency projects (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 500,000**  
Prior Biennia (Expenditures) \$ 850,000  
Future Biennia (Projected Costs) \$ 2,450,000  
TOTAL \$ 3,800,000

**NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Underground storage tanks: Phase 3 (96-1-002)**

act. That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 142 of this

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 600,000**  
Prior Biennia (Expenditures) \$ 2,600,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,300,000

**NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Park preservation projects: General (96-1-003)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 932,200**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,500,000**  
Prior Biennia (Expenditures) \$ 291,300  
Future Biennia (Projected Costs) \$ 21,000,000  
TOTAL \$ 22,723,500

**NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Park preservation projects: Buildings (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,801,500**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 598,500  
Future Biennia (Projected Costs) \$ 12,000,000  
TOTAL \$ 16,400,000

**NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Park preservation projects: Utilities (96-1-005)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,995,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,500,000**  
Prior Biennia (Expenditures) \$ 1,505,000  
Future Biennia (Projected Costs) \$ 13,000,000  
TOTAL \$ 19,000,000

**NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION**

**State park program projects (96-2-007)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,730,400**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 10,000,000  
TOTAL \$ 11,730,400

**NEW SECTION. Sec. 325. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Boating facilities (I-215) (96-2-001)**

**Reappropriation:**

**ORA--State \$ 7,398,959**

**Appropriation:**

**Recreation Resources Acct--State \$ 7,500,000**  
Prior Biennia (Expenditures) \$ 5,108,690  
Future Biennia (Projected Costs) \$ 35,584,384  
TOTAL \$ 55,592,033

**NEW SECTION. Sec. 326. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Nonhighway road and off-road vehicle activities (NOVA) (96-2-002)**

**Reappropriation:**

**ORA--State \$ 7,651,387**

**Appropriation:**

**NOVA--State \$ 5,120,000**  
Prior Biennia (Expenditures) \$ 6,346,803  
Future Biennia (Projected Costs) \$ 20,912,228  
TOTAL \$ 40,030,418

**NEW SECTION. Sec. 327. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Washington wildlife and recreation program (96-2-003)**

The appropriations in this section for the Washington wildlife and recreation program under chapter 43.98A RCW are subject to the following conditions and limitations:

(1) The reappropriations and new appropriations in this section are provided solely for the approved list of projects included in the legislatively approved Washington wildlife and recreation program project list as developed on April 9, 1995.

(2) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(3) Acquisitions occurring pursuant to the new appropriation provided in this section shall be deemed public improvements for the purposes of RCW 8.26.180. This subsection shall not be deemed to prevent any state agency from accepting a gift of real property or from purchasing any property at less than fair market value.

**Reappropriation:**

**ORA--State \$ 13,699,052**  
**Habitat Conservation Acct--State \$ 9,134,101**  
**Aquatic Lands Acct--State \$ 33,335**  
**St Bldg Constr Acct--State \$ 48,691,974**  
Subtotal Reappropriation \$ 71,558,462

**Appropriation:**

**St Bldg Constr Acct--State \$ 40,000,000**  
Prior Biennia (Expenditures) \$ 118,234,493  
Future Biennia (Projected Costs) \$ 200,000,000  
TOTAL \$ 429,792,955

**NEW SECTION. Sec. 328. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Firearms range program (96-2-004)**

**Reappropriation:**

**Firearms Range Acct--State \$ 487,382**

**Appropriations:**

**Firearms Range Acct--State \$ 900,000**  
Prior Biennia (Expenditures) \$ 554,621  
Future Biennia (Projected Costs) \$ 2,249,798  
TOTAL \$ 4,191,801

**NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Land and water conservation fund (96-2-005)**

**Reappropriation:**

**ORA--Federal \$ 2,180,812**

**Appropriation:**

**Recreation Resources Acct--Federal \$ 1,050,000**  
Prior Biennia (Expenditures) \$ 1,341,684  
Future Biennia (Projected Costs) \$ 4,000,000  
TOTAL \$ 8,572,496

**NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**National Recreation Trails Act (96-2-006)**

**Reappropriation:**

**ORA--Federal \$ 125,000**  
Prior Biennia (Expenditures) \$ 125,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 250,000

**NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Recreational facility acquisition and development projects (96-2-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 195,090**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 195,090

**NEW SECTION. Sec. 332. FOR THE STATE CONSERVATION COMMISSION**

**Water quality account projects (90-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

\$2,253,101 of the reappropriation is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

**Reappropriation:**

**Water Quality Acct--State \$ 3,360,475**

**Appropriation:**

**Water Quality Acct--State \$ 2,250,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 10,000,000  
TOTAL \$ 15,610,475

**NEW SECTION. Sec. 333. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Devils creek acclimation pond (87-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 370,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 370,000

**NEW SECTION. Sec. 334. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Luhrs Landing Access Interpretive Building (92-5-017)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 345,000**  
Prior Biennia (Expenditures) \$ 105,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 450,000

**NEW SECTION. Sec. 335. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Grandy Creek Hatchery (92-5-024)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,006,000**  
Prior Biennia (Expenditures) \$ 494,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 4,500,000

**NEW SECTION. Sec. 336. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Towhead Island public access renovation (86-3-028)**

**Reappropriation:**

**ORA--State \$ 190,000**  
Prior Biennia (Expenditures) \$ 21,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 211,000

**NEW SECTION. Sec. 337. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Warm water fish facility: To purchase and develop property in eastern or central Washington for a warm water fish facility (92-5-**

**025)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriations in this section shall not be expended for the purchase of property until the department of wildlife has made a determination that:

- (1) The water rights to the property being transferred to the department of wildlife, as part of the purchase agreement, are sufficient to operate the hatchery; and
- (2) The operation of a warm water fish hatchery on the property is feasible.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,134,622**  
Prior Biennia (Expenditures) \$ 127,378  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,262,000

**NEW SECTION. Sec. 338. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Tideland acquisitions (94-2-003)**

**Reappropriation:**

**General Fund--Federal \$ 1,664,600**  
Prior Biennia (Expenditures) \$ 3,335,400  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,000,000

**NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Sprague Lake Access Area development (94-2-008)**

**Reappropriation:**

**Wildlife Acct--Federal \$ 48,000**  
**ORA--State \$ 101,000**  
Subtotal Reappropriation \$ 149,000  
Prior Biennia (Expenditures) \$ 24,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 173,000

**NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Minor works: Preservation (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 624,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,000,000**  
**General Fund--Federal \$ 300,000**  
Subtotal Appropriation \$ 2,300,000

Prior Biennia (Expenditures) \$ 4,934,887  
Future Biennia (Projected Costs) \$ 7,000,000  
TOTAL \$ 14,858,887

**NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Underground storage tank (UST) removal and replacement (96-1-002)**

The appropriations in this section are subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 142 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 1,299,000  
Future Biennia (Projected Costs) \$ 200,000  
TOTAL \$ 1,799,000

**NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Emergency repair (96-1-003)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 650,000**  
Prior Biennia (Expenditures) \$ 1,200,000  
Future Biennia (Projected Costs) \$ 2,750,000  
TOTAL \$ 4,600,000

**NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Facilities renovation (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) No funds will be provided to increase residential capacity at any state hatchery facility.
- (2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 130,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 800,000**  
**Wildlife Acct--State \$ 200,000**  
Subtotal Appropriation \$ 1,000,000  
Prior Biennia (Expenditures) \$ 3,056,300  
Future Biennia (Projected Costs) \$ 4,700,000  
TOTAL \$ 8,886,300

**NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Hatchery renovation (96-1-005)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) No funds will be provided to increase residential capacity at any state hatchery facility.
- (2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,880,000**  
**Wildlife Acct--Federal \$ 120,000**  
Subtotal Reappropriation \$ 3,000,000

**Appropriation:**

**Wildlife Acct--State \$ 300,000**  
**St Bldg Constr Acct--State \$ 2,900,000**  
Subtotal Appropriation \$ 3,200,000  
Prior Biennia (Expenditures) \$ 4,626,155  
Future Biennia (Projected Costs) \$ 15,000,000  
TOTAL \$ 25,826,155

**NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Recreational access redevelopment (96-1-007)**

**Reappropriation:**



**Wildlife Acct--Federal \$ 75,000**  
**ORA--State \$ 172,903**  
Subtotal Reappropriation \$ 247,903

**Appropriation:**

**General Fund--Federal \$ 500,000**  
**St Bldg Constr Acct--State \$ 250,000**  
Subtotal Appropriation \$ 750,000  
Prior Biennia (Expenditures) \$ 2,741,629  
Future Biennia (Projected Costs) \$ 3,250,000  
TOTAL \$ 6,989,532

**NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Shellfish laboratory and hatchery upgrades (96-1-009)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 300,000

**NEW SECTION. Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Wildlife area renovation (96-1-010)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 275,000**

**Appropriation:**

**General Fund--Federal \$ 400,000**  
**Wildlife Acct--State \$ 625,000**  
Subtotal Appropriation \$ 1,300,000  
Prior Biennia (Expenditures) \$ 764,000  
Future Biennia (Projected Costs) \$ 2,950,000  
TOTAL \$ 5,014,000

**NEW SECTION. Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Issaquah Hatchery utilization study and improvements:** To prepare a facilities master plan for the hatchery and for improvements to the hatchery, water supply system, and in-stream fish passage facilities **(96-1-011)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) Up to \$300,000 may be spent to expedite in-stream improvements which meet the following criteria: Improvements will be designed and constructed which: (a) Have the minimal impact on future operating expenses of the hatchery; (b) facilitate passage for utilization of upstream habitat; and (c) provide for flexible management strategies for a variety of fish stocks including small runs, threatened or endangered species, and game fish.
- (2) \$150,000 of the state building construction account appropriation is provided solely for the master plan for the improvements to the hatchery. The master plan shall incorporate participation and recommendations from the Issaquah fishery management task force.
- (3) The remainder of the funds may be spent for hatchery improvements following approval of the master plan by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 650,000**  
**General Fund--Private Local \$ 500,000**  
Subtotal Appropriation \$ 1,150,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,150,000

**NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Coast and Puget Sound salmon enhancement and wildstock restoration habitat (96-2-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,100,000**

**Appropriation:**

**General Fund--Federal \$ 800,000**  
**St Bldg Constr Acct--State \$ 3,645,000**

**General Fund--Private/Local \$ 800,000**  
Subtotal Appropriation \$ 5,245,000  
Prior Biennia (Expenditures) \$ 6,770,000  
Future Biennia (Projected Costs) \$ 15,500,000  
TOTAL \$ 28,615,000

**NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Coast and Puget Sound wildstock restoration: Hatchery improvements (96-2-013)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**  
**General Fund--Federal \$ 500,000**  
Subtotal Appropriation \$ 1,500,000  
Prior Biennia (Expenditures) \$ 3,280,000  
Future Biennia (Projected Costs) \$ 4,000,000  
TOTAL \$ 9,180,000

**NEW SECTION. Sec. 351. DEPARTMENT OF FISH AND WILDLIFE**

**Nemah Hatchery Building and incubation system replacement (96-1-006)**

**Appropriation:**

**General Fund--Federal \$ 1,700,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,700,000

**NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Fish protection facilities (96-2-014)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**

**Appropriation:**

**General Fund--Federal \$ 2,075,000**  
**General Fund--Private/Local \$ 200,000**  
Subtotal Appropriation \$ 2,275,000  
Prior Biennia (Expenditures) \$ 2,656,000  
Future Biennia (Projected Costs) \$ 10,830,000  
TOTAL \$ 15,811,000

**NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Game farm renovation (96-2-015)**

**Appropriation:**

**Wildlife Acct--State \$ 700,000**  
Prior Biennia (Expenditures) \$ 1,125,000  
Future Biennia (Projected Costs) \$ 600,000  
TOTAL \$ 2,425,000

**NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Minter Creek Hatchery phase 2 (96-2-019)**

Funding from this appropriation shall not be used to construct agency residential structures at the hatchery.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 10,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 800,000**  
Prior Biennia (Expenditures) \$ 4,329,000  
Future Biennia (Projected Costs) \$ 200,000  
TOTAL \$ 5,339,000

**NEW SECTION. Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**State-wide fencing renovation and construction (96-2-020)**

**Appropriation:**

**General Fund--Federal \$ 750,000**  
Prior Biennia (Expenditures) \$ 1,875,000  
Future Biennia (Projected Costs) \$ 2,650,000  
TOTAL \$ 5,300,000

**NEW SECTION. Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Clam and oyster beach enhancement (96-2-021)**

**Appropriation:**

**Aquatic Lands Acct--State \$ 500,000**  
**General Fund--Federal \$ 400,000**  
Subtotal Appropriation \$ 900,000  
Prior Biennia (Expenditures) \$ 2,716,201  
Future Biennia (Projected Costs) \$ 2,000,000  
TOTAL \$ 5,616,201

**NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Mitigation projects (96-2-025)**

**Reappropriation:**

**Special Wildlife Acct--Private/Local \$ 871,000**

**Appropriation:**

**Special Wildlife Acct--State \$ 50,000**  
**General Fund--Federal \$ 6,000,000**  
**General Fund--Private/Local \$ 5,000,000**  
Subtotal Appropriation \$ 11,050,000  
Prior Biennia (Expenditures) \$ 54,000  
Future Biennia (Projected Costs) \$ 64,250,000  
TOTAL \$ 76,225,000

**NEW SECTION. Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Water access and development (96-2-027)**

**Reappropriation:**

**ORA--State \$ 1,170,000**  
Prior Biennia (Expenditures) \$ 694,600  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,864,600

**NEW SECTION. Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Recreational fish enhancement (96-2-028)**

**Reappropriation:**

**Rec Fisheries Enh Acct--State \$ 150,000**

**Appropriation:**

**Rec Fisheries Enh Acct--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 150,000  
Future Biennia (Projected Costs) \$ 8,000,000  
TOTAL \$ 9,300,000

**NEW SECTION. Sec. 360. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Migratory waterfowl habitat and acquisition and development (96-2-024)**

**Appropriation:**

**Wildlife Acct--State \$ 500,000**  
Prior Biennia (Expenditures) \$ 1,299,335  
Future Biennia (Projected Costs) \$ 2,000,000  
TOTAL \$ 3,799,335

**NEW SECTION. Sec. 361. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Habitat restoration (96-2-023)**

The appropriation in this section is provided solely for habitat restoration accomplished by the jobs and the environment program and shall not be used to acquire additional lands.

**Appropriation:**

**Wildlife Acct--State \$ 1,350,000**

Prior Biennia (Expenditures) \$ 1,503,804  
Future Biennia (Projected Costs) \$ 8,000,000  
TOTAL \$ 10,853,804

**NEW SECTION. Sec. 362. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Emergency repairs--Recreation sites (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 120,000**  
Prior Biennia (Expenditures) \$ 100,000  
Future Biennia (Projected Costs) \$ 480,000  
TOTAL \$ 700,000

**NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Recreation health and safety improvements (96-1-003)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 300,000  
Future Biennia (Projected Costs) \$ 1,200,000  
TOTAL \$ 1,800,000

**NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Natural area preserve and natural resource conservation area Management (96-1-004)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 350,000**  
Prior Biennia (Expenditures) \$ 350,000  
Future Biennia (Projected Costs) \$ 1,400,000  
TOTAL \$ 2,100,000

**NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Emergency repairs (96-1-006)**

**Appropriation:**

**For Dev Acct--State \$ 53,000**  
**Res Mgmt Cost Acct--State \$ 195,100**  
**St Bldg Constr Acct--State \$ 30,000**  
Subtotal Appropriation \$ 278,100  
Prior Biennia (Expenditures) \$ 147,700  
Future Biennia (Projected Costs) \$ 1,112,400  
TOTAL \$ 1,538,200

**NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Minor works: Preservation (96-1-112)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**For Dev Acct--State \$ 165,200**  
**Res Mgmt Cost Acct--State \$ 611,100**  
**St Bldg Constr Acct--State \$ 250,000**  
Subtotal Appropriation \$ 1,026,300  
Prior Biennia (Expenditures) \$ 494,800  
Future Biennia (Projected Costs) \$ 4,105,200  
TOTAL \$ 5,626,300

**NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Small repairs and improvement (96-1-113)**

**Appropriation:**

**For Dev Acct--State \$ 14,500**  
**Res Mgmt Cost Acct--State \$ 54,500**  
Subtotal Appropriation \$ 69,000  
Prior Biennia (Expenditures) \$ 69,000  
Future Biennia (Projected Costs) \$ 276,000

TOTAL \$ 414,000

**NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Hazardous waste cleanup (96-1-114)**

**Appropriation:**

**For Dev Acct--State \$ 100,000**  
**Res Mgmt Cost Acct--State \$ 200,000**  
Subtotal Appropriation \$ 300,000  
Prior Biennia (Expenditures) \$ 450,000  
Future Biennia (Projected Costs) \$ 1,200,000  
TOTAL \$ 1,950,000

**NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Irrigation repairs and replacements (96-1-115)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 235,000**  
Prior Biennia (Expenditures) \$ 730,000  
Future Biennia (Projected Costs) \$ 2,375,000  
TOTAL \$ 3,340,000

**NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Repair, maintenance, and tenant improvements on state trust lease properties (96-1-117)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 600,000**  
Prior Biennia (Expenditures) \$ 862,000  
Future Biennia (Projected Costs) \$ 2,700,000  
TOTAL \$ 4,162,000

**NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Communication site repair (96-1-119)**

**Appropriation:**

**For Dev Acct--State \$ 25,000**  
**Res Mgmt Cost Acct--State \$ 25,000**  
Subtotal Appropriation \$ 50,000  
Prior Biennia (Expenditures) \$ 300,000  
Future Biennia (Projected Costs) \$ 700,000  
TOTAL \$ 1,050,000

**NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Road and bridge construction (96-2-001)**

**Appropriation:**

**For Dev Acct--State \$ 241,750**  
**Res Mgmt Cost Acct--State \$ 678,450**  
Subtotal Appropriation \$ 920,200  
Prior Biennia (Expenditures) \$ 1,655,500  
Future Biennia (Projected Costs) \$ 3,835,000  
TOTAL \$ 6,410,700

**NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Region administrative facilities expansion (96-2-002)**

**Appropriation:**

**For Dev Acct--State \$ 294,488**  
**Res Mgmt Cost Acct--State \$ 390,584**  
**General Fund--Federal \$ 400,000**  
Subtotal Appropriation \$ 1,085,072  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 5,890,400  
TOTAL \$ 6,975,472

**NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Minor works: Program (96-2-004)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**For Dev Acct--State \$ 152,900**  
**Res Mgmt Cost Acct--State \$ 574,800**  
Subtotal Appropriation \$ 727,700  
Prior Biennia (Expenditures) \$ 99,500  
Future Biennia (Projected Costs) \$ 4,110,800  
TOTAL \$ 4,938,000

**NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Land bank program to enhance trust land holdings (96-2-005)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 15,000,000**  
Prior Biennia (Expenditures) \$ 19,698,000  
Future Biennia (Projected Costs) \$ 60,000,000  
TOTAL \$ 94,698,000

**NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Right of way acquisition (96-2-006)**

**Appropriation:**

**For Dev Acct--State \$ 500,000**  
**Res Mgmt Cost Acct--State \$ 500,000**  
Subtotal Appropriation \$ 1,000,000  
Prior Biennia (Expenditures) \$ 1,498,000  
Future Biennia (Projected Costs) \$ 4,400,000  
TOTAL \$ 6,898,000

**NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Irrigation development (96-2-007)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 336,000  
Future Biennia (Projected Costs) \$ 4,000,000  
TOTAL \$ 4,736,000

**NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Communication site construction--Various (96-2-008)**

**Appropriation:**

**For Dev Acct--State \$ 460,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,310,000  
TOTAL \$ 1,770,000

**NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Mineral resource testing (96-2-009)**

**Reappropriation:**

**For Dev Acct--State \$ 10,000**  
**Res Mgmt Cost Acct--State \$ 10,000**  
Subtotal Reappropriation \$ 20,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 80,000  
TOTAL \$ 100,000

**NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Commercial development: Local improvement districts (96-2-010)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 470,000**  
Prior Biennia (Expenditures) \$ 860,000  
Future Biennia (Projected Costs) \$ 2,420,000

TOTAL \$ 3,750,000

**NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Aquatic lands enhancement grants (96-2-012)**

**Reappropriation:**

**Aquatic Lands Acct--State \$ 2,500,000**

**Appropriation:**

**Aquatic Lands Acct--State \$ 3,575,000**

Prior Biennia (Expenditures) \$ 276,000

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 18,351,000

**NEW SECTION. Sec. 382. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Natural resources real property replacement account (96-2-013)**

**Appropriation:**

**Nat Res Prop Repl Acct--State \$ 25,000,000**

Prior Biennia (Expenditures) \$ 30,826,750

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 55,826,750

**NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Seattle waterfront phase 2 development (96-2-014)**

**Reappropriation:**

**ORA--State \$ 1,562,835**

Prior Biennia (Expenditures) \$ 84,765

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,647,600

**PART 4  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE PATROL**

**To construct a new crime laboratory in Tacoma (92-2-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 172,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 172,000

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (85-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 335,780**

Prior Biennia (Expenditures) \$ 656,119

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 991,899

**NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (87-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,473,203**

Prior Biennia (Expenditures) \$ 2,193,257

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,666,460

**NEW SECTION. Sec. 503. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,573,705**  
Prior Biennia (Expenditures) \$ 24,362,530  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 25,936,235

**NEW SECTION. Sec. 504. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-002)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,730,000**  
Prior Biennia (Expenditures) \$ 17,521,803  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 19,251,803

**NEW SECTION. Sec. 505. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-003)**

**Reappropriation:**

**Common School Constr Fund--State \$ 4,211,005**  
Prior Biennia (Expenditures) \$ 41,637,585  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 45,848,590

**NEW SECTION. Sec. 506. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (91-2-001)**

**Reappropriation:**

**Common School Reimb Constr Acct--  
State \$ 5,443,735**  
**Common School Constr Fund--State \$ 6,115,606**  
Subtotal Reappropriation \$ 11,559,341  
Prior Biennia (Expenditures) \$ 78,816,301  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 90,375,642

**NEW SECTION. Sec. 507. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (94-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 82,250,900**  
**St Bldg Constr Acct--State \$ 11,770,000**  
Subtotal Reappropriation \$ 94,020,900  
Prior Biennia (Expenditures) \$ 60,102,660  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 154,123,560

**NEW SECTION. Sec. 508. FOR THE STATE BOARD OF EDUCATION**

**Clover Park School District transportation facilities (96-1-101)**

The appropriation in this section is provided for design of a renovation project for a transportation-maintenance complex as described in the memorandum of understanding between the Clover Park technical college and the Clover Park school district. Future state appropriations for this project shall be matched by an equal amount from local funds.

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 7,200,000  
TOTAL \$ 7,500,000

**NEW SECTION. Sec. 509. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (96-2-001)**

The appropriations in this subsection are subject to the following conditions and limitations:

(1) Not more than \$155,000,000 from this appropriation may be obligated in fiscal year 1996 for school district project design and construction.



(2) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction and architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.

(3) \$250,000 of the appropriation in this section may be expended for the office of the superintendent of public instruction and the office of financial management to jointly contract with qualified specially trained teams to conduct a value engineering and a constructability review on at least five pilot school facility construction projects. The purpose of the pilot program is to determine the potential advantages and savings of value engineering and constructability review processes on school facility construction. The pilot projects shall be wholly paid from this appropriation without a requirement for local matching, and project sites shall be selected jointly by the superintendent of public instruction and the office of financial management on the basis of size, geographical area, and grade level. The results of the pilot program and recommendations on the use of value engineering and constructability reviews and how the current value engineering process can be improved shall be reported to the state board of education and the legislature by January 1997.

**Appropriation:**

**Common School Constr Fund--State \$ 175,600,000**  
**St Bldg Constr Acct--State \$ 162,000,000**  
Subtotal Appropriation \$ 337,000,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 337,600,000

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**School facilities staff:** To fund the direct costs of state administration of school construction funding (96-2-001)

The appropriation in this subsection is subject to the following conditions and limitations: Up to \$100,000 of the common school construction fund appropriation is provided to complete the facility condition management database begun in the 1993-95 biennium.

**Appropriation:**

**Common School Constr Fund--State \$ 1,361,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 5,444,000  
TOTAL \$ 6,805,000

**NEW SECTION. Sec. 511. FOR THE STATE SCHOOL FOR THE BLIND**

**Old Main: Seismic stabilization (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 850,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 850,000

**NEW SECTION. Sec. 512. FOR THE STATE SCHOOL FOR THE BLIND**

**Minor works: Preservation (96-1-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 2,340,000  
TOTAL \$ 2,740,000

**NEW SECTION. Sec. 513. FOR THE STATE SCHOOL FOR THE DEAF**

**Minor works: Preservation (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 570,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 2,925,000  
TOTAL \$ 3,495,000

**NEW SECTION. Sec. 514. FOR THE STATE SCHOOL FOR THE DEAF**

**MacDonald and Deer Halls: Elevators (96-2-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 550,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 550,000

**NEW SECTION. Sec. 515. FOR THE UNIVERSITY OF WASHINGTON**

**Power plant boiler (88-2-022)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,400,000**  
Prior Biennia (Expenditures) \$ 9,805,653  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 16,205,653

**NEW SECTION. Sec. 516. FOR THE UNIVERSITY OF WASHINGTON**

**Power generation, chiller, data communications, electrical distribution (90-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,175,700**  
Prior Biennia (Expenditures) \$ 3,703,053  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 4,878,753

**NEW SECTION. Sec. 517. FOR THE UNIVERSITY OF WASHINGTON**

**Chemistry Building: Construction (90-2-011)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 38,952,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 39,152,000

**NEW SECTION. Sec. 518. FOR THE UNIVERSITY OF WASHINGTON**

**Electrical Engineering and Computer Sciences Engineering Building: Construction (90-2-013)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 80,000,000**  
Prior Biennia (Expenditures) \$ 14,869,028  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 94,869,028

**NEW SECTION. Sec. 519. FOR THE UNIVERSITY OF WASHINGTON**

**Physics/Astronomy building construction (90-2-009)**

**Reappropriation:**

**H Ed Reimb Constr Acct \$ 2,200,000**  
Prior Biennia (Expenditures) \$ 71,364,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 73,564,000

**NEW SECTION. Sec. 520. FOR THE UNIVERSITY OF WASHINGTON**

**Old Physics Hall: Design and construction (92-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**UW Bldg Acct--State \$ 1,650,000**  
**St Bldg Constr Acct--State \$ 32,544,400**  
Subtotal Reappropriation \$ 34,194,400  
Prior Biennia (Expenditures) \$ 912,600  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 35,107,000

**NEW SECTION. Sec. 521. FOR THE UNIVERSITY OF WASHINGTON**

**Ocean and Fishery Sciences II: Predesign (92-2-027)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,065,300**

Prior Biennia (Expenditures) \$ 784,700  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,850,000

**NEW SECTION. Sec. 522. FOR THE UNIVERSITY OF WASHINGTON**  
**Harborview Medical Center research (94-2-013)**

**Appropriation:**

**Health Services Acct--State \$ 23,400,000**  
Prior Biennia (Expenditures) \$ 520,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 23,920,000

**NEW SECTION. Sec. 523. FOR THE UNIVERSITY OF WASHINGTON**  
**Parrington Hall: Exterior and seismic repair (92-3-018)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**UW Bldg Acct--State \$ 5,008,499**  
Prior Biennia (Expenditures) \$ 264,001  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,272,500

**NEW SECTION. Sec. 524. FOR THE UNIVERSITY OF WASHINGTON**  
**Henry Gallery: Addition (93-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.
- (2) The reappropriation in this section shall be matched by at least \$4,050,000 in cash provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,504,300**  
Prior Biennia (Expenditures) \$ 811,700  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,316,000

**NEW SECTION. Sec. 525. FOR THE UNIVERSITY OF WASHINGTON**  
**Burke Museum: To study the museum's space needs, long-term physical facilities needs, and options for future expansion (93-2-**

**002) and for exhibit renovation (94-1-002)**

\$1,846,500 of the reappropriation in this section is for the exhibit renovation and shall be matched by at least \$615,000 from other sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,031,000**  
Prior Biennia (Expenditures) \$ 369,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,400,000

**NEW SECTION. Sec. 526. FOR THE UNIVERSITY OF WASHINGTON**  
**Business Administration: Expansion (93-2-006)**

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.
- (2) The reappropriation in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,600,000**  
Prior Biennia (Expenditures) \$ 900,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,500,000

**NEW SECTION. Sec. 527. FOR THE UNIVERSITY OF WASHINGTON**  
**Minor repairs: Preservation (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 8,400,000**  
**UW Bldg Acct--State \$ 276,400**  
Subtotal Reappropriation \$ 8,676,400

Prior Biennia (Expenditures) \$ 6,960,076  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 15,636,476

**NEW SECTION. Sec. 528. FOR THE UNIVERSITY OF WASHINGTON**  
**Minor repairs (94-1-004)**

**Reappropriation:**

**UW Bldg Acct--State \$ 6,850,000**  
Prior Biennia (Expenditures) \$ 5,757,630  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 12,607,630

**NEW SECTION. Sec. 529. FOR THE UNIVERSITY OF WASHINGTON**  
**Americans with Disabilities Act (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 1,325,150  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,525,150

**NEW SECTION. Sec. 530. FOR THE UNIVERSITY OF WASHINGTON**  
**Utilities projects (94-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 800,000**  
Prior Biennia (Expenditures) \$ 1,396,009  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,196,009

**NEW SECTION. Sec. 531. FOR THE UNIVERSITY OF WASHINGTON**  
**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 532. FOR THE UNIVERSITY OF WASHINGTON**

**Suzzallo Library renovation--Phase I design:** To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies **(94-1-015)**

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 717,600**  
**St Bldg Constr Acct--State \$ 2,142,275**  
Subtotal Appropriation \$ 2,859,875  
Prior Biennia (Expenditures) \$ 517,750  
Future Biennia (Projected Costs) \$ 29,076,925  
TOTAL \$ 32,454,550

**NEW SECTION. Sec. 533. FOR THE UNIVERSITY OF WASHINGTON**  
**Minor repairs (94-2-005)**

**Reappropriation:**

**UW Bldg Acct--State \$ 5,200,000**  
Prior Biennia (Expenditures) \$ 1,871,000

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,071,000

**NEW SECTION. Sec. 534. FOR THE UNIVERSITY OF WASHINGTON  
Tacoma Branch Campus--Phase II: Predesign (94-2-500)**

The appropriation in this section is subject to the following conditions and limitations:

No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 33,098,120**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,700,000**  
Prior Biennia (Expenditures) \$ 17,738,913  
Future Biennia (Projected Costs) \$ 35,520,000  
TOTAL \$ 92,057,033

**NEW SECTION. Sec. 535. FOR THE UNIVERSITY OF WASHINGTON  
Minor safety repairs: Preservation (96-1-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 4,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 16,000,000  
TOTAL \$ 20,000,000

**NEW SECTION. Sec. 536. FOR THE UNIVERSITY OF WASHINGTON  
Minor works: Building renewal (96-1-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**UW Bldg Acct--State \$ 6,375,000**  
**St Bldg Constr Acct--State \$ 5,000,000**  
Subtotal Appropriation \$ 11,375,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 53,000,000  
TOTAL \$ 64,375,000

**NEW SECTION. Sec. 537. FOR THE UNIVERSITY OF WASHINGTON  
Minor works: Utility infrastructure (96-1-004)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 26,000,000  
TOTAL \$ 32,300,000

**NEW SECTION. Sec. 538. FOR THE UNIVERSITY OF WASHINGTON  
Health Sciences Center BB Tower Elevators--Design and construction:**

To design and construct the addition of one elevator and upgrading of the existing elevators in the health sciences center BB-wing and tower (96-1-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 210,700**  
**St Bldg Constr Acct--State \$ 4,981,900**  
Subtotal Appropriation \$ 5,192,600  
Prior Biennia (Expenditures) \$ 117,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,309,600

**NEW SECTION. Sec. 539. FOR THE UNIVERSITY OF WASHINGTON  
Health Sciences Center D-Wing Dent Student Lab: Design and construction (96-1-016)**

**Appropriation:**

**UW Bldg Acct--State \$ 112,100**  
**St Bldg Constr Acct--State \$ 2,905,000**  
Subtotal Appropriation \$ 3,017,100  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,017,100

**NEW SECTION. Sec. 540. FOR THE UNIVERSITY OF WASHINGTON**

**Hogness/Health Sciences Center Lobby: Americans with Disabilities Act improvements (96-1-022)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,300,000

**NEW SECTION. Sec. 541. FOR THE UNIVERSITY OF WASHINGTON**

**Ocean and Fisheries Science Buildings II & III: Design and site preparation:** To design the 125,673 gross square foot OFS II (Fisheries) and 106,000 gross square foot OFS III (Oceanography) buildings and clear and prepare sites for future construction **(96-2-006)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$991,000 of the amount reappropriated in section 521 of this act for predesign of this project shall be used for design.
- (2) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 1,548,150**  
**St Bldg Constr Acct--State \$ 5,932,025**  
Subtotal Appropriation \$ 7,480,175  
Prior Biennia (Expenditures) \$ 558,400  
Future Biennia (Projected Costs) \$ 65,758,625  
TOTAL \$ 73,797,200

**NEW SECTION. Sec. 542. FOR THE UNIVERSITY OF WASHINGTON**

**West Electrical Power Station:** To design and construct the installation of three new transformers, switch gear facilities, and primary distribution feeders at the west receiving station **(96-2-011)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 204,000**  
**St Bldg Constr Acct--State \$ 6,600,000**  
Subtotal Appropriation \$ 6,804,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,804,000

**NEW SECTION. Sec. 543. FOR THE UNIVERSITY OF WASHINGTON**

**Power Plant Boiler #7--Design and construction:** To design and construct an addition to the south end of the Power Plant to house a new Boiler #7 **(96-2-020)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 288,703**  
**St Bldg Constr Acct--State \$ 9,623,297**  
Subtotal Appropriation \$ 9,912,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,912,000

**NEW SECTION. Sec. 544. FOR THE UNIVERSITY OF WASHINGTON**

**Southwest Campus utilities phase I--Design and construction:** To design and construct the extension of utilities to serve the southwest campus development **(96-2-027)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 285,600**  
**St Bldg Constr Acct--State \$ 9,023,900**  
Subtotal Appropriation \$ 9,309,500  
Prior Biennia (Expenditures) \$ 152,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,461,500

**NEW SECTION. Sec. 545. FOR THE UNIVERSITY OF WASHINGTON**

**Law School Building--Design and development:** To design a new law school and law library facility

In addition to any state appropriation for this project, at least one-third of the cost of this project, including the costs of design, construction and consulting services, shall be derived from private matching funds. The appropriation in this section shall not be expended on design documents until the University of Washington has secured \$10,000,000 in private matching funds. Such funds, in the form of cash or written pledges, must be secured by no later than July 1, 1997. In the event \$10,000,000 is not secured by that date, the appropriation in this section shall be null and void.

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 1,140,000**  
Prior Biennia (Expenditures) \$ 128,000  
Future Biennia (Projected Costs) \$ 33,860,000  
TOTAL \$ 35,128,000

**NEW SECTION. Sec. 546. FOR THE UNIVERSITY OF WASHINGTON**

**Social Work third floor addition--Design and construction:** To design and construct a 12,000 gross square foot partial third floor addition to the Social Work and Speech and Hearing Sciences Building (96-2-010)

**Appropriation:**

**UW Bldg Acct--State \$ 126,400**  
**St Bldg Constr Acct--State \$ 2,789,200**  
Subtotal Appropriation \$ 2,915,600  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,915,600

**NEW SECTION. Sec. 547.** It is the intention of the legislature that the state dispose of its interest in the Wellington Hills property for consideration at fair market value and that the net proceeds of the sale be deposited into the state building construction account in the state treasury.

**NEW SECTION. Sec. 548. FOR WASHINGTON STATE UNIVERSITY**

**Branch campus acquisition (90-5-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 42,000**  
Prior Biennia (Expenditures) \$ 735,424  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 777,424

**NEW SECTION. Sec. 549. FOR WASHINGTON STATE UNIVERSITY**

**Hazardous, pathological, and radioactive waste handling facilities:** To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

**Reappropriation:**

**St Bldg Constr Acct--State \$ 991,640**  
Prior Biennia (Expenditures) \$ 197,714  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,189,354

**NEW SECTION. Sec. 550. FOR WASHINGTON STATE UNIVERSITY**

**Todd Hall renovation:** To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-1-021)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Acct--State \$ 3,478,000**  
**St Bldg Constr Acct--State \$ 2,626,444**

Subtotal Reappropriation \$ 6,104,444  
Prior Biennia (Expenditures) \$ 8,577,065  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 14,681,509

**NEW SECTION. Sec. 551. FOR WASHINGTON STATE UNIVERSITY**

**Veterinary Teaching Hospital--Construction:** To construct, equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**H Ed Reimb Constr Acct--State \$ 10,214,399**  
**St Bldg Constr Acct--State \$ 2,200,000**  
Subtotal Reappropriation \$ 12,414,399  
Prior Biennia (Expenditures) \$ 19,643,672  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 32,058,071

**NEW SECTION. Sec. 552. FOR WASHINGTON STATE UNIVERSITY**

**Fulmer Hall--Fulmer Annex renovation:** To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 12,212,322**  
Prior Biennia (Expenditures) \$ 908,367  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,120,689

**NEW SECTION. Sec. 553. FOR WASHINGTON STATE UNIVERSITY**

**Student services addition:** To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 10,173,300**  
Prior Biennia (Expenditures) \$ 4,826,700  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 15,000,000

**NEW SECTION. Sec. 554. FOR WASHINGTON STATE UNIVERSITY**

**Records and maintenance materials:** To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

**Reappropriation:**

**WSU Bldg Acct--State \$ 1,250,000**  
Prior Biennia (Expenditures) \$ 395,826  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,645,826

**NEW SECTION. Sec. 555. FOR WASHINGTON STATE UNIVERSITY**

**Minor capital renewal (94-1-004)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,784,260**  
Prior Biennia (Expenditures) \$ 3,215,740  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,000,000

**NEW SECTION. Sec. 556. FOR WASHINGTON STATE UNIVERSITY**

**Bohler Gym renovation--Design:** To design the renovation of the existing Bohler Gym (94-1-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**WSU Bldg Acct--State \$ 391,500**  
**St Bldg Constr Acct--State \$ 1,496,600**  
Subtotal Appropriation \$ 1,888,100



Prior Biennia (Expenditures) \$ 49,000  
Future Biennia (Projected Costs) \$ 14,462,500  
TOTAL \$ 16,399,600

**NEW SECTION. Sec. 557. FOR WASHINGTON STATE UNIVERSITY**

**Prosser: Septic system (94-1-500)**

**Reappropriation:**

**WSU Bldg Acct--State \$ 757,192**  
Prior Biennia (Expenditures) \$ 492,808  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,250,000

**NEW SECTION. Sec. 558. FOR WASHINGTON STATE UNIVERSITY**

**Infrastructure savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 559. FOR WASHINGTON STATE UNIVERSITY**

**Minor works (94-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,192,401**  
Prior Biennia (Expenditures) \$ 1,807,599  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,000,000

**NEW SECTION. Sec. 560. FOR WASHINGTON STATE UNIVERSITY**

**Minor capital improvements (94-2-002)**

**Reappropriation:**

**WSU Bldg Acct--State \$ 2,430,690**  
Prior Biennia (Expenditures) \$ 3,569,310  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,000,000

**NEW SECTION. Sec. 561. FOR WASHINGTON STATE UNIVERSITY**

**Hazardous waste facilities (94-2-006)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**WSU Bldg Acct--State \$ 1,500,000**  
Prior Biennia (Expenditures) \$ 211,000  
Future Biennia (Projected Costs) \$ 12,037,774  
TOTAL \$ 13,748,774

**NEW SECTION. Sec. 562. FOR WASHINGTON STATE UNIVERSITY**

**Pathological and biomedical incinerator: Design and construction (94-2-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,443,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,443,000

**NEW SECTION. Sec. 563. FOR WASHINGTON STATE UNIVERSITY**

**Communication infrastructure renewal (94-2-013)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Constr Acct--State \$ 5,000,000**  
**St Bldg Constr Acct--State \$ 4,203,432**  
Subtotal Reappropriation \$ 9,203,432

**Appropriation:**

**WSU Bldg Acct--State \$ 4,159,625**  
Prior Biennia (Expenditures) \$ 12,796,568  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 26,159,625

**NEW SECTION. Sec. 564. FOR WASHINGTON STATE UNIVERSITY**

**Engineering Teaching and Research Laboratory Building: Construction (94-2-014)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Acct--State \$ 226,379**

**Appropriation:**

**General Fund--Federal \$ 8,000,000**  
**St Bldg Constr Acct--State \$ 17,140,300**  
Subtotal Appropriation \$ 25,140,300  
Prior Biennia (Expenditures) \$ 1,143,621  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 26,510,300

**NEW SECTION. Sec. 565. FOR WASHINGTON STATE UNIVERSITY**

**Chemical waste collection facilities: Design and construction (94-2-016)**

**Reappropriation:**

**WSU Bldg Acct--State \$ 2,084,274**

**Appropriation:**

**WSU Bldg Acct--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 252,726  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,337,000

**NEW SECTION. Sec. 566. FOR WASHINGTON STATE UNIVERSITY**

**Bohler Gym Addition--Design and construction: To construct a 45,800 gross square foot addition to Bohler Gym (94-2-017)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 477,000**

**Appropriation:**

**WSU Bldg Acct--State \$ 399,800**  
**St Bldg Constr Acct--State \$ 8,960,400**  
Subtotal Appropriation \$ 9,360,200  
Prior Biennia (Expenditures) \$ 517,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 10,354,200

**NEW SECTION. Sec. 567. FOR WASHINGTON STATE UNIVERSITY**

**Animal Science Laboratory Building--Design and Construction: To construct a 20,200 gross square foot animal science lab (94-4-**

**018)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Acct--State \$ 143,532**

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,587,300**  
Prior Biennia (Expenditures) \$ 451,468  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,182,300

**NEW SECTION, Sec. 568. FOR WASHINGTON STATE UNIVERSITY**

**Intercollegiate Center for Nursing Education:** To construct and equip a new nursing education facility in Yakima (94-2-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,525,202**  
Prior Biennia (Expenditures) \$ 974,798  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,500,000

**NEW SECTION, Sec. 569. FOR WASHINGTON STATE UNIVERSITY**

**Washington State University--Vancouver:** New campus construction (94-2-902)

The appropriations in this section are subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 23,580,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 9,066,000**  
Prior Biennia (Expenditures) \$ 10,994,362  
Future Biennia (Projected Costs) \$ 35,000,000  
TOTAL \$ 78,640,362

**NEW SECTION, Sec. 570. FOR WASHINGTON STATE UNIVERSITY**

**Puyallup: Greenhouse replacements (94-2-027)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,126,945**  
Prior Biennia (Expenditures) \$ 114,055  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,241,000

**NEW SECTION, Sec. 571. FOR WASHINGTON STATE UNIVERSITY**

**Washington State University Tri-Cities: Consolidated Information Center (94-2-905)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 730,500**

**Appropriation:**

**St Bldg Constr Acct--State \$ 9,709,000**  
**General Fund--Federal \$ 7,500,000**  
Subtotal Appropriation \$ 17,209,000  
Prior Biennia (Expenditures) \$ 679,500  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 18,619,000

**NEW SECTION, Sec. 572. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Preservation (96-1-004)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,250,000**  
**WSU Bldg Acct--State \$ 750,000**  
Subtotal Appropriation \$ 6,000,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 33,942,000  
TOTAL \$ 39,942,000

**NEW SECTION, Sec. 573. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Safety and environmental (96-2-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 17,500,000  
TOTAL \$ 20,500,000

**NEW SECTION. Sec. 574. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Program (96-2-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**WSU Bldg Acct--State \$ 6,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 41,016,000  
TOTAL \$ 47,016,000

**NEW SECTION. Sec. 575. FOR WASHINGTON STATE UNIVERSITY**

**Plant growth--Wheat Research Center: Construction (96-2-047)**

The appropriations in this section are subject to the review and allotment procedures under section 813 of this act and shall not be expended until the university has received the federal matching money. If federal funding is not secured by June 30, 1996, the appropriations in this section are null and void.

**Appropriation:**

**General Fund--Private \$ 1,000,000**  
**General Fund--Federal \$ 3,000,000**  
**St Bldg Constr Acct--State \$ 3,745,400**  
**WSU Bldg Acct--State \$ 254,600**  
Subtotal Appropriation \$ 8,000,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,000,000

**NEW SECTION. Sec. 576. FOR WASHINGTON STATE UNIVERSITY**

**Intercollegiate Center for Nursing Education--Spokane, Yakima, and Wenatchee Washington higher education telecommunication system classrooms, cabling, and connection (96-2-915)**

**Appropriation:**

**WSU Bldg Acct--State \$ 1,500,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,500,000

**NEW SECTION. Sec. 577. FOR EASTERN WASHINGTON UNIVERSITY**

**Sutton Hall remodel:** To complete the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,730,092**  
Prior Biennia (Expenditures) \$ 526,494  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,256,586

**NEW SECTION. Sec. 578. FOR EASTERN WASHINGTON UNIVERSITY**

**Science Building addition and remodel:** To complete the remodeling of the existing science building (83-1-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,100,480**  
Prior Biennia (Expenditures) \$ 18,934,987  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 21,035,467

**NEW SECTION. Sec. 579. FOR EASTERN WASHINGTON UNIVERSITY**

**Minor works preservation, repair, and renewal of campus facilities (86-1-002) (90-3-002) (92-1-001) (92-1-002) (92-3-004) (94-1-001) (94-1-006) (94-1-010) (94-1-014) (94-1-015) (94-2-012)**

**Reappropriation:**

**EWU Cap Proj Acct--State \$ 4,300,000**  
**St Bldg Constr Acct--State \$ 1,700,000**  
Subtotal Reappropriation \$ 6,000,000  
Prior Biennia (Expenditures) \$ 7,685,782  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,685,782

**NEW SECTION. Sec. 580. FOR EASTERN WASHINGTON UNIVERSITY**  
**Telecommunications network and cable replacement (90-2-004)**

**Appropriation:**

**EWU Cap Proj Acct--State \$ 1,593,800**  
Prior Biennia (Expenditures) \$ 4,080,000  
Future Biennia (Projected Costs) \$ 2,000,000  
TOTAL \$ 7,673,800

**NEW SECTION. Sec. 581. FOR EASTERN WASHINGTON UNIVERSITY**  
**JFK Library addition and remodel--Construction:** To construct the 73,500 gross square foot addition and remodeling of the JFK

Library (90-5-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,678,756**

**Appropriation:**

**EWU Cap Proj Acct--State \$ 300,000**  
**St Bldg Constr Acct--State \$ 19,544,304**  
Subtotal Appropriation \$ 19,844,304  
Prior Biennia (Expenditures) \$ 536,244  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 22,059,304

**NEW SECTION. Sec. 582. FOR EASTERN WASHINGTON UNIVERSITY**  
**Removal of underground storage tanks (92-1-003)**

**Reappropriation:**

**EWU Cap Proj Acct--State \$ 193,438**  
Prior Biennia (Expenditures) \$ 56,110  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 249,548

**NEW SECTION. Sec. 583. FOR EASTERN WASHINGTON UNIVERSITY**  
**Spokane Center remodel and fire egress (92-5-008)**

**Reappropriation:**

**EWU Cap Proj Acct--State \$ 43,686**  
Prior Biennia (Expenditures) \$ 1,756,314  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,800,000

**NEW SECTION. Sec. 584. FOR EASTERN WASHINGTON UNIVERSITY**  
**Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,318,877**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,787,000**  
**EWU Cap Proj Acct--State \$ 213,000**  
Subtotal Appropriation \$ 4,000,000  
Prior Biennia (Expenditures) \$ 91,123  
Future Biennia (Projected Costs) \$ 3,275,000  
TOTAL \$ 9,685,000

**NEW SECTION. Sec. 585. FOR EASTERN WASHINGTON UNIVERSITY**  
**Infrastructure project: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house or representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 586. FOR EASTERN WASHINGTON UNIVERSITY**

**Showalter Hall Auditorium: Preservation (96-1-001)**

**Appropriation:**

**EWU Cap Proj Acct--State \$ 977,800**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 977,800

**NEW SECTION. Sec. 587. FOR EASTERN WASHINGTON UNIVERSITY**

**Campus classrooms--Renewal:** To renovate and upgrade classrooms and lab in various buildings on campus (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**EWU Cap Proj Acct--State \$ 3,988,400**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 14,925,000  
TOTAL \$ 18,913,400

**NEW SECTION. Sec. 588. FOR EASTERN WASHINGTON UNIVERSITY**

**Americans with Disabilities Act projects (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 193,089**  
Prior Biennia (Expenditures) \$ 132,711  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 325,800

**NEW SECTION. Sec. 589. FOR CENTRAL WASHINGTON UNIVERSITY**

**Life and safety improvements (92-1-030)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 125,000**  
Prior Biennia (Expenditures) \$ 208,267  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 333,267

**NEW SECTION. Sec. 590. FOR CENTRAL WASHINGTON UNIVERSITY**

**Barge Hall renovation (92-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 263,000**  
Prior Biennia (Expenditures) \$ 11,318,970  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,581,970

**NEW SECTION. Sec. 591. FOR CENTRAL WASHINGTON UNIVERSITY**

**Shaw/Smyser Hall renovation (90-2-005)**

**Reappropriation:**

**H Ed Reimb Constr Acct \$ 302,000**  
Prior Biennia (Expenditures) \$ 12,983,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,285,000

**NEW SECTION. Sec. 592. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor capital projects (92-2-050)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 600,000**  
Prior Biennia (Expenditures) \$ 1,623,120  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,223,120

**NEW SECTION. Sec. 593. FOR CENTRAL WASHINGTON UNIVERSITY**

**Boullion asbestos: Construction (94-1-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,160,000**  
Prior Biennia (Expenditures) \$ 1,163,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,323,000

**NEW SECTION. Sec. 594. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Preservation (94-1-005)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 2,000,000**  
Prior Biennia (Expenditures) \$ 1,562,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,562,000

**NEW SECTION. Sec. 595. FOR CENTRAL WASHINGTON UNIVERSITY**

**Underground tank replacement (94-1-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**  
Prior Biennia (Expenditures) \$ 176,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 276,000

**NEW SECTION. Sec. 596. FOR CENTRAL WASHINGTON UNIVERSITY**

**Electrical cable replacement (94-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**  
Prior Biennia (Expenditures) \$ 1,700,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,750,000

**NEW SECTION. Sec. 597. FOR CENTRAL WASHINGTON UNIVERSITY**

**Streamline replacement (94-1-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 790,000**  
Prior Biennia (Expenditures) \$ 60,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 850,000

**NEW SECTION. Sec. 598. FOR CENTRAL WASHINGTON UNIVERSITY**

**Infrastructure savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 599. FOR CENTRAL WASHINGTON UNIVERSITY**

**Science Facility design and construction (94-2-002)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 4,000,000**

**St Bldg Constr Acct--State \$ 53,590,000**

Subtotal Reappropriation \$ 57,590,000

Prior Biennia (Expenditures) \$ 610,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 58,200,000

**NEW SECTION. Sec. 600. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Program (94-2-006)**

**Reappropriation:**

**CWU Cap Proj Acct \$ 815,000**

Prior Biennia (Expenditures) \$ 1,692,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,507,000

**NEW SECTION. Sec. 601. FOR CENTRAL WASHINGTON UNIVERSITY**

**Black Hall--Design and construction:** To design and construct a 66,200 gross square foot addition to and complete remodel of the Black Hall (94-2-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 15,000**

**Appropriation:**

**CWU Cap Proj Acct--State \$ 799,100**

**St Bldg Constr Acct--State \$ 26,445,300**

Subtotal Appropriation \$ 27,244,400

Prior Biennia (Expenditures) \$ 144,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 27,403,400

**NEW SECTION. Sec. 602. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Infrastructure preservation (96-1-040)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management.
- (2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,898,000**

**CWU Cap Proj Acct--State \$ 602,000**

Subtotal Appropriation \$ 2,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 8,500,000

**NEW SECTION. Sec. 603. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Preservation (96-1-120)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management.
- (2) A maximum of \$85,000 from this appropriation may be expended for remodeling the president's residence.

**Appropriation:**

**CWU Cap Proj Acct--State \$ 3,712,900**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,850,000

TOTAL \$ 19,950,000



**NEW SECTION. Sec. 604. FOR CENTRAL WASHINGTON UNIVERSITY**

**Hertz Hall addition (96-2-050)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 125,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 13,350,000  
TOTAL \$ 13,475,000

**NEW SECTION. Sec. 605. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Program (96-2-130)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management.
- (2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

**Appropriation:**

**CWU Cap Proj Acct--State \$ 2,500,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 11,110,000  
TOTAL \$ 13,610,000

**NEW SECTION. Sec. 606. FOR THE EVERGREEN STATE COLLEGE**

**Campus: Air quality improvement (96-1-001)**

**Appropriation:**

**TESC Cap Proj Acct--State \$ 492,425**  
**St Bldg Constr Acct--State \$ 528,896**  
Subtotal Appropriation \$ 1,021,321  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,021,321

**NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE**

**Minor works: Preservation (96-1-002)**

**Appropriation:**

**TESC Cap Proj Acct--State \$ 970,245**  
**St Bldg Constr Acct--State \$ 2,154,876**  
Subtotal Appropriations \$ 3,125,121  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 20,488,124  
TOTAL \$ 23,613,245

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

**Campus: Preservation (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 150,000**  
Prior Biennia (Expenditures) \$ 1,599,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,749,000

**NEW SECTION. Sec. 609. FOR THE EVERGREEN STATE COLLEGE**

**Classroom Facility: Longhouse design and construction (94-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 1,800,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,200,000

**NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

**Emergency repairs (96-1-003)**

**Appropriation:**

**TESC Cap Proj Acct--State \$ 238,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,076,000  
TOTAL \$ 1,314,000

**NEW SECTION. Sec. 611. FOR THE EVERGREEN STATE COLLEGE  
Computer Network phase III (96-2-006)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 162,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 162,000

**NEW SECTION. Sec. 612. FOR THE EVERGREEN STATE COLLEGE  
Communications Building: Retrofit (96-2-007)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,726,300**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,726,300

**NEW SECTION. Sec. 613. FOR THE EVERGREEN STATE COLLEGE  
Library Building renovation (96-2-009)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 772,500**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 772,500

**NEW SECTION. Sec. 614. FOR THE JOINT CENTER FOR HIGHER EDUCATION  
Riverpoint Campus: Design and construction (94-2-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 9,000,000**  
Prior Biennia (Expenditures) \$ 8,000,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 17,000,000

**NEW SECTION. Sec. 615. FOR THE JOINT CENTER FOR HIGHER EDUCATION  
Riverpoint Campus phase II: Predesign (96-2-001)**

To predesign, design, and make infrastructure improvements to the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements by July 1, 1996. The appropriation in this section is subject to the review and allotment requirements under sections 813 and 815 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,310,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 25,000,000  
TOTAL \$ 28,310,000

**NEW SECTION. Sec. 616. FOR WESTERN WASHINGTON UNIVERSITY  
Science facility phase II: Construction (92-1-007)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,400,000**  
Prior Biennia (Expenditures) \$ 17,650,533  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 20,050,533Y

**NEW SECTION. Sec. 617. FOR WESTERN WASHINGTON UNIVERSITY**  
**Fire detection systems (94-1-030)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**  
Prior Biennia (Expenditures) \$ 643,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 743,000

**NEW SECTION. Sec. 618. FOR WESTERN WASHINGTON UNIVERSITY**  
**Underground storage tank removal (94-1-032)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 58,200**  
Prior Biennia (Expenditures) \$ 1,800  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 60,000

**NEW SECTION. Sec. 619. FOR WESTERN WASHINGTON UNIVERSITY**  
**Pool chlorine gas system (94-1-033)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 10,300**  
Prior Biennia (Expenditures) \$ 24,700  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 35,000

**NEW SECTION. Sec. 620. FOR WESTERN WASHINGTON UNIVERSITY**  
**Exterior and roofing renewal (94-1-034)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 309,000**  
Prior Biennia (Expenditures) \$ 292,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 601,000

**NEW SECTION. Sec. 621. FOR WESTERN WASHINGTON UNIVERSITY**  
**Boiler system (94-1-035)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 859,884**  
Prior Biennia (Expenditures) \$ 40,116  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 900,000

**NEW SECTION. Sec. 622. FOR WESTERN WASHINGTON UNIVERSITY**  
**Utility upgrade (94-1-037)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 103,000**  
Prior Biennia (Expenditures) \$ 302,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 405,000

**NEW SECTION. Sec. 623. FOR WESTERN WASHINGTON UNIVERSITY**  
**Interior renewal (94-1-038)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 74,000**  
Prior Biennia (Expenditures) \$ 24,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 98,000

**NEW SECTION. Sec. 624. FOR WESTERN WASHINGTON UNIVERSITY**  
**Interior painting (94-1-041)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 272,000**  
Prior Biennia (Expenditures) \$ 129,000

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 401,000

**NEW SECTION. Sec. 625. FOR WESTERN WASHINGTON UNIVERSITY**  
**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 626. FOR WESTERN WASHINGTON UNIVERSITY**  
**Science facility phase III: Construction (94-2-014)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,473,119**  
Prior Biennia (Expenditures) \$ 96,988  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,570,107

**NEW SECTION. Sec. 627. FOR WESTERN WASHINGTON UNIVERSITY**  
**Haggard Hall renovation and abatement: Construction (94-2-015)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 950,000**

**Appropriation:**

**WWU Cap Proj Acct--State \$ 635,420**  
**St Bldg Constr Acct--State \$ 20,452,985**  
Subtotal Appropriation \$ 21,088,405  
Prior Biennia (Expenditures) \$ 166,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 22,204,405

**NEW SECTION. Sec. 628. FOR WESTERN WASHINGTON UNIVERSITY**  
**Minor works: Program (94-2-028)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 3,200,000**  
Prior Biennia (Expenditures) \$ 2,900,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,100,000

**NEW SECTION. Sec. 629. FOR WESTERN WASHINGTON UNIVERSITY**  
**Minor works: Preservation (96-1-030)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,350,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 9,200,000  
TOTAL \$ 10,550,000

**NEW SECTION. Sec. 630. FOR WESTERN WASHINGTON UNIVERSITY**  
**Minor works: Infrastructure preservation (96-1-061)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,650,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 4,400,000  
TOTAL \$ 6,050,000

**NEW SECTION. Sec. 631. FOR WESTERN WASHINGTON UNIVERSITY**  
**Campus Services Facility (96-2-025)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 100,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 7,883,400  
TOTAL \$ 7,983,400

**NEW SECTION. Sec. 632. FOR WESTERN WASHINGTON UNIVERSITY**  
**Minor works: Program (96-2-028)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**WWU Cap Proj Acct--State \$ 6,385,810**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 25,500,000  
TOTAL \$ 31,885,810

**NEW SECTION. Sec. 633. FOR WESTERN WASHINGTON UNIVERSITY**  
**Integrated signal distribution--Design: To design a campus network system (96-2-056)**

**Appropriation:**

**WWU Cap Proj Acct--State \$ 229,650**  
**St Bldg Constr Acct--State \$ 985,750**  
Subtotal Appropriation \$ 1,215,400  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 9,339,400  
TOTAL \$ 10,554,800

**NEW SECTION. Sec. 634. FOR WESTERN WASHINGTON UNIVERSITY**  
**Wilson Library renovation (96-2-057)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 105,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,331,900  
TOTAL \$ 8,436,900

**NEW SECTION. Sec. 635. FOR WESTERN WASHINGTON UNIVERSITY**  
**Recreation and physical education fields phase I (96-2-051)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,535,200**  
**WWU Cap Proj Acct--State \$ 131,000**  
Subtotal Appropriation \$ 2,666,200  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,666,200

**NEW SECTION. Sec. 636. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
**Complete construction of Washington state History Museum (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.
- (2) \$50,000 of the \$250,000 new appropriation in this section is provided solely as a grant to a local nonprofit organization to purchase land and provide exhibit space for the display of fossils.

**Reappropriation:**

St Bldg Constr Acct--State \$ 6,859,978

**Appropriation:**

St Bldg Constr Acct--State \$ 250,000

Prior Biennia (Expenditures) \$ 35,592,643

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 42,702,621

**NEW SECTION. Sec. 637. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Stadium Way facility: Preservation (96-1-102)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 60,000

**Appropriation:**

St Bldg Constr Acct--State \$ 487,500

Prior Biennia (Expenditures) \$ 1,254,500

Future Biennia (Projected Costs) \$ 335,469

TOTAL \$ 2,137,469

**NEW SECTION. Sec. 638. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**State Capital Museum: Preservation (96-1-105)**

**Appropriation:**

St Bldg Constr Acct--State \$ 122,592

Prior Biennia (Expenditures) \$ 107,500

Future Biennia (Projected Costs) \$ 199,628

TOTAL \$ 429,720

**NEW SECTION. Sec. 639. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Stadium Way facility: Collection storage and access (96-2-204)**

**Appropriation:**

St Bldg Constr Acct--State \$ 230,600

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,420,000

TOTAL \$ 1,650,600

**NEW SECTION. Sec. 640. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**Campbell House restoration (86-1-002)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 30,000

Prior Biennia (Expenditures) \$ 100,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,500

**NEW SECTION. Sec. 641. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**Cheney Cowles Museum: Parking lot grading and resurfacing (96-1-002)**

**Appropriation:**

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

**NEW SECTION. Sec. 642. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**Cheney Cowles Museum: Preservation (96-1-004)**

**Appropriation:**

St Bldg Constr Acct--State \$ 175,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 700,000

TOTAL \$ 875,000

**NEW SECTION. Sec. 643. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Learning Resource Center--Skagit Valley College Whidbey Campus (88-5-020)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 5,408

Prior Biennia (Expenditures) \$ 2,117,591  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,122,999

**NEW SECTION. Sec. 644. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Science, Fine Art, and Physical Education Building--South Puget Sound Community College (88-5-021)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 21,933**  
Prior Biennia (Expenditures) \$ 5,976,066  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,997,999

**NEW SECTION. Sec. 645. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Library addition and remodel--Columbia Basin College (88-5-023)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 21,573**  
Prior Biennia (Expenditures) \$ 1,961,132  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,982,705

**NEW SECTION. Sec. 646. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Vocational Shop Building--Centralia College (88-5-024)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 36,519**  
Prior Biennia (Expenditures) \$ 2,035,306  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,071,825

**NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Art Commission carryover (88-5-026)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 9,378**  
Prior Biennia (Expenditures) \$ 2,984,655  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,994,033

**NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Business Education Building--Spokane Community College (88-5-027)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 20,846**  
Prior Biennia (Expenditures) \$ 6,291,122  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,311,968

**NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Student Activity Center and Physical Education Building--Seattle Central (88-5-028)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,681,465**  
Prior Biennia (Expenditures) \$ 9,519,434  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,200,899

**NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Fire and security system repairs (90-1-004)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 134,433**  
Prior Biennia (Expenditures) \$ 236,508  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 370,941

**NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Minor asbestos removal (90-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 323,914**  
Prior Biennia (Expenditures) \$ 992,167  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,316,081

**NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Roof and structural repairs (90-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 8,779**  
Prior Biennia (Expenditures) \$ 706,514  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 715,293

**NEW SECTION. Sec. 653. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Heating, ventilation, and air conditioning and mechanical repairs (90-2-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,944**  
Prior Biennia (Expenditures) \$ 947,439  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 998,383

**NEW SECTION. Sec. 654. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Facility repairs (90-3-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 24,471**  
Prior Biennia (Expenditures) \$ 503,545  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 528,016

**NEW SECTION. Sec. 655. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Minor improvement projects (90-5-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 120,737**  
Prior Biennia (Expenditures) \$ 2,904,787  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,025,524

**NEW SECTION. Sec. 656. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Physical Education Facility--North Seattle Community College (90-5-011)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,883,057**  
Prior Biennia (Expenditures) \$ 1,671,143  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,554,200

**NEW SECTION. Sec. 657. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Applied Arts Facility--Spokane Falls Community College (90-5-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,848,249**  
Prior Biennia (Expenditures) \$ 2,643,840  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,492,089

**NEW SECTION. Sec. 658. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Industrial Tech Building--Spokane Community College (90-5-013)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,016,150**  
Prior Biennia (Expenditures) \$ 3,915,945  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,932,095



**NEW SECTION. Sec. 659. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Vocational Art Facility--Shoreline Community College (90-5-014)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,885,749**  
Prior Biennia (Expenditures) \$ 179,656  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,065,405

**NEW SECTION. Sec. 660. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Business Education Building--Clark College (90-5-015)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,439,646**  
Prior Biennia (Expenditures) \$ 3,851,620  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,291,266

**NEW SECTION. Sec. 661. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Student Center Building--South Seattle Community College (90-5-016)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,188,316**  
Prior Biennia (Expenditures) \$ 1,193,777  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,382,093

**NEW SECTION. Sec. 662. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Library addition--Skagit Valley College (90-5-017)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 602,270**  
Prior Biennia (Expenditures) \$ 1,403,729  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,005,999

**NEW SECTION. Sec. 663. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Business Complex renovation--Clover Park Technical College (91-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 26,062**  
Prior Biennia (Expenditures) \$ 2,473,938  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,500,000

**NEW SECTION. Sec. 664. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Administration Office renovation--Bellingham Technical College (91-3-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 155,844**  
Prior Biennia (Expenditures) \$ 1,456,156  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,612,000

**NEW SECTION. Sec. 665. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Acquisition: Auto Shop--Olympic College (92-1-604)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 575,155**  
Prior Biennia (Expenditures) \$ 124,845  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 700,000

**NEW SECTION. Sec. 666. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Underground storage tank removal (92-2-102)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 96,033**  
Prior Biennia (Expenditures) \$ 1,300,819

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,396,852

**NEW SECTION. Sec. 667. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Legal and code requirement--Repairs (92-2-103)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 340,786**  
Prior Biennia (Expenditures) \$ 831,214  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,172,000

**NEW SECTION. Sec. 668. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Roof repairs (92-2-104)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 373,515**  
Prior Biennia (Expenditures) \$ 7,083,485  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,457,000

**NEW SECTION. Sec. 669. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Exterior and structure repairs (92-2-105)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 138,431**  
Prior Biennia (Expenditures) \$ 678,569  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 817,000

**NEW SECTION. Sec. 670. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Heating, ventilation, and air conditioning repairs (92-2-106)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,913,684**  
Prior Biennia (Expenditures) \$ 1,160,315  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,073,999

**NEW SECTION. Sec. 671. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Electrical repair (92-2-107)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 174,538**  
Prior Biennia (Expenditures) \$ 2,132,462  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,307,000

**NEW SECTION. Sec. 672. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Mechanical repairs (92-2-108)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 824,457**  
Prior Biennia (Expenditures) \$ 1,683,543  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,508,000

**NEW SECTION. Sec. 673. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Fire and security repairs (92-2-109)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 418,730**  
Prior Biennia (Expenditures) \$ 273,269  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 691,999

**NEW SECTION. Sec. 674. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Interior repairs (92-2-110)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 427,638**  
Prior Biennia (Expenditures) \$ 1,012,361  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,439,999

**NEW SECTION. Sec. 675. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Site repairs (92-2-111)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 98,377**  
Prior Biennia (Expenditures) \$ 1,230,622  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,328,999

**NEW SECTION. Sec. 676. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Pool repairs (92-2-112)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,133**  
Prior Biennia (Expenditures) \$ 594,867  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 600,000

**NEW SECTION. Sec. 677. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Administration addition--Lake Washington Technical College (92-5-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,498,016**  
Prior Biennia (Expenditures) \$ 6,644,183  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,142,199

**NEW SECTION. Sec. 678. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Minor improvements (92-5-200)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,979,165**  
Prior Biennia (Expenditures) \$ 14,950,834  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 16,929,999

**NEW SECTION. Sec. 679. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Roof repair--Clover Park Technical College (93-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,130**  
Prior Biennia (Expenditures) \$ 183,869  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 188,999

**NEW SECTION. Sec. 680. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Repairs and minor improvements (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 28,290,145**  
Prior Biennia (Expenditures) \$ 8,709,855  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 37,000,000

**NEW SECTION. Sec. 681. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Asbestos abatement (94-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 112,447**  
Prior Biennia (Expenditures) \$ 441,786  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 554,233

**NEW SECTION. Sec. 682. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Underground storage tank removal and remediation (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 158,727**  
Prior Biennia (Expenditures) \$ 765,990  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 924,717

**NEW SECTION. Sec. 683. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Underground storage tank removal (94-1-370)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 197,830**  
Prior Biennia (Expenditures) \$ 4,170  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 202,000

**NEW SECTION. Sec. 684. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Asbestos abatement (94-1-390)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 326,887**  
Prior Biennia (Expenditures) \$ 124,440  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 451,327

**NEW SECTION. Sec. 685. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Renovate Seattle Vocational Institute facility:** Top design and begin remodel on the first phase of improvements to Seattle Vocational Institute (94-1-733)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,523,494**  
Prior Biennia (Expenditures) \$ 59,506  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,583,000

**NEW SECTION. Sec. 686. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (94-2-400)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,640,466**  
Prior Biennia (Expenditures) \$ 3,837,534  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,478,000

**NEW SECTION. Sec. 687. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (94-2-500)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 590,517**  
Prior Biennia (Expenditures) \$ 38,483  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 629,000

**NEW SECTION. Sec. 688. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Pierce College--Puyallup phase II (94-2-601)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 862,234**

**Appropriation:**

**St Bldg Constr Acct--State \$ 12,852,618**  
Prior Biennia (Expenditures) \$ 164,686  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,879,538

**NEW SECTION. Sec. 689. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Skagit Valley College Vocational Building (94-2-602)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 152,981**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,320,000**

Prior Biennia (Expenditures) \$ 16,063

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,489,044

**NEW SECTION. Sec. 690. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Whatcom Community College Learning Resource Center, Fine Arts, Student Center (94-2-603)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 342,967**

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,930,000**

Prior Biennia (Expenditures) \$ 262,669

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,535,636

**NEW SECTION. Sec. 691. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Edmonds Community College Classroom and Laboratory Building (94-2-604)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 728,058**

**Appropriation:**

**St Bldg Constr Acct--State \$ 12,343,480**

Prior Biennia (Expenditures) \$ 138,578

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,210,116

**NEW SECTION. Sec. 692. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct South Puget Sound Community College Technical Education Building (94-2-605)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 512,534**

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,430,000**

Prior Biennia (Expenditures) \$ 135,533

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,078,067

**NEW SECTION. Sec. 693. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Green River Community College Center for Information Technology (94-2-606)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,069,426**

Prior Biennia (Expenditures) \$ 324,303

Future Biennia (Projected Costs) \$ 16,800,000

TOTAL \$ 18,193,729

**NEW SECTION. Sec. 694. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Predesign (94-2-650)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 43,379**

Prior Biennia (Expenditures) \$ 206,621

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

**NEW SECTION. Sec. 695. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Acquisitions (94-2-700)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 28,591**  
Prior Biennia (Expenditures) \$ 480,409  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 509,000

**NEW SECTION. Sec. 696. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Americans with Disabilities Act projects (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,190,091**  
Prior Biennia (Expenditures) \$ 231,807  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,421,898

**NEW SECTION. Sec. 697. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Repair and minor improvement (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 10,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 40,000,000  
TOTAL \$ 50,000,000

**NEW SECTION. Sec. 698. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Repair roofs (96-1-010)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,406,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 16,000,000  
TOTAL \$ 21,406,000

**NEW SECTION. Sec. 699. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Repair heating, ventilation, and air conditioning (96-1-030)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,588,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 32,000,000  
TOTAL \$ 39,588,000

**NEW SECTION. Sec. 700. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Repair mechanical (96-1-060)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,262,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 6,000,000  
TOTAL \$ 7,262,000

**NEW SECTION. Sec. 701. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Repair electrical (96-1-080)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,192,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,000,000  
TOTAL \$ 10,192,000

**NEW SECTION. Sec. 702. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Repair exterior (96-1-100)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,419,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,419,000

**NEW SECTION. Sec. 703. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair interiors (96-1-120)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,254,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 6,000,000  
TOTAL \$ 7,254,000

**NEW SECTION. Sec. 704. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Site improvements (96-1-140)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,465,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,000,000  
TOTAL \$ 10,465,000

**NEW SECTION. Sec. 705. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Infrastructure project savings (96-1-500)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 706. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Minor program remodel and improvements (96-2-199)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 10,119,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 56,000,000  
TOTAL \$ 70,002,000

**NEW SECTION. Sec. 707. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Project artwork consolidation account (96-2-400)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 708. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**North Seattle Community College:** To design a Vocational Technical Center Building and a separate Child Care Center (96-2-651)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 895,712**  
Prior Biennia (Expenditures) \$ 43,512  
Future Biennia (Projected Costs) \$ 12,047,538  
TOTAL \$ 12,986,762

**NEW SECTION. Sec. 709. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Everett Community College:** To procure land for a new access to the college and for a new Instruction Technology Center (96-2-

652)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,558,440**  
Prior Biennia (Expenditures) \$ 25,140  
Future Biennia (Projected Costs) \$ 12,251,270  
TOTAL \$ 15,834,850

**NEW SECTION. Sec. 710. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**South Seattle Community College:** To design the Integrated Learning Assistance Resource Center (ILARC) (96-2-653)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 592,266**  
Prior Biennia (Expenditures) \$ 21,466  
Future Biennia (Projected Costs) \$ 7,064,600  
TOTAL \$ 7,678,332

**NEW SECTION. Sec. 711. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Olympic College Satellite--Poulsbo: Design (96-2-654)**

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 755,000**  
Prior Biennia (Expenditures) \$ 26,359  
Future Biennia (Projected Costs) \$ 10,248,000  
TOTAL \$ 11,029,359

**NEW SECTION. Sec. 712. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Clover Park Technical College: Aviation trades complex, site acquisition, and related costs**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,100,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,100,000

**PART 6  
MISCELLANEOUS**

**NEW SECTION. Sec. 801.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$14,992,000 during the 1995-97 fiscal period; \$88,459,000 during the 1997-99 fiscal period; \$125,937,000 during the 1999-2001 fiscal period; \$125,876,000 during the 2001-03 fiscal period; and \$125,800,000 during the 2003-05 fiscal period.

**NEW SECTION. Sec. 802. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts. Prior to the finalization of a financing contract authorized under this act there shall be placed on file with the office of financial management an amortization statement which provides a schedule of contracted payments by source of fund. In addition, the contracting agency shall provide to the office of financial management a condition statement regarding any existing facility which is acquired listing the expected renovation or improvement costs which shall be incurred within five years of occupancy. The office of financial management shall provide annual reports to the appropriate legislative committees summarizing the information regarding the payment schedule and facility condition.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

(a) Lease-develop with an option to purchase or lease-purchase an approximately 125,000 square foot office building. This facility is the first phase of an office complex in Spokane at the metropolitan summit office center project. This facility will collocate several state



agencies. Alternatively, the project may be financed by entering into a financing contract on behalf of the department of general administration in the amount of \$17,000,000 and reserves pursuant to chapter 39.94 RCW. A financial plan identifying facility occupants, all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee; and

(b) Long-term lease with an option to purchase or lease-purchase for office space and associated parking in downtown Tacoma. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(2) Liquor control board:

Lease-develop with an option to purchase a new liquor distribution center and materials handling center costing approximately \$30,000,000 to replace the current Seattle facility. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(3) Department of corrections:

(a) Lease-purchase property from the department of natural resources on which Cedar Creek, Larch, and Olympic correctional centers are located for up to \$1,000,000;

(b) Lease-develop with the option to purchase or lease-purchase 240 work release beds in facilities throughout the state for \$10,080,000; and

(c) Enter into a financing agreement on behalf of the department of corrections in the amount of \$10,000,000 and reserves pursuant to chapter 39.94 RCW, to construct a new correctional industries dairy and creamery. It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project costs savings may be realized. The department shall reevaluate costs using inmate labor and submit new estimates to the office of financial management before entering into any agreements. Milk and other products of the dairy shall be sold exclusively to correctional facilities and jails.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Clark College in the amount of \$4,200,000 and reserves pursuant to chapter 39.94 RCW, to purchase 12 acres and a 60,000 square foot building as an expansion site for the main campus;

(b) Purchase from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3.3 acres and a 67,000 square foot building to house classrooms, office facilities, and physical plant activities;

(c) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$1,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.2 acres and a 10,923 square foot building to house international programs and adult basic education and English as a second language instruction and student and faculty services;

(d) Purchase in a lump sum from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.1 acres and a 32,000 square foot building to house the extended learning center. This facility is currently being leased and maintained by the college;

(e) Enter into a financing contract on behalf of Green River Community College in the amount of \$4,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase a 28,000 square foot building, site and associated parking to house extension and business related programs;

(f) Enter into a financing contract on behalf of Highline Community College in the amount of \$300,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.45 acres and a 1,500 square foot building;

(g) Lease-purchase or enter into a financing contract on behalf of South Puget Sound Community College in the amount of \$1,400,000 and reserves pursuant to chapter 39.94 RCW, to purchase 6.69 acres contiguous to the main campus;

(h) Lease-purchase or enter into a financing contract on behalf of Walla Walla Community College in the amount of \$1,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 18 acres of land and 27,500 square feet of improvements contiguous to the site;

(i) Lease-purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$250,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3 acres of land and erect a 7,500 square foot metal building to house physical plant shops;

(j) Lease-develop with option to purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 2 acres of land and construct additional parking for college faculty, staff, and students. This project is required by the City of Omak for the Wenatchee Valley College - North Campus;

(k) Lease-purchase or enter into a financing contract on behalf of Tacoma Community College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.275 acres contiguous to the campus;

(l) Enter into a financing contract on behalf of Skagit Valley Community College in the amount of \$800,000 and reserves pursuant to chapter 39.94 RCW for the purchase and development of a 5,000 square foot educational and support services facility to provide instructional and meeting space for Skagit Valley Community College on San Juan Island;

(m) Lease-purchase or enter into a financing contract on behalf of Yakima Valley College in the amount of \$115,000 and reserves pursuant to chapter 39.94 RCW, to purchase two undeveloped lots adjacent to the campus for use as parking areas;

(n) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$2,880,000 and reserves pursuant to chapter 39.94 RCW, to purchase the Gig Harbor extension center and site;

(o) Enter into a financing contract on behalf of South Seattle Community College in the amount of \$5,350,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 11.08 acres of land to accommodate expansion of the Duwamish industrial education center;

(p) Enter into a long-term lease in a 11,097 square foot former bank building in Enumclaw by Green River Community College extension program for approximately \$90,000;

(q) Enter into a financing contract on behalf of Bellingham Technical College in the amount of \$1,100,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 8.5 acres of land to accommodate expansion of the Bellingham Technical College;

(r) Lease-develop with option to purchase or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000, subject to the approval of the office of financial management;

(s) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;

(t) Lease-develop or lease-purchase property for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$350,000;

(u) Acquire a residence that abuts the Bellevue Community College campus, valued at \$200,000, for use as an English language center and long term campus expansion;

(v) Enter into a financing contract on behalf of Columbia Basin College in the amount of \$3,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$4,000,000 work force and vocational training facility. Columbia Basin College shall provide the balance of project cost in local funds;

(w) Enter into a financing contract on behalf of Shoreline Community College in the amount of \$400,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$3,500,000 vocational art facility. The balance of construction funds are appropriated in the capital budget; and

(x) Enter into a long-term lease or lease-purchase contract for Clover Park Technical College in the amount of \$7,700,000 for off-campus aircraft training programs.

(5) State parks and recreation:

Enter into a financing contract on behalf of state parks and recreation in the amount of \$600,000 and reserves pursuant to chapter 39.94 RCW, to develop new campsite electrical hookups and expand group camp facilities statewide.

(6) Washington State University:

Enter into a financing contract for \$8,600,000 plus financing costs to construct a facility on the Vancouver Branch Campus. The facility will be leased to the federal general services administration to house the Cascades Volcano Observatory and the lease payments shall reimburse Washington State University for the cost of the financing contract.

(7) Western Washington State University:

Lease-purchase property adjacent or near to the campus for future expansion for \$2,000,000.

(8) Washington state fruit commission:

Enter into a financing contract for the purpose of completing its new headquarters and visitor center facility in the principal amount of \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(9) The office of the state treasurer is authorized to enter into a financing contract pursuant to chapter 39.94 RCW for \$4,000,000 plus issuance expenses and required reserves to assist a consortium of Washington counties in the lease/purchase of leasehold improvements to Martin Hall, on the campus of eastern state hospital, in Medical Lake, and the renovation of the hall for use as a juvenile rehabilitation center. The participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection.

**NEW SECTION. Sec. 803. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY.** The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies.

**NEW SECTION. Sec. 804. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING.** (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW

28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1995-97 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

**NEW SECTION. Sec. 805.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

**NEW SECTION. Sec. 806.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1995, in the 1993-95 biennial appropriations for each project.

**NEW SECTION. Sec. 807.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 808.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

**NEW SECTION. Sec. 809.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 810.** Notwithstanding any other provisions of law, for the 1995-97 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

**NEW SECTION. Sec. 811.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 812.** The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected. The director shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 813.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

**NEW SECTION. Sec. 814.** Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management.

**NEW SECTION. Sec. 815.** Appropriations for design and construction of facilities on higher education branch campuses shall proceed only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board; and (4) branch campus facility utilization policies and standards as determined by the office of financial management in consultation with the higher education coordinating board. The office of financial management shall report to the appropriate committees of the legislature, by December 1, 1996, the standards, policies and enrollment levels used as the basis for allotting funds for branch campus design and construction.

**NEW SECTION. Sec. 816.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 817.** The department of natural resources shall submit economic assumptions and forecast methodology for trust revenues to the economic and revenue forecast work group. The supervisor of the economic and revenue forecast council shall include the forecast of trust revenues in the economic and revenue forecasts described in RCW 82.33.020.

**NEW SECTION. Sec. 818.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 819.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

#### MOTION

Senator Swecker moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 54, after line 36 of the amendment, insert the following:

"(5) The department shall allocate from the appropriation in this section the amounts necessary for design of the city of Yelm 100% wastewater reuse demonstration project."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 54, after line 36, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1070.

The amendment by Senator Swecker failed to receive the constitutional two-thirds vote and the amendment to the committee amendment was not adopted.

#### MOTION

Senator Deccio moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 88, after line 43 of the amendment, strike all of section 545

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Deccio demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Deccio on page 88, after line 43, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1070.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment, having failed to receive the constitutional two-thirds majority, was not adopted by the following vote: Yeas, 22; Nays, 24; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 22.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 24.

Absent: Senators McCaslin and Roach - 2.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator Cantu moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 130, after line 33, insert the following:

**"NEW SECTION. Sec. 713. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Bellevue Community College Classroom/Laboratory Building: Design (96-2-655)**

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

**Appropriation:**

<b>St Bldg Constr Acct--State</b>	<b>\$ 587,000</b>
Prior Biennia (Expenditures)	\$ 34,423
Future Biennia (Projected Costs)	\$ 9,116,160
<b>TOTAL</b>	<b>\$ 9,737,583"</b>

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 130, after line 33, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1070.

The amendment by Senator Cantu failed to receive the constitutional two-thirds vote and the amendment to the committee amendment was not adopted.

#### MOTION

Senator Rasmussen moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 133, line 16, after "jails." insert "The size of the dairy herd shall not be increased above the size existing on April 13, 1995."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 133, after line 16, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1070.

The amendment by Senator Rasmussen failed to receive the constitutional two-thirds vote and the amendment to the committee amendment was not adopted on a rising vote.

#### MOTION

Senator Ann Anderson moved that the following amendment by Senators Ann Anderson, Morton and Newhouse to the Committee on Ways and Means striking amendment be adopted:

On page 133, beginning on line 6, after "10,080,000" strike all material down to and including "jails" on line 16

Debate ensued.

Senator Ann Anderson demanded a roll call and the demand was sustained.

#### MOTION

On motion of Senator West, Senators McCaslin and Roach were excused.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Ann Anderson, Morton and Newhouse on page 133, beginning on line 6, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1070.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment, having failed to receive the constitutional two-thirds majority, was not adopted by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, McDonald, Morton, Moyer, Newhouse, Oke, Palmer, Prince, Quigley, Rasmussen, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 25.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 21.

Excused: Senators Anderson, C., McCaslin and Roach - 3.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1070.

The motion by Senator Loveland carried and the committee amendment was adopted:

#### MOTIONS

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency."

On motion of Senator Loveland, the rules were suspended, Engrossed Substitute House Bill No. 1070, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1070, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1070, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Moyer, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 27.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, McDonald, Morton, Newhouse, Oke, Palmer, Quigley, Schow, Sellar, Strannigan, Swecker, West and Wood - 19.

Excused: Senators Anderson, C., McCaslin and Roach - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate reverted to the third order of business.

#### MESSAGE FROM THE SECRETARY OF STATE

The Honorable Joel Pritchard  
President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington 98504  
Mr. President:

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

Section 2, Senate Bill No. 5266, the remainder of which has been designated Chapter 27, Laws of 1995 Regular Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand,

and affixed the Seal of the state of Washington  
at Olympia, this 13th day of April, 1995.  
(Seal) RALPH MUNRO, Secretary of State

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5266

April 13, 1995

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

I am returning herewith, without my approval as to section 2, Senate Bill No. 5266 entitled:  
"AN ACT Relating to court reporting;"

Section 2 of Senate Bill No. 5266 amends RCW 18.145.010 by stipulating that no person may practice court reporting without first obtaining a certificate from the Department of Licensing. This amendment effectively elevates the regulation of this profession from certification to licensure in that it prevents non-certified individuals from performing court reporting functions in any capacity. This change is inconsistent with the intent of RCW 18.145 to regulate the profession at the level of certification. The law will continue to require individuals to meet and maintain minimum standards of competency in order to represent themselves as court reporters.

For the reasons stated above, I have vetoed section 2 of Senate Bill No. 5266.

With the exception of section 2, Senate Bill No. 5266 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MOTION

On motion of Senator Spanel, Senate Bill No. 5266 was held on the desk.

FURTHER MESSAGE FROM THE GOVERNOR

April 13, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 13, 1995, Governor Lowry approved the following Senate Bills entitled:

Senate Bill No. 5042

Relating to ordinance information pooling.

Senate Bill No. 5046

Relating to filing requirements for interlocal agreements.

Senate Bill No. 5052

Relating to deleting obsolete provisions related to the printing and duplication center.

Senate Bill No. 5067

Relating to distribution and pricing of session laws.

Senate Bill No. 5083

Relating to veterans affairs advisory committee.

Senate Bill No. 5222

Relating to log trucks and pole trailers.

Senate Bill No. 5274

Relating to distribution of moneys to the municipal research council.

Senate Bill No. 5330

Relating to the release of background information by the state patrol.

Substitute Senate Bill No. 5370

Relating to the use of credit cards by local governments.

Senate Bill No. 5400

Relating to compensation for victims of crimes.

Substitute Senate Bill No. 5419

Relating to federal financial participation related to health insurer's and children's health care.

Senate Bill No. 5432

Relating to unearned premium, loss, and loss expense reserves of insurance companies.

Senate Bill No. 5668

Relating to sureties for industrial insurance self-insurers.

Senate Bill No. 5957

Relating to plat and subdivision amendments.

Substitute Senate Bill No. 6002

Relating to community and technical college tuition refunds or fee cancellations.

Sincerely,

KENT CAPUTO, Legal Counsel to the Governor

MOTION

At 6:42 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Friday, April 14, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate



JOURNAL OF THE SENATE

NINETY-FIFTH DAY, APRIL 13, 1995

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

**NINETY-SIXTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, April 14, 1995

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Bauer, Deccio, Heavey, McCaslin, McDonald, Oke, Pelz and Strannigan. On motion of Senator Loveland, Senators Cal Anderson and Bauer were excused. On motion of Senator Ann Anderson, Senators Deccio, McCaslin, Oke and Strannigan were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jamie Kaiser and Sprague Culp, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

April 13, 1995

SB 6062 Prime Sponsor, Senator Quigley: Making welfare work. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6062 be substituted therefor, and the second substitute bill do pass. Signed by Senators Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Hochstatter, McDonald, Moyer, Quigley, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 13, 1995

ESHB 1046 Prime Sponsor, House Committee on Health Care: Amending the health services act of 1993. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Health and Long-Term Care. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Fraser, Gaspard, Hochstatter, Long, McDonald, Moyer, Pelz, Sheldon, Snyder, Spanel, Strannigan, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

April 13, 1995

ESHB 1589 Prime Sponsor, House Committee on Health Care: Providing health care quality assurance. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Health and Long-Term Care. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Hochstatter, Long, Moyer, Pelz, Quigley, Snyder, Spanel, Sutherland, West and Wojahn.

Passed to Committee on Rules for second reading.

April 13, 1995

E2SHB 2010 Prime Sponsor, House Committee on Appropriations: Revising corrections provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Quigley, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

**MESSAGES FROM THE HOUSE**

April 13, 1995

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2087,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 13, 1995

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5755,  
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8210, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 13, 1995

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5060,  
SENATE BILL NO. 5108,  
SUBSTITUTE SENATE BILL NO. 5308,  
SUBSTITUTE SENATE BILL NO. 5780,  
SENATE BILL NO. 5848,  
SENATE BILL NO. 5895, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 13, 1995

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1189,  
HOUSE BILL NO. 1190,  
SUBSTITUTE HOUSE BILL NO. 1192,  
HOUSE BILL NO. 1310,  
HOUSE BILL NO. 1311,  
HOUSE BILL NO. 1362,  
HOUSE BILL NO. 1407,  
HOUSE BILL NO. 1450,  
HOUSE BILL NO. 1790,  
SUBSTITUTE HOUSE BILL NO. 1853,  
HOUSE BILL NO. 1866,  
HOUSE BILL NO. 1893,  
HOUSE BILL NO. 2063, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 13, 1995

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1178, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 13, 1995

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1248, and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5755,  
SUBSTITUTE SENATE BILL NO. 5992,  
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8210.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1178,  
HOUSE BILL NO. 1189,  
HOUSE BILL NO. 1190,  
SUBSTITUTE HOUSE BILL NO. 1192,  
HOUSE BILL NO. 1310,  
HOUSE BILL NO. 1311,

HOUSE BILL NO. 1362,  
HOUSE BILL NO. 1407,  
HOUSE BILL NO. 1450,  
HOUSE BILL NO. 1790,  
SUBSTITUTE HOUSE BILL NO. 1853,  
HOUSE BILL NO. 1866,  
HOUSE BILL NO. 1893,  
HOUSE BILL NO. 2063.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2087 by House Committee on Appropriations (originally sponsored by Representative Brumsickle)

Clarifying the use of in-service continuing education and college credits for compensation allocations under the teachers' salary schedule.

Referred to Committee on Ways and Means.

ESHB 2090 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher, Mitchell, Scott, Robertson, Hatfield, Skinner, Tokuda, Buck, Elliot, Ogden, Cairnes, Romero, Brown, Quall, Chopp, Patterson, Hankins and Blanton)

Revising taxation of gasohol.

#### MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute House Bill No. 2090 was advanced to second reading and placed on the second reading calendar.

#### SECOND READING GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9063, Don Simmonson, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

#### APPOINTMENT OF DON SIMMONSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.  
Voting yea: Senators Anderson, A., Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, Morton, Moyer, Newhouse, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 40.  
Absent: Senators Heavey, McDonald and Pelz - 3.  
Excused: Senators Anderson, C., Bauer, Deccio, McCaslin, Oke and Strannigan - 6.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1401, by House Committee on Education (originally sponsored by Representatives Brumsickle, Cole, Carlson, G. Fisher, Mastin, Poulsen, Elliot, Quall, Clements, Smith, Chandler, Patterson, Costa, Mielke, Campbell, Mulliken, Honeyford, Talcott, Cooke, Thompson, L. Thomas, Mitchell, Kremen, Scott, Wolfe, Boldt, Conway and McMorris)

Allowing disclosure of juvenile records to affected school districts.

The bill was read the second time.

#### MOTIONS

Senator McAuliffe moved that the following Committee on Education amendment be adopted:  
Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 13.40.215 and 1994 c 129 s 6 and 1994 c 78 s 1 are each reenacted and amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written

notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside; ~~(and)~~

(ii) The sheriff of the county in which the juvenile will reside; and

(iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty-one years old; is not required to return to school under chapter 28A.225 RCW; or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Upon discharge, parole, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public elementary, middle, or high school that is attended by a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. Upon discharge, parole, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate.

(6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;

(d) "Next of kin" means a person's spouse, parents, siblings, and children.

**Sec. 2.** RCW 13.50.050 and 1992 c 188 s 7 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system ~~((only))~~ when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the

diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection (24) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (24) of this section.

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense or a sex offense as defined in RCW 9.94A.030.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

(a) The person making the motion is at least twenty-three years of age;

(b) The person has not subsequently been convicted of a felony;

(c) No proceeding is pending against that person seeking the conviction of a criminal offense; and

(d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (24) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall, subject to subsection (24) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subsection (24) of this section and subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(24) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(25) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

**Sec. 3.** RCW 13.50.100 and 1990 c 246 s 9 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system (~~only~~) when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system.

(4) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile; or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported suspected child abuse or neglect.

(5) A juvenile or his or her parent denied access to any records following an agency determination under subsection (4) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (4) (a) and (b) of this section.

(6) The person making a motion under subsection (5) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(7) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (4) of this section.

(8) Information concerning a juvenile or a juvenile's family contained in records covered by this section may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.50 RCW to read as follows:

(1) Each juvenile justice or care agency shall use the handbook developed under section 8 of this act to develop a policy regarding the disclosure of juvenile information as allowed by federal and state law. The agency shall implement the policy developed. The policy shall include, but not be limited to the following:

(a) What information may be shared;

(b) The conditions for sharing the information;

(c) The method for providing the information;

(d) Which individuals, by position, at the juvenile justice or care agency are permitted to receive the information;

(e) Which individuals, by position, at the juvenile justice or care agency are responsible for providing reasonable safeguards to protect the confidentiality of the information, including limiting the use and disclosure of the information to persons necessary to provide appropriate services for the juvenile who is the subject of the information, and to provide a safe environment for the juvenile and others; and

(f) Whether disclosure of juvenile records requires parental notification.

(2) Any juvenile justice or care agency or agency employee who discloses information in compliance with federal and state law is immune from civil liability for damages, unless it is shown that the agency or agency employee acted with gross negligence or in bad faith.

**Sec. 5.** RCW 28A.225.330 and 1994 c 304 s 2 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action. If the student has not paid a fine or fee under RCW 28A.635.060, the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, and records of disciplinary action. If the official transcript is not sent due to unpaid fees or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible.

(4) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Each school district shall use the handbook developed under section 8 of this act to develop a policy regarding the disclosure of juvenile information as allowed by federal and state law. The school district shall implement the policy developed. The policy shall include, but not be limited to the following:

(a) What information may be shared;

(b) The conditions for sharing the information;

(c) The method for providing the information;

(d) Which individuals, by position, within the school district may receive the information;

(e) Which individuals, by position, within the school district are responsible for providing reasonable safeguards to protect the confidentiality of the information, including limiting the use and disclosure of the information to persons necessary to provide appropriate

educational and support services for the juvenile who is the subject of the information, and to provide a safe environment for the juvenile, other students, and staff; and

(f) Whether disclosure of juvenile records requires parental notification.

(2) Any school district or district employee who discloses information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.195 RCW to read as follows:

Any approved private school or employee of an approved private school who discloses student record information in compliance with federal and state law governing public schools is immune from civil liability for damages, unless it is shown that the approved private school or the employee of an approved private school acted with gross negligence or in bad faith.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28A.300 RCW to read as follows:

By July 1, 1996, the superintendent of public instruction, the department of social and health services, and the office of the attorney general shall jointly develop and publish a handbook on the current laws and policies governing the disclosure of information related to juveniles among and within juvenile justice or care agencies as defined by RCW 13.50.010. The handbook shall be jointly reviewed every two years and updated as needed.

The handbook shall neither discourage nor promote disclosure of information, but shall be designed to assist agency personnel in complying with applicable state and federal law. The handbook shall provide model policies that individual juvenile justice or care agencies may use in drafting a policy for the entity. The handbook shall also address each of the following:

- (1) What constitutes juvenile records;
- (2) Which laws govern disclosure of juvenile records;
- (3) Who maintains juvenile records;
- (4) Who can obtain juvenile records;
- (5) How juvenile records can be obtained; and
- (6) Whether disclosure of juvenile records requires parental notification.

**NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator McAuliffe, the following amendments by Senators McAuliffe and Hargrove to the Committee on Education striking amendment were considered simultaneously and were adopted:

Beginning on page 3, after line 34, strike all material down to and including "faith." on page 10, line 10.

Beginning on page 11, after line 4, strike all material down to and including "affected." on page 12, line 26.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Substitute House Bill No. 1401.

Debate ensued.

The committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator McAuliffe, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "agencies;" strike the remainder of the title and insert "amending RCW 13.50.050, 13.50.100, and 28A.225.330; reenacting and amending RCW 13.40.215; adding a new section to chapter 13.50 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW; and adding a new section to chapter 28A.300 RCW."

On page 12, beginning on line 31 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 28A.225.330; and reenacting and amending RCW 13.40.215."

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1401, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Hochstatter, Senators Ann Anderson and Newhouse were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1401, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1401, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 6; Absent, 0; Excused, 5.

Voting yea: Senators Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 38.

Voting nay: Senators Cantu, Hochstatter, Prentice, Roach, Schow and Sellar - 6.

Excused: Senators Anderson, A., Anderson, C., Bauer, McCaslin and Newhouse - 5.

SUBSTITUTE HOUSE BILL NO. 1401, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1534, deferred on second reading April 7, 1995, after the amendment by Senators Roach, McDonald, Cantu and Johnson on page 7, after line 33, and the title amendment were adopted.



#### MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 1534, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1534, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1534, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senator Gaspard - 1.

Excused: Senators Anderson, C., Bauer and McCaslin - 3.

HOUSE BILL NO. 1534, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1677, by House Committee on Education (originally sponsored by Representatives Koster, Campbell, Radcliff, Sheldon, Brumsickle, Stevens, McMahan, Smith, Clements, McMorris, Sherstad and Robertson)

Requiring school districts to obtain an appraisal before purchasing real property.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1677.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1677 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 40.

Voting nay: Senators Cantu, Deccio, Long, Morton, Palmer and Sellar - 6.

Excused: Senators Anderson, C., Bauer and McCaslin - 3.

SUBSTITUTE HOUSE BILL NO. 1677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Schow, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8634

By Senator Schow and Johnson

WHEREAS, The Washington Legislature wishes to encourage students to achieve excellence in their chosen fields of endeavor; and  
WHEREAS, The Federal Way High School speech and debate teams have garnered over two hundred and forty trophies and awards during the course of twenty competitive speech tournaments across the state during this academic year; and

WHEREAS, The young people involved in this extracurricular program have devoted extensive hours over and beyond their normal studies to prepare for public speaking by keeping current on political and social events taking place in all locations of the globe; and

WHEREAS, Success in competitive speech tournaments requires an unusually high degree of motivation, organizational ability, analytical skill, poise, and the capacity to learn from experience; and

WHEREAS, Three Federal Way High School students, Matthew Case, Noah Down, and Angela Chung have distinguished themselves from their peers and competitors by their outstanding record of success; and

WHEREAS, By their merits, these students have qualified for the National Forensic League Tournament to be held in Ft. Lauderdale, Florida, the week of June 17th, 1995; and

WHEREAS, Federal Way High School speech coach, Lois Gorny, has excelled at fostering in her students the skills necessary to compete successfully at the highest levels of speech competition; and

WHEREAS, The families of these talented young people have nurtured and supported the individual interests and special talents of their children;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and congratulate these students for achieving the high honor of qualifying for the National Forensic League Tournament and acknowledge the fine example these students have set in the pursuit of excellence; and

BE IT FURTHER RESOLVED, That these students, their coach, and families be commended for their hard work, dedication, and success; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Federal Way High School Principal, Mr. Tim Sherry, and to the coach of the Federal Way High School speech and debate teams, Ms. Lois Gorny, and to the families of Matthew Case, Noah Down, and Angela Chung.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Federal Way High School speech and debate teams and their coach, Lois Gorny, who were seated in the gallery.

#### PERSONAL PRIVILEGE

Senator West: "Mr. President, I would like to rise to a point of personal privilege. In light of the upcoming week-end, I feel that I owe the Senate--the folks here--an explanation and a clarification of remarks I made several weeks ago. You may recall, in a heated debate, I suggested that the Senator from the thirty-ninth district might still believe in the Easter Bunny. Some might have taken that as a disparaging remark, and actually it was a compliment, because I didn't mean to suggest that there wasn't an Easter Bunny and I wouldn't want anybody to be misled and think there is not an Easter Bunny and so, in fact, that was a compliment to the Senator from the thirty-ninth district and I wanted to make sure that everyone understood that at this time."

#### PERSONAL PRIVILEGE

Senator Quigley: "Rising to a point of personal privilege, I would like to thank Senator West for his apology, although I think it is in order because I have told him clearly that I do not believe in the Easter Bunny, although I still am in doubt about Santa Clause. Thank you."

#### PERSONAL PRIVILEGE

Senator McAuliffe: "A point of personal privilege. I am the Easter Bunny and I will be delivering my eggs right now."  
MOTION

On motion of Senator Kohl, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8630

By Senators Bauer, Wood, Smith, McDonald, Haugen, Roach, McAuliffe, Palmer, Heavey, Rinehart, Prentice, Sheldon, Long, Kohl, Morton, Rasmussen, Oke, West, A. Anderson, Drew, Fairley, Loveland, Deccio, Fraser, Schow, Snyder, Gaspard, Owen, Winsley, Franklin, Wojahn, Pelz, Cantu, Spanel, Hargrove, Quigley, Sutherland, Sellar, McCaslin, Moyer, Finkbeiner, Swecker, Newhouse, Johnson, Prince, C. Anderson, Strannigan, Hale and Hochstatter

WHEREAS, The Washington State Legislature established the Washington Scholars Program in 1981 to recognize selected seniors from Washington public and private high schools for their academic achievements, leadership abilities, and community service contributions; and

WHEREAS, The Legislature wishes to encourage these talented students to attend institutions of higher education in the state of Washington; and

WHEREAS, Three graduating seniors are selected from each of the state's forty-nine legislative districts by a review committee comprised of distinguished secondary and postsecondary educators; and

WHEREAS, The students chosen for this special recognition as Washington Scholars have distinguished themselves by their energy and diversity as student leaders; as skilled participants in the arts, athletics, debate, and other activities; and through valuable service to their communities; and

WHEREAS, The families of these students have nurtured and supported the individual interests and special talents of their children; and

WHEREAS, The state of Washington benefits from the accomplishments of these caring and gifted individuals, not only as students, but as citizens of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commend the families of these students for their encouragement and support; and

BE IT FURTHER RESOLVED, That the Washington Scholars be recognized and congratulated for their hard work, dedication, and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to all of the Washington Scholars from each of the forty-nine legislative districts.

Senators Kohl and McAuliffe spoke to Senate Resolution 1995-8630.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Washington Scholars and their parents, who were seated in the gallery.

#### MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2033, by Representatives D. Schmidt and Scott

Providing an exemption to the Washington clean air act for fire training.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

On page 4, after line 15, insert the following:

"(6) Subsection (5) of this section shall expire on the earlier of the following dates: (a) July 1, 1998; or (b) the date upon which the North Bend fire training center is fully operational for aircraft crash rescue fire training activities."

On motion of Senator Fraser, the rules were suspended, Engrossed House Bill No. 2033, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2033, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2033, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 38.

Voting nay: Senators Fairley, Franklin, Heavey, Kohl, Pelz, Quigley, Schow, Smith and Wojahn - 9.

Excused: Senators Anderson, C. and McCaslin - 2.

ENGROSSED HOUSE BILL NO. 2033, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 9:56 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:35 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 6062, by Senators Quigley, Moyer, Fairley, Wood, Wojahn and Winsley

Making welfare work.

#### MOTIONS

On motion of Senator Quigley, Second Substitute Senate Bill No. 6062 was substituted for Senate Bill No. 6062 and the substitute bill was placed on second reading and read the second time.

Senator Hochstatter moved that the following amendment be adopted:

On page 23, line 1, after "(3)" insert "If an additional child is born after ten months from the date of application, the benefit increase shall be limited to fifty percent of the full amount for that child. The birth of subsequent additional children does not entitle the recipient to any additional financial assistance.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.  
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 23, line 1, to Second Substitute Senate Bill No. 6062.

The motion by Senator Hochstatter carried and the amendment was adopted on a rising vote, the President voting 'aye.'

#### MOTION

Senator Swecker moved that the following amendment by Senators Swecker, Ann Anderson and Owen be adopted:

On page 23, beginning on line 30, strike all of sections 501 through 541 and insert the following:

"**Sec. 501.** RCW 7.21.030 and 1989 c 373 s 3 are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e) An order suspending a license for willful noncompliance with a child support order.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees."

Renumber the remaining sections consecutively, reletter subpart headings consecutively, and correct the table of contents and any internal references accordingly.

Debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Swecker, Ann Anderson and Owen on page 23, beginning on line 30, to Second Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Finkbeiner, Hale, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker and West - 22.

Voting nay: Senators Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Haugen, Heavey, Kohl, Loveland, McAuliffe, Moyer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley, Wojahn and Wood - 26.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator Heavey moved that the following amendment be adopted:

On page 52, line 9 after "section." insert the following:

"**NEW SECTION. Sec 542.** A new section is added to chapter 26.20 RCW to read as follows:

A person is guilty of predatory nonsupport if:

(1) he or she is determined to be a parent for a second time under chapter 26.26 RCW;

(2) the second or subsequent child is receiving public assistance under chapters 74.04, 74.09 or 74.12 RCW;

(3) he or she fails to pay an obligation of support ordered under Title 26 RCW or chapters 74.04, 74.20 or 74.20A RCW; and

(4) the second or subsequent child's other natural parent was, at the time of conception, under the age of 18.

A violation of this section is a gross misdemeanor. Any subsequent violation of this section by a person previously convicted of a violation of this section is a class C felony under chapter 9A.20 RCW."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Heavey on page 52, line 9, to Second Substitute Senate Bill No. 6062.

The motion by Senator Heavey carried and the amendment was adopted.

#### MOTION

Senator Cantu moved that the following amendment by Senators Cantu and Haugen be adopted:

On page 52, beginning on line 10, strike "C." through "**ZONING**" and all of sections 542 through 547

Renumber and reletter the remaining subpart headings and sections consecutively, correct any internal references accordingly, and correct the table of contents.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Cantu and Haugen on page 52, beginning on line 10, to Second Substitute Senate Bill No. 6062.

The motion by Senator Cantu failed and the amendment was not adopted.

#### MOTION

Senator Cantu moved that the following amendment be adopted:

On page 60, after line 15, insert the following:

"**NEW SECTION. Sec. 701.** The following acts or parts of acts are each repealed:

- (1) RCW 35.63.185 and 1994 c 273 s 14;
- (2) RCW 35A.63.215 and 1994 c 273 s 16; and
- (3) RCW 36.70A.450 and 1994 c 273 s 17."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 60, after line 15, to Second Substitute Senate Bill No. 6062.

The motion by Senator Cantu failed and the amendment was not adopted.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6062 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 41.

Voting nay: Senators Hargrove, Kohl, McCaslin, Pelz, Prentice, Rinehart and Schow - 7.

Excused: Senator Anderson, C. - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. I wish to apologize to the body; I had an amendment for cranberry sauce, but I didn't get it in in time."

#### MOTION

At 12:46 p.m., on motion of Senator Spanel, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:35 p.m. by President Pritchard.

#### SECOND READING GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Rinehart, Gubernatorial Appointment No. 9129, Matthew J. Coyle, as a member of the Tax Appeals Board, was confirmed.

#### MOTIONS

On motion of Senator Kohl, Senator Fairley was excused.

On motion of Senator Ann Anderson, Senators McCaslin and Winsley were excused.

#### APPOINTMENT OF MATTHEW J. COYLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Wojahn and Wood - 44.

Absent: Senator Roach - 1.

Excused: Senators Anderson, C., Fairley, McCaslin and Winsley - 4.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1432, by House Committee on Finance (originally sponsored by Representatives Brumsickle and Reams)

Providing for notice statements regarding county financial matters.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Loveland, Senator Bauer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1432.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1432 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Absent: Senator Franklin - 1.

Excused: Senators Anderson, C., Bauer, Fairley and McCaslin - 4.

SUBSTITUTE HOUSE BILL NO. 1432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2057, by Representatives Appelwick and Foreman

Changing judicial retirement eligibility.

The bill was read the second time.

#### MOTIONS

On motion of Senator Loveland, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 2.10.100 and 1988 c 109 s 3 are each amended to read as follows:

Retirement of a member for service shall be made by the retirement board as follows:

(1) Any judge who, on August 9, 1971 or within one year thereafter, shall have completed as a judge the years of actual service required under chapter 2.12 RCW and who shall elect to become a member of this system, shall in all respects be deemed qualified to retire under this retirement system upon ~~(his)~~ the member's written request.

(2) Any member who has completed fifteen or more years of service may be retired upon ~~(his)~~ the member's written request but shall not be eligible to receive a retirement allowance until the member attains the age of sixty years.

(3) Any member who attains the age of seventy-five years shall be retired at the end of the calendar year in which ~~(he)~~ the member attains such age.

(4) Any judge who involuntarily leaves service or who is appointed to a position as a federal judge or federal magistrate at any time after having served an aggregate of twelve years shall be eligible to a partial retirement allowance computed according to RCW 2.10.110 and shall receive this allowance upon the attainment of the age of sixty years and fifteen years after the beginning of ~~(his)~~ the member's judicial service."

On motion of Senator Loveland, the following title amendment was adopted:  
On page 1, line 1 of the title, after "eligibility;" strike the remainder of the title and insert "and amending RCW 2.10.100."

#### MOTION

On motion of Senator Loveland, the rules were suspended, Engrossed House Bill No. 2057, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Prentice, Senator Franklin was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2057, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2057, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senator Newhouse - 1.

Absent: Senator Quigley - 1.

Excused: Senators Anderson, C. and Franklin - 2.

ENGROSSED HOUSE BILL NO. 2057, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1359, by Representatives Van Luven and G. Fisher (by request of Department of Revenue)

Affecting the administration and collection of the cigarette tax.

The bill was read the second time.

#### MOTION

Senator McDonald moved that the following amendments by Senators McDonald and Snyder be considered simultaneously and be adopted:

On page 13, line 17, before "The" insert "(1)"

On page 13, after line 18, insert the following:

"(2)(a) The department shall convene the cigarette tax and revenue loss advisory committee. The advisory committee shall consist of the following members:

(i) Two members recommended by the Washington state association of neighborhood stores, appointed by the speaker of the house of representatives and the majority leader of the senate;

(ii) One member recommended by the Korean-American grocers association, appointed by the speaker of the house of representatives and the majority leader of the senate;

(iii) One wholesaler of tobacco products, appointed by the speaker of the house of representatives and the majority leader of the senate;

(iv) One distributor of tobacco products, appointed by the speaker of the house of representatives and the majority leader of the senate;

(v) The director of the department of revenue or the director's designee;

(vi) A representative of the Washington state liquor control board;

(vii) Four representatives of the senate committee on ways and means;

(viii) Four representatives of the house of representatives committee on finance; and

(ix) The governor or the governor's designee.

(b) Nonlegislative members may receive reimbursement from the governor's office for travel under RCW 43.03.050 and 43.03.060. Legislative members may be reimbursed under RCW 41.04.300.

(c)(i) The advisory committee shall review, analyze, and report all cigarette tax losses determined from the best evidence and analytical techniques available to have been experienced by the state of Washington due to cross border sales, Indian sales, casual and organized bootlegging or smuggling, and sales on military reservations. This report must cover the period from January 1, 1992, through December 1, 1995. This report must be made to the appropriate committees of the legislature by January 15, 1996.

(ii) The report must quantify cigarette tax losses attributable to each of the categories enumerated in (c)(i) of this subsection by year and the total loss of revenue experienced by the state in each year. In a year during which the cigarette tax was increased, the losses must be broken down to reveal revenue losses during the year before the increase and revenue losses during the year after the increase.

(iii) The report must state the sources of information used to make estimates of revenue loss in each year and the methodology used to convert such information into estimates of revenue lost. If assumptions are required to be made in developing these estimates, the assumptions must be clearly stated and justified in the report. If a determination is made not to utilize certain available information that might be probative of revenue losses, the omission must be noted and the rationale for its omission clearly stated.

(iv) In addition to establishing from the best information available the amount of cigarette revenue lost in each year, the report must include an enumeration and analysis of the underlying reasons for such losses, and a narrative summary accurately and objectively setting forth the findings embodied in the report.

(d) The advisory committee may utilize the staff of the department, the Washington state liquor control board, the senate committee on ways and means, and the house of representatives committee on finance for the purpose of carrying out this subsection."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators McDonald and Snyder on page 13, lines 17 and 18, to House Bill No. 1359.

The motion by Senator McDonald carried and the amendments were adopted.

#### MOTION

On motion of Senator Loveland, the rules were suspended, House Bill No. 1359, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1359, as amended by the Senate..

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1359, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Franklin - 2.

HOUSE BILL NO. 1359, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1436, by Representatives Dyer and B. Thomas

Supplementing emergency services resulting from the impact of tourism in small communities.

The bill was read the second time.

#### MOTIONS

On motion of Senator Drew, the following Committee on Ways and Means amendment was adopted:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any city with a population of less than two thousand that is located in a county with a population of at least one million is authorized to levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no tax shall be levied on a premises having fewer than forty lodging units. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to the tax imposed under this section.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the city. Such taxes shall only be used to mitigate the impacts of tourism or flooding."

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 1 of the title, after "lodging;" strike the remainder of the title and insert "and adding a new section to chapter 67.28 RCW."

#### MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 1436, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.



The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1436, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1436, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel and Wojahn - 26.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Palmer, Roach, Schow, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 21.

Excused: Senators Anderson, C. and Franklin - 2.

HOUSE BILL NO. 1436, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1810, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Honeyford, Thompson and L. Thomas)

Creating a legislative task force to review the model toxics control act.

The bill was read the second time.

#### MOTION

Senator Fraser moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) The department of ecology shall establish a policy advisory committee to provide advice to the legislature and the department on administrative and legislative actions to more effectively implement the model toxics control act, chapter 70.105D RCW. The committee shall consist of the following members:

- (a) Four legislative members selected as provided in subsection (2) of this section;
  - (b) Four representatives of citizen and environmental organizations;
  - (c) Four representatives of business, including two representatives of small business and two representatives of large business;
  - (d) One representative of counties;
  - (e) One representative of cities;
  - (f) One representative of ports;
  - (g) One member of the scientific advisory board created under RCW 70.105D.030(4);
  - (h) One representative of an environmental consulting firm engaged in the remediation of contaminated sites;
  - (i) Not more than three additional members selected by the department from recommendations provided by the committee; and
  - (j) The directors of the departments of ecology and health or their designees.
- (2) The president of the senate and the speaker of the house of representatives may each appoint one member from each major caucus in the senate and the house of representatives, respectively, to serve as members of the committee.
- (3) In making appointments under subsection (1) (b), (c), (d), (e), (f), (g), and (h) of this section, the department shall select from the lists of recommendations submitted by recognized regional or state-wide organizations representing the interests of that category.
- (4) The initial meeting of the committee shall be scheduled no later than August 1, 1995. At the initial meeting the members shall select a presiding officer and adopt procedures for carrying out their duties under sections 2 and 3 of this act. In conducting its review the committee shall, wherever possible, operate on a consensus basis and, when consensus is not possible to achieve, the committee should encourage the development of recommendations that are broadly supported within the committee. Where consensus is not achieved, other views within the committee shall be included in any reports required by sections 2 and 3 this act.
- (5) The committee may divide itself into subcommittees. The committee should seek input from people who are interested in its work and who will, in the committee's view, bring experience or technical or interdisciplinary insight to a thoughtful consideration of the issues before the committee.
- (6) The department shall provide staffing and other assistance to the committee, including facilitators from within or outside of state government if requested. Such assistance shall include information in response to reasonable requests from the committee, provided that the information is not protected by attorney-client privilege.
- (7) Legislative members of the committee shall be reimbursed for travel expenses as provided in RCW 44.04.120. If other members would not be able to participate in the committee's activities because of travel expenses or other financial limitations on the ability to participate fully, the department shall certify the members as entitled to reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.
- (8) At the initial meeting attended by a committee member, the member shall identify the nature of his or her interest in the outcome of matters before the committee. This information shall include the type of organization to which the member belongs and the general nature of the membership and/or business interest of that organization. Thereafter, a committee member shall disclose any potential conflicts of interest or bias that subsequently arise or of which the committee member subsequently becomes aware. A member shall refrain from participating in any matter that the member for any reason cannot act fairly, objectively, and in the public interest with regard to that matter.

**NEW SECTION. Sec. 2.** (1) The policy advisory committee shall review, provide advice, and develop recommendations on the following subjects, at a minimum:

- (a) Clean-up standards and clean-up levels, including the use of site-specific risk assessment;

- (b) Policies, rules, and procedures, including the use of cost, current and future land use, and other criteria in the selection of clean-up remedies;
- (c) How the department carries out the clean-up program in practice, including training, and accountability for clean-up decisions and their implementation;
- (d) Improving the clean-up process to provide additional incentives to potentially liable parties to fully and expeditiously fund cleanups;
- (e) The need for adoption of and recommended levels for ecologically based clean-up standards; and
- (f) A review of the effectiveness of independent cleanups.

(2) The committee shall begin meeting no later than August 1, 1995, to review the model toxics control act and its implementation to date. The committee is encouraged to submit recommendations on policies of state-wide or regional significance to the department at any point during its review. The committee shall submit a preliminary report not later than December 15, 1995, to the appropriate legislative committees, that identifies priority questions and issues that the committee intends to address. The preliminary report shall identify the schedule and approach planned for analyzing these priority issues. The committee shall develop a procedure to allow other interested parties to propose additional questions and issues for review. Any questions and issues the committee chooses to address shall be of regional or state-wide significance. It is not the intent that this committee become engaged in site-specific clean-up decisions at pilot projects or any other sites.

(3) The committee shall submit a final report to the department and the appropriate legislative committees not later than December 15, 1996, on the priority issues it has identified for review. In addition to action recommendations, the final report may identify issues and priorities for further study, including a recommendation as to whether the committee should continue in existence.

(4) The department shall assist the committee's review under this section by preparing case studies of a variety of site cleanups involving differing contaminants, quantities of contaminants, media affected, populations exposed, present and future land and resource uses, and other factors. The committee shall seek input from the affected community, potentially liable persons involved in the cleanup and other participants in the clean-up process at the site and include this input in the information included on the case study. The case studies, along with the other information gathered in the review, shall be used by the committee to provide advice and develop recommendations on the questions and issues addressed by the committee.

**NEW SECTION. Sec. 3.** (1) Not later than October 1, 1995, the policy advisory committee shall select two pilot projects from a list of proposed pilot project sites provided by the department. The purpose of the pilot projects is to evaluate alternative methods for accomplishing faster, less-expensive, and an equally protective degree of cleanup at complex sites, within the framework provided by the model toxics control act and the rules adopted under the model toxics control act. Pilot projects shall comply with the model toxics control act and the rules adopted under the model toxics control act. Public participation in the clean-up process for these sites shall be as provided in such rules. In order to be eligible for a pilot project, a site shall be conducting remedial actions under an order, agreed order, or consent decree under the model toxics control act and there shall not be significant opposition from the public potentially affected by the site. In addition, the following criteria shall be used by the department and the committee when recommending and selecting a site as a pilot project site:

- (a) The presence of multiple parties at the site and the willingness of these persons to participate in a pilot project;
- (b) The source of contamination at the site. Sites contaminated as a result of current or past industrial activities shall be given a preference over other sites;
- (c) The stage of cleanup at the site. Sites that are in the process of preparing or for which there is recently completed a remedial investigation/feasibility study shall be given preference over other sites; and
- (d) The degree of community support for selecting a site as a pilot project site. To determine the degree of community support, the department shall first consult with interested community and environmental groups. Thereafter, before proposing a site as a pilot project the department shall issue a public notice identifying the site and seeking public comment on the potential for the site to be a pilot project site.

(2) In the pilot projects the department shall include with the remedial investigation/feasibility study required under the model toxics control act any additional or alternative risk assessments or other analyses that potentially liable persons may wish to prepare at their expense for the purpose of exploration of improved methods to accomplish cleanup under the model toxics control act. The department shall provide technical assistance to identify an appropriate scope for such supplemental analyses, so that the analyses may prove useful in considering improvements to existing practices, policies, rules, and procedures. The department may establish a reasonable schedule for the preparation of any supplemental analyses. The preparation and evaluation of any supplemental analyses shall not result in a delay in remedial actions at the pilot sites. The analyses shall be included in the remedial investigation/feasibility study regardless of whether the department fully concurred in their scope. The department may simultaneously prepare or commission its own supplemental analyses at its own expense, as distinct from department-conducted or department-commissioned or contracted technical review of supplemental analyses prepared by potentially liable persons, which shall remain subject to cost recovery under the model toxics control act.

(3) In consultation with the potentially liable persons and affected public for each site, the department's site managers shall to the fullest extent possible use the administrative principles set forth, for both the clean-up process and for clean-up standards, as well as other flexible tools available in the rules adopted under the model toxics control act.

(4) In order to avoid misunderstanding and promote constructive dialogue, the public participation plan for each site shall be designed or revised to educate and involve the public on the nature of the pilot project, the specific issues being explored at the site, and the purpose and scope of any alternative or supplemental analyses.

(5) The department shall prepare a report on each pilot project highlighting any policy issues raised as a result of the pilot project and providing a copy of the remedial investigation/feasibility study and any supplemental analyses and public comments received for each pilot project to the policy advisory committee. The report shall be submitted to the committee within ninety days after the comment period ends on the remedial investigation/feasibility study for that site. The department shall also keep the committee informed about decisions made regarding the pilot project sites and progress made in implementation of cleanup at these sites. The intent is for the committee to use the information acquired from the pilot projects to supplement other information used in developing policy recommendations under section 2 of this act. The department shall submit a status report to the policy advisory committee no later than March 31, 1996, including an estimated schedule for reporting on each pilot project.

(6) Nothing in this act shall be construed to prevent or limit the department from fully employing all procedures and standards available under the model toxics control act or the rules adopted to implement the model toxics control act with respect to any site, whether or not it is being considered as a possible pilot project under this section.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 5.** This act shall expire January 15, 1997."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1810.

The motion by Senator Fraser carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1810, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Strannigan: "Senator Fraser, does this, in any way, affect the stringency of the regulations in the Model Toxics Control Act?"

Senator Fraser: "The pilot projects that might be selected would have to live within the existing laws and regulations pertaining to cleanup."

Senator Strannigan: "And are any two projects specified in the bill?"

Senator Fraser: "The bill does not select or imply any particular project. There are criteria in the study proposal relating to candidates that would be selected by the Department of Ecology and then finally selected with the advice of the advisory committee."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1810, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1810, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Franklin - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1810, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1658, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Pennington, Hatfield, Morris, Basich, Boldt, Chandler and Benton)

Providing that filled or altered wetlands shall not be considered or treated as wetlands.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 75.20 RCW to read as follows:

The department may not require mitigation for adverse impacts on fish life or habitat that occurred at the time a wetland was filled, if the wetland was filled under the provisions of RCW 75.20.300."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "wetlands;" strike the remainder of the title and insert "and adding a new section to chapter 75.20 RCW."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1658, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1658, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1658, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1658, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518, by House Committee on Education (originally sponsored by Representatives Thompson, Lambert, Talcott, Brumsickle, Elliot, Radcliff, D. Schmidt, Pelesky, Padden, Veloria, Dickerson, McMahan, Quall, Johnson, Basich and Mason)

Authorizing clock hours for teachers participating in internships.

The bill was read the second time.

## MOTIONS

On motion of Senator McAuliffe, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that if students are to succeed in an increasingly competitive economy, they will need to be taught by teachers who are aware of the technological innovations and changes that are occurring throughout business, industry, and government. Having teachers who are more aware of these changes will lead to improvements in curriculum and instruction, thereby making public schools more relevant to the future career and personal needs of our students.

**Sec. 2.** RCW 28A.415.020 and 1990 c 33 s 415 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the state board of education, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the state board of education in accordance with section 3 of this act, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the state board of education, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education, or both.

~~((4))~~ (5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.415 RCW to read as follows:

The state board of education shall establish rules for awarding clock hours for participation of certificated personnel in internships with business, industry, or government. To receive clock hours for an internship, the individual must demonstrate that the internship will provide beneficial skills and knowledge in an area directly related to his or her current assignment, or to his or her assignment for the following school year. An individual may not receive more than the equivalent of two college quarter credits for internships during a calendar-year period. The total number of credits for internships that an individual may earn to advance on the salary schedule developed by the legislative evaluation and accountability program committee or its successor agency is limited to the equivalent of fifteen college quarter credits.

**NEW SECTION. Sec. 4.** The legislative office on performance audit and fiscal analysis shall conduct an evaluation, by December 15, 1997, of internship credits granted to teachers to advance on the salary schedule as provided in section 2 of this act. This evaluation shall compare the efficacy of internship, in-service, and academic credits as recognized in the state salary allocation schedule in the omnibus appropriations act, in improving teacher effectiveness and productivity."

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 1 of the title, after "teachers;" strike the remainder of the title and insert "amending RCW 28A.415.020; adding a new section to chapter 28A.415 RCW; and creating new sections."

## MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 1518, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1518, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1518, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1673, by House Committee on Finance (originally sponsored by Representatives Dickerson, Mason, Morris, Chappell, Wolfe, Kessler, Hatfield, Conway, Benton, Kremen, Cody and Mastin)

Expanding property tax deferrals for senior citizens and persons retired by reason of physical disability.

The bill was read the second time.

## MOTIONS

On motion of Senator Spanel, the following amendment by Senators Spanel and Rinehart was adopted:

On page 1, strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.38.020 and 1991 c 213 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Claimant" means a person who either elects or is required under RCW (~~(84.64.030 or)~~) 84.64.050 to defer payment of the special assessments and/or real property taxes accrued on the claimant's residence by filing a declaration to defer as provided by this chapter.

When two or more individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant shall be.

(2) "Department" means the state department of revenue.

(3) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

(4) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year.

(5) "Residence" has the meaning given in RCW 84.36.383, except that a residence includes any additional property up to a total of five acres that comprises the residential parcel if this larger parcel size is required under land use regulations.

(6) "Special assessment" means the charge or obligation imposed by a city, town, county, or other municipal corporation upon property specially benefited by a local improvement, including assessments under chapters 35.44, 36.88, 36.94, 53.08, 54.16, 56.20, 57.16, 86.09, and 87.03 RCW and any other relevant chapter.

~~((5)) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year.~~

Sec. 2. RCW 84.38.030 and 1991 c 213 s 2 are each amended to read as follows:

A claimant may defer payment of special assessments and/or real property taxes on up to eighty percent of the amount of the claimant's equity value in the claimant's residence if the following conditions are met:

(1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the age and income limits under RCW 84.36.381 and the parcel size limit under RCW 84.36.383.

(2) The claimant must be sixty years of age or older on December 31st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving a deferral at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section.

(3) The claimant must have a combined disposable income, as defined in RCW 84.36.383, of ~~((thirty))~~ thirty-four thousand dollars or less.

~~((3))~~ (4) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

~~((4))~~ (5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value: PROVIDED, That if the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimant's equity value, the amount deferred shall not exceed one hundred percent of the claimant's equity value in the land or lot only.

~~((5))~~ (6) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available."

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 2 of the title, after ""disability;" strike the remainder of the title and insert "and amending RCW 84.38.020 and 84.38.030."

## MOTION

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 1673, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1673, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1673, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Fairley - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1673, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1152, by House Committee on Law and Justice (originally sponsored by Representatives Pennington, Buck, Smith, Sherstad, Beeksmas, Hargrove, Campbell, Chappell, Basich, Sheldon, Backlund, L. Thomas, Thompson, Foreman, Benton, McMorris, Robertson, Goldsmith, McMahan, Chandler, Clements, Mulliken, Johnson, D. Schmidt, B. Thomas, Delvin, Koster, Hymes, Skinner, Mielke and Padden)

Changing fees regarding concealed pistol licenses.

The bill was read the second time.

#### MOTION

Senator Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.070 and 1994 sp.s. c 7 s 407 and 1994 c 190 s 2 are each reenacted and amended to read as follows:

(1) The ~~((judge of a court of record, the))~~ chief of police of a municipality~~((s))~~ or the sheriff of a county~~((s))~~ shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for ~~((four))~~ five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless ~~((he or she))~~:

(a) ~~He or she is~~ ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) ~~The applicant's concealed pistol license is in a revoked status;~~

(c) ~~He or she is~~ under twenty-one years of age;

~~((e))~~ (d) ~~He or she is~~ subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070;

~~((f))~~ (e) ~~He or she is~~ free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense;

~~((g))~~ (f) ~~He or she has~~ an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor;

~~((h))~~ (g) ~~He or she has~~ been ordered to forfeit a firearm under RCW 9.41.098(1)~~((f))~~ (e) within one year before filing an application to carry a pistol concealed on his or her person; or

~~((i))~~ (h)(i) ~~He or she has~~ been convicted of any crime against a child or other person listed in RCW 43.43.830(5).

(ii) Except as provided in ~~((g))~~ (h)(iii) of this subsection, any person who becomes ineligible for a concealed pistol license as a result of a conviction for a crime listed in ~~((g))~~ (h)(i) of this subsection and then successfully completes all terms of his or her sentence, as evidenced by a certificate of discharge issued under RCW 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has not again been convicted of any crime and is not under indictment for any crime, may, one year or longer after such successful sentence completion, petition a court of record for a declaration that the person is no longer ineligible for a concealed pistol license under ~~((g))~~ (h)(i) of this subsection.

(iii) No person convicted of a serious offense as defined in RCW 9.41.010 may have his or her right to possess firearms restored, unless the person has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2) The issuing authority shall check with the national crime information center, the Washington state patrol electronic data base, the department of social and health services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a ~~((pistol))~~ firearm and therefore ineligible for a concealed pistol license. This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall ~~((be in triplicate, in form to be prescribed by the department of licensing, and shall))~~ bear the full name, ~~((street))~~ residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, not more than two complete sets of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol. The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license ~~((application))~~ shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen~~((, and whether he or she has been required to register with the state or federal government and has an identification or registration number))~~. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.170 and produce proof of compliance with RCW 9.41.170 upon application. The license shall be in triplicate and in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original ~~((issuance of a four-year))~~ five-year license shall be ~~((fifty))~~ thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;
- (b) ~~((Ten))~~ Four dollars shall be paid to the agency taking the fingerprints of the person licensed;
- (c) ~~((Fifteen))~~ Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and
- (d) ~~((Ten))~~ Three dollars to the firearms range account in the general fund.

(6) The fee for the renewal of such license shall be ~~((fifty))~~ thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

- (a) ~~((Twenty))~~ Fifteen dollars shall be paid to the state general fund;
- (b) ~~((Twenty))~~ Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and
- (c) ~~((Ten))~~ Three dollars to the firearms range account in the general fund.

(7) The fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

~~((8))~~ (8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

~~((8))~~ (9) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ~~((twenty))~~ ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(a) ~~((Ten))~~ Three dollars shall be deposited in the state wildlife fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) ~~((Ten))~~ Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

~~((9))~~ (10) Notwithstanding the requirements of subsections (1) through ~~((8))~~ (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

~~((10))~~ (11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

~~((11))~~ (12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

~~((12))~~ (13) A person may apply for a concealed pistol license:

- (a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;
- (b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or
- (c) Anywhere in the state if the applicant is a nonresident."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment to Substitute House Bill No. 1152.

The motion by Senator Smith carried and the committee striking amendment was adopted.

MOTIONS

On motion of Senator Smith, the following title amendment was adopted:  
On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "and reenacting and amending RCW 9.41.070."

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1152, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1152, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1152, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 42.

Voting nay: Senators Fairley, Pelz, Prentice, Rinehart, Spanel and Wojahn - 6.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1152, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1445, by Representatives Silver, Valle, Sommers, Ogden, Fuhrman and Kremen (by request of Legislative Budget Committee)

Streamlining hospital regulation and inspection.

The bill was read the second time.

#### MOTIONS

On motion of Senator Quigley, the following amendments by Senators Quigley and Moyer were considered simultaneously and were adopted:

On page 1, line 16, after "organizations." insert "The department shall adopt standards that are at least equal to recognized applicable national standards pertaining to medical gas piping systems."

On page 2, after line 16, insert the following:

"**Sec. 2.** RCW 18.106.010 and 1983 c 124 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

(1) "Advisory board" means the state advisory board of plumbers;

(2) "Department" means the department of labor and industries;

(3) "Director" means the director of department of labor and industries;

(4) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;

(5) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and medical vacuum systems;

(6) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to installation, maintenance, and repair of the plumbing of single family dwellings, duplexes, and apartment buildings which do not exceed three stories;

((6)) (7) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems ((and)) liquid waste systems, and medical gas piping systems within a building: PROVIDED, That installation in a water system of water softening or water treatment equipment shall not be within the meaning of plumbing as used in this chapter."

Renumber the remaining sections, correct internal references, and correct the title.

On motion of Senator Quigley, the rules were suspended, House Bill No. 1445, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1445, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1445, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

HOUSE BILL NO. 1445, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.



There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1010 and the pending striking amendment by Senators Sheldon and Hale, as amended, deferred on second reading April 13, 1995, after Senator Newhouse withdrew his motion to advance the bill to third reading and final passage.

#### MOTION

On motion of Senator Snyder, the rules were suspended to permit an amendment to an amendment to the striking amendment by Senators Sheldon and Hale.

#### MOTION

On motion of Senator Sheldon, the following amendment by Senators Sheldon and Hale was adopted to the amendment by Senator Hale on page 11, beginning on line 18, which was adopted April 13, 1995, to the striking amendment by Senators Sheldon and Hale:

On page 1, line 9 of the Hale amendment to the striking amendment strike "fair-minded" and insert "reasonable"

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Sheldon and Hale, as amended, to Engrossed Substitute House Bill No. 1010.

Debate ensued.

#### POINT OF INQUIRY

Senator Hale: "Senator Sheldon, this striking amendment replaces the existing standard for judicial review of agency rules with the arbitrary and capricious standard. What is your intent in using this standard?"

Senator Sheldon: "It is our intent in replacing the existing standard with the arbitrary and capricious standard to affirm the direction taken by the majority of our State Supreme Court in its 1992 decision Neah Bay Chamber of Commerce v. Department of Fisheries. That is, that when reviewing an agency rule, although a court should not substitute its judgment for that of the agency, it should engage in a thorough, probing, in-depth review to determine whether the agency reached its result through a process of reason and took a hard look at the rule before adopting it."

The striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Sheldon, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "reform;" strike the remainder of the title and insert "amending RCW 43.21A.080, 43.70.040, 82.01.060, 46.01.110, 50.12.040, 76.09.040, 77.04.090, 48.02.060, 34.05.310, 34.05.320, 34.05.313, 34.05.325, 19.85.030, 19.85.040, 34.05.660, 42.40.010, 42.40.020, 42.40.030, 18.104.155, 49.17.180, 70.94.431, 70.105.080, 70.132.050, 70.138.040, 86.16.081, 90.03.600, 90.48.144, 90.58.210, 90.58.560, 90.76.080, 34.05.230, 34.05.330, 34.05.370, 34.05.570, 34.05.534, and 19.02.075; adding new sections to chapter 43.12 RCW; adding a new section to chapter 43.20A RCW; adding new sections to chapter 43.23 RCW; adding new sections to chapter 43.24 RCW; adding a new section to chapter 70.94 RCW; adding new sections to chapter 34.05 RCW; adding new sections to chapter 19.85 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 43.300 RCW; adding a new section to chapter 1.08 RCW; adding new sections to chapter 4.84 RCW; adding a new section to chapter 43.88 RCW; adding a new section to chapter 19.02 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 34.05.355 and 19.85.060; and prescribing penalties."

On page 64, line 15 of the title amendment, after "48.02.060," insert "48.30.010, 48.44.050, 48.46.200,"

On page 64, line 23 of the title amendment, before "adding a" insert "adding a new section to chapter 43.22 RCW;"

On motion of Senator Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 1010, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Hale: "Senator Spanel, the United States Environmental Protection Agency is developing an unprecedented volume of rules to implement the federal Clean Air Act. Washington, also, has a complex state Clean Air Act, with provisions which may be construed as authority to develop regulations more stringent than, or in advance of, similar federal requirements. Is it the intention of the procedures required by Section 113 to provide a respite, so that federal requirements can be implemented and evaluated before the state imposes burdens sooner than, or more stringent than, the federal regulations?"

Senator Sheldon: "Yes, it is the intent of this section that the Department of Ecology may adopt or amend an air quality regulation that imposes burdens sooner than, or more stringent than, similar federal requirements only after complying with the analysis outlined in this section."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1010, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1010, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Strannigan, Swecker, West, Winsley and Wood - 38.

Voting nay: Senators Fairley, Franklin, Fraser, Heavey, Kohl, Pelz, Prentice, Spanel, Sutherland and Wojahn - 10.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1524, by House Committee on Appropriations (originally sponsored by Representatives Chandler, Mastin and McMorris)

Changing weights and measures regulations.

The bill was read the second time.

## MOTION

Senator Rasmussen moved that the following Committee on Ways and Means amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.94.010 and 1992 c 237 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and to any rules adopted pursuant to this chapter.

(a) "City" means a first class city with a population of over fifty thousand persons.

(b) "City sealer" means the person duly authorized by a city to enforce and administer the weights and measures program within such city and any duly appointed deputy sealer acting under the instructions and at the direction of the city sealer.

(c) "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item or lot of any commodity not in packaged form, but on which there is marked a selling price based on established price per unit of weight or of measure, shall be construed to be a commodity in package form.

(d) "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by persons, or used by persons for the purpose of personal care or in the performance of services ordinarily rendered in or about a household or in connection with personal possessions.

(e) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred twenty-eight cubic feet, when the wood is ranked and well stowed.

(f) "Department" means the department of agriculture of the state of Washington.

(g) "Director" means the director of the department or duly authorized representative acting under the instructions and at the direction of the director.

(h) "Fish" means any waterbreathing animal, including shellfish, such as, but not limited to, lobster, clam, crab, or other mollusca that is prepared, processed, sold, or intended for sale.

(i) "Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of such commodity. Materials, substances, or items not considered to be part of a commodity shall include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

(j) "Nonconsumer package" or "package of nonconsumer commodity" means a commodity in package form other than a consumer package and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

(k) "Meat" means and shall include all animal flesh, carcasses, or parts of animals, and shall also include fish, shellfish, game, poultry, and meat food products of every kind and character, whether fresh, frozen, cooked, cured, or processed.

(l) "Official seal of approval" means the uniform seal or certificate issued by the director or city sealer which indicates that a weights and measures standard or a weighing or measuring instrument or device conforms with the specifications, tolerances, and other technical requirements adopted in RCW 19.94.195.

(m) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(n) "Poultry" means all fowl, domestic or wild, that is prepared, processed, sold, or intended or offered for sale.

(o) "Service agent" means a person who for hire, award, commission, or any other payment of any kind, installs, tests, inspects, checks, adjusts, repairs, or reconditions, or systematically standardizes the graduations of a weighing or measuring instrument or device.

(p) "Ton" means a unit of two thousand pounds avoirdupois weight.

(q) "Weighing or measuring instrument or device" means any equipment or apparatus used commercially to establish the size, quantity, capacity, count, extent, area, heaviness, or measurement of quantities, things, produce, or articles for distribution or consumption, that are purchased, offered or submitted for sale, hire, or award on the basis of weight, measure or count, including any accessory attached to or used in connection with a weighing or measuring instrument or device when such accessory is so designed or installed that its operation affects, or may effect, the accuracy or indication of the device. This definition shall be strictly limited to those weighing or measuring instruments or devices governed by Handbook 44 as adopted under RCW 19.94.195.

(r) "Weight" means net weight as defined in this section.

(s) "Weights and measures" means the recognized standards or units of measure used to indicate the size, quantity, capacity, count, extent, area, heaviness, or measurement of any consumable commodity.

(t) "Secondary weights and measures standard" means ~~((any object))~~ the physical standards that are traceable to the primary standards through comparisons, used by the director, a city sealer, or a service agent that under specified conditions defines or represents a recognized weight or measure during the inspection, adjustment, testing, or systematic standardization of the graduations of any weighing or measuring instrument or device.

(2) The director shall prescribe by rule other definitions as may be necessary for the implementation of this chapter.

**Sec. 2.** RCW 19.94.160 and 1992 c 237 s 5 are each amended to read as follows:

Weights and measures standards that are in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state weights and measures standards, shall, when the same shall have been certified as such by the national institute of standards and technology or any successor organization, be the ~~((state))~~ primary standards of weight and measure. The state weights and measures standards shall be kept in a place designated by the director and shall ~~((not be removed from such designated place except for repairs or for certification. These state weights and measures standards shall be submitted at least once every ten years to the national institute of standards and technology or any successor organization for certification))~~ be maintained in such calibration as prescribed by the national institute of standards and technology or any successor organization.

**Sec. 3.** RCW 19.94.165 and 1992 c 237 s 6 are each amended to read as follows:

(1) Unless otherwise provided by ~~((the department, all weighing or measuring instruments or devices used for commercial purposes within this state shall be inspected and tested for accuracy by the director or city sealer at least once every two years))~~ law, the director or city sealer, shall have the power to inspect and test all weighing or measuring instruments or devices to ascertain if they are correct. It shall be the duty of the director or city sealer, as often as they deem necessary, to inspect and test for accuracy all weighing or measuring instruments or devices used for commercial purposes within this state and, if found to be correct, the director or city sealer shall issue an official seal of approval for each such instrument or device.

(2) ~~((Beginning fiscal year 1993, the schedule of inspection and testing shall be staggered so as one-half of the weighing or measuring instruments or devices under the jurisdiction of the inspecting and testing authority are approved in odd fiscal years and the remaining one-half are inspected and tested in even fiscal years.~~

~~((3))~~ The department may provide, as needed, uniform, official seals of approval to city sealers for the purposes expressed in this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 19.94 RCW to read as follows:

(1) No person shall operate a weighing or measuring instrument or device for commercial purposes within this state without annually registering the instrument or device with the department unless the instrument or device is within a city that has a city sealer and a program for testing and inspecting weighing and measuring instruments and devices. If the commercial use is within a city having a city sealer and a program for testing and inspecting weighing or measuring instruments and devices, the instrument or device may be registered with the city.

(2) A city with such a sealer and program may establish an annual fee for registering the commercial use of such an instrument or device with the city. The annual fee shall not exceed the fee established in RCW 19.94.175 for registering the use of a similar instrument or device with the department.

(3) Any person applying with the department for registration of an instrument or device used commercially shall make such application through the master licensing system. The application shall be accompanied by the fees established in RCW 19.94.175. A separate application must be submitted for each business location. Application for weighing or measuring device registration shall be made upon a form prescribed by the department and shall contain such information as the department may require. The fees required by RCW 19.94.175 are in addition to any other fee or license required by law.

(4) The registration fee that must accompany an application for a new license or annual renewal shall be based upon the number and type of weighing or measuring devices at each business location.

(5) Device registrations shall expire on the master license expiration date unless the registration is revoked or suspended prior to that date. The master license shall be displayed in a conspicuous place in the location for which it was issued.

(6) The department may, during normal business hours, compare the number of devices listed on the master license with the number of devices at the business location to determine that appropriate registration fees have been paid.

**Sec. 5.** RCW 19.94.175 and 1992 c 237 s 7 are each amended to read as follows:

~~((1))~~ The department shall establish reasonable, biennial inspection and testing fees for each type or class of weighing or measuring instrument or device required to be inspected and tested under this chapter. These inspection and testing fees shall be equitably prorated within each such type or class and shall be limited to those amounts necessary for the department to cover, to the extent possible, the direct costs associated with the inspection and testing of each type or class of weighing or measuring instrument or device.

(2) Prior to the establishment and each amendment of the fees authorized under this chapter, a weights and measures fee task force shall be convened under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair and one representative from each of the following: City sealers, service agents, service stations, grocery stores, retailers, food processors/dealers, oil heat dealers, the agricultural community, and liquid propane dealers. The task force shall recommend the appropriate level of fees to be assessed by the department pursuant to subsection (1) of this section, based upon the level necessary to cover the direct costs of administering and enforcing the provisions of this chapter and to the extent possible be consistent with fees reasonably and customarily charged in the private sector for similar services.

(3) The fees authorized under this chapter may be billed only after the director or a city sealer has issued an official seal of approval for a weighing or measuring instrument or device or a weight or measure standard.

(4) All fees shall become due and payable thirty days after billing by the department or a city sealer. A late penalty of one and one-half percent per month may be assessed on the unpaid balance more than thirty days in arrears. (1) The following annual registration fees shall be charged for weighing or measuring instruments or devices required to be inspected and tested under this chapter:

(a) Weighing devices:

(i) Small scales "zero to four hundred pounds capacity" \$ 6.00

(ii) Intermediate scales "four hundred one pounds to five thousand pounds capacity" \$ 25.00

(iii) Large scales "over five thousand pounds capacity" \$ 52.50

(iv) Large scales with supplemental devices \$ 62.50

(v) Railroad track scales \$800.00

(b) Liquid fuel metering devices:

(i) Motor fuel meters with flows of less than twenty gallons per minute \$ 6.00

(ii) Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute \$ 20.00

(iii) Motor fuel meters with flows over one hundred fifty gallons per minute \$ 25.00

(c) Liquid petroleum gas meters:

(i) With one inch diameter or smaller dispensers \$ 25.00

(ii) With greater than one inch diameter dispensers \$ 37.50

(d) Fabric meters \$ 6.00

(e) Cordage meters \$ 6.00

(f) Mass flow meters \$ 17.50

(g) Taxi meters \$ 6.00

~~((5))~~ (2) Fees upon weighing or measuring instruments or devices within the jurisdiction of the city that are collected under this section by city sealers shall be deposited into the general fund, or other account, of the city as directed by the governing body of the city. ~~((On the thirtieth day of each month, city sealers shall, pursuant to procedures established and upon forms provided by the director, remit to the department for administrative costs ten percent of the total fees collected.~~

~~((6))~~ (3) With the exception of subsection ~~((7))~~ (4) of this section and section 6 of this act, no person shall be required to pay more than the established ~~((inspection and testing))~~ annual registration fee adopted under this section for any weighing or measuring instrument or device ~~((in any two-year period))~~ when the same has been found to be correct.

~~((7) Whenever a special request is made by the owner for the inspection and testing of a weighing or measuring instrument or device, the fee prescribed by the director for such a weighing or measuring instrument or device shall be paid by the owner.)~~

(4) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and testing. The fees established under this subsection shall not be set so as to compete with service agents normally engaged in such services.

NEW SECTION. Sec. 6. A new section is added to chapter 19.94 RCW to read as follows:

(1) The department or a city sealer may charge the reinspection and testing fees listed in subsection (2) of this section for each type or class of weighing or measuring instrument or device required to be inspected and tested under this chapter when such a device has been found to be incorrect. Investigations for cause shall not be construed as reinspections under this section.

(2)(a) Weighing devices:

(i) Small scales "zero to four hundred pounds capacity" \$ 12.00

(ii) Intermediate scales "four hundred one pounds to five thousand pounds capacity" \$ 50.00

(iii) Large scales "over five thousand pounds capacity" \$105.00

(iv) Large scales with supplemental devices \$125.00

(v) Railroad track scales \$800.00

(b) Liquid fuel metering devices:

(i) Motor fuel meters with flows of less than twenty gallons per minute \$ 12.00

(ii) Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute \$ 40.00

(iii) Motor fuel meters with flows over one hundred fifty gallons per minute \$ 50.00

(c) Liquid petroleum gas meters:

(i) With one inch diameter or smaller dispensers \$ 50.00

(ii) With greater than one inch diameter dispensers \$ 75.00

(d) Fabric meters \$ 12.00

(e) Cordage meters \$ 12.00

(f) Mass flow meters \$ 35.00

(g) Taxi meters \$ 12.00

(3) Any fees assessed under this section and RCW 19.94.175(4) shall become due and payable thirty days after billing by the department or a city sealer. A late penalty of one and one-half percent per month may be assessed on the unpaid balance more than thirty days in arrears.

**Sec. 7.** RCW 19.94.185 and 1992 c 237 s 8 are each amended to read as follows:

All moneys collected under this chapter shall be paid to the director and placed in the weights and measures account hereby established in the ((state treasury)) agricultural local fund. Moneys deposited in this account ~~((may be spent only following appropriation by law and))~~ shall be used solely for the purposes ~~((of weighing or measuring instrument or device inspection and testing))~~ relating to the enforcement or implementation of this chapter. No appropriation is required for the disbursement of moneys from the account by the director.

**Sec. 8.** RCW 19.94.190 and 1992 c 237 s 9 are each amended to read as follows:

(1) The director and duly appointed city sealers shall enforce the provisions of this chapter. The director shall adopt rules for enforcing and carrying out the purposes of this chapter including but not limited to the following:

(a) Establishing state standards of weight, measure, or count, and reasonable standards of fill for any commodity in package form;

(b) The establishment of technical and reporting procedures to be followed, any necessary report and record forms, and marks of rejection to be used by the director and city sealers in the discharge of their official duties as required by this chapter;

(c) The establishment of technical test procedures, reporting procedures, and any necessary record and reporting forms to be used by service agents when installing, repairing, inspecting, or standardizing the graduations of any weighing or measuring instruments or devices;

~~((The establishment of fee payment and reporting procedures and any necessary report and record forms to be used by city sealers when remitting the percentage of total fees collected as required under this chapter;~~

~~((e))~~ The establishment of exemptions from the sealing or marking inspection and testing requirements of RCW 19.94.250 with respect to weighing or measuring instruments or devices of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question;

~~((f))~~ (e) The establishment of exemptions from the inspection and testing requirements of RCW 19.94.165 with respect to classes of weighing or measuring instruments or devices found to be of such character that periodic inspection and testing is unnecessary to ensure continued accuracy; and

~~((g))~~ (f) The establishment of inspection and approval techniques, if any, to be used with respect to classes of weighing or measuring instruments or devices that are designed specifically to be used commercially only once and then discarded, or are uniformly mass-produced by means of a mold or die and are not individually adjustable.

(2) These rules shall also include specifications and tolerances for the acceptable range of accuracy required of weighing or measuring instruments or devices and shall be designed to eliminate from use, without prejudice to weighing or measuring instruments or devices that conform as closely as practicable to official specifications and tolerances, those (a) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (b) that facilitate the perpetration of fraud.

**Sec. 9.** RCW 19.94.216 and 1992 c 237 s 12 are each amended to read as follows:

The department shall:

(1) Biennially inspect and test the secondary weights and measures standards of any city for which the appointment of a city sealer is provided by this chapter and shall issue an official seal of approval for same when found to be correct. The department shall, by rule, establish a reasonable fee for ~~((such))~~ this and any other inspection and testing services performed by the department's metrology laboratory.

~~((Biennially))~~ (2) Inspect, test, and, if found to be correct, issue an official seal of approval for any weighing or measuring instrument or device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government and shall report any findings in writing to the executive officer of the agency or institution concerned. The department shall collect a reasonable fee, to be set by rule, for testing any such weighing or measuring instrument or device.

(3) Inspect, test, and, if found to be correct, issue a seal of approval for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential inspection and testing frequency is necessary including, but not limited to, railroad track scales and grain elevator scales. The department shall develop rules regarding the inspection and testing procedures to be used for such weighing or measuring instruments or devices which shall include requirements for the provision, maintenance, and transport of any weight or measure standard necessary for inspection and testing at no expense to the state. ~~((The department may collect a reasonable fee, to be set by rule, for inspecting and testing any such weighing and measuring instruments or devices. This fee shall not be unduly burdensome and shall cover, to the extent possible, the direct costs of performing such service.))~~

**Sec. 10.** RCW 19.94.255 and 1992 c 237 s 17 are each amended to read as follows:

(1) Weighing or measuring instruments or devices that have been rejected under the authority of the director or a city sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section.

(2) The owner of any weighing or measuring instrument or device that has been marked or tagged as rejected by the director or a city sealer shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority. In lieu of correction, the owner of such weighing and measuring instrument or device may dispose of the same, but only in the manner specifically authorized by the rejecting authority.

~~((3) Weighing and measuring instruments or devices that have been rejected shall not again be used commercially until they have been officially reexamined and, if found to be correct, had an official seal of approval placed upon or issued for such weighing or measuring instrument or device by the rejecting authority.))~~

**Sec. 11.** RCW 19.94.280 and 1992 c 237 s 20 are each amended to read as follows:

(1) There may be a city sealer in every city and such deputies as may be required by ordinance of each such city to administer and enforce the provisions of this chapter.

(2) Each city electing to have a city sealer shall adopt rules for the appointment and removal of the city sealer and any deputies required by local ordinance. The rules for appointment of a city sealer and any deputies must include provisions for the advice and consent of the local governing body of such city and, as necessary, any provisions for local civil service laws and regulations.

(3) A city sealer ~~((shall))~~ may adopt the fee amounts established ~~((by the director pursuant to RCW 19.94.165))~~ under section 6 of this act. However, no city shall adopt or charge an inspection, testing, reinspection, retesting, or licensing fee or any other fee upon a weighing or measuring instrument or device that is in excess of the fee amounts ((adopted under RCW 19.94.165)) established by the department under the provisions of this chapter for substantially similar services.

(4) A city sealer shall keep a complete and accurate record of all official acts performed under the authority of this chapter and shall submit an annual report to the governing body of his or her city and shall make any reports as may be required by the director.

**Sec. 12.** RCW 19.94.320 and 1992 c 237 s 22 are each amended to read as follows:

(1) In cities for which city sealers have been appointed as provided for in this chapter, the director shall have general ~~((supervisory powers over such))~~ oversight of city ((sealers)) weights and measures programs and may, when he or she deems it reasonably necessary, exercise concurrent authority to carry out the provisions of this chapter.

(2) When the director elects to exercise concurrent authority within a city with a duly appointed city sealer, the director's powers and duties relative to this chapter shall be in addition to the powers granted in any such city by law or charter.

**Sec. 13.** RCW 19.94.360 and 1969 c 67 s 36 are each amended to read as follows:

In addition to the declarations required by RCW 19.94.350, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity ~~((and bearing the total selling price of the package))~~ at the time it is exposed for sale at retail, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count and the total selling price of the package.

**Sec. 14.** RCW 19.94.390 and 1969 c 67 s 39 are each amended to read as follows:

(1) Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, poster or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and one-half the width of the numerals representing the whole cents.

(2) The examination procedure recommended for price verification by the price verification working group of the laws and regulations committee of the national conference on weights and measures (as reflected in the fourth draft, dated November 1, 1994) for devices such as electronic scanners shall govern such examinations conducted under this chapter. The procedure shall be deemed to be adopted under this chapter. However, the department may revise the procedure as follows: The department shall provide notice of and conduct a public hearing pursuant to chapter 34.05 RCW to determine whether any revisions to this procedure made by the national institute of standards and technology or its successor organization for incorporating the examination procedure into an official handbook of the institute or its successor, or any subsequent revisions of the handbook regarding such procedures shall also be adopted under this chapter. If the department determines that the

procedure should be so revised, it may adopt the revisions. Violations of this section regarding the use of devices such as electronic scanners may be found only as provided by the examination procedures adopted by or under this subsection.

(3) Electronic scanner screens installed after January 1, 1996, and used in retail establishments must be visible to the consumer at the checkout line.

**Sec. 15.** RCW 19.94.410 and 1988 c 63 s 1 are each amended to read as follows:

~~((1) Except as provided in subsection (2) of this section,)) Butter, oleomargarine and margarine shall be offered and exposed for sale and sold by weight ((and only in units of one quarter pound, one half pound, one pound or multiples of one pound, avoirdupois weight.~~

~~(2) The director of agriculture may allow the sale of butter speciality products in nonstandard units of weight if the purpose achieved by using such nonstandard units is decorative in nature and the products are clearly labeled as to weight and price per pound)).~~

**NEW SECTION. Sec. 16.** A new section is added to chapter 15.80 RCW to read as follows:

All moneys collected under this chapter shall be placed in the weights and measures account in the agricultural local fund created in RCW 19.94.185.

**NEW SECTION. Sec. 17.** A new section is added to chapter 19.94 RCW to read as follows:

The department shall develop a written report on the implementation of chapter . . . , Laws of 1995 (this act) that provides information including but not limited to the number of inspections conducted, the results of the inspections, the number of warnings issued, and the number of enforcement actions taken. The report shall be submitted to the secretary of the senate and chief clerk of the house of representatives, on December 15th of each even-numbered year. This section shall expire January 1, 2000.

**NEW SECTION. Sec. 18.** (1) Sections 1 through 3 and 6 through 16 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995.

(2) Sections 4 and 5 of this act shall take effect January 1, 1996."

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Committee on Ways and Means striking amendment to Second Substitute House Bill No. 1524 not be adopted.

The motion by Senator Rasmussen carried and the committee striking amendment was not adopted.

## MOTIONS

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen and Morton was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.94.010 and 1992 c 237 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and to any rules adopted pursuant to this chapter.

(a) "City" means a first class city with a population of over fifty thousand persons.

(b) "City sealer" means the person duly authorized by a city to enforce and administer the weights and measures program within such city and any duly appointed deputy sealer acting under the instructions and at the direction of the city sealer.

(c) "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item or lot of any commodity not in packaged form, but on which there is marked a selling price based on established price per unit of weight or of measure, shall be construed to be a commodity in package form.

(d) "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by persons, or used by persons for the purpose of personal care or in the performance of services ordinarily rendered in or about a household or in connection with personal possessions.

(e) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred twenty-eight cubic feet, when the wood is ranked and well stowed.

(f) "Department" means the department of agriculture of the state of Washington.

(g) "Director" means the director of the department or duly authorized representative acting under the instructions and at the direction of the director.

(h) "Fish" means any waterbreathing animal, including shellfish, such as, but not limited to, lobster, clam, crab, or other mollusca that is prepared, processed, sold, or intended for sale.

(i) "Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of such commodity. Materials, substances, or items not considered to be part of a commodity shall include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

(j) "Nonconsumer package" or "package of nonconsumer commodity" means a commodity in package form other than a consumer package and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

(k) "Meat" means and shall include all animal flesh, carcasses, or parts of animals, and shall also include fish, shellfish, game, poultry, and meat food products of every kind and character, whether fresh, frozen, cooked, cured, or processed.

(l) "Official seal of approval" means the uniform seal or certificate issued by the director or city sealer which indicates that a weights and measures standard or a weighing or measuring instrument or device conforms with the specifications, tolerances, and other technical requirements adopted in RCW 19.94.195.

(m) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(n) "Poultry" means all fowl, domestic or wild, that is prepared, processed, sold, or intended or offered for sale.

(o) "Service agent" means a person who for hire, award, commission, or any other payment of any kind, installs, tests, inspects, checks, adjusts, repairs, reconditions, or systematically standardizes the graduations of a weighing or measuring instrument or device.

(p) "Ton" means a unit of two thousand pounds avoirdupois weight.

(q) "Weighing or measuring instrument or device" means any equipment or apparatus used commercially to establish the size, quantity, capacity, count, extent, area, heaviness, or measurement of quantities, things, produce, or articles for distribution or consumption, that are purchased, offered or submitted for sale, hire, or award on the basis of weight, measure or count, including any accessory attached to or used in connection with a weighing or measuring instrument or device when such accessory is so designed or installed that its operation affects, or may

effect, the accuracy or indication of the device. This definition shall be strictly limited to those weighing or measuring instruments or devices governed by Handbook 44 as adopted under RCW 19.94.195.

(r) "Weight" means net weight as defined in this section.

(s) "Weights and measures" means the recognized standards or units of measure used to indicate the size, quantity, capacity, count, extent, area, heaviness, or measurement of any consumable commodity.

(t) "Secondary weights and measures standard" means ~~((any object))~~ the physical standards that are traceable to the primary standards through comparisons, used by the director, a city sealer, or a service agent that under specified conditions defines or represents a recognized weight or measure during the inspection, adjustment, testing, or systematic standardization of the graduations of any weighing or measuring instrument or device.

(2) The director shall prescribe by rule other definitions as may be necessary for the implementation of this chapter.

**Sec. 2.** RCW 19.94.160 and 1992 c 237 s 5 are each amended to read as follows:

Weights and measures standards that are in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state weights and measures standards, shall, when the same shall have been certified as such by the national institute of standards and technology or any successor organization, be the ~~((state))~~ primary standards of weight and measure. The state weights and measures standards shall be kept in a place designated by the director and shall ~~((not be removed from such designated place except for repairs or for certification. These state weights and measures standards shall be submitted at least once every ten years to the national institute of standards and technology or any successor organization for certification))~~ be maintained in such calibration as prescribed by the national institute of standards and technology or any successor organization.

**Sec. 3.** RCW 19.94.165 and 1992 c 237 s 6 are each amended to read as follows:

(1) ~~Unless otherwise provided by ((the department, all weighing or measuring instruments or devices used for commercial purposes within this state shall be inspected and tested for accuracy by the director or city sealer at least once every two years)) law, the director or city sealer, shall have the power to inspect and test all weighing or measuring instruments or devices to ascertain if they are correct. It shall be the duty of the director or city sealer, as often as they deem necessary, to inspect and test for accuracy all weighing or measuring instruments or devices used for commercial purposes within this state and, if found to be correct, the director or city sealer shall issue an official seal of approval for each such instrument or device.~~

(2) ~~((Beginning fiscal year 1993, the schedule of inspection and testing shall be staggered so as one-half of the weighing or measuring instruments or devices under the jurisdiction of the inspecting and testing authority are approved in odd fiscal years and the remaining one-half are inspected and tested in even fiscal years.~~

(3)) The department may provide, as needed, uniform, official seals of approval to city sealers for the purposes expressed in this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 19.94 RCW to read as follows:

(1) No person shall operate a weighing or measuring instrument or device for commercial purposes within this state without annually registering the instrument or device with the department unless the instrument or device is within a city that has a city sealer and a program for testing and inspecting weighing and measuring instruments and devices. If the commercial use is within a city having a city sealer and a program for testing and inspecting weighing or measuring instruments and devices, the instrument or device may be registered with the city.

(2) A city with such a sealer and program may establish an annual fee for registering the commercial use of such an instrument or device with the city. The annual fee shall not exceed the fee established in RCW 19.94.175 for registering the use of a similar instrument or device with the department.

(3) Any person applying with the department for registration of an instrument or device used commercially shall make such application through the master licensing system. The application shall be accompanied by the fees established in RCW 19.94.175. A separate application must be submitted for each business location. Application for weighing or measuring device registration shall be made upon a form prescribed by the department and shall contain such information as the department may require. The fees required by RCW 19.94.175 are in addition to any other fee or license required by law.

(4) The registration fee that must accompany an application for a new license or annual renewal shall be based upon the number and type of weighing or measuring devices at each business location.

(5) Device registrations shall expire on the master license expiration date unless the registration is revoked or suspended prior to that date. The master license shall be displayed in a conspicuous place in the location for which it was issued.

(6) The department may, during normal business hours, compare the number of devices listed on the master license with the number of devices at the business location to determine that appropriate registration fees have been paid.

**Sec. 5.** RCW 19.94.175 and 1992 c 237 s 7 are each amended to read as follows:

~~((1) The department shall establish reasonable, biennial inspection and testing fees for each type or class of weighing or measuring instrument or device required to be inspected and tested under this chapter. These inspection and testing fees shall be equitably prorated within each such type or class and shall be limited to those amounts necessary for the department to cover, to the extent possible, the direct costs associated with the inspection and testing of each type or class of weighing or measuring instrument or device.~~

(2) ~~Prior to the establishment and each amendment of the fees authorized under this chapter, a weights and measures fee task force shall be convened under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair and one representative from each of the following: City sealers, service agents, service stations, grocery stores, retailers, food processors/dealers, oil heat dealers, the agricultural community, and liquid propane dealers. The task force shall recommend the appropriate level of fees to be assessed by the department pursuant to subsection (1) of this section, based upon the level necessary to cover the direct costs of administering and enforcing the provisions of this chapter and to the extent possible be consistent with fees reasonably and customarily charged in the private sector for similar services.~~

(3) ~~The fees authorized under this chapter may be billed only after the director or a city sealer has issued an official seal of approval for a weighing or measuring instrument or device or a weight or measure standard.~~

(4) ~~All fees shall become due and payable thirty days after billing by the department or a city sealer. A late penalty of one and one-half percent per month may be assessed on the unpaid balance more than thirty days in arrears.)~~ (1) The following annual registration fees shall be charged for weighing or measuring instruments or devices required to be inspected and tested under this chapter:

(a) Weighing devices:

(i) Small scales "zero to four hundred pounds capacity" \$ 5.00

(ii) Intermediate scales "four hundred one pounds to five thousand pounds capacity" \$ 20.00

(iii) Large scales "over five thousand pounds capacity" \$ 52.00

(iv) Large scales with supplemental devices \$ 52.00

(v) Railroad track scales \$800.00

(b) Liquid fuel metering devices:

(i) Motor fuel meters with flows of less than twenty gallons per minute \$ 5.00

(ii) Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute \$ 16.00

(iii) Motor fuel meters with flows over one hundred fifty gallons per minute \$ 25.00

(c) Liquid petroleum gas meters:

(i) With one inch diameter or smaller dispensers \$ 10.00

(ii) With greater than one inch diameter dispensers \$ 30.00

(d) Fabric meters \$ 5.00

(e) Cordage meters \$ 5.00

(f) Mass flow meters \$ 14.00

(g) Taxi meters \$ 5.00

~~((5))~~ (2) Fees upon weighing or measuring instruments or devices within the jurisdiction of the city that are collected under this section by city sealers shall be deposited into the general fund, or other account, of the city as directed by the governing body of the city. ~~((On the thirtieth day of each month, city sealers shall, pursuant to procedures established and upon forms provided by the director, remit to the department for administrative costs ten percent of the total fees collected.~~

~~((6))~~ (3) With the exception of subsection ~~((7))~~ (4) of this section, no person shall be required to pay more than the established ~~((inspection and testing))~~ annual registration fee adopted under this section for any weighing or measuring instrument or device ~~((in any two-year period))~~ when the same has been found to be correct.

~~((7))~~ ~~Whenever a special request is made by the owner for the inspection and testing of a weighing or measuring instrument or device, the fee prescribed by the director for such a weighing or measuring instrument or device shall be paid by the owner.~~

(4) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and testing. The fees established under this subsection shall not be set so as to compete with service agents normally engaged in such services.

**Sec. 6.** RCW 19.94.185 and 1992 c 237 s 8 are each amended to read as follows:

(1) All moneys collected under this chapter shall be paid to the director and placed in the weights and measures account hereby established in the ((state treasury)) agricultural local fund. Moneys deposited in this account ~~((may be spent only following appropriation by law and))~~ shall be used solely for the purposes ~~((of weighing or measuring instrument or device inspection and testing))~~ relating to the enforcement or implementation of this chapter. No appropriation is required for the disbursement of moneys from the account by the director.

(2) By January 1st of each odd-numbered year, the department shall provide a written report on the amount of revenues by major category received under this chapter for the administration of the weights and measures program by the department. The report shall include the amount of revenue generated for the two previous biennium, an estimate of the amount of funds to be received during the current biennium, and an estimate of the amount of funds to be generated during the next ensuing biennium. The report shall be submitted to the office of financial management and to each committee in the legislature with jurisdiction over programs administered by the department in the house and the senate. The report shall also provide a summary that shows how the metrology laboratory is funded.

**Sec. 7.** RCW 19.94.190 and 1992 c 237 s 9 are each amended to read as follows:

(1) The director and duly appointed city sealers shall enforce the provisions of this chapter. The director shall adopt rules for enforcing and carrying out the purposes of this chapter including but not limited to the following:

(a) Establishing state standards of weight, measure, or count, and reasonable standards of fill for any commodity in package form;

(b) The establishment of technical and reporting procedures to be followed, any necessary report and record forms, and marks of rejection to be used by the director and city sealers in the discharge of their official duties as required by this chapter;

(c) The establishment of technical test procedures, reporting procedures, and any necessary record and reporting forms to be used by service agents when installing, repairing, inspecting, or standardizing the graduations of any weighing or measuring instruments or devices;

~~((The establishment of fee payment and reporting procedures and any necessary report and record forms to be used by city sealers when remitting the percentage of total fees collected as required under this chapter;~~

~~((e))~~ The establishment of exemptions from the sealing or marking inspection and testing requirements of RCW 19.94.250 with respect to weighing or measuring instruments or devices of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question;

~~((f))~~ (e) The establishment of exemptions from the inspection and testing requirements of RCW 19.94.165 with respect to classes of weighing or measuring instruments or devices found to be of such character that periodic inspection and testing is unnecessary to ensure continued accuracy; and

~~((g))~~ (f) The establishment of inspection and approval techniques, if any, to be used with respect to classes of weighing or measuring instruments or devices that are designed specifically to be used commercially only once and then discarded, or are uniformly mass-produced by means of a mold or die and are not individually adjustable.

(2) These rules shall also include specifications and tolerances for the acceptable range of accuracy required of weighing or measuring instruments or devices and shall be designed to eliminate from use, without prejudice to weighing or measuring instruments or devices that conform as closely as practicable to official specifications and tolerances, those (a) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (b) that facilitate the perpetration of fraud.

**Sec. 8.** RCW 19.94.216 and 1992 c 237 s 12 are each amended to read as follows:

The department shall:

(1) Biennially inspect and test the secondary weights and measures standards of any city for which the appointment of a city sealer is provided by this chapter and shall issue an official seal of approval for same when found to be correct. The department shall ~~((by rule, establish a reasonable fee))~~ charge an hourly fee of sixty dollars per hour for ((such)) this and any other inspection and testing services performed ((by)) at the department's metrology laboratory. Inspection and testing services performed at other than the metrology laboratory will be charged an hourly rate of sixty dollars per hour plus the current mileage and per diem rates established by the office of financial management.

(2) ~~((Biennially))~~ Inspect, test, and, if found to be correct, issue an official seal of approval for any weighing or measuring instrument or device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government and shall report any



findings in writing to the executive officer of the agency or institution concerned. The department shall collect a reasonable fee, to be set by rule, for testing any such weighing or measuring instrument or device.

(3) Inspect, test, and, if found to be correct, issue a seal of approval for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential inspection and testing frequency is necessary including, but not limited to, railroad track scales and grain elevator scales. The department shall develop rules regarding the inspection and testing procedures to be used for such weighing or measuring instruments or devices which shall include requirements for the provision, maintenance, and transport of any weight or measure standard necessary for inspection and testing at no expense to the state. ~~((The department may collect a reasonable fee, to be set by rule, for inspecting and testing any such weighing and measuring instruments or devices. This fee shall not be unduly burdensome and shall cover, to the extent possible, the direct costs of performing such service.))~~

**Sec. 9.** RCW 19.94.255 and 1992 c 237 s 17 are each amended to read as follows:

(1) Weighing or measuring instruments or devices that have been rejected under the authority of the director or a city sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section.

(2) The owner of any weighing or measuring instrument or device that has been marked or tagged as rejected by the director or a city sealer shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority. In lieu of correction, the owner of such weighing and measuring instrument or device may dispose of the same, but only in the manner specifically authorized by the rejecting authority.

(3) Weighing and measuring instruments or devices that have been rejected shall not again be used commercially until they have been ~~((officially))~~ reexamined and ~~((if))~~ found to be correct ~~((, had an official seal of approval placed upon or issued for such weighing or measuring instrument or device by the rejecting authority))~~ by the department, city sealer, or a service agent registered with the department.

(4) If a weighing or measuring instrument or device marked or tagged as rejected is found to be correct by a service agent registered with the department, the agent shall provide a signed certification to the owner or operator of the instrument or device so indicating and shall report to the rejecting authority as provided by rule under RCW 19.94.190(1)(c).

**NEW SECTION. Sec. 10.** A new section is added to chapter 19.94 RCW to read as follows:

(1) Except as authorized by the department, a service agent who intends to provide the examination that permits a weighing or measuring instrument or device to be placed back into commercial service under RCW 19.94.255(3) shall receive an official registration certificate from the director prior to performing such a service. This registration requirement does not apply to the department or a city sealer.

(2) Except as provided in section 12 of this act, a registration certificate is valid for one year. It may be renewed by submitting a request for renewal to the department.

**NEW SECTION. Sec. 11.** A new section is added to chapter 19.94 RCW to read as follows:

(1) Each request for an official registration certificate shall be in writing, under oath, and on a form prescribed by the department and shall contain any relevant information as the director may require, including but not limited to the following:

(a) The name and address of the person, corporation, partnership, or sole proprietorship requesting registration;

(b) The names and addresses of all individuals requesting an official registration certificate from the department; and

(c) The tax registration number as required under RCW 82.32.030 or uniform business identifier provided on a master license issued under RCW 19.02.070.

(2) Each individual when submitting a request for an official registration certificate or a renewal of such a certificate shall pay a fee to the department in the amount of eighty dollars per individual.

(3) The department shall issue a decision on a request for an official registration certificate within twenty days of receipt of the request. If an individual is denied their request for an official registration certificate, the department must notify that individual in writing stating the reasons for the denial and shall refund any payments made by that individual in connection with the request.

**NEW SECTION. Sec. 12.** A new section is added to chapter 19.94 RCW to read as follows:

(1) The department shall have the power to revoke, suspend, or refuse to renew the official registration certificate of any service agent for any of the following reasons:

(a) Fraud or deceit in obtaining an official registration certificate under this chapter;

(b) A finding by the department of a pattern of intentional fraudulent or negligent activities in the installation, inspection, testing, checking, adjusting, or systematically standardizing and approving the graduations of any weighing or measuring instrument or device;

(c) Knowingly placing back into commercial service any weighing or measuring instrument or device that is incorrect;

(d) A violation of any provision of this chapter; or

(e) Conviction of a crime or an act constituting a crime under the laws of this state, the laws of another state, or federal law.

(2) Upon the department's revocation of, suspension of, or refusal to renew an official registration certificate, an individual shall have the right to appeal this decision in accordance with the administrative procedure act, chapter 34.05 RCW.

**Sec. 13.** RCW 19.94.280 and 1992 c 237 s 20 are each amended to read as follows:

(1) There may be a city sealer in every city and such deputies as may be required by ordinance of each such city to administer and enforce the provisions of this chapter.

(2) Each city electing to have a city sealer shall adopt rules for the appointment and removal of the city sealer and any deputies required by local ordinance. The rules for appointment of a city sealer and any deputies must include provisions for the advice and consent of the local governing body of such city and, as necessary, any provisions for local civil service laws and regulations.

(3) A city sealer ~~((shall))~~ may adopt the fee amounts established ~~((by the director pursuant to RCW 19.94.165))~~ under RCW 19.94.175. However, no city shall adopt or charge an inspection, testing, or licensing fee or any other fee upon a weighing or measuring instrument or device that is in excess of the fee amounts ~~((adopted under RCW 19.94.165))~~ established by the department under the provisions of this chapter for substantially similar services.

(4) A city sealer shall keep a complete and accurate record of all official acts performed under the authority of this chapter and shall submit an annual report to the governing body of his or her city and shall make any reports as may be required by the director.

**Sec. 14.** RCW 19.94.320 and 1992 c 237 s 22 are each amended to read as follows:

(1) In cities for which city sealers have been appointed as provided for in this chapter, the director shall have general ~~((supervisory powers over such))~~ oversight of city ~~((sealers))~~ weights and measures programs and may, when he or she deems it reasonably necessary, exercise concurrent authority to carry out the provisions of this chapter.

(2) When the director elects to exercise concurrent authority within a city with a duly appointed city sealer, the director's powers and duties relative to this chapter shall be in addition to the powers granted in any such city by law or charter.

**Sec. 15.** RCW 19.94.360 and 1969 c 67 s 36 are each amended to read as follows:

In addition to the declarations required by RCW 19.94.350, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity (~~(and bearing the total selling price of the package)~~) at the time it is exposed for sale at retail, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count and the total selling price of the package.

**Sec. 16.** RCW 19.94.390 and 1969 c 67 s 39 are each amended to read as follows:

(1) Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, poster or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and one-half the width of the numerals representing the whole cents.

(2) The examination procedure recommended for price verification by the price verification working group of the laws and regulations committee of the national conference on weights and measures (as reflected in the fourth draft, dated November 1, 1994) for devices such as electronic scanners shall govern such examinations conducted under this chapter. The procedure shall be deemed to be adopted under this chapter. However, the department may revise the procedure as follows: The department shall provide notice of and conduct a public hearing pursuant to chapter 34.05 RCW to determine whether any revisions to this procedure made by the national institute of standards and technology or its successor organization for incorporating the examination procedure into an official handbook of the institute or its successor, or any subsequent revisions of the handbook regarding such procedures shall also be adopted under this chapter. If the department determines that the procedure should be so revised, it may adopt the revisions. Violations of this section regarding the use of devices such as electronic scanners may be found only as provided by the examination procedures adopted by or under this subsection.

(3) Electronic scanner screens installed after January 1, 1996, and used in retail establishments must be visible to the consumer at the checkout line.

**Sec. 17.** RCW 19.94.410 and 1988 c 63 s 1 are each amended to read as follows:

~~((1) Except as provided in subsection (2) of this section,)) Butter, oleomargarine and margarine shall be offered and exposed for sale and sold by weight ((and only in units of one quarter pound, one half pound, one pound or multiples of one pound, avoirdupois weight.~~

~~(2) The director of agriculture may allow the sale of butter specialty products in nonstandard units of weight if the purpose achieved by using such nonstandard units is decorative in nature and the products are clearly labeled as to weight and price per pound)).~~

**NEW SECTION. Sec. 18.** A new section is added to chapter 15.80 RCW to read as follows:

All moneys collected under this chapter shall be placed in the weights and measures account in the agricultural local fund created in RCW 19.94.185.

**Sec. 19.** RCW 43.84.092 and 1994 c 2 s 6 (Initiative Measure No. 601), 1993 sp.s. c 25 s 511, 1993 sp.s. c 8 s 1, 1993 c 500 s 6, 1993 c 492 s 473, 1993 c 445 s 4, 1993 c 329 s 2, and 1993 c 4 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, the weights and measures account, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund

shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The marine operating fund, the motor vehicle fund, and the transportation fund.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 20.** A new section is added to chapter 19.94 RCW to read as follows:

The department shall develop a written report on the implementation of chapter . . . , Laws of 1995 (this act) that provides information including but not limited to the number of inspections conducted, the results of the inspections, the number of warnings issued, and the number of enforcement actions taken. The report shall be submitted to the secretary of the senate and chief clerk of the house of representatives, on December 15th of each even-numbered year. This section shall expire January 1, 2000.

**NEW SECTION. Sec. 21.** A new section is added to chapter 19.94 RCW to read as follows:

No state general fund moneys may be utilized by the department to fund the operation of the metrology laboratory. Funding of the laboratory shall be based on the prorated usage by two major components: (1) Services performed for other persons or governmental agencies; and (2) services performed for the department that are connected with the administration of the program under this chapter.

**NEW SECTION. Sec. 22.** (1) Sections 1 through 3, 6 through 15, and 19 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995.

(2) Sections 4 and 5 of this act shall take effect January 1, 1996."

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "measures;" strike the remainder of the title and insert "amending RCW 19.94.010, 19.94.160, 19.94.165, 19.94.175, 19.94.185, 19.94.190, 19.94.216, 19.94.255, 19.94.280, 19.94.320, 19.94.360, 19.94.390, and 19.94.410; reenacting and amending RCW 43.84.092; adding new sections to chapter 19.94 RCW; adding a new section to chapter 15.80 RCW; providing effective dates; and declaring an emergency."

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Second Substitute House Bill No. 1524, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1524, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1524, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1524, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher, Mitchell, Scott, Robertson, Hatfield, Skinner, Tokuda, Buck, Elliot, Ogden, Cairnes, Romero, Brown, Quall, Chopp, Patterson, Hankins and Blanton)

Revising taxation of gasohol.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 2090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2090.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2090 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010, by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton)

Revising corrections provisions.

The bill was read the second time.

## MOTIONS

Senator Hargrove moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the increasing number of inmates incarcerated in state correctional institutions, and the expenses associated with their incarceration, require expanded efforts to contain corrections costs. Cost containment requires improved planning and oversight, and increased accountability and responsibility on the part of both inmates and the department.

The legislature further finds that motivating inmates to participate in meaningful education and work programs in order to learn transferable skills and earn basic privileges is an effective and efficient way to meet the penological objectives of the corrections system.

The purpose of this act is to assist the department in fulfilling its mission, specifically to reduce offender recidivism, to mirror the values of the community by clearly linking inmate behavior to the receipt of privileges, and to prudently manage the resources it receives through the tax dollars of law-abiding citizens. This purpose is accomplished through the implementation of specific cost-control measures and the creation of a planning and oversight process that will improve the department's effectiveness and efficiency.

**Sec. 2.** RCW 72.09.010 and 1981 c 136 s 2 are each amended to read as follows:

It is the intent of the legislature to establish a comprehensive system of corrections for convicted law violators within the state of Washington to accomplish the following objectives.

(1) The system should ensure the public safety. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and the inmates.

(2) The system should punish the offender for violating the laws of the state of Washington. This punishment should generally be limited to the denial of liberty of the offender.

(3) The system should positively impact offenders by stressing personal responsibility and accountability and by discouraging recidivism.

(4) The system should treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.

~~((4))~~ (5) The system, as much as possible, should reflect the values of the community including:

(a) Avoiding idleness. Idleness is not only wasteful but destructive to the individual and to the community.

(b) Adoption of the work ethic. It is the community expectation that all citizens should work and through their efforts benefit both themselves and the community.

(c) Providing opportunities for self improvement. All individuals should have opportunities to grow and expand their skills and abilities so as to fulfill their role in the community.

(d) ~~(Providing tangible rewards for accomplishment.)~~ Linking the receipt or denial of privileges to responsible behavior and accomplishments. The individual who works to improve himself or herself and the community should be rewarded for these efforts. As a corollary, there should be no rewards for no effort.

(e) Sharing in the obligations of the community. All citizens, the public and inmates alike, have a personal and fiscal obligation in the corrections system. All communities must share in the responsibility of the corrections system.

~~((5))~~ (6) The system should provide for prudent management of resources. The avoidance of unnecessary or inefficient public expenditures on the part of offenders and the department is essential. Offenders must be accountable to the department, and the department must be accountable to the public and the legislature. The human and fiscal resources of the community are limited. The management and use of these resources can be enhanced by wise investment, productive programs, the reduction of duplication and waste, and the joining together of all involved parties in a common endeavor. Since virtually all offenders return to the community, it is wise for the state and the communities to make an investment in effective rehabilitation programs for offenders and the wise use of resources.

~~((6))~~ (7) The system should provide for restitution. Those who have damaged others, persons or property, have a responsibility to make restitution for these damages.

~~((7))~~ (8) The system should be accountable to the citizens of the state. In return, the individual citizens and local units of government must meet their responsibilities to make the corrections system effective.

~~((8))~~ (9) The system should meet those national standards which the state determines to be appropriate.

**Sec. 3.** RCW 72.09.015 and 1987 c 312 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) ~~("Department" means the department of corrections.~~

(2) ~~"Secretary" means the secretary of corrections.~~

(3) ~~"County" refers to a county or combination of counties.~~

(4)) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(2) "Contraband" means any object or communication that the secretary determines shall not be allowed to be (a) brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(3) "County" refers to a county or combination of counties.

(4) "Department" means the department of corrections.

(5) "Earned early release" means earned early release as authorized by RCW 9.94A.150.

(6) "Extended family visit" means an authorized visit between an inmate and a member or members of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

(7) "Good conduct" means compliance with department rules and standards.

(8) "Good performance" means successful completion of any program required by the department, including an education, work, or other program.

(9) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

(10) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which is directly linked to the good conduct or good performance of an inmate confined in an institution under the jurisdiction of the department. Privileges do not include any goods or services that the department is required to provide under the state or federal Constitution or under state or federal law.

(11) "Secretary" means the secretary of corrections.

(12) "Work programs" means all classes of correctional industries jobs authorized by RCW 72.09.100.

**Sec. 4.** RCW 72.09.020 and 1988 c 153 s 7 are each amended to read as follows:

For purposes of this chapter, "inmate" means any person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility (~~and~~), persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

**NEW SECTION. Sec. 5.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted from participation under subsection (2) of this section. Eligible inmates who refuse to participate in available education or work programs shall lose inmate privileges according to the system established under RCW 72.09.130. The legislature recognizes that more inmates may agree to participate in education and work programs than are currently available. Accordingly, the department must give priority to placing inmates in available education and work programs who will be most likely to achieve significant personal and public benefit from the programs, and the department must prioritize available resources to work toward the goal of full participation as soon as possible.

(2) The department shall establish, in rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines that an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section. When the department determines that an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical conditions of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

(3) The department shall establish, in rule, the standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their educational history, basic skills and literacy level, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the corrections system, are returning to the corrections system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall periodically reassess the basic skills, literacy level, and vocational or work skills of inmates that they are participating in programming appropriate to their level of academic and technical competency.

(b) Placement. The department shall place inmates in appropriate education and work programs utilizing criteria to evaluate an inmate's likelihood of achieving significant benefit from the programming. The placement criteria shall include at least the following factors:

(i) An inmate's release date and custody level;

(ii) An inmate's educational history, basic skills, and literacy level;

(iii) An inmate's work history, and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department-approved education or work programs.

(c) Performance and goals. The department shall establish inmate behavior standards and program goals for all education or work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals.

(d) Financial responsibility. The department shall establish a formula by which inmates will pay all or a portion of the costs of participating in community college associate of arts degree programs, baccalaureate degree programs, and postbaccalaureate degree programs, including tuition, books, and fees. The formula will consider the inmates' ability to pay and the department's efforts to maintain a cost-efficient level of enrollment in programs for which it contracts with community colleges. When an inmate voluntarily chooses to participate in a postsecondary education program into which he or she has not been placed by the department under (b) of this subsection, the inmate must pay the full tuition costs of the postsecondary education program charged by the community colleges under contract with the department.

(e) An inmate sentenced to life without the possibility of release may participate in education programs, including English as a second language, adult basic education, general equivalency degree, high school diploma, or any associate, baccalaureate, or post-baccalaureate degree, only if he or she pays all tuition costs and fees of the program and only if space is available in the program after all other eligible inmates have been offered the opportunity to participate, except that inmates sentenced to life without the possibility of release who require vocational training to participate in a correctional industries job may participate in the vocational training under the same placement, performance, and financial responsibility standards as other inmates.

(4) The department shall coordinate educational and work programming opportunities among its several institutions, to the greatest extent possible, to facilitate continuity of programming for inmates who are transferred between institutions. Prior to transferring inmates enrolled in programs, the department shall consider the effect the transfer will have on an inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit any transfer that is necessary for legitimate safety or security reasons.

(5) Before the construction of any new correctional institution or the expansion of any existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for educational and training purposes in the institution. The plan shall specify how the use of television in the educational and training programs will improve inmates' preparedness for available correctional industries jobs and job opportunities for which inmates may qualify upon release.

**Sec. 6.** RCW 72.09.130 and 1981 c 136 s 17 are each amended to read as follows:

(1) The department shall adopt, in rule, a system (~~providing incentives for good conduct and disincentives for poor conduct~~) that clearly links an inmate's behavior and participation in available education and work programs with the receipt or denial of earned early release days and other privileges. The system (~~may~~) shall include increases or decreases in the degree of liberty granted the inmate within the programs operated by the department, access to or withholding of privileges available within correctional institutions, and recommended increases or decreases in the number of earned early release days that an inmate can earn for good conduct and good performance.

(2) Earned early release days shall be recommended by the department as a form of tangible reward for accomplishment. The system shall be fair, measurable, and understandable to offenders, staff, and the public. At least once in each twelve-month period, the department shall inform the offender in writing as to his or her conduct and performance. This written evaluation shall include reasons for awarding or not awarding recommended earned early release days for good conduct and good performance. ~~((The term "good performance" as used in this section means successfully performing a work, work training, or educational task to levels of expectation as specified in writing by the department. The term "good conduct" as used in this section refers to compliance with department rules.~~

~~Within one year after July 1, 1981, the department shall adopt, and provide a written description of, the system.))~~ An inmate is not eligible to receive earned early release days during any time in which he or she refuses to participate in an available education or work program into which he or she has been placed by the department pursuant to section 5 of this act.

(3) The department shall provide a ~~(copy of this)~~ written description of the system to each offender in its custody.

**NEW SECTION. Sec. 7.** A new section is added to chapter 72.09 RCW to read as follows:

To the greatest extent practical, all inmates shall contribute to the cost of inmate privileges provided by the department. The department shall establish standards by which inmates will pay a significant portion of the department's capital and operating costs of providing all inmate privileges, including but not limited to television cable access, extended family visitation, weight lifting and other recreational sports equipment and supplies, and associated staff supervision costs. Inmate contributions may be in the form of individual user fees assessed against an inmate's institution account, deductions from an inmate's gross wages or gratuities, or inmates' collective contributions to the institutional welfare/betterment fund. The contribution standards shall consider the assets available to inmates, the costs of administrating compliance with the contribution requirements, and shall not be unduly destructive of the work ethic.

**NEW SECTION. Sec. 8.** A new section is added to chapter 72.09 RCW to read as follows:

The secretary shall adopt in rule a uniform policy that prohibits receipt or possession of anything that is determined to be contraband. The rule shall provide maximum protection of legitimate penological interests, including prison security and order. The rule shall protect the legitimate interests of the public and inmates in the exchange of ideas. The secretary shall establish a method of reviewing all incoming and outgoing material, consistent with constitutional constraints, for the purpose of confiscating anything determined to be contraband.

**NEW SECTION. Sec. 9.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The extended family visitation program is a privilege that the department may allow an inmate to participate in only after the superintendent determines an inmate is eligible. All extended family visits must be approved in advance by the superintendent or the superintendent's designee, who may cancel, interrupt, suspend, or terminate any visit for good cause.

(2) The department shall adopt, in rule, standards for participation in the extended family visitation program. The standards shall provide eligible inmates the opportunity, subject to the approval of the superintendent or the superintendent's designee, to maintain relationships with authorized family members, to maintain marriages and relationships that existed prior to incarceration, and to provide an incentive for inmates to maintain positive attitudes and behaviors while incarcerated. The standards shall address at least the following areas:

(a) Eligibility. The eligibility standards for inmates and their proposed visitors shall include at least the following factors for consideration:

(i) An inmate's release date and custody level. An inmate confined in maximum or close custody, in an intensive management unit, or in disciplinary or administrative segregation is not eligible to participate in an extended family visit;

(ii) An inmate's infraction history while incarcerated;

(iii) An inmate's prior criminal offense history;

(iv) The nature of the offense for which the inmate is incarcerated and whether the proposed visitor was a victim of the inmate's offense;

(v) When available, the opinion of a licensed medical practitioner or mental health professional as to the appropriateness of an extended family visit between an inmate and the proposed visitor or visitors;

(vi) The criminal history of the proposed visitor or visitors;

(vii) Where applicable, the conduct of the inmate and the proposed visitor or visitors during prior extended family visits.

(b) Conduct during visits. The department shall establish standards for the conduct of inmates and visitors participating in the extended family visitation program that protect the safety of visitors and preserve the orderly operation of the correctional institution.

**Sec. 10.** RCW 4.24.130 and 1992 c 30 s 1 are each amended to read as follows:

(1) Any person desiring a change of his or her name or that of his or her child or ward, may apply therefor to the district court of the judicial district in which he or she resides, by petition setting forth the reasons for such change; thereupon such court in its discretion may order a change of the name and thenceforth the new name shall be in place of the former.

(2) An offender under the jurisdiction of the department of corrections who applies to change his or her name under subsection (1) of this section shall submit a copy of the application to the department of corrections no less than five days prior to the entry of an order granting the name change. No offender under the jurisdiction of the department of corrections at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate penological goals, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. An offender under the jurisdiction of the department of corrections who receives an order changing his or her name shall submit a copy of the order to the department of corrections within five days of the entry of the order. Violation of this subsection is a misdemeanor.

(3) The district court shall collect the fees authorized by RCW 36.18.010 for filing and recording a name change order, and transmit the fee and the order to the county auditor. The court may collect a reasonable fee to cover the cost of transmitting the order to the county auditor.

**NEW SECTION. Sec. 11.** A new section is added to chapter 72.09 RCW to read as follows:

The department may require an offender who obtains an order under RCW 4.24.130 changing his or her name to use the name under which he or she was committed to the department during all official communications with department personnel and in all matters relating to the offender's incarceration or community supervision. Violation of this section is a misdemeanor.

**Sec. 12.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read as follows:

(1) The department may develop and implement a health services plan for the delivery of health care services to ~~((inmates))~~ offenders in the department's ~~((custody))~~ correctional facilities, at the discretion of the secretary, and in conformity with state and federal law.

(2) In order to discourage the unwarranted use of health care services caused by unnecessary visits to health care providers, offenders shall participate in the costs of their health care services by paying a nominal amount of no less than three dollars per visit, determined by the secretary. Pursuant to the authority granted in RCW 72.01.050(2), the secretary may authorize the superintendent to collect this amount for health care services directly from an offender's institution account. All copayments collected from offenders' institution accounts shall be deposited into the general fund.

(3) Offenders are required to make copayments for health care visits that are offender initiated. Offenders are not required to pay for emergency treatment or for visits initiated by health care staff or treatment of those conditions that constitute a serious health care need.

(4) No offender may be refused any health care service because of indigence.

(5) At no time shall the withdrawal of funds for the payment of a medical service copayment result in reducing an offender's institution account to an amount less than the defined level of indigency as determined by the department. When an offender's institution account contains less money than the defined level of indigency at the time a copayment is assessed, the assessment shall be recorded as an outstanding debt and may be collected from an offender's institution account at any time sufficient funds become available.

**Sec. 13.** RCW 72.10.010 and 1989 c 157 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Department" means the department of corrections.

(2) "Health care practitioner" means an individual or firm licensed or certified to actively engage in a regulated health profession.

(3) "Health profession" means ~~((and includes))~~ those licensed or regulated professions set forth in RCW 18.120.020(4).

(4) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility ~~((federally approved under 42 CFR 405.2100)), or federally licensed blood bank~~ ~~((federally licensed under 21 CFR 607)).~~

(5) "Health care services" means ~~((and includes))~~ medical, dental, and mental health care services.

(6) "Secretary" means the secretary of the department of corrections.

(7) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections.

**NEW SECTION. Sec. 14.** A new section is added to chapter 72.10 RCW to read as follows:

No later than October 1, 1996, and every year thereafter, the department shall report to the legislature the following information for the preceding fiscal year: (1) The total number of health care visits made by offenders; (2) the total number of copayments assessed; (3) the total dollar amount of copayments collected; (4) the total number of copayments that were not assessed or collected due to an offender's indigence; and (5) the total number of copayments that were not assessed due to the serious or emergent nature of the health care treatment, or because the health care visit was not offender initiated. The first report prepared by the department shall include, at a minimum, all available information collected during the second half of fiscal year 1996.

**NEW SECTION. Sec. 15.** A new section is added to chapter 72.10 RCW to read as follows:

Upon entry into the adult correctional system, offenders shall receive an initial medical examination. The department shall prepare a health profile for each offender that includes at least the following information: (1) An identification of the offender's serious medical and dental needs; (2) an evaluation of the offender's capacity for work and recreation; and (3) a financial assessment of the offender's ability to pay for all or a portion of his or her health care services from personal resources or private insurance.

**NEW SECTION. Sec. 16.** The department shall adopt rules to implement sections 12 through 15 of this act.

**Sec. 17.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read as follows:

(1) Notwithstanding any other provisions of law, the secretary may enter into contracts with health care practitioners, health care facilities, and other entities or agents as may be necessary to provide basic medical care to inmates. The contracts shall not cause the termination of classified employees of the department rendering the services at the time the contract is executed.

(2) In contracting for services, the secretary is authorized to provide for indemnification of health care practitioners who cannot obtain professional liability insurance through reasonable effort, from liability on any action, claim, or proceeding instituted against them arising out of the good faith performance or failure of performance of services on behalf of the department. The contracts may provide that for the purposes of chapter 4.92 RCW only, those health care practitioners with whom the department has contracted shall be considered state employees. The Washington state health care authority shall contract with a private research company to conduct a review of corrections health services to determine if certain components of the health services system such as dental care, eye care, or laboratory work, could be provided more efficiently by contracting out for the services. The review shall be submitted to the legislature by December 1, 1996. The decision to implement any recommendations made in the report regarding contracting out any or all components of the health services system shall be made by the legislature and not by the secretary.

**Sec. 18.** RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read as follows:

(1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:

~~((a))~~ (i) Is sentenced to a term of total confinement of not less than ~~((twenty-two))~~ sixteen months or more than thirty-six months;

~~((b))~~ (ii) Is ~~((between the ages of))~~ eighteen ~~((and twenty-eight))~~ years of age or older; and

~~((c))~~ (iii) Has no current or prior convictions for any sex offenses or for violent offenses other than drug offenses for manufacturing, possession, delivery, or intent to deliver a controlled substance.

(b) An offender is not eligible to participate in the work ethic camp if the offender is found, at any time, to be an illegal alien or the subject of a hard detainer or deportation order. Any offender who is found to be an illegal alien or becomes the subject of a hard detainer or deportation order after being sentenced to or beginning the work ethic camp shall be immediately removed from the work ethic camp program.

(c) The length of the work ethic camp program shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.

(2) If the sentencing judge determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard range and may recommend that the offender serve the sentence at a work ethic camp. The sentence shall provide that if the offender successfully completes the program, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. ~~((The court shall also provide that upon completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement.))~~ In sentencing an offender to the work ethic camp, the court shall specify: (i) That upon completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement; (ii) the applicable conditions of supervision on community custody status as authorized by RCW 9.94A.120(8)(b) and (c); and (iii) which conditions, if violated, may result in a return to total confinement for the balance of the offender's remaining time of confinement. The department may identify offenders who are eligible for the work ethic camp and, with concurrence from the sentencing judge, may refer the offender to the work ethic camp and adjust time served and community custody requirements as prescribed in this section.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless (a) the department determines that the offender has physical or mental impairments that would prevent participation and completion of the program, (b) the department determines that the offender's custody level prevents placement in the program, or (c) the offender refuses to agree to the terms and conditions of the program.

~~((4))~~ (5) An (inmate) offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time.

~~((5) The length of the work ethic camp program shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.))~~

(6) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

**Sec. 19.** RCW 9.94A.120 and 1994 c 1 s 2 (Initiative Measure No. 593) and 1993 c 31 s 3 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:



- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community supervision for the length of the suspended sentence or three years, whichever is greater; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
- (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (III) Report as directed to the court and a community corrections officer;
- (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
- (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may:

- (A) Modify conditions of community supervision, and either
- (B) terminate treatment, or
- (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) Except as provided in (a)(vii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(vii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (7) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (7) and the rules adopted by the department of health.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after July 1, 1990.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(8)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances;

(v) The offender shall pay supervision fees as determined by the department of corrections; and

(vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

(c) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol; or

(v) The offender shall comply with any crime-related prohibitions.

(d) As a part of any sentence providing for conversion from total confinement to community custody pursuant to RCW 9.94A.137(2) after successful completion of a work ethic camp program, the court shall impose and enforce the conditions enumerated in (b) of this subsection and may order any of the special conditions enumerated in (c) of this subsection, including a prohibition against new felony convictions. The court shall specify which of the conditions, if violated, may result in a return to total confinement for the balance of the offender's remaining term of confinement.

(e) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(10) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(12) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment. The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(13) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(14) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(15) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(16) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(17) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(18) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(19) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

**NEW SECTION. Sec. 20.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall establish an illegal alien offender transition camp and be ready to assign inmates to the camp no later than July 1, 1996. The secretary shall locate the illegal alien offender transition camp within an already existing department compound or facility.

(2) The department shall develop all aspects of the illegal alien offender transition camp program including, but not limited to, residential arrangements, program standards, conduct standards, individual and team work goals, and measures to hold the offender accountable for his or her behavior. The secretary shall define successful completion of the program, based on successful attendance, participation, and performance. The illegal alien offender transition camp shall be designed and implemented so that offenders are engaged in work activities and unstructured time is kept to a minimum. The standards for work performance, physical work activities, and offenders' rights and responsibilities shall be equivalent to those of the work ethic camp for general inmates.

**NEW SECTION. Sec. 21.** A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible to be sentenced to an illegal alien offender transition camp if the offender:

(a) Is an illegal alien who can be released to the United States immigration and naturalization service for deportation at the time of the offender's release from the camp;

(b) Is sentenced to a term of total confinement of not less than sixteen or more than thirty-six months;

(c) Is eighteen years of age or older;

(d) Has no current or prior convictions for any sex offenses or violent offenses other than drug offenses for manufacturing, possession, delivery, or intent to deliver a controlled substance; and

(e) Agrees in writing as required by subsection (5) of this section to the terms and conditions for participation.

(2) The length of the illegal alien offender transition camp program shall be at least one hundred twenty days and not more than one hundred eighty days.

(3) If the sentencing judge determines that an offender is potentially eligible for the illegal alien offender transition camp and is likely to meet the requirements of subsection (6) of this section, the judge shall impose a sentence of total standard confinement within the standard range and shall recommend that the offender serve the sentence at an illegal alien offender transition camp. The sentence shall provide that the offender shall serve one day in the transition camp for every three days of total standard confinement. In sentencing an offender to the illegal alien offender transition camp, the court shall specify that: (a) Upon completion of the illegal alien offender transition camp program, the

offender shall be released within ten days to the custody of the immigration and naturalization service to be deported to his or her native country; and (b) in the event an offender cannot be released to the custody of the immigration and naturalization service within ten days, the department may detain the offender in the illegal alien offender transition camp for up to sixty days.

(4) The department may identify offenders under its jurisdiction who are or become eligible for the illegal alien offender transition camp and, with concurrence from the sentencing judge and the prosecuting attorney, may refer the offenders to the illegal alien offender transition camp and adjust time served as prescribed in subsection (2) of this section.

(5) The department shall notify the immigration and naturalization service of all suspected illegal alien offenders under its jurisdiction and request that the immigration and naturalization service begin deportation proceedings as expeditiously as possible. The department, in cooperation with the immigration and naturalization service, shall seek accelerated hearings for all suspected illegal aliens under its jurisdiction to facilitate their removal from the country upon their release by the department as soon as possible.

(6) An illegal alien offender who meets the eligibility requirements of subsection (1)(a) through (d) of this section shall be informed by the sentencing court or the department of his or her potential for participating in the illegal alien offender transition camp. The terms and conditions of the illegal alien offender transition camp shall be provided to the illegal alien offender, both verbally and in writing, in his or her native language. An illegal alien offender must agree in writing to the terms and conditions of the illegal alien offender transition camp at the time of sentencing or at the time of transfer to the camp.

**NEW SECTION. Sec. 22.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The secretary shall establish, at each institution with an inmate population of more than one hundred, a corrections advisory team. The team shall consist of two representatives from management personnel, two representatives from personnel represented by an exclusive bargaining unit selected by those personnel, and not more than three persons from among the education or work programs operating within the institution. The secretary shall invite other groups to select a representative to serve on the team, including but not limited to the following:

- (a) The superior court judges in the county in which the institution is located;
- (b) The prosecuting attorney for the county in which the institution is located;
- (c) An organization whose primary purpose is legal representation of persons accused or convicted of crimes;
- (d) A sheriff or police chief whose jurisdiction includes or is in close proximity of the institution; and
- (e) An organization whose primary purpose is advocacy of the interests of crime victims.

(2) The team shall have the following duties:

(a) Review existing or proposed work and education programs for the purpose of commenting on the program's cost-effectiveness and impact on recidivism;

(b) Suggest revisions in existing, or addition of new, programs in the institution; and

(c) Identify cost-saving opportunities in institution operations.

(3) The superintendent of each institution identified in this section shall annually prepare a report to the secretary on the work of the team in his or her institution. The report shall include the superintendent's response to recommendations made by the team. The secretary shall collect and forward the reports to the legislature not later than December 1 of each year, together with such recommendations as the secretary finds appropriate.

(4) The secretary shall provide reasonably necessary support, within available funds, for the teams to carry out their duties under this section.

(5) Members of a team shall be eligible for travel expenses and per diem under RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 23.** A new section is added to chapter 72.09 RCW to read as follows:

(1) There is hereby created a joint committee on corrections cost-efficiencies oversight. The committee shall consist of: (a) Two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party; and (b) two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party.

(2) The committee shall elect a chair and a vice-chair. The chair shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years.

(3) The committee shall have the following powers and duties:

(a) Review all reports required under section 28 of this act;

(b) Review all reports and recommendations submitted by the corrections advisory teams under section 22 of this act;

(c) Initiate or review studies relevant to the issues of corrections cost-efficiencies and programmatic improvements;

(d) Review all rules proposed by the department of corrections to ensure consistency with the purpose of chapter . . . , Laws of 1995 (this act);

(e) Periodically make recommendations to the legislature and the governor regarding corrections cost-efficiencies and programmatic improvements; and

(f) By December 1, 1996, report to the legislature on the amount of actual and projected cost savings within the department during the 1995-97 biennium and report its further recommendations to address expenditure growth in the department.

(4) The joint committee on corrections oversight shall terminate on July 1, 1997.

**NEW SECTION. Sec. 24.** The legislature finds that the responsibility for criminal activity should fall squarely on the criminal. To the greatest extent possible society should not be expected to have to pay the price for crimes twice, once for the criminal activity and again by feeding, clothing, and housing the criminal. The corrections system should be the first place criminals are given the opportunity to be responsible for paying for their criminal act, not just through the loss of their personal freedom, but by making financial contributions to alleviate the pain and suffering of victims of crime.

**NEW SECTION. Sec. 25.** A new section is added to chapter 72.09 RCW to read as follows:

Each year the department shall transfer twenty-five percent of the total annual revenues and receipts received in each institutional betterment fund subaccount to the department of labor and industries for the purpose of providing direct benefits to crime victims through the crime victims' compensation program as outlined in chapter 7.68 RCW. This transfer takes priority over any expenditure of betterment funds and shall be reflected on the monthly financial statements of each institution's betterment fund subaccount.

Any funds so transferred to the department of labor and industries shall be in addition to the crime victims' compensation amount provided in an omnibus appropriation bill. It is the intent of the legislature that the funds forecasted or transferred pursuant to this section shall not reduce the funding levels provided by appropriation.

**Sec. 26.** RCW 7.68.090 and 1973 1st ex.s. c 122 s 9 are each amended to read as follows:

The director shall establish such fund or funds, separate from existing funds, necessary to administer this chapter, and payment to these funds shall be from legislative appropriation, statutory provision, reimbursement and subrogation as provided in this chapter, and from any contributions or grants specifically so directed.

**Sec. 27.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to read as follows:

All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art created by Washington state artists. The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses, or other buildings of a temporary nature.

**NEW SECTION. Sec. 28.** The department of corrections shall conduct the following reviews and prepare the following reports:

(1) The secretary shall review the feasibility and desirability of reducing the use of paid educational and vocational instructors by increasing the use of volunteer instructors and implementing technological efficiencies. Upon completion of the review, the secretary shall submit a report of the secretary's findings and recommendations to the legislature and the joint committee on corrections cost-efficiencies oversight by December 1, 1995.

(2) The secretary shall seek federal funding for the incarceration of undocumented felons. The secretary shall also pursue amendments to the federal transfer treaty program to facilitate deportation of undocumented alien offenders, specifically current treaties that require voluntary participation by the offender and loss of jurisdiction by the sending agency. The secretary shall seek enforcement of and pursue amendments to current federal sanctions for alien reentry, specifically amendments to the allowance of at least two prior felony convictions and at least two prior deportations before indictment for reentry is considered. The secretary shall submit a report on the secretary's progress to the legislature and the joint committee on corrections cost-efficiencies oversight by December 1, 1995.

(3) The secretary shall review current perimeter security technologies and designs that could minimize or eliminate the need for staffed perimeter guard towers at medium and maximum custody correctional institutions. Upon completion of the review, the secretary shall submit a report to the legislature and the joint committee on corrections cost-efficiencies oversight on the secretary's findings and recommendations by December 1, 1995.

(4) The secretary shall review the feasibility and desirability of implementing a "hot bunking" or "stacking" system that would allow prison beds to be used on a rotational basis. The review shall include at least the following: (a) A fiscal analysis of the capital and operating costs of implementing a twelve-hour scheduled rotation where each prison cell and bed could be used by multiple inmates; and (b) an analysis of how the department would address safety issues that might arise from a rotation system that increases the amount of time inmates would spend out of their cells. Upon completion of the review, the secretary shall submit a report to the legislature and the joint committee on corrections cost-efficiencies oversight on the secretary's findings and recommendations by December 1, 1995.

**NEW SECTION. Sec. 29.** The department shall cooperate in the preparation of the following reviews and reports:

(1) The legislative budget committee shall review staffing ratios within the department. The review shall identify the ratio of management to nonmanagement staff and the distribution of management and nonmanagement staff throughout each of the department's divisions, institutions, and programs. Upon completion of the review, the legislative budget committee shall submit a report of its findings and recommendations to the legislature and the advisory team by December 1, 1995. If specific funding for the purpose of this subsection is not provided by June 30, 1995, in the omnibus appropriations act, this section is null and void.

(2) The office of the state auditor shall review the department's budgeting process and operating budget request to the governor for the 1995-97 biennium. Upon completion of the review, the office of the state auditor shall submit a report of its findings and recommendations to the legislature and the advisory team by December 1, 1995. If specific funding for the purpose of this subsection is not provided by June 30, 1995, in the omnibus appropriations act, this section is null and void.

(3) The correctional industries board of directors and the secretary shall jointly review all current and proposed education and vocational training programs provided by the department. The review shall identify whether the curriculum corresponds to current and proposed correctional industries jobs and whether the curriculum teaches skills relevant to employment opportunities inmates may qualify for after they are released. Upon completion of the review, the board and the secretary shall submit a joint report of their findings and recommendations to the legislature and the secretary by December 1, 1995.

(4) The correctional industries board of directors shall review the feasibility and desirability of establishing a recreational, health, and fitness program that employs inmates to support department recreational, health, and fitness activities. Upon completion of the review, the board shall submit a report of its findings and recommendations to the legislature and the secretary by December 1, 1995.

(5) The department of transportation shall review the feasibility and desirability of privatizing the department of corrections marine transportation fleet, operation, or both. The review shall include a comparison of department employee salaries with equivalent private marine positions salaries. Upon completion of the review, the department of transportation shall submit a report of its findings and recommendations to the legislature and the advisory team by December 1, 1995.

(6) The office of financial management and the department of general administration shall jointly review the food planning model developed by the department of corrections for possible extrapolation to a uniform, state-wide planning, purchasing, and distribution of food and food products for state institutions, including but not limited to prisons, juvenile correctional institutions, and state hospitals. Upon completion of the review, the office of financial management and the department of general administration shall submit a joint report of their findings and recommendations to the legislature and the advisory team by December 1, 1995.

(7) The printing and duplicating management center in the department of general administration shall review the feasibility and desirability of establishing as a class II correctional industry within one or more correctional institutions, a print shop and printers apprenticeship program. Upon completion of the review, the center shall submit a report of its findings and recommendations to the legislature and the secretary by December 1, 1995.

**NEW SECTION. Sec. 30.** This act shall be known as the department of corrections cost-efficiency and inmate responsibility and accountability omnibus act.

**NEW SECTION. Sec. 31.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 32.** If specific funding for the purpose of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void."

Senator Hargrove moved that the following amendment by Senators Hargrove and Rasmussen to the Committee on Ways and Means striking amendment be adopted:

On page 11, after line 2 insert the following:

**"NEW SECTION. Sec. 12.** A new section is added to chapter 72.09 RCW to read as follows:

(1) Milk and milk products produced by correctional industries shall be consumed or used, to the greatest extent possible, within the correctional system. Milk and milk products surplus to such consumption or use may be sold to local correctional facilities. Raw, bulk milk may be disposed of as prescribed in RCW 72.09.100.

(2) In order for correctional industries to dispose of milk or milk products in a manner other than provided for in subsection (1) of this section, correctional industries shall: (a) Market milk in accordance with the provisions applicable to producers under the federal milk marketing order of the United States department of agriculture, or its successor marketing arrangement; and, (b) dispose of milk and milk products processed by correctional industries as a fully regulated handler under the federal order, or its successor marketing arrangement."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Rasmussen on page 11, after line 2, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2010.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Second Substitute House Bill No. 2010.

Debate ensued.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "corrections;" strike the remainder of the title and insert "amending RCW 72.09.010, 72.09.015, 72.09.020, 72.09.130, 4.24.130, 72.10.020, 72.10.010, 72.10.030, 9.94A.137, 7.68.090, and 43.17.200; reenacting and amending RCW 9.94A.120; adding new sections to chapter 72.09 RCW; adding new sections to chapter 72.10 RCW; adding a new section to chapter 9.94A RCW; creating new sections; and prescribing penalties."

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 2010, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2010, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2010, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1220, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, Horn, Johnson, Kremen, Boldt, Sheahan and Huff)

Providing a SEPA exemption for air operating permits.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1220.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1220 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen,

Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1669, by House Committee on Finance (originally sponsored by Representatives Beeksma, Sehlin, Quall, Hargrove, Hymes and Costa)

Extending hotel/motel tax authorization for tourist promotional structures in cities located in counties composed of islands.

The bill was read the second time.

## MOTIONS

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 67.28.210 and 1994 c 290 s 1 are each amended to read as follows:

All taxes levied and collected under RCW 67.28.180, 67.28.240, and 67.28.260 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. In addition such taxes may be used to develop strategies to expand tourism: PROVIDED, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to June 11, 1986: PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for the refurbishing and operation of a steam railway for tourism promotion purposes: PROVIDED FURTHER, That any city bordering on the Pacific Ocean or on Baker Bay with a population of not less than eight hundred and the county in which such a city is located, a city wholly located on an island, a city bordering on the Skagit river with a population of not less than twenty thousand, or any city with a population of not less than ten thousand within a county made up entirely of islands may use the proceeds of such taxes for funding special events or festivals, or for the acquisition, construction, or operation of publicly owned tourist promotional infrastructures, structures, or buildings including but not limited to an ocean beach boardwalk, public docks, and viewing towers: PROVIDED FURTHER, That any county which imposes a tax under RCW 67.28.182 or any city with a population less than fifty thousand in such county may use the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities available to and intended for use by visitors: PROVIDED FURTHER, That any county made up entirely of islands, and any city or town that has a population less than five thousand, may use the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities available to and intended for use by visitors: PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for funding a civic festival, if the following conditions are met: The festival is a community-wide event held not more than once annually; the festival is approved by the city, town, or county in which it is held; the festival is sponsored by an exempt organization defined in section 501(c)(3), (4), or (6) of the federal internal revenue code; the festival provides family-oriented events suiting a broad segment of the community; and the proceeds of such taxes are used solely for advertising and promotional materials intended to attract overnight visitors.

**Sec. 2.** RCW 67.28.270 and 1991 c 357 s 4 are each amended to read as follows:

In addition to the other uses authorized in this chapter, any city with a population of not less than one thousand people located on one of the San Juan islands or the county within which such city is located may impose the tax as provided in RCW 67.28.180, and use the ~~((tax))~~ proceeds from that tax as provided herein for the acquisition, construction, or operation of publicly owned facilities that are used either for county fairs occurring no more than once a year and not extending over a period of more than seven days or to mitigate the impacts of tourism. Mitigation may include paying all or any part of the cost of acquisition, construction, or operation of public information and educational facilities designed to inform visitors of the historical, cultural, ecological, and environmental resources of the county; of overnight or day use parks used by visitors; of kayak and canoe access to public tidelands; of rest, information, and assembly areas for bicycle visitors; of special signage to inform visitors of local points of interest; and of sport and recreational facilities that provide activities of interest to visitors."

On motion of Senator Haugen, the following amendments to the Committee on Government Operations striking amendment were considered simultaneously and were adopted:

On page 1, line 35 of the amendment, after "located" strike ", a city wholly located on an island"

On page 2, line 1 of the amendment, after "city" strike "with a population of not less than ten thousand"

## MOTION

On motion of Senator Haugen, the following amendment to the Committee on Government Operations striking amendment was adopted:

On page 3, line 1 of the amendment, after "county; of" strike "overnight or"

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to Substitute House Bill No. 1669.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "structures;" strike the remainder of the title and insert "and amending RCW 67.28.210 and 67.28.270."

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1669, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1669, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1669, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1669, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730, by House Committee on Commerce and Labor (originally sponsored by Representative Benton)

Revising provisions regarding interest arbitration for law enforcement officers employed by cities, towns, or counties.

The bill was read the second time.

#### MOTIONS

Senator Pelz moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.030 and 1993 c 398 s 1, 1993 c 397 s 1, and 1993 c 379 s 302 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7)((a) Until July 1, 1995, "uniformed personnel" means: (i) Law enforcement officers as defined in RCW 41.26.030 of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county with a population of seventy thousand or more; (ii) fire fighters as that term is defined in RCW 41.26.030; (iii) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of



seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (iv) security forces established under RCW 43.52.520; (v) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (vi) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (vii) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

~~(b) Beginning on July 1, 1995,)~~ "Uniformed personnel" means: (a)(i) Until July 1, 1997, law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of seven thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of thirty-five thousand or more; (ii) beginning on July 1, 1997, law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of eight thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; ~~((iii))~~ (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; ~~((iv))~~ (d) security forces established under RCW 43.52.520; ~~((v))~~ (e) fire fighters as that term is defined in RCW 41.26.030; ~~((vi))~~ (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; ~~((vii))~~ (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or ~~((viii))~~ (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

**Sec. 2.** RCW 41.56.465 and 1993 c 398 s 3 are each amended to read as follows:

(1) In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

~~((1))~~ (a) The constitutional and statutory authority of the employer;

~~((2))~~ (b) Stipulations of the parties;

~~((3))~~ (a) (i) For employees listed in RCW 41.56.030(7)(~~(b)(i))~~ (a) through ~~((iii))~~ (d), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

~~((b))~~ (ii) For employees listed in RCW 41.56.030(7)(~~(b)(iv))~~ (e) through ~~((vii))~~ (h), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered;

~~((4))~~ (d) The average consumer prices for goods and services, commonly known as the cost of living;

~~((5))~~ (e) Changes in any of the circumstances under ~~(subsections (1))~~ (a) through ~~((4))~~ (d) of this ~~(section)~~ subsection during the pendency of the proceedings; and

~~((6))~~ (f) Such other factors, not confined to the factors under ~~(subsections (1))~~ (a) through ~~((5))~~ (e) of this ~~(section)~~ subsection, that are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment. For those employees listed in RCW 41.56.030(7)(~~(b)(i))~~ (a) who are employed by the governing body of a city or town with a population of less than fifteen thousand, or a county with a population of less than seventy thousand, consideration must also be given to regional differences in the cost of living.

(2) Subsection (1)(c) of this section may not be construed to authorize the panel to require the employer to pay, directly or indirectly, the increased employee contributions resulting from chapter 502, Laws of 1993 or chapter 517, Laws of 1993 as required under chapter 41.26 RCW.

**NEW SECTION. Sec. 3.** The senate committee on ways and means and the house of representatives committee on appropriations shall jointly compile a report to the legislature by December 15, 1996, which shall analyze and review all arbitration awards made under chapter 41.56 RCW since enactment of binding arbitration procedures for uniformed personnel in 1973. This review shall include a brief procedural history of each arbitration including the date, the identity of the parties, the evidence and arguments presented by the parties, the names of the members of the arbitration panel, and the findings and final determination of the issues in dispute.

**NEW SECTION. Sec. 4.** RCW 41.56.460 and 1993 c 517 s 10, 1993 c 502 s 5, 1993 c 398 s 2, & 1993 c 397 s 2 are each repealed.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Senator Snyder moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 3, line 1, after "or more" add "and with ten or more law enforcement officers within the bargaining unit" and on line 3, after "more" add "and with twenty or more law enforcement officers within the bargaining unit"

#### MOTION

On motion of Senator Pelz, further consideration of Engrossed Substitute House Bill No. 1730 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1110, by House Committee on Natural Resources (originally sponsored by Representatives Buck, Fuhrman, Pennington, Silver, Johnson, Brumsickle, Stevens, Hargrove and Benton)

Prohibiting the department of natural resources from entering into certain agreements with the federal government without prior legislative and gubernatorial approval.

The bill was read the second time.

#### MOTION

Senator Drew moved that the following Committee on Natural Resources amendment not be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** It is the intent of this act to establish oversight by the legislature regarding long-range commitments made by the department of natural resources in its management of state forest lands, particularly commitments made with the federal government pursuant to the federal endangered species act. It is the legislature's authority to set overall policy for the management of the lands of the state.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.30 RCW to read as follows:

The department of natural resources is required to consult with the standing committees on natural resources of the legislature before entering into any agreement or making any commitment intended to induce the issuance of a permit from the federal government which, individually or together with any other agreement or commitment, affects more than ten thousand acres of public and/or state forest land for five or more years. Agreements and commitments to which this section applies include but are not limited to conservation plans and incidental take permits under 16 U.S.C. Sec. 1539, and all other agreements, management plans, and "no-take" or similar letters relating to the federal endangered species act. The department shall provide the legislature with copies of all proposed plans, agreements, and commitments, together with an analysis demonstrating that the proposed agreement or commitment is in the best interests of the trust beneficiaries."

The President declared the question before the Senate to be the motion by Senator Drew that the Committee on Natural Resources striking amendment to Substitute House Bill No. 1110 not be adopted.

The motion by Senator Drew carried and the committee striking amendment was not adopted.

#### MOTION

Senator Drew moved that the following amendment by Senators Drew, Hargrove, Oke, Ann Anderson and Rinehart be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 43.30 RCW to read as follows:

The legislature hereby establishes its oversight authority regarding long-range commitments made by the department of natural resources in the department's management of state forest lands, with respect to commitments made with the federal government pursuant to the federal endangered species act. The legislature shall set overall policy for the management of the lands of the state.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.30 RCW to read as follows:

The department of natural resources shall report to the standing committees on natural resources of the legislature before entering into any agreement or making any commitment intended to induce the issuance of a permit from the federal government which, individually or together with any other agreement or commitment, affects more than ten thousand acres of public and/or state forest land for five or more years. Agreements and commitments to which this section applies include but are not limited to conservation plans and incidental take permits under 16 U.S.C. Sec. 1539, and all other agreements, management plans, and "no-take" or similar letters relating to the federal endangered species act. The department shall provide the standing committees with copies of all proposed plans, agreements, and commitments, together with an analysis demonstrating that the proposed agreement or commitment is in the best interests of the trust beneficiaries.

The department shall submit the following with each biennial budget request:

- (1) An analysis of the impacts of any agreement or contract on state lands;
- (2) Detailed funding requirements to implement the agreement or contract in the next biennium; and
- (3) An accounting of expenditures during the current biennium with respect to any agreement or contract.

The legislature shall review the department's funding request and funds appropriated shall be separate budget items. The legislature shall ensure that the appropriations made to implement any agreements or contracts are in conformity with Article 8, section 4 of the state Constitution and chapter 43.88 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.88 RCW to read as follows:

The biennial budget request of the department of natural resources must comply with section 2 of this act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Drew, Hargrove, Oke, Ann Anderson and Rinehart to Substitute House Bill No. 1110.

The motion by Senator Drew carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "adding new sections to chapter 43.30 RCW; and adding a new section to chapter 43.88 RCW."

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1110, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1110, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1110, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1110, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1730 and the pending amendment by Senator Snyder on page 3, lines 1 and 3, to the Committee on Ways and Means striking amendment, deferred earlier today.

The President declared the question before the Senate to be the adoption of the amendment by Senator Snyder on page 3, lines 1 and 3, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1730.

Debate ensued.

Senator Smith demanded a roll call and the demand was sustained.

The President declared the question before the Senate to the roll call on the adoption of the amendment by Senator Snyder on page 3, lines 1 and 3, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1730.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee striking amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Rasmussen, Sellar, Snyder, West and Wood - 22.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Heavey, Kohl, McAuliffe, Owen, Palmer, Pelz, Prentice, Quigley, Rinehart, Roach, Schow, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Winsley and Wojahn - 26.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator Newhouse moved that the following amendment by Senators Newhouse, Morton and Sutherland to the Committee on Ways and Means striking amendment be adopted:

On page 3, line 2, after "population of" strike "eight" and insert "ten"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Newhouse, Morton and Sutherland on page 3, line 2, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1730.

The motion by Senator Newhouse carried and the amendment to the committee amendment was adopted.

#### MOTION

On motion of Senator Pelz, the following amendments to the Committee on Ways and Means striking amendment were considered simultaneously and were adopted:

On page 4, line 31 of the committee amendment, after "made" insert "involving law enforcement officers"

On page 4, line 32 of the committee amendment, after "for" strike "uniformed personnel" and insert "law enforcement officers"

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1730.

The committee amendment, as amended, was adopted.

#### MOTION

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "counties;" strike the remainder of the title and insert "amending RCW 41.56.465; reenacting and amending RCW 41.56.030; creating a new section; repealing RCW 41.56.460; providing an effective date; and declaring an emergency."

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 1730, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1730, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1730, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, McAuliffe, McDonald, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Winsley and Wood - 36.

Voting nay: Senators Cantu, Deccio, Hochstatter, Loveland, McCaslin, Morton, Moyer, Newhouse, Prince, Snyder, West and Wojahn  
- 12.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1305, by Representatives Johnson, Sheldon, Reams, Mastin, L. Thomas and Basich

Revising restrictions on growth outside of urban growth areas.

The bill was read the second time.

## MOTION

Senator Haugen moved that the following Committee on Government Operations amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.110 and 1994 c 249 s 27 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated fully contained community as defined by RCW 36.70A.350.

(2) Based upon the ~~((population))~~ growth management ~~((planning))~~ population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to ~~((permit))~~ allow for the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit a range of urban densities and shall include greenbelt and open space areas. Local circumstances, traditions, and identity will result in unique choices and solutions by each county and each city within it. Accordingly, cities and counties enjoy broad discretion in their comprehensive plans to make many specific choices about how growth is to be accommodated. These choices include the specific location of particular land uses and development intensities, community character and design, spending priorities, level of service standards, financing mechanisms, and site development standards. While such policy choices may be included in the sizing or configuration of the urban growth area, they must be made in a measurable way and with sufficient documentation as to the rationale. While objective analysis is essential, counties and cities also have the latitude to consider subjective factors, such as a land supply market factor and the preferred vision that each county and city expresses in its comprehensive plan. The explicit articulation and balancing of these factors is required when designating urban growth areas.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, ~~((and))~~ second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in areas adjacent to territory already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Urban growth may also be located in designated fully contained communities as defined by RCW 36.70A.350. Further, in general it is appropriate that urban ~~((government))~~ governmental services be primarily provided by cities, and urban ~~((government))~~ governmental services should not be ~~((provided))~~ extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(4) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(5) Each county shall include designations of urban growth areas in its comprehensive plan.

(6) Nothing in this chapter shall prevent a county with a population greater than one million from including as part of the urban growth area established under this section any master planned development or fully contained community which prior to July 1, 1990, both: (a) Was designated or zoned potentially for urban growth activity under an officially adopted county plan; and (b) had a development application submitted to the county implementing that urban designation.

**Sec. 2.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit appropriate land uses that are compatible with the rural character of such lands and provide for a variety of rural densities and uses and may also provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural uses.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management needs to meet current and future demands;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

**NEW SECTION. Sec. 3.** No comprehensive plan adopted or amended before the effective date of this act may be considered to be in noncompliance with RCW 36.70A.070 or 36.70A.110, as in effect before their amendment by this act, if the comprehensive plan is in compliance with RCW 36.70A.070 and 36.70A.110 as amended by this act.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

The President declared the question before the Senate to be the motion by Senator Haugen that the Committee on Government Operations striking amendment to Engrossed House Bill No. 1305 not be adopted.

The motion by Senator Haugen carried and the committee striking amendment was not adopted.

MOTIONS

Senator Haugen moved that the following amendment by Senators Haugen, Owen, Winsley, Hargrove, McCaslin and Snyder be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.110 and 1994 c 249 s 27 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the ~~((population))~~ growth management ~~((planning))~~ population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, ~~((and))~~ second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350. ~~((Further, it is))~~

~~((4))~~ (4) In general, cities are the units of local government most appropriate ((that)) to provide urban ((government)) governmental services ((be provided by cities, and)). In general, it is not appropriate that urban ((government)) governmental services ((should not)) be ((provided)) extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

~~((4))~~ (5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

~~((5))~~ (6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) Any county with a population greater than one million may include as part of its urban growth areas established under this section any new fully contained community or planned development where the criteria for a new fully contained community under RCW 36.70A.350(1) are met and which prior to July 1, 1990, both: (a) Was designated or zoned potentially for urban growth activity under an officially adopted county plan; and (b) had a development application submitted to the county implementing that urban designation.

**Sec. 2.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit appropriate land uses that are compatible with the rural character of such lands and provide for a variety of rural densities and uses and may also provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural uses not characterized by urban growth.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management needs to meet current and future demands;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

**NEW SECTION. Sec. 3.** A comprehensive plan adopted or amended before the effective date of this act shall be considered to be in compliance with RCW 36.70A.070 or 36.70A.110, as in effect before their amendment by this act, if the comprehensive plan is in compliance with RCW 36.70A.070 and 36.70A.110 as amended by this act. This section shall not be construed to alter the relationship between a county-wide planning policy and comprehensive plans as specified under RCW 36.70A.210.

As to any appeal relating to compliance with RCW 36.70A.070 or 36.70A.110 pending before a growth management hearings board on the effective date of this act, the board may take up to an additional ninety days to resolve such appeal. By mutual agreement of all parties to the appeal, this additional ninety-day period may be extended.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Senator Palmer moved that the following amendment by Senators Palmer, Hargrove, Snyder and Owen to the striking amendment by Senators Haugen, Owen, Winsley, Hargrove, McCaslin and Snyder be adopted:

On page 1, after line 6 of the amendment, insert the following:

"**Sec. 1.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and, until the effective date of this section, has had its population increase by more than ten percent in the previous ten years or, on or after the effective date of this section, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.

Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and

mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Palmer, Hargrove, Snyder and Owen on page 1, after line 6, to the striking amendment by Senators Haugen, Owen, Winsley, Hargrove, McCaslin and Snyder to Engrossed House Bill No. 1305.

The motion by Senator Palmer carried and the amendment to the striking amendment was adopted.

#### MOTION

Senator Drew moved that the following amendment by Senators Drew and Finkbeiner to the striking amendment by Senators Haugen, Owen, Winsley, Hargrove, McCaslin and Snyder be adopted:

On page 3, beginning on line 10 of the amendment, strike all material through "designation," on line 17

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Drew and Finkbeiner on page 3, beginning on line 10, to the striking amendment by Senators Haugen, Owen, Winsley, Hargrove, McCaslin and Snyder to Engrossed House Bill No. 1305.

The motion by Senator Drew carried and the amendment to the striking amendment was adopted.

#### MOTION

Senator Sutherland moved that the following amendment by Senators Sutherland, Morton, Bauer, Rasmussen, Schow, Swecker and Prince to the striking amendment by Senators Haugen, Owen, Winsley, Hargrove, McCaslin and Snyder be adopted:

On page 6, after line 27 of the amendment, insert the following:

**"NEW SECTION, Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

Where the county has classified mineral lands pursuant to RCW 36.70A.050 and mineral resource lands of long-term commercial significance exist, a county, city, or town shall designate sufficient mineral resource lands in the comprehensive plans to meet the projected twenty-year, county-wide need. Once designated, mineral resource uses, including operations as defined in RCW 78.44.031, shall be established as an allowed use in local development regulations.

The county, city, or town shall designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used.

Through its comprehensive plan and development regulations, as defined in RCW 36.70A.030, the county, city, or town shall discourage the siting of incompatible uses adjacent to mineral resource industries, deposits, and holdings.

The county-wide need and proximity provisions of this section do not apply to metals mining and milling operations as defined in RCW 78.56.020.



For the purposes of this section, "long-term commercial significance" includes the mineral composition of the land for long-term economically viable commercial production, in consideration with the mineral resource land's proximity to population areas, product markets, and the possibility of more intense uses of the land."

Renumber the remaining section consecutively and correct any internal references accordingly.  
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sutherland, Morton, Bauer, Rasmussen, Schow, Swecker and Prince on page 6, after line 27, to the striking amendment by Senators Haugen, Owen, Winsley, Hargrove, McCaslin and Snyder to Engrossed House Bill No. 1305.

The motion by Senator Sutherland carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Owen, Winsley, Hargrove, McCaslin and Snyder, as amended, to Engrossed House Bill No. 1305.

The striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 36.70A.110 and 36.70A.070; creating a new section; and declaring an emergency."

On page 7, line 2 of the title amendment, after "amending RCW" strike "36.70A.110" and insert "36.70A.040, 36.70A.110,"

On page 7, line 3 of the title amendment, after "36.70A.070;" insert "adding a new section to chapter 36.70A RCW;"

On motion of Senator Haugen, the rules were suspended, Engrossed House Bill No. 1305, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1305, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1305, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 35.

Voting nay: Senators Drew, Fairley, Franklin, Fraser, Heavey, Kohl, Long, McAuliffe, Pelz, Prentice, Rinehart, Sheldon and Wojahn - 13.

Excused: Senator Anderson, C. - 1.

ENGROSSED HOUSE BILL NO. 1305, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1129, by House Committee on Finance (originally sponsored by Representatives Schoesler, Brown, Mulliken, Sheahan, Robertson, Buck, Dyer, Delvin, Skinner, Cooke, McMorris, Talcott, Fuhrman, Brumsickle, Sheldon, Campbell, Boldt, Elliot, Koster, Chandler, Van Luven, K. Schmidt, L. Thomas, Casada, Carlson, Backlund, Basich, Huff, Mitchell, Kremen and Benton)

Modifying tax exemptions for nonprofit organizations.

The bill was read the second time.

#### MOTIONS

Senator Loveland moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.365 and 1979 ex.s. c 196 s 7 are each amended to read as follows:

(1) This chapter does not apply to amounts derived by a nonprofit organization as a result of conducting or participating in a bazaar or rummage sale if:

(a) The organization does not conduct or participate in more than two bazaars or rummage sales per year; and

(b) Each bazaar or rummage sale does not extend over a period of more than two days; and

(c) The gross income received by each organization from each bazaar or rummage sale does not exceed ~~((one))~~ ten thousand dollars.

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales made by a nonprofit organization if the gross income from the sales is exempt under RCW 82.04.365."

On motion of Senator Spanel, the following amendment by Senators Spanel and Rinehart to the Committee on Ways and Means striking amendment was adopted:

On page 1, after line 33 of the amendment, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to nonprofit organizations in respect to amounts derived from the provision of child care resource and referral services.

**NEW SECTION. Sec. 4.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 1129.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Loveland, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "nonprofits;" strike the remainder of the title and insert "amending RCW 82.04.365; and adding a new section to chapter 82.08 RCW."

On page 2, beginning on line 4 of the title amendment, after "82.04.365;" strike all material down through "RCW." on line 5 and insert "adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; providing an effective date; and declaring an emergency."

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 1129, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1129, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1129, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Fairley - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1129, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1865, by House Committee on Law and Justice (originally sponsored by Representatives Mitchell and Tokuda)

Clarifying numerous miscellaneous guardianship provisions.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 11.88.030 and 1991 c 289 s 2 are each amended to read as follows:

(1) Any person or entity may petition for the appointment of a qualified person, trust company, national bank, or nonprofit corporation authorized in RCW 11.88.020 as now or hereafter amended as the guardian or limited guardian of an incapacitated person. No liability for filing a petition for guardianship or limited guardianship shall attach to a petitioner acting in good faith and upon reasonable basis. A petition for guardianship or limited guardianship shall state:

- (a) The name, age, residence, and post office address of the alleged incapacitated person;
- (b) The nature of the alleged incapacity in accordance with RCW 11.88.010;
- (c) The approximate value and description of property, including any compensation, pension, insurance, or allowance, to which the alleged incapacitated person may be entitled;
- (d) Whether there is, in any state, a guardian or limited guardian, or pending guardianship action for the person or estate of the alleged incapacitated person;
- (e) The residence and post office address of the person whom petitioner asks to be appointed guardian or limited guardian;

(f) The names and addresses, and nature of the relationship, so far as known or can be reasonably ascertained, of the persons most closely related by blood or marriage to the alleged incapacitated person;

(g) The name and address of the person or facility having the care and custody of the alleged incapacitated person;

(h) The reason why the appointment of a guardian or limited guardian is sought and the interest of the petitioner in the appointment, and whether the appointment is sought as guardian or limited guardian of the person, the estate, or both, and why no alternative to guardianship is appropriate;

(i) The nature and degree of the alleged incapacity and the specific areas of protection and assistance requested and the limitation of rights requested to be included in the court's order of appointment;

(j) The requested term of the limited guardianship to be included in the court's order of appointment;

(k) Whether the petitioner is proposing a specific individual to act as guardian ad litem and, if so, the individual's knowledge of or relationship to any of the parties, and why the individual is proposed.

(2)(a) The attorney general may petition for the appointment of a guardian or limited guardian in any case in which there is cause to believe that a guardianship is necessary and no private party is able and willing to petition.

(b) Prepayment of a filing fee shall not be required in any guardianship or limited guardianship brought by the attorney general. Payment of the filing fee shall be ordered from the estate of the incapacitated person at the hearing on the merits of the petition, unless in the judgment of the court, such payment would impose a hardship upon the incapacitated person, in which case the filing shall be waived.

(3) No filing fee shall be charged by the court for filing either a petition for guardianship or a petition for limited guardianship if the petition alleges that the alleged incapacitated person has total assets of a value of less than three thousand dollars.

(4)(a) Notice that a guardianship proceeding has been commenced shall be personally served upon the alleged incapacitated person and the guardian ad litem along with a copy of the petition for appointment of a guardian. Such notice shall be served not more than five court days after the petition has been filed.

(b) Notice under this subsection shall include a clear and easily readable statement of the legal rights of the alleged incapacitated person that could be restricted or transferred to a guardian by a guardianship order as well as the right to counsel of choice and to a jury trial on the issue of incapacity. Such notice shall be in substantially the following form and shall be in capital letters, double-spaced, and in a type size not smaller than ten-point type:

IMPORTANT NOTICE  
PLEASE READ CAREFULLY

A PETITION TO HAVE A GUARDIAN APPOINTED FOR YOU HAS BEEN FILED IN THE . . . . . COUNTY SUPERIOR COURT BY . . . . . IF A GUARDIAN IS APPOINTED, YOU COULD LOSE ONE OR MORE OF THE FOLLOWING RIGHTS:

- (1) TO MARRY OR DIVORCE;
- (2) TO VOTE OR HOLD AN ELECTED OFFICE;
- (3) TO ENTER INTO A CONTRACT OR MAKE OR REVOKE A WILL;
- (4) TO APPOINT SOMEONE TO ACT ON YOUR BEHALF;
- (5) TO SUE AND BE SUED OTHER THAN THROUGH A GUARDIAN;
- (6) TO POSSESS A LICENSE TO DRIVE;
- (7) TO BUY, SELL, OWN, MORTGAGE, OR LEASE PROPERTY;
- (8) TO CONSENT TO OR REFUSE MEDICAL TREATMENT;
- (9) TO DECIDE WHO SHALL PROVIDE CARE AND ASSISTANCE;
- (10) TO MAKE DECISIONS REGARDING SOCIAL ASPECTS OF YOUR LIFE.

UNDER THE LAW, YOU HAVE CERTAIN RIGHTS.

YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER OF YOUR OWN CHOOSING. THE COURT WILL APPOINT A LAWYER TO REPRESENT YOU IF YOU ARE UNABLE TO PAY OR PAYMENT WOULD RESULT IN A SUBSTANTIAL HARDSHIP TO YOU.

YOU HAVE THE RIGHT TO ASK FOR A JURY TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN TO HELP YOU.

YOU HAVE THE RIGHT TO BE PRESENT IN COURT WHEN THE HEARING IS HELD TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN.

(5) All petitions filed under the provisions of this section shall be heard within sixty days unless an extension of time is requested by a party within such sixty day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

**Sec. 2.** RCW 11.88.040 and 1991 c 289 s 3 are each amended to read as follows:

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be served personally ~~((to))~~ upon the alleged incapacitated person, if over fourteen years of age, and served upon the guardian ad litem.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given by registered or certified mail to the last known address requesting a return receipt signed by the addressee or an agent appointed by the addressee, or by personal service in the manner provided for services of summons, to the following:

(1) The alleged incapacitated person, or minor, if under fourteen years of age;

(2) A parent, if the alleged incapacitated person is a minor, all known children not residing with a notified person, and the spouse of the alleged incapacitated person if any;

(3) Any other person who has been appointed as guardian or limited guardian, or the person with whom the alleged incapacitated person resides. No notice need be given to those persons named in subsections (2) and (3) of this section if they have signed the petition for the appointment of the guardian or limited guardian or have waived notice of the hearing.

(4) If the petition is by a parent asking for appointment as guardian or limited guardian of a minor child under the age of fourteen years, or if the petition is accompanied by the written consent of a minor of the age of fourteen years or upward, who consents to the appointment of the guardian or limited guardian asked for, or if the petition is by a nonresident guardian of any minor or incapacitated person, then the court may appoint the guardian without notice of the hearing. The court for good cause may reduce the number of days of notice, but in every case, at least three days notice shall be given.

The alleged incapacitated person shall be present in court at the final hearing on the petition: PROVIDED, That this requirement may be waived at the discretion of the court for good cause other than mere inconvenience shown in the report to be provided by the guardian ad litem pursuant to RCW 11.88.090 as now or hereafter amended, or if no guardian ad litem is required to be appointed pursuant to RCW 11.88.090, as now or hereafter amended, at the discretion of the court for good cause shown by a party. Alternatively, the court may remove itself to the place of residence of the alleged incapacitated person and conduct the final hearing in the presence of the alleged incapacitated person. Final hearings on the petition may be held in closed court without admittance of any person other than those necessary to the action or proceeding.

If presence of the alleged incapacitated person is waived and the court does not remove itself to the place of residence of such person, the guardian ad litem shall appear in person at the final hearing on the petition.

**Sec. 3.** RCW 11.88.045 and 1991 c 289 s 4 are each amended to read as follows:

(1)(a) Alleged incapacitated individuals shall have the right to be represented by counsel at any stage in guardianship proceedings. The court shall provide counsel to represent any alleged incapacitated person at public expense when either: (i) The individual is unable to afford counsel, or (ii) the expense of counsel would result in substantial hardship to the individual, or (iii) the individual does not have practical access to funds with which to pay counsel. If the individual can afford counsel but lacks practical access to funds, the court shall provide counsel and may impose a reimbursement requirement as part of a final order. When, in the opinion of the court, the rights and interests of an alleged or adjudicated incapacitated person cannot otherwise be adequately protected and represented, the court on its own motion shall appoint an attorney at any time to represent such person. Counsel shall be provided as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks shall be presumed by a reviewing court to be inadequate time for consultation and preparation.

(b) Counsel for an alleged incapacitated individual shall act as an advocate for the client and shall not substitute counsel's own judgment for that of the client on the subject of what may be in the client's best interests. Counsel's role shall be distinct from that of the guardian ad litem, who is expected to promote the best interest of the alleged incapacitated individual, rather than the alleged incapacitated individual's expressed preferences.

(c) If an alleged incapacitated person is represented by counsel and does not communicate with counsel, counsel may ask the court for leave to withdraw for that reason. If satisfied, after affording the alleged incapacitated person an opportunity for a hearing, that the request is justified, the court may grant the request and allow the case to proceed with the alleged incapacitated person unrepresented.

(2) During the pendency of any guardianship, any attorney purporting to represent a person alleged or adjudicated to be incapacitated shall petition to be appointed to represent the incapacitated or alleged incapacitated person. Fees for representation described in this section shall be subject to approval by the court pursuant to the provisions of RCW 11.92.180.

(3) The alleged incapacitated person is further entitled upon request to a jury trial on the issues of his or her alleged incapacity. The standard of proof to be applied in a contested case, whether before a jury or the court, shall be that of clear, cogent, and convincing evidence.

(4) In all proceedings for appointment of a guardian or limited guardian, the court must be presented with a written report from a physician licensed to practice under chapter 18.71 or 18.57 RCW or licensed or certified psychologist selected by the guardian ad litem. The physician or psychologist shall have personally examined and interviewed the alleged incapacitated person within thirty days of preparation of the report to the court and shall have expertise in the type of disorder or incapacity the alleged incapacitated person is believed to have. The report shall contain the following information and shall be set forth in substantially the following format:

- (a) The name and address of the examining physician or psychologist;
- (b) The education and experience of the physician or psychologist pertinent to the case;
- (c) The dates of examinations of the alleged incapacitated person;
- (d) A summary of the relevant medical, functional, neurological, psychological, or psychiatric history of the alleged incapacitated person as known to the examining physician or psychologist;
- (e) The findings of the examining physician or psychologist as to the condition of the alleged incapacitated person;
- (f) Current medications;
- (g) The effect of current medications on the alleged incapacitated person's ability to understand or participate in guardianship proceedings;

(h) Opinions on the specific assistance the alleged incapacitated person needs;

(i) Identification of persons with whom the physician or psychologist has met or spoken regarding the alleged incapacitated person.

The court shall not enter an order appointing a guardian or limited guardian until a medical or psychological report meeting the above requirements is filed.

The requirement of filing a medical report is waived if the basis of the guardianship is minority.

**Sec. 4.** RCW 11.88.090 and 1991 c 289 s 5 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180, as now or hereafter amended, shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his behalf.

(2) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to

- (a) be free of influence from anyone interested in the result of the proceeding;
- (b) have the requisite knowledge, training, or expertise to perform the duties required by this section.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection (5) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

(3)(a) The superior court of each county shall develop by September 1, 1991, a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardians ad litem only persons whose names appear on the registry, except in extraordinary circumstances.

(b) To be eligible for the registry a person shall:

(i) Present a written statement of qualifications describing the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW; and

(ii) Complete a training program adopted by the court, or, in the absence of a locally adopted program, a candidate for inclusion upon the registry shall have completed a model training program as described in (d) of this subsection.

(c) The superior court of each county shall approve training programs designed to:

(i) Train otherwise qualified human service professionals in those aspects of legal procedure and the requirements of chapters 11.88 and 11.92 RCW with which a guardian ad litem should be familiar;

(ii) Train otherwise qualified legal professionals in those aspects of medicine, social welfare, and social service delivery systems with which a guardian ad litem should be familiar.

(d) The superior court of each county may approve a guardian ad litem training program on or before June 1, 1991. The department of social and health services, aging and adult services administration, shall convene an advisory group to develop a model guardian ad litem training program. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, aging, legal, court administration, and other interested parties.

(e) Any superior court that has not adopted a guardian ad litem training program by September 1, 1991, shall require utilization of a model program developed by the advisory group as described in (d) of this subsection, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem.

(4) The guardian ad litem's written statement of qualifications required by RCW 11.88.090(3)(b)(i) shall be made part of the record in each matter in which the person is appointed guardian ad litem.

(5) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

(iv) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;

(v) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

(vi) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

(vii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; and

(viii) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least ten days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her spouse, all children not residing with a notified person, those persons described in ~~((d))~~ (e)(vii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150;

(f) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

(6) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to RCW 11.88.090(5)(e) as now or hereafter amended.

(7) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

(8) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the alleged

incapacitated person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(9) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

**Sec. 5.** RCW 11.88.095 and 1991 c 289 s 6 are each amended to read as follows:

(1) In determining the disposition of a petition for guardianship, the court's order shall be based upon findings as to the capacities, condition, and needs of the alleged incapacitated person, and shall not be based solely upon agreements made by the parties.

(2) Every order appointing a full or limited guardian of the person or estate shall include:

(a) Findings as to the capacities, condition, and needs of the alleged incapacitated person;

(b) The amount of the bond, if any, or a bond review period;

(c) When the next report of the guardian is due;

(d) Whether the guardian ad litem shall continue acting as guardian ad litem;

(e) Whether a review hearing shall be required upon the filing of the inventory;

(f) The authority of the guardian, if any, for investment and expenditure of the ward's estate; and

(g) Names and addresses of those persons described in RCW 11.88.090(5)(d), if any, whom the court believes should receive copies of further pleadings filed by the guardian with respect to the guardianship.

(3) If the court determines that a limited guardian should be appointed, the order shall specifically set forth the limits by either stating exceptions to the otherwise full authority of the guardian or by stating the specific authority of the guardian.

(4) In determining the disposition of a petition for appointment of a guardian or limited guardian of the estate only, the court shall consider whether the alleged incapacitated person is capable of giving informed medical consent or of making other personal decisions and, if not, whether a guardian or limited guardian of the person of the alleged incapacitated person should be appointed for that purpose.

(5) Unless otherwise ordered, any powers of attorney or durable powers of attorney shall be revoked upon appointment of a guardian or limited guardian of the estate.

If there is an existing medical power of attorney, the court must make a specific finding of fact regarding the continued validity of that medical power of attorney before appointing a guardian or limited guardian for the person.

**Sec. 6.** RCW 11.92.050 and 1990 c 122 s 23 are each amended to read as follows:

(1) Upon the filing of any intermediate guardianship or limited guardianship account required by statute, or of any intermediate account required by court rule or order, the guardian or limited guardian may petition the court for an order settling his or her account with regard to any ~~((and all))~~ receipts, expenditures, and investments made and acts done by the guardian or limited guardian to the date of ~~((said))~~ the interim report. Upon such petition being filed, the court may in its discretion, where the size or condition of the estate warrants it, set a date for the hearing of ~~((such))~~ the petition and require the service of the petition and a notice of ~~((such))~~ the hearing as provided in RCW 11.88.040 as now or hereafter amended; and, in the event ~~((such))~~ a hearing ~~((be))~~ is ordered, the court ~~((shall))~~ may also appoint a guardian ad litem, whose duty it shall be to investigate the report of the guardian or limited guardian of the estate and to advise the court thereon at ~~((said))~~ the hearing, in writing. At ~~((such))~~ the hearing on ~~((said))~~ the report of the guardian or limited guardian, if the court ~~((be))~~ is satisfied that the actions of the guardian or limited guardian have been proper, and that the guardian or limited guardian has in all respects discharged his or her trust with relation to ~~((such))~~ the receipts, expenditures, investments, and acts, then, in such event, the court shall enter an order approving such account~~((and such))~~. If the court has appointed a guardian ad litem, the order shall be final and binding upon the incapacitated person, subject only to the right of appeal as upon a final order; provided that at the time of final account of said guardian or limited guardian or within one year after ((said)) the incapacitated person attains his or her majority any such interim account may be challenged by ((said)) the incapacitated person on the ground of fraud.

(2) The procedure established in subsection (1) of this section for financial accounts by guardians or limited guardians of the estate shall apply to personal care reports filed by guardians or limited guardians of the person under RCW 11.92.043.

**Sec. 7.** RCW 11.92.053 and 1990 c 122 s 24 are each amended to read as follows:

Within ninety days after the termination of a guardianship for any reason ~~((other than the death of the incapacitated person intestate))~~, the guardian or limited guardian of the estate shall petition the court for an order settling his or her account as filed in accordance with RCW 11.92.040(2) with regard to any ~~((and all))~~ receipts, expenditures, and investments made and acts done by the guardian to the date of ~~((said))~~ the termination. Upon ~~((such))~~ the filing of the petition ~~((being filed))~~, the court shall set a date for the hearing of ~~((such))~~ the petition after notice has been given in accordance with RCW 11.88.040. Any person interested may file objections to ~~((such))~~ the petition or may appear at the time and place fixed for the hearing thereof and present his or her objections thereto. The court may take such testimony as it deems proper or necessary to determine whether an order settling the account should be issued and the transactions of the guardian be approved, and the court may appoint a guardian ad litem to review the report.

At ~~((such))~~ the hearing on ~~((said))~~ the petition of the guardian or limited guardian, if the court ~~((be))~~ is satisfied that the actions of the guardian or limited guardian have been proper, and that the guardian has in all respects discharged his or her trust with relation to ~~((such))~~ the receipts, expenditures, investments, and acts, then, in such event, the court shall enter an order approving ~~((such))~~ the account, and ~~((such))~~ the order shall be final and binding upon the incapacitated person, subject only to the right of appeal as upon a final order~~((= PROVIDED, That))~~. However, within one year after ((said)) the incompetent attains his or her majority any such account may be challenged by the incapacitated person on the ground of fraud.

**Sec. 8.** RCW 11.92.180 and 1994 c 68 s 1 are each amended to read as follows:

A guardian or limited guardian shall be allowed such compensation for his or her services as guardian or limited guardian as the court shall deem just and reasonable. Guardians and limited guardians shall not be compensated at county or state expense. Additional compensation may be allowed for other administrative costs, including services of an attorney and for other services not provided by the guardian or limited guardian. Where a guardian or limited guardian is an attorney, the guardian or limited guardian shall separately account for time for which compensation is requested for services as a guardian or limited guardian as contrasted to time for which compensation for legal services provided to the guardianship is requested. In all cases, compensation of the guardian or limited guardian and his or her expenses including attorney's fees shall be fixed by the court and may be allowed at any annual or final accounting; but at any time during the administration of the estate, the guardian or limited guardian or his or her attorney may apply to the court for an allowance upon the compensation or necessary expenses of the guardian or limited guardian and for attorney's fees for services already performed. If the court finds that the guardian or limited guardian has failed to discharge his or her duties as such in any respect, it may deny the guardian any compensation whatsoever or may reduce the

compensation which would otherwise be allowed. Where the incapacitated person is a department of social and health services client residing in a nursing facility or in a residential or home setting and is required by the department of social and health services to contribute a portion of their income towards the cost of residential or supportive services then the department shall be entitled to notice of proceedings as described in RCW 11.92.150. The amount of guardianship fees and additional compensation for administrative costs shall not exceed the amount allowed by the department of social and health services by rule (and shall not include compensation for services provided or funded by the department or a department contractor that the incapacitated person is eligible to receive).

Sec. 9. RCW 11.94.010 and 1989 c 211 s 1 are each amended to read as follows:

(1) Whenever a principal designates another as his or her attorney in fact or agent, by a power of attorney in writing, and the writing contains the words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's disability,

the authority of the attorney in fact or agent is exercisable on behalf of the principal as provided notwithstanding later disability or incapacity of the principal at law or later uncertainty as to whether the principal is dead or alive. All acts done by the attorney in fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether the principal is dead or alive have the same effect and inure to the benefit of and bind the principal or the principal's guardian or heirs, devisees, and personal representative as if the principal were alive, competent, and not disabled. A principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if protective proceedings for the principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification. If a guardian thereafter is appointed for the principal, the attorney in fact or agent, during the continuance of the appointment, shall account to the guardian rather than the principal. The guardian has the same power the principal would have had if the principal were not disabled or incompetent, to revoke, suspend or terminate all or any part of the power of attorney or agency.

(2) Persons shall place reasonable reliance on any determination of disability or incompetence as provided in the instrument that specifies the time and the circumstances under which the power of attorney document becomes effective.

(3) A principal may authorize his or her attorney-in-fact to provide informed consent for health care decisions on the principal's behalf. Unless he or she is the spouse, or adult child or brother or sister of the principal, none of the following persons may act as the attorney-in-fact for the principal: Any of the principal's physicians, the physicians' employees, or the owners, administrators, or employees of the health care facility where the principal resides or receives care. This authorization is subject to the same limitations as those that apply to a guardian under RCW ~~((11.92.040(3)(a) through (d)))~~ 11.92.043(5) (a) through (c)."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "guardianship;" strike the remainder of the title and insert "and amending RCW 11.88.030, 11.88.040, 11.88.045, 11.88.090, 11.88.095, 11.92.050, 11.92.053, 11.92.180, and 11.94.010."

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1865, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1855, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1865, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1865, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1237, by House Committee on Law and Justice (originally sponsored by Representatives Padden, Foreman, Honeyford, Chandler, Mielke, Johnson, Blanton, Goldsmith, Clements, Hickel, Dyer, Backlund, Schoesler, McMahan, Boldt, Sheahan, Koster, Sherstad and Smith)

Specifying responsibility for payment of costs incurred on appeal by indigent persons.

The bill was read the second time.

#### MOTION

Senator Kohl moved that the following amendments by Senators Kohl, Heavey, Fairley and Smith be considered simultaneously and be adopted:

On page 2, line 13, after "Counsel" strike "shall not" and insert "may"

On page 2, line 15, after "sentence" insert ", if the court determines that the collateral attack is not barred by RCW 10.73.090 or 10.73.140"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl, Heavey, Fairley and Smith on page 2, lines 13 and 15, to Substitute House Bill No. 1237.

The motion by Senator Kohl carried and the amendments were adopted.

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1237, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1237, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1237, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Fairley - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE HOUSE BILL NO. 1237, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SPECIAL ORDER OF BUSINESS

On motion of Senator Spanel, Engrossed Substitute House Bill No. 1046 will be made a special order of business at 4:55 p.m. today.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1006, by House Committee on Education (originally sponsored by Representatives Carlson and Brumsickle)

Defining school bus driver.

The bill was read the second time.

#### MOTION

Senator Pelz moved that the following Committee on Labor, Commerce and Trade amendment not be adopted:

On page 2, line 10, strike "and volunteers"

Debate ensued.

Senator Heavey demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Pelz to not adopt the Committee on Labor, Commerce and Trade amendment on page 2, line 10.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Pelz to not adopt the committee amendment carried by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Drew, Fairley, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Long, McAuliffe, McCaslin, McDonald, Newhouse, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Sellar, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 32.

Voting nay: Senators Anderson, A., Bauer, Cantu, Deccio, Franklin, Hochstatter, Johnson, Loveland, Morton, Moyer, Oke, Palmer, Prince, Schow, Sheldon and Strannigan - 16.

Excused: Senator Anderson, C. - 1.

#### MOTION



Senator Prentice moved to indefinitely defer consideration of Engrossed Substitute House Bill No. 1006.  
Debate ensued.

#### MOTION

There being no objection, Senator Prentice withdrew the motion to indefinitely defer consideration of Engrossed Substitute House Bill No. 1006.

#### MOTION

On motion of Senator Spanel, further consideration of Engrossed Substitute House Bill No. 1006 was deferred.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589, by House Committee on Health Care (originally sponsored by Representatives Backlund and Dyer)

Providing health care quality assurance.

#### MOTIONS

Senator Quigley moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.70 RCW to read as follows:

QUALITY ASSURANCE--INTERAGENCY COOPERATION--ELIMINATION AND COORDINATION OF DUPLICATE STATE PROGRAMS. No later than July 1, 1995, the department of health together with the health care authority, the department of social and health services, the office of the insurance commissioner, and the department of labor and industries shall form an interagency group for coordination and consultation on quality assurance activities. By December 31, 1996, the group shall review all state agency programs governing health service quality assurance and shall recommend to the legislature, the consolidation, coordination, or elimination of rules and programs that would be made unnecessary pursuant to the development of a uniform quality assurance and improvement program.

NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:

No public or private health care payer subject to the jurisdiction of the state of Washington shall propose, issue, sign, or renew a provider agreement or enrollee service agreement that contains a clause whose effect, in any way, is to disclaim liability for the care delivered or not delivered to an enrollee because of a decision of the payer as to whether the care was a covered service, medically necessary, economically provided, medically appropriate, or similar consideration. Similarly, no clause shall attempt to shift liability for harm caused by such payer decision as to whether care should be delivered, as opposed to paid for, is between the provider and patient alone as if the fact of whether or not care is paid for played little or no role in a patient's decision to obtain care. Nothing in this section shall be inferred to result in liability to anyone for the payer's payment decisions that are consistent with the language of the applicable service agreement or consistent with the cost-effective delivery of health care. The intent of this section is only to prevent payers from shifting their liability for payment decisions to either providers, or enrollees, or both.

NEW SECTION. Sec. 3. RCW 70.170.080 and 1993 sp.s. c 24 s 925, 1991 sp.s. c 13 s 71, & 1989 1st ex.s. c 9 s 508 are each repealed.

NEW SECTION. Sec. 4. If specific funding through the health services account to continue the comprehensive hospital abstract reporting system is not provided by June 30, 1995, in the omnibus appropriations act, section 3 of this act is null and void.

NEW SECTION. Sec. 5. CAPTIONS. Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 6. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. EMERGENCY CLAUSE--EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On motion of Senator Moyer, the following amendment by Senators Moyer, Deccio and Quigley to the Committee on Health and Long-Term Care amendment was adopted:

On page 2, after line 5, insert the following:

"NEW SECTION. Sec. 3. MANAGED COMPETITION--FINDINGS AND INTENT. (1) The legislature recognizes that competition among health care providers, facilities, payers, and purchasers will yield the best allocation of health care resources, the lowest prices for health care, and the highest quality of health care when there exists a large number of buyers and sellers, easily comparable health care plans and services, minimal barriers to entry and exit into the health care market, and adequate information for buyers and sellers to base purchasing and production decisions. However, the legislature finds that purchasers of health care services and health care coverage do not have adequate information upon which to base purchasing decisions; that health care facilities and providers of health care services face legal and market disincentives to develop economies of scale or to provide the most cost-efficient and efficacious service; that health carriers face market disincentives in providing health care coverage to those Washington residents with the most need for health care coverage; and that potential competitors in the provision of health care coverage bear unequal burdens in entering the market for health care coverage.

(2) The legislature therefore intends to exempt from state anti-trust laws, and to provide immunity from federal anti-trust laws through the state action doctrine for activities approved under this chapter that might otherwise be constrained by such laws and intends to displace competition in the health care market: To contain the aggregate cost of health care services; to promote the development of comprehensive, integrated, and cost-effective health care delivery systems through cooperative activities among health care providers and facilities; to promote comparability of health care coverage; to improve the cost-effectiveness in providing health care coverage relative to health promotion, disease

prevention, and the amelioration or cure of illness; to assure universal access to a publicly determined, standard package of health care benefits; and to create reasonable equity in the distribution of funds, treatment, and medical risk among purchasers of health care coverage, payers of health care services, providers of health care services, health care facilities, and Washington residents. To these ends, any lawful action taken pursuant to chapter 492, Laws of 1993, by any person or entity created or regulated by chapter 492, Laws of 1993, are declared to be taken pursuant to state statute and in furtherance of the public purposes of the state of Washington.

(3) The legislature does not intend and unless explicitly permitted in accordance with section 4 of this act or under rules adopted pursuant to chapter 492, Laws of 1993, does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal anti-trust laws including but not limited to conspiracies or agreements:

- (a) Among competing health care providers not to grant discounts, not to provide services, or to fix the price of their services;
- (b) Among health carriers as to the price or level of reimbursement for health care services;
- (c) Among health carriers to boycott a group or class of health care service providers;
- (d) Among purchasers of health plans to boycott a particular carrier or class of carriers;
- (e) Among health carriers to divide the market for health care coverage; or

(f) Among health carriers and purchasers to attract or discourage enrollment of any Washington resident or groups of residents in a health carrier based upon the perceived or actual risk of loss in including such resident or group of residents in a health carrier or subscriber purchasing group.

**NEW SECTION. Sec. 4. MANAGED COMPETITION--COMPETITIVE OVERSIGHT--ATTORNEY GENERAL DUTIES--ANTI-TRUST IMMUNITY.** (1) A health carrier, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health care or health plans may request, in writing, that the insurance commissioner obtain an informal opinion from the attorney general as to whether particular conduct is lawful under federal and state anti-trust and similar statutes. Trade secret or proprietary information contained in a request for informal opinion shall be identified as such and shall not be disclosed other than to an authorized employee of the insurance commissioner or attorney general without the consent of the party making the request, except that information in summary or aggregate form and market share data may be contained in the informal opinion issued by the attorney general. The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion unless extended by the attorney general for good cause shown. If the attorney general concludes that such conduct is not lawful, the person or organization making the request may petition the commissioner for review and approval of such conduct in accordance with subsection (3) of this section.

(2) After obtaining the written opinion of the attorney general and subject to the approval of the attorney general, the insurance commissioner:

- (a) May authorize conduct by a health carrier, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a strong showing that the conduct is likely to achieve the policy goals of health care reform and a more competitive alternative is impractical;
- (b) Shall adopt rules governing conduct among providers, health care facilities, and health carriers including rules governing provider and facility contracts with health carriers, rules governing the use of "most favored nation" clauses and exclusive dealing clauses in such contracts, and rules providing that health carriers offering managed care health plans in rural areas contract with a sufficient number and type of health care providers and facilities to ensure consumer access to local health care services;
- (c) Shall adopt rules permitting health care providers within the service area of a plan to collectively negotiate the terms and conditions of contracts with the carrier including the ability of providers to meet and communicate for the purposes of these negotiations; and
- (d) Shall adopt rules governing cooperative activities among health care facilities and providers.

(3) A health carrier, health care facility, health care provider, or any other person involved in the development, delivery, and marketing of health services or health plans may file a written petition with the insurance commissioner requesting approval of conduct that could tend to lessen competition in the relevant market. Such petition shall be filed in a form and manner prescribed by rule of the insurance commissioner. Trade secret or proprietary information contained in a written petition shall be identified as such and shall not be disclosed other than to an authorized employee of the commissioner or the attorney general without the consent of the party filing the written petition, except that information in summary or aggregate form and market share data may be contained in the written decision issued by the commissioner.

Subject to the approval of the attorney general, the insurance commissioner shall issue a written decision approving or denying a petition filed under this section within ninety days of receipt of a properly completed written petition unless extended by the commissioner for good cause shown. The decision shall set forth findings as to benefits and disadvantages and conclusions as to whether the benefits outweigh the disadvantages.

(4)(a) In authorizing conduct and adopting rules of conduct under this section, the insurance commissioner with the advice of the attorney general, shall consider the benefits of such conduct in furthering the goals of health care reform including but not limited to:

- (i) Enhancement of the quality of health services to consumers;
- (ii) Gains in cost-efficiency of health services;
- (iii) Improvements in utilization of health services and equipment;
- (iv) Avoidance of duplication of health services resources; or
- (v) And as to (a) (ii) and (iii) of this subsection: (A) Facilitates the exchange of information relating to performance expectations; (B) simplifies the negotiation of delivery arrangements and relationships; and (C) reduces the transactions costs on the part of health carriers and providers in negotiating more cost-effective delivery arrangements.

(b) These benefits must outweigh disadvantages including and not limited to:

- (i) Reduced competition among health carriers, health care providers, or health care facilities;
- (ii) Adverse impact on quality, availability, or price of health care services to consumers; or
- (iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(5) Conduct authorized by the insurance commissioner shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(6) With the assistance of the attorney general's office, the insurance commissioner shall actively supervise any conduct authorized under this section to determine whether such conduct or rules permitting certain conduct should be continued and whether a more competitive alternative is practical. The commissioner shall periodically review petitioned conduct through, at least, annual progress reports from petitioners, annual or more frequent reviews by the commissioner that evaluate whether the conduct is consistent with the petition, and whether the benefits continue to outweigh any disadvantages. Subject to the advice and approval of the attorney general, the commissioner may determine that the likely benefits of any conduct approved through rule, petition, or otherwise by the commissioner no longer outweigh the disadvantages.

attributable to potential reduction in competition and the commissioner shall order a modification or discontinuance of such conduct. Conduct ordered discontinued by the commissioner shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(7) Nothing contained in this act is intended in any way limit the ability of rural hospital districts to enter into cooperative agreements and contracts pursuant to RCW 70.44.450 and chapter 39.34 RCW."

Renumber remaining sections consecutively and correct internal references.

#### MOTION

On motion of Senator Spanel, further consideration of Engrossed Substitute House Bill No. 1589 was deferred.

#### PARLIAMENTARY INQUIRY

Senator West: "A parliamentary inquiry. Once we go past the clock, this bill will still be for our consideration?"

#### RULING BY THE PRESIDENT

President Pritchard: "Yes, we will come back to this bill, only, yes."

#### POINT OF ORDER SPECIAL ORDER OF BUSINESS

Senator Spanel: "Mr. President, I rise to a point of order. We have now reached the time for the Special Order of Business on Engrossed Substitute House Bill No. 1046."

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046, by House Committee on Health Care (originally sponsored by Representatives Dyer, Carlson, Kremen, Cooke, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, B. Thomas, Radcliff, Hickel, Chandler, Backlund, Mastin, Mitchell, Foreman, Sehlin, Ballasiotes, Clements, Campbell, Sheldon, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Lisk)

Amending the health services act of 1993.

The bill was read the second time.

#### MOTION

At 5:02 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 7:10 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1046, which was read in before going at ease.

#### MOTION

Senator Quigley moved that the following Committee on Health and Long-Term Care amendment not be adopted:  
Strike everything after the enacting clause and insert the following:

#### **"PROTECTION OF CONSUMER CHOICE AND QUALITY HEALTH CARE**

NEW SECTION. **Sec. 1.** The legislature intends through the enactment of this act to:

(1) Protect an individual's right to decide from which provider he or she will receive health services and to maintain a high quality health care system. The legislature intends to achieve this by: Requiring certain insurers to offer a plan that allows consumers to see "any willing provider"; maintaining traditional indemnity insurance plans in addition to managed care plans; allowing the use of medical savings accounts; providing whistleblower protection for anyone who complains about the quality of care in any health facility or within any health plan; requiring full disclosure of the contents of a health plan; requiring disclosure of staff ratios in hospitals and qualifications of providers; requiring plans to conduct annual patient satisfaction surveys; and allowing employers, individuals, health care facilities, and religiously sponsored health plans to choose nonparticipation with any health service to which they object;

(2) Eliminate preexisting condition exclusions in insurance, prevent cancellation of insurance because of sickness, and allow people to change jobs without losing their health care coverage. The legislature will achieve this by: Requiring insurers to renew policies as long as the premiums are duly paid; prohibiting insurers from denying a person insurance coverage because of a preexisting condition; and allowing the insurance commissioner to assess penalties for breaches of these provisions of law;

(3) Minimize the role of government in the state health care system. The legislature intends to achieve this by: Abolishing unneeded powers and duties of the health services commission; and eliminating unnecessary regulations related to certified health plans;

(4) Protect individual's, family's, and businesses' ability to maintain their health insurance and to allow those presently uninsured to purchase health insurance by making health insurance more affordable. The legislature will achieve this by allowing insurers to give limited discounts based on age and healthy lifestyle factors; allowing greater flexibility in the use of deductibles and coinsurance; by preventing self-insured companies from initially profiting from a healthier and less costly employee insurance pool and later cost-shifting if their employee insurance pool becomes less healthy and more costly; prohibiting insurers from cost-shifting from big business to small business and individuals in the sale of supplemental benefits; and permitting cooperative health care purchasing groups; and

(5) Advance the fundamental goal that all Washingtonians should have access to health insurance and intends to achieve universal access through incentives rather than an employer mandate. The legislature intends to do this by: Expanding the existing basic health plan to two hundred thousand enrollees; expanding the availability of medicaid to an additional one hundred twenty-five thousand children; giving preference in state government contracts to employers who provide health insurance to their employees; allowing employers to sign up for basic health plan health insurance through their periodic filings with the department of labor and industries; and eliminating the employer mandate.

**Sec. 2.** RCW 43.72.010 and 1994 c 4 s 1 are each amended to read as follows:

In this chapter and chapter 43.70 RCW, unless the context otherwise requires:

(1) "Certified health plan" or "plan" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020~~(, or an entity certified in accordance with RCW 48.43.020 through 48.43.120)~~.

(2) "Chair" means the presiding officer of the Washington health services commission.

(3) "Commission" or "health services commission" means the Washington health services commission.

(4) "Community rate" ~~((means))~~:

(a) With respect to the minimum list of health services means the rating method used to establish the premium for the ~~((uniform benefits package))~~ minimum list of health services adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, wellness factors, age, and family size as determined by the commission.

(i) Adjustments to the rates for a certified health plan product permitted for age shall not result in a rate per enrollee of more than three hundred percent of the lowest rate for any enrollee in 1996, and two hundred fifty percent thereafter. Such age adjustments shall not use age brackets smaller than five-year increments, and shall begin with age twenty and end with age sixty-five;

(ii) Adjustments to the rates for a certified health plan product permitted for wellness factors shall be limited to plus or minus ten percent;

(iii) The rate charged for any certified health plan product may not be adjusted more frequently than annually except for rate decreases, except that rates may be changed to reflect enrollment changes, changes in family composition of the enrollee, or benefit changes to the health plan requested by the employer or enrollee;

(iv) Adjustment to the rates are permitted for coverage of one child; and

(v) Wellness factors include activities, such as smoking cessation, injury and accident prevention, reduction of alcohol or other drug misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, blood sugar control, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

(b) With respect to supplemental benefits, means a rating method used to establish the premium for supplemental benefits adjusted to reflect actuarially demonstrated differences in utilization.

(5) "Continuous quality improvement and total quality management" means a continuous process to improve health services while reducing costs.

(6) "Employee" means a resident who is in the employment of an employer, as defined by chapter 50.04 RCW.

(7) "Enrollee" means any person who is a Washington resident enrolled in a certified health plan.

(8) "Enrollee point of service cost-sharing" means amounts paid to certified health plans directly providing services, health care providers, or health care facilities by enrollees for receipt of specific ~~((uniform benefits package))~~ minimum list of services, and may include copayments, coinsurance, or deductibles~~((, that together must be actuarially equivalent across plans and))~~ within overall limits established by the commission.

The legislature approves the enrollee point of service cost-sharing provisions set forth as of the effective date of this act in proposed WAC 245-03-610 through 245-03-660 and directs the commission to adopt those rules as submitted to the legislature.

Each certified health plan, other than health maintenance organizations, will offer the minimum list of health services with at least two of the following set of deductible options, revised biannually to account for inflation using the consumer price index and rounded to the nearest whole fifty dollars:

(a) Zero deductible;

(b) Two hundred fifty dollars deductible for individuals, seven hundred fifty dollars deductible for families;

(c) Five hundred dollars deductible for individuals, one thousand dollars deductible for families;

(d) One thousand dollars deductible for individuals, two thousand dollars deductible for families.

(9) "Enrollee premium sharing" means that portion of the premium that is paid by enrollees or their family members.

(10) "Federal poverty level" means the federal poverty guidelines determined annually by the United States department of health and human services or successor agency.

(11) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts.

(12) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW ~~((and))~~ or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(13) "Health insurance purchasing cooperative" or "cooperative" means a member-owned and governed nonprofit organization certified in accordance with RCW 43.72.080 and 48.43.160. Any group of individuals may form a cooperative health care purchasing group in addition to and separate from the authority of health insurance purchasing cooperatives certified in accordance with RCW 43.72.080 and 48.43.160.

(14) "Long-term care" means institutional, residential, outpatient, or community-based services that meet the individual needs of persons of all ages who are limited in their functional capacities or have disabilities and require assistance with performing two or more activities of daily living for an extended or indefinite period of time. These services include case management, protective supervision, in-home care, nursing services, convalescent, custodial, chronic, and terminally ill care.

(15) "Major capital expenditure" means any project or expenditure for capital construction, renovations, or acquisition, including medical technological equipment, as defined by the commission, costing more than one million dollars.

(16) "Managed care" means an integrated system of insurance, financing, and health services delivery functions that: (a) Assumes financial risk for delivery of health services and uses a defined network of providers; ~~((or))~~ (b) assumes financial risk for delivery of health services and promotes the efficient delivery of health services through provider assumption of some financial risk including capitation, prospective payment, resource-based relative value scales, fee schedules, or similar method of limiting payments to health care providers; or (c) assumes financial risk for delivery of health services and includes such cost-containment features as second surgical opinions, precertification authorization, utilization review, or high cost case management.

(17) "Maximum enrollee financial participation" means the income-related total annual payments that may be required of an enrollee per family who chooses one of the three lowest priced ~~((uniform benefits packages))~~ minimum list of services offered by plans in a geographic region including both premium sharing and enrollee point of service cost-sharing.

(18) "Minimum list of health services," "minimum health services list," or "minimum health services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

~~((18))~~ (19) "Persons of color" means Asians/Pacific Islanders, African, Hispanic, and Native Americans.

~~((19))~~ (20) "Premium" means all sums charged, received, or deposited by a certified health plan as consideration for ~~((a uniform benefits package))~~ the minimum list of health services or the continuance of ~~((a uniform benefits package))~~ the minimum list of health services. Any assessment, or any "membership," "policy," "contract," "service," or similar fee or charge made by the certified health plan in consideration for the ~~((uniform benefits package))~~ minimum list of health services is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point of service cost-sharing.

~~((20))~~ (21) "Qualified employee" means an employee who is employed at least thirty hours during a week or one hundred twenty hours during a calendar month.

~~((21))~~ (22) "Registered employer health plan" means a health plan established by a private employer of more than seven thousand active employees in this state solely for the benefit of such employees and their dependents and that meets the requirements of RCW 43.72.120. Nothing contained in this subsection shall be deemed to preclude the plan from providing benefits to retirees of the employer.

(22) "Supplemental benefits" means those appropriate and effective health services that are not included in the ~~((uniform benefits package))~~ minimum list of health services or that expand the type or level of health services available under the ~~((uniform benefits package))~~ minimum list of health services and that are offered to all residents in accordance with the provisions of RCW 43.72.160 and 43.72.170.

(23) "Technology" means the drugs, devices, equipment, and medical or surgical procedures used in the delivery of health services, and the organizational or supportive systems within which such services are provided. It also means sophisticated and complicated machinery developed as a result of ongoing research in the basic biological and physical sciences, clinical medicine, electronics, and computer sciences, as well as specialized professionals, medical equipment, procedures, and chemical formulations used for both diagnostic and therapeutic purposes.

(24) "Uniform benefits package" or "package" means ~~((those appropriate and effective health services, defined by the commission under RCW 43.72.130, that must be offered to all Washington residents through certified health plans.))~~ the "minimum list of health services." References to "uniform benefits package" after the effective date of this act, throughout the Revised Code of Washington shall be construed to mean "minimum list of health services."

(25) "Washington resident" or "resident" means a person who intends to reside in the state permanently or indefinitely and who did not move to Washington for the primary purpose of securing health services under ~~((RCW 43.72.090 through 43.72.240, 43.72.300, 43.72.310, 43.72.800))~~ this chapter, and chapters 48.43 and 48.85 RCW. "Washington resident" also includes people and their accompanying family members who are residing in the state for the purpose of engaging in employment for at least one month, who did not enter the state for the primary purpose of obtaining health services. The confinement of a person in a nursing home, hospital, or other medical institution in the state shall not by itself be sufficient to qualify such person as a resident.

**Sec. 3.** RCW 43.72.040 and 1994 c 4 s 3 are each amended to read as follows:

The commission has the following powers and duties:

(1) ~~((Ensure that all residents of Washington state are enrolled in a certified health plan to receive the uniform benefits package, regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status.~~

(2)) Endeavor to ensure that all residents of Washington state have access to appropriate, timely, confidential, and effective health services, and monitor the degree of access to such services. If the commission finds that individuals or populations lack access to certified health plan services, the commission shall:

(a) Authorize appropriate state agencies, local health departments, community or migrant health clinics, public hospital districts, or other nonprofit health service entities to take actions necessary to assure such access. This includes authority to contract for or directly deliver services described within the ~~((uniform benefits package))~~ minimum list of health services to special populations; or

(b) Notify appropriate certified health plans and the insurance commissioner of such findings. The commission shall adopt by rule standards by which the insurance commissioner may, in such event, require certified health plans in closest proximity to such individuals and populations to extend their catchment areas to those individuals and populations and offer them enrollment.

~~((3))~~ (2) Adopt necessary rules in accordance with chapter 34.05 RCW to carry out the purposes of chapter 492, Laws of 1993. An initial set of draft rules establishing at least the commission's organization structure, the uniform benefits package, and standards for certified health plan certification, must be submitted in draft form to appropriate committees of the legislature by December 1, 1994.

~~((4))~~ (3) Establish and modify as necessary, in consultation with the state board of health and the department of health, and in coordination with the planning process set forth in RCW 43.70.520, a uniform set of health services ~~((based on the recommendations of the health care cost control and access commission established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990.~~

~~(5) Establish and modify as necessary the uniform benefits package as provided in RCW 43.72.130, which shall be offered to enrollees of a certified health plan. The benefit package shall be provided at no more than the maximum premium specified in subsection (6) of this section).~~

~~((6(a))) (4) Establish for each year a community-rated maximum premium for the ((uniform benefits package)) minimum list of health services, adjusted for enrollee cost-sharing, that shall operate to control overall health care costs. The maximum premium cost of the ((uniform benefits package)) minimum list of health services in the base year 1995 shall be established upon an actuarial determination of the costs of providing the ((uniform benefits package)) minimum list of health services and such other cost impacts as may be deemed relevant by the commission. Beginning in 1996, the growth rate of the premium cost of the ((uniform benefits package)) minimum list of health services for each certified health plan shall be allowed to increase by a rate no greater than the average growth rate in the cost of the package between 1990 and 1993 as actuarially determined, reduced by two percentage points per year until the growth rate is no greater than the five-year rolling average of growth in Washington per capita personal income, as determined by the office of financial management.~~

~~((b) In establishing the community-rated maximum premium under this subsection, the commission shall review various methods for establishing the community-rated maximum premium and shall recommend such methods to the legislature by December 1, 1994.~~

~~The commission may develop and recommend a rate for employees that provides nominal, if any, variance between the rate for individual employees and employees with dependents to minimize any economic incentive to an employer to discriminate between prospective employees based upon whether or not they have dependents for whom coverage would be required.~~

~~(c) If the commission adds or deletes services or benefits to the uniform benefits package in subsequent years, it may increase or decrease the maximum premium to reflect the actual cost experience of a broad sample of providers of that service in the state, considering the factors enumerated in (a) of this subsection and adjusted actuarially. The addition of services or benefits shall not result in a redetermination of the entire cost of the uniform benefits package.~~

~~(d) The level of state expenditures for the uniform benefits package shall be limited to the appropriation of funds specifically for this purpose.~~

~~(7) Determine the need for medical risk adjustment mechanisms to minimize financial incentives for certified health plans to enroll individuals who present lower health risks and avoid enrolling individuals who present higher health risks, and to minimize financial incentives for employer hiring practices that discriminate against individuals who present higher health risks. In the design of medical risk distribution mechanisms under this subsection, the commission shall (a) balance the benefits of price competition with the need to protect certified health plans from any unsustainable negative effects of adverse selection; (b) consider the development of a system that creates a risk profile of each certified health plan's enrollee population that does not create disincentives for a plan to control benefit utilization, that requires contributions from plans that enjoy a low-risk enrollee population to plans that have a high-risk enrollee population, and that does not permit an adjustment of the premium charged for the uniform benefits package or supplemental coverage based upon either receipt or contribution of assessments; and (c) consider whether registered employer health plans should be included in any medical risk adjustment mechanism. Proposed medical risk adjustment mechanisms shall be submitted to the legislature as provided in RCW 43.72.180.~~

~~((8)) (5) Design a mechanism to assure minors have access to confidential health care services as currently provided in RCW 70.24.110 and 71.34.030.~~

~~((9)) (6) Monitor the actual growth in total annual health services costs.~~

~~((10)) (7) Monitor the increased application of technology as required by chapter 492, Laws of 1993 and take necessary action to ensure that such application is made in a cost-effective and efficient manner and consistent with existing laws that protect individual privacy.~~

~~((11)) (8) Establish reporting requirements for certified health plans that own or manage health care facilities, health care facilities, and health care providers to periodically report to the commission regarding major capital expenditures of the plans. The commission shall review and monitor such reports and shall report to the legislature regarding major capital expenditures on at least an annual basis. The Washington health care facilities authority and the commission shall develop standards jointly for evaluating and approving major capital expenditure financing through the Washington health care facilities authority, as authorized pursuant to chapter 70.37 RCW. By December 1, 1994, the commission and the authority shall submit jointly to the legislature such proposed standards. The commission and the authority shall, after legislative review, but no later than June 1, 1995, publish such standards. Upon publication, the authority may not approve financing for major capital expenditures unless approved by the commission.~~

~~((12)) (9) Establish maximum enrollee financial participation levels. The levels shall be related to enrollee household income.~~

~~((13) Establish rules requiring employee enrollee premium sharing, as defined in RCW 43.72.010(9), be paid through deductions from wages or earnings.~~

~~((14)) (10) For health services provided under the ((uniform benefits package)) minimum list of health services and supplemental benefits, adopt standards for enrollment, and standardized billing and claims processing forms. The standards shall ensure that these procedures minimize administrative burdens on health care providers, health care facilities, certified health plans, and consumers. Subject to federal approval or phase-in schedules whenever necessary or appropriate, the standards also shall apply to state-purchased health services, as defined in RCW 41.05.011.~~

~~((15)) (11) Propose that certified health plans adopt certain practice indicators or risk management protocols for quality assurance, utilization review, or provider payment. The commission may consider indicators or protocols recommended according to RCW 43.70.500 for these purposes.~~

~~((16)) (12) Propose other guidelines to certified health plans for utilization management, use of technology and methods of payment, such as diagnosis-related groups and a resource-based relative value scale. Such guidelines shall be voluntary and shall be designed to promote improved management of care, and provide incentives for improved efficiency and effectiveness within the delivery system.~~

~~((17)) (13) Adopt standards and oversee and develop policy for personal health data and information system as provided in chapter 70.170 RCW.~~

~~((18)) (14) Adopt standards that prevent conflict of interest by health care providers as provided in RCW 18.130.320.~~

~~((19)) (15) At the appropriate juncture and in the fullness of time, consider the extent to which ((medical research and)) health professions training activities should be included within the health service system set forth in chapter 492, Laws of 1993.~~

~~((20)) (16) Evaluate and monitor the extent to which racial and ethnic minorities have access to and receive health services within the state, and develop strategies to address barriers to access.~~

~~((21)) (17) Develop standards for the certification process to certify health plans and employer health plans to provide the ((uniform benefits package)) minimum list of health services, according to the provisions for certified health plans and registered employer health plans under chapter 492, Laws of 1993.~~

~~((22) Develop rules for implementation of individual and employer participation under RCW 43.72.210 and 43.72.220 specifically applicable to persons who work in this state but do not live in the state or persons who live in this state but work outside of the state. The rules shall be designed so that these persons receive coverage and financial requirements that are comparable to that received by persons who both live and work in the state.~~

~~(23) After receiving advice from the health services effectiveness committee, adopt rules that must be used by certified health plans, disability insurers, health care service contractors, and health maintenance organizations to determine whether a procedure, treatment, drug, or other health service is no longer experimental or investigative.~~

~~(24) Establish a process for purchase of uniform benefits package services by enrollees when they are out of state.~~

~~(25) Develop recommendations to the legislature as to whether state and school district employees, on whose behalf health benefits are or will be purchased by the health care authority pursuant to chapter 41.05 RCW, should have the option to purchase health benefits through health insurance purchasing cooperatives on and after July 1, 1997. In developing its recommendations, the commission shall consider:~~

~~(a) The impact of state or school district employees purchasing through health insurance purchasing cooperatives on the ability of the state to control its health care costs; and~~

~~(b) Whether state or school district employees purchasing through health insurance purchasing cooperatives will result in inequities in health benefits between or within groups of state and school district employees.~~

~~(26) Establish guidelines for providers dealing with terminal or static conditions, taking into consideration the ethics of providers, patient and family wishes, costs, and survival possibilities.~~

~~(27) Evaluate the extent to which Taft-Hartley health care trusts provide benefits to certain individuals in the state; review the federal laws under which these trusts are organized; and make appropriate recommendations to the governor and the legislature on or before December 1, 1994, as to whether these trusts should be brought under the provisions of chapter 492, Laws of 1993 when it is fully implemented, and if the commission recommends inclusion of the trusts, how to implement such inclusion.~~

~~(28)) (18) Evaluate whether Washington is experiencing a higher percentage in in-migration of residents from other states and territories than would be expected by normal trends as a result of the availability of unsubsidized and subsidized health care benefits for all residents and report to the governor and the legislature their findings.~~

~~((29) In developing the uniform benefits package and other standards pursuant to this section, consider the likelihood of the establishment of a national health services plan adopted by the federal government and its implications.~~

~~(30)) (19) Evaluate the effect of reforms under chapter 492, Laws of 1993 on access to care and economic development in rural areas.~~

~~(20) Periodically make recommendations to the appropriate committees of the legislature and the governor regarding the minimum list of health services.~~

~~(21) Review and report on the use of medical savings accounts, including their impact on health of participants, and the cost of health insurance and cost shifting to, or from, other state residents who purchase insurance.~~

~~(22) Conduct a study to identify the number of children with special health care needs and the cost of providing their health care. Children with special health care needs may include children who have multiple diagnoses including birth defects, congenital heart defects, cancer, kidney disease, respiratory, metabolic and neurological problems, diabetes, sickle cell disease, HIV infection, rheumatological disorders, and posttraumatic injuries, any of which may require care for longer than a year. The commission shall make recommendations on an optimal system for managing health care services to children with special needs and report back to the legislature on their findings by January 1, 1996.~~

~~(23) Perform such planning and advisory duties as are required according to RCW 43.72.800 in order to recommend the inclusion of certain long-term care services in the minimum list of health services by July 1999.~~

~~(24) Review rules prepared by the insurance commissioner, health care authority, and department of health, and make recommendations to them where appropriate to facilitate consistency with the policies of this act.~~

To the extent that the exercise of any of the powers and duties specified in this section may be inconsistent with the powers and duties of other state agencies, offices, or commissions, the authority of the commission shall supersede that of such other state agency, office, or commission, except in matters of personal health data, where the commission shall have primary data system policy-making authority and the department of health shall have primary responsibility for the maintenance and routine operation of personal health data systems.

NEW SECTION. Sec. 4. A new section is added to chapter 43.72 RCW to read as follows:

(1) On or after January 1, 1996, no person or entity in this state shall offer a benefits package of the minimum list of health services or supplemental benefits without approval according to this section and related rules adopted by the insurance commissioner.

(2) On and after January 1, 1996, no certified health plan may offer a benefits package less than the minimum list of health services to residents of this state.

(3) Any certified health plan that submits a letter to the insurance commissioner stating their intent to offer the minimum list of health services, and that is determined by the commissioner to contain such documentation as may be required in rule, is deemed provisionally approved to offer the minimum list of health services. This provisional approval is valid for a length of time, to be determined by the commissioner, of no more than two years.

(4) To receive full approval to offer the minimum list of health services, prior to the expiration of the period of provisional approval under subsection (3) of this section, the certified health plan must demonstrate to the insurance commissioner that the certified health plan complies with WAC 245-04-050, or the certified health plan will lose their license as a health maintenance organization, health care service contractor, or disability insurer.

(5) No certified health plan may offer the minimum list of health services in this state as a health care service contractor, disability insurer, or health maintenance organization for more than two years under provisional approval without receiving full approval as a certified health plan from the insurance commissioner.

(6) Anyone violating subsection (1) or (2) of this section is liable for a fine not to exceed ten thousand dollars and imprisonment not to exceed six months for each instance of such violation.

Sec. 5. RCW 43.72.100 and 1993 c 492 s 428 are each amended to read as follows:

A certified health plan shall:

(1) Provide the benefits included in the ~~((uniform benefits package))~~ minimum list of health services to enrolled Washington residents for a ~~((prepaid per capita))~~ community-rated premium not to exceed the maximum premium established by the commission and provide such benefits through managed care in accordance with rules adopted by the commission; PROVIDED, That certified health plans shall not be required to sell the minimum list of health services at the "community rate" to any individual who is at the time of proposed enrollment in the certified health plan employed by a self-insured employer, or to any employer who was self-insured after December 31, 1995: PROVIDED FURTHER, That nothing herein shall permit a certified health plan to sell the minimum list of services at less than the community rate;

(2) Offer supplemental benefits to enrolled Washington residents for a (~~prepaid per capita~~) community-rated premium and provide such benefits through managed care in accordance with rules adopted by the commission;

(3) Except for a health maintenance organization licensed under chapter 48.46 RCW, have available for purchase the minimum list of health services in at least one plan that provides direct enrollee access to any health provider eligible to receive payment under that plan. This plan may encourage, but not require, its enrollees to use the most cost-effective providers through variable enrollee participation incentives. However, in no instances shall the patient be liable for any balance billing by the provider beyond the normal copayment, or coinsurance. Within this plan, the certified health plan must permit every health care provider willing and able to meet the terms and conditions of the plan to provide health services or care for conditions included in the minimum list of health services to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by the plan's standards related to:

(i) Provision, utilization review, and cost-containment of health services;

(ii) Management and administrative procedures; and

(iii) Provision of cost-effective and clinically efficacious health services;

(4) Accept for enrollment any state resident within the plan's service area and provide or assure the provision of all services within the (~~uniform benefits package~~) minimum list of health services and offer supplemental benefits regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a certified health plan, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a certified health plan is required to continue enrollment of additional eligible individuals;

((4)) (5) If the plan provides benefits through contracts with, ownership of, or management of health care facilities and contracts with or employs health care providers, demonstrate to the satisfaction of the insurance commissioner in consultation with the department of health and the commission that its facilities and personnel are adequate to provide the benefits prescribed in the (~~uniform benefits package~~) minimum list of health services and offer supplemental benefits to enrolled Washington residents, and that it is financially capable of providing such residents with, or has made adequate contractual arrangements with health care providers and facilities to provide enrollees with such benefits;

((5)) (6) Comply with portability of benefits requirements prescribed by the commission;

((6)) (7) Comply with administrative rules prescribed by the commission, department of health, the insurance commissioner, and other state agencies governing certified health plans;

((7)) (8) Provide all enrollees with instruction and informational materials to increase individual and family awareness of injury and illness prevention; encourage assumption of personal responsibility for protecting personal health; and stimulate discussion about the use and limits of medical care in improving the health of individuals and communities;

(9) Provide enrollees, and upon request, potential enrollees, with written disclosure of coverage and benefits, including coverage principles and any exclusions or restrictions on coverage, and make available upon request information on evaluation and treatment policies for specific conditions. Such information must be current, easily understandable, and easily available prior to enrollment and upon request thereafter;

(10) Conduct annual enrollee satisfaction surveys and provide the survey results to their enrollees. The department of health shall set the form of such surveys in rule based on the recommendations of the health services commission in consultation with certified health plans;

((8)) (11) Disclose to enrollees the charity care requirements under chapter 70.170 RCW;

((9)) (12) Include in all of its contracts with health care providers and health care facilities a provision prohibiting such providers and facilities from billing enrollees for any amounts in excess of applicable enrollee point of service cost-sharing obligations for services included in the (~~uniform benefits package~~) minimum list of health services and supplemental benefits;

((10)) (13) Include in all of its contracts issued for (~~uniform benefits package~~) minimum list of health services and supplemental benefits coverage a subrogation provision that allows the certified health plan to recover the costs of (~~uniform benefits package~~) minimum list of health services and supplemental benefits services incurred to care for an enrollee injured by a negligent third party. The costs recovered shall be limited to:

(a) If the certified health plan has not intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be limited to the excess remaining after the enrollee has been fully compensated for his or her loss minus a proportionate share of the enrollee's costs and fees in bringing the action. The proportionate share shall be determined by:

(i) The fees and costs approved by the court in which the action was initiated; or

(ii) The written agreement between the attorney and client that established fees and costs when fees and costs are not addressed by the court.

When fees and costs have been approved by a court, after notice to the certified health plan, the certified health plan shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share;

(b) If the certified health plan has intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be the excess remaining after the enrollee has been fully compensated for his or her loss or the amount of the plan's incurred costs, whichever is less;

((11)) (14) Establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrollees concerning any matter relating to the provision of benefits under the (~~uniform benefits package~~) minimum list of health services and supplemental benefits, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within fifteen working days. The insurance commissioner in consultation with the commission shall establish standards for resolution of grievances;

((12)) (15) Comply with the provisions of chapter 48.30 RCW prohibiting unfair and deceptive acts and practices to the extent such provisions are not specifically modified or superseded by the provisions of chapter 492, Laws of 1993 and be prohibited from offering or supplying incentives that would have the effect of avoiding the requirements of subsection ((3)) (4) of this section;

((13)) (16) Have culturally sensitive health promotion programs that include approaches that are specifically effective for persons of color and accommodating to different cultural value systems, gender, and age;

((14)) (17) Permit every category of health care provider to provide health services or care for conditions included in the (~~uniform benefits package~~) minimum list of health services to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

(i) Provision, utilization review, and cost containment of health services;



- (ii) Management and administrative procedures; and
- (iii) Provision of cost-effective and clinically efficacious health services;
- ~~((15))~~ (18) Establish the geographic boundaries in which they will obligate themselves to deliver the services required under the ~~(uniform benefits package)~~ minimum list of health services and include such information in their application for certification, but the commissioner shall review such boundaries and may disapprove, in conformance with guidelines adopted by the commission, those that have been clearly drawn to be exclusionary within a health care catchment area;
- ~~((16))~~ (19) Annually report the names and addresses of all officers, directors, or trustees of the certified health plan during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals;
- ~~((17))~~ (20) Annually report the number of residents enrolled and terminated during the previous year. Additional information regarding the enrollment and termination pattern for a certified health plan may be required by the commissioner to determine compliance with the open enrollment and free access requirements of chapter 492, Laws of 1993; and
- ~~((18))~~ (21) Disclose any financial interests held by officers and directors in any facilities associated with or operated by the certified health plan.

NEW SECTION. Sec. 6. A new section is added to chapter 43.72 RCW to read as follows:

(1) On July 1, 1995, the commission shall file as proposed rules the draft and adopted rules in WAC 245-04-010 through 245-04-240, which establish certified health plan standards as they were submitted to the legislature by the health services commission on January 10, 1995. The commission may modify these rules according to the terms of chapter 34.05 RCW, the administrative procedure act, but must adopt them in final form no later than October 1, 1995.

(2) On July 1, 1995, the commission shall file as proposed rules the draft rules in WAC 245-04-300 through 245-04-350, which establish certified health plan quality standards as they were submitted to the legislature by the health services commission on January 10, 1995. The commission may modify these rules according to chapter 34.05 RCW, the administrative procedure act, but must adopt the rules in final form no later than October 1, 1995.

(3) The legislature does not approve, as of the effective date of this act, the health services commission's proposed uniform benefits package, nor does it approve the proposed medical risk adjustment mechanism under RCW 43.72.040(7) and indefinitely suspends the application of medical risk adjustment mechanisms, and the application of the uniform benefits package description contained in RCW 43.72.130.

NEW SECTION. Sec. 7. A new section is added to chapter 70.47 RCW to read as follows:

The administrator shall expand the schedule of covered basic health services that were available to an enrollee of the basic health plan as of July 1, 1994, to include services of licensed midwives, limited chiropractic care, limited chemical dependency services, limited mental health services, and limited medical rehabilitation. Such expansion shall not increase the actuarially determined average member per month cost, excluding adjustments for inflation and utilization by more than five percent. After the administrator has made the modifications to the basic health plan that are necessary to include these services, the basic health plan may not be further modified in a manner that will increase the average per member per month cost except by an act of law.

NEW SECTION. Sec. 8. A new section is added to chapter 41.05 RCW to read as follows:

The authority shall study and report to the legislature on the feasibility of including long-term care services in a medicare supplemental insurance policy offered according to RCW 41.05.197.

NEW SECTION. Sec. 9. (1) This chapter shall be known as the medical care savings account act.

(2) Medical care savings accounts are authorized in Washington state as options to employers and residents.

Sec. 10. RCW 43.72.190 and 1993 c 492 s 455 are each amended to read as follows:

(1) Nothing in chapter 492, Laws of 1993 or chapter . . . Laws of 1995 (this act) shall preclude insurers, health care service contractors, health maintenance organizations, or certified health plans from insuring, providing, or contracting for benefits not included in the ~~(uniform benefits package or in supplemental benefits)~~ minimum list of health services.

(2) Nothing in chapter 492, Laws of 1993 or chapter . . . Laws of 1995 (this act) shall restrict the right of an employer to offer, an employee representative to negotiate for, or an individual or employer to purchase ~~(supplemental or additional)~~ any benefits not included in the ~~(uniform benefits package)~~ minimum list of health services.

(3) Nothing in chapter 492, Laws of 1993 or chapter . . . Laws of 1995 (this act) shall restrict the right of an employer to offer or provide or an employee representative to negotiate for employer payment ~~((of up to one hundred percent of the premium of the lowest priced uniform benefits package available in the geographic area where the employer is located))~~ of the entire premium for any health insurance or for employer reimbursement of any point-of-service cost-sharing amounts that may be required under such health insurance.

(4) Nothing in chapter 492, Laws of 1993 or chapter . . . Laws of 1995 (this act) shall be construed to affect the collective bargaining rights of employee organizations ~~((to the extent that federal law specifically restricts the ability of states to limit collective bargaining rights of employee organizations))~~.

(5) After July 1, 1999, no property or casualty insurance policy issued in this state may provide first-party coverage for health services to the extent that such services are provided under a uniform benefits package covering the resident to whom such property or casualty insurance policy is issued.

NEW SECTION. Sec. 11. A new section is added to chapter 43.70 RCW to read as follows:

(1) The identity of a whistleblower who complains, in good faith, to the department of health about the improper quality of care by a health care provider, by a certified health plan, or in a health care facility, as defined in RCW 43.72.010, shall remain confidential. The provisions of RCW 4.24.500 through 4.24.520, providing certain protections to persons who communicate to government agencies, shall apply to complaints filed under this section. The identity of the whistleblower shall remain confidential unless the department determines that the complaint was not made in good faith. An employee who is a whistleblower, as defined in this section, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW.

(2)(a) "Improper quality of care" means any practice, procedure, action, or failure to act that violates any state law or rule of the applicable state health licensing authority under Title 18 RCW, or chapters 70.41, 70.96A, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW, or certified health plan rules under the authority of this act and enforced by the insurance commissioner or the department of health. Each health disciplinary authority as defined in RCW 18.130.040 shall, with consultation and interdisciplinary coordination provided by the state department of health, adopt rules defining accepted standards of practice for their profession that shall further define improper quality of care. Improper quality of care shall not include personnel actions related to employee performance or taken according to established terms and conditions of employment.

(b) "Reprisal or retaliatory action" means but is not limited to: Denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated report of misconduct pursuant to

Title 18 RCW; letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; suspension; dismissal; denial of employment; and a supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower.

(c) "Whistleblower" means a consumer, employee, or health care professional who in good faith reports alleged quality of care concerns to the department of health.

(3) Nothing in this section prohibits a health care facility from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower.

(4) The department shall adopt rules to implement this section, including procedures for filing, investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under Title 18 RCW for health professionals and chapter 43.72 RCW for certified health plans.

**NEW SECTION. Sec. 12.** A new section is added to chapter 43.70 RCW to read as follows:

All health care facilities, certified health plans, and providers must develop and disclose a staffing plan to include professional and nonprofessional staff including direct registered nurse to patient ratios for each treatment setting and shift. This section does not require a certified health plan, health care facility, or health provider to adhere to any particular standard that may not be otherwise provided by law. The department shall set in rule the forms, frequency of disclosure, and posting requirements for such information.

**NEW SECTION. Sec. 13.** A new section is added to chapter 70.41 RCW to read as follows:

The department of health in consultation with the nursing quality assurance commission under chapter 18.79 RCW may, within funds appropriated specifically for the purpose, study staffing plans for hospitals, including the relationship between staffing ratios and patient care needs. The department shall develop a report with any recommendations it chooses to make to the legislature regarding specific changes in state law regarding these matters.

**Sec. 14.** RCW 43.72.070 and 1993 c 492 s 409 are each amended to read as follows:

To ensure the highest quality health services at the lowest total cost, the commission shall establish a total quality management system of continuous quality improvement. Such endeavor shall be based upon the recognized quality science for continuous quality improvement. The commission shall impanel a committee composed of persons from the private sector and related sciences who have broad knowledge and successful experiences in continuous quality improvement and total quality management applications. It shall be the responsibility of the committee to develop quality standards for ~~((a Washington state health services supplier certification process))~~ certified health plans and recommend such standards, and the process for assuring that plans meet such standards, to the commission for review and adoption. Once adopted, the commission shall establish a schedule, with full compliance no later than ~~((July 1, 1996))~~ four years from the date of the plan's first provisional approval by the office of the insurance commissioner to provide the minimum list of health services, whereby all health ~~((service providers and health service facilities))~~ plans shall ~~((be certified prior to providing uniform benefits package services))~~ meet the requirements of the commission's quality assurance and improvement rules and be accredited by an approved quality review organization.

**Sec. 15.** RCW 48.30.010 and 1985 c 264 s 13 are each amended to read as follows:

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section.

(2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive, which shall include any act or practice that has the effect of changing access to appropriate and effective health services in a manner proscribed by the laws and rules of the state of Washington.

(3) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated.

(4) If the commissioner has cause to believe that any person is violating any such regulation, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter.

(5) If any such regulation is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a regulation.

**Sec. 16.** RCW 48.44.490 and 1993 c 492 s 288 are each amended to read as follows:

(1) With respect to all health care service contracts issued or renewed on and after July 1, 1994, except limited health care service contracts as defined in RCW 48.44.035:

(a) Contracts shall guarantee continuity of coverage. Such provision, which shall be included in every contract, shall provide that:

(i) The contract may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premiums, for violation of published policies of the contractor that have been approved by the commissioner, for persons who are entitled to become eligible for medicare benefits and fail to subscribe to a medicare supplement plan offered by the contractor, for failure of such subscriber to pay any deductible or copayment amount owed to the contractor and not the provider of health care services, for fraud, or for a material breach of the contract; and

(ii) The contract may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the contractor has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a contractor to modify the coverage provided or rates applying to an in-force contract and to fail to make such modification in all such issued and outstanding contracts.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health care service contractor to:

(i) Cease the sale of a contract form unless it has received prior written authorization from the commissioner and has offered all subscribers covered under such discontinued contract the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects subscribers to rate increases on discontinued contract forms unless such subscribers are offered the opportunity to purchase comparable coverage without health screening.

(2) The health care service contractor may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

(3) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by rule adopted pursuant to chapter 34.05 RCW, define other methods of competition and other acts and

practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive, which shall include any act or practice that has the effect of changing access to appropriate and effective health services in a manner proscribed by the laws and rules of the state of Washington.

**Sec. 17.** RCW 48.46.560 and 1993 c 492 s 289 are each amended to read as follows:

(1) With respect to all health maintenance agreements issued or renewed on and after July 1, 1994, and in addition to the restrictions and limitations contained in RCW 48.46.060(4):

(a) Agreements shall guarantee continuity of coverage. Such provision, which shall be included in every agreement, shall provide that the agreement may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the organization has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for an organization to modify the coverage provided or rates applying to an in-force agreement and to fail to make such modification in all such issued and outstanding agreements.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health maintenance organization to:

(i) Cease the sale of an agreement form unless it has received prior written authorization from the commissioner and has offered all enrollees covered under such discontinued agreement the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects enrollees to rate increases on discontinued agreement forms unless such enrollees are offered the opportunity to purchase comparable coverage without health screening.

(2) The health maintenance organization may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

(3) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by rule adopted pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive, which shall include any act or practice that has the effect of changing access to appropriate and effective health services in a manner proscribed by the laws and rules of the state of Washington.

**NEW SECTION. Sec. 18.** A new section is added to Title 48 RCW to read as follows:

The legislature recognizes that every individual possesses a fundamental right to exercise their religious beliefs and conscience. The legislature further recognizes that in developing public policy, conflicting religious and moral beliefs must be respected. Therefore, while recognizing the right of conscientious objection to participating in specific health services, the state shall also recognize the right of individuals enrolled with a certified health plan to receive the full range of services covered under the minimum list of health services.

**NEW SECTION. Sec. 19.** A new section is added to Title 48 RCW to read as follows:

(1) No individual health care provider, health care facility, or religiously sponsored certified health plan may be required by law or contract in any circumstances to directly participate in the provision of or payment for a specific service in this minimum list of health services if they object to so doing for reason of conscience or religion. No person may be discriminated against in employment or professional privileges because of such objection.

(2) The provisions of this section are not intended to result in an enrollee being denied timely access to any service included in the minimum list of health services. Each certified health plan shall:

(a) Provide written notice to enrollees, upon enrollment with the plan and upon enrollee request thereafter, listing, by provider, services that any provider refuses to perform for reason of conscience or religion;

(b) Develop written information describing how an enrollee may directly access, in an expeditious manner, services that the provider refuses to perform; and

(c) Ensure that enrollees refused services under this section have prompt access to the information developed pursuant to (b) of this subsection.

(3) The health services commission shall adopt rules to implement this section and establish a mechanism to ensure enrollees timely access to the minimum list of health services and to assure prompt payment to service providers.

**NEW SECTION. Sec. 20.** A new section is added to Title 48 RCW to read as follows:

(1) No individual or organization with a religious or moral tenet opposed to a specific service on the minimum list of health services may be required to purchase coverage for that service or services if the individual or organization objects to doing so for reason of conscience or religion.

(2) The provisions of this section shall not result in an enrollee being denied coverage of, and timely access to, any service or services excluded from their benefits package as a result of their employer's or another individual's exercise of the conscience clause outlined in subsection (1) of this section.

(3) The health services commission shall define the process through which certified health plans may offer the minimum list of health services to individuals and organizations identified in subsections (1) and (2) of this section in accordance to the provisions of section 19(3) of this act.

**NEW SECTION. Sec. 21.** A new section is added to chapter 70.47 RCW to read as follows:

Insurance brokers and agents who hold the proper license pursuant to chapter 43.17 RCW shall be entitled to sell the basic health plan and shall receive from the health care authority a three percent commission for each individual sale of the basic health plan to anyone not previously signed up and a one percent commission for each group sale of the basic health plan. No commission shall be provided upon a renewal. Commissions shall be determined based on the estimated annual cost of the basic health plan. The health care authority shall use moneys in the basic health plan trust account for this purpose.

**NEW SECTION. Sec. 22.** A new section is added to chapter 43.70 RCW to read as follows:

The legislature finds that assuring adequate access to quality health services in rural and medically underserved areas requires special efforts to recruit and train health service providers and the development of health care systems in these areas. The state department of health has provided valuable coordination and technical assistance in these efforts through its office of rural health. The University of Washington's rural and underserved opportunities program and its community health systems development program have voluntarily initiated various creative efforts, which have made solid progress in meeting these essential state needs, despite the lack of explicit financial support from state government for these purposes. The legislature recognizes that increased price competition in health services delivery may jeopardize the University of Washington's laudatory efforts in these areas, and in other teaching and research endeavors that are critical to promoting universal access to

quality health services. Therefore, the department of health is authorized to ensure the continuation of these efforts as well as their coordination in the context of overall health systems development, within funds specially appropriated for this purpose.

There is appropriated to the department of health from the health services account, the amount of five hundred thousand dollars for the 1995-1997 biennium to contract with the University of Washington to support community health systems development services and rural and underserved health provider opportunities in communities targeted by the department of health in consultation with selected local health jurisdictions and hospital districts in rural and medically underserved areas. This contract may contain no more than a ten percent indirect cost, overhead, or administrative allocation to the University of Washington. No less than fifty percent of the funds provided in this section must support expanded efforts in these areas.

**NEW SECTION. Sec. 23.** The sum of . . . . . dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the health services account to the health care authority to expand basic health plan subsidized enrollment to a total of at least two hundred thousand adults, including at least one hundred thousand employer-sponsored adults with income below two hundred percent of the federal poverty level.

**NEW SECTION. Sec. 24.** In addition to other moneys appropriated to the department of social and health services for medical assistance, the sum of . . . . . dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the health services account to the department of social and health services, to serve an additional one hundred twenty-five thousand children.

**NEW SECTION. Sec. 25.** The health care authority, the office of financial management, the department of social and health services, and the state treasurer shall together monitor the enrollee level in the basic health plan and medicaid and adjust the funding levels by transfers of funds between the basic health plan and medicaid and adjust the funding levels by transfers of funds between the basic health plan subscription accounts and the medicaid dollars appropriated in sections 23 and 24 of this act to maximize enrollment.

**NEW SECTION. Sec. 26.** A new section is added to chapter 43.19 RCW to read as follows:

Any person, firm, or organization that makes any bid to provide any goods or services to any state agency shall be granted a preference over other bidders if at the time the bid is submitted the vendor provides the minimum list of health services as defined in chapter 43.72 RCW to ninety-five percent of their employees and pays at least fifty percent of the related premium. The preference provided under this section shall be equal to ten percent of the total points awarded in the bid process. For purposes of this section employees of under three months are not included in the computation.

**NEW SECTION. Sec. 27.** A new section is added to Title 51 RCW to read as follows:

The department of labor and industries and the health care authority shall develop an easy employer payment method for the basic health plan under which an employer can make his or her basic health plan payment on the same forms and in the same check he or she uses to make workers' compensation payments.

**Sec. 28.** RCW 18.130.320 and 1993 c 492 s 408 are each amended to read as follows:

The Washington health services commission established by RCW 43.72.020, in consultation with the secretary of health, and the health care disciplinary authorities under RCW 18.130.040(2)(b), shall establish standards and monetary penalties in rule prohibiting provider investments and referrals that present a conflict of interest resulting from inappropriate financial gain for the provider or his or her immediate family. These standards are not intended to inhibit the efficient operation of managed health care systems or certified health plans. ~~(The commission shall report to the health policy committees of the senate and house of representatives by December 1, 1994, on the development of the standards and any recommended statutory changes necessary to implement the standards.)~~

**NEW SECTION. Sec. 29.** The following acts or parts of acts are each repealed:

- (1) RCW 43.72.200 and 1993 c 492 s 456;
- (2) RCW 43.72.220 and 1993 c 494 s 3 & 1993 c 492 s 464;
- (3) RCW 43.72.240 and 1993 c 494 s 4 & 1993 c 492 s 466;
- (4) RCW 43.72.810 and 1993 c 492 s 474;
- (5) RCW 43.72.210 and 1993 c 492 s 463;
- (6) RCW 43.72.120 and 1993 c 492 s 430;
- (7) RCW 43.72.090 and 1995 c 2 s 1 & 1993 c 492 s 427;
- (8) RCW 48.43.010 and 1993 c 492 s 432;
- (9) RCW 48.43.020 and 1993 c 492 s 433;
- (10) RCW 48.43.030 and 1993 c 492 s 434;
- (11) RCW 48.43.040 and 1993 c 492 s 435;
- (12) RCW 48.43.050 and 1993 c 492 s 436;
- (13) RCW 48.43.060 and 1993 c 492 s 437;
- (14) RCW 48.43.070 and 1993 c 492 s 438;
- (15) RCW 48.43.080 and 1993 c 492 s 439;
- (16) RCW 48.43.090 and 1993 c 492 s 440;
- (17) RCW 48.43.100 and 1993 c 492 s 441;
- (18) RCW 48.43.110 and 1993 c 492 s 442;
- (19) RCW 48.43.120 and 1993 c 492 s 443;
- (20) RCW 48.43.130 and 1993 c 492 s 444;
- (21) RCW 48.43.150 and 1993 c 492 s 446;
- (22) RCW 43.72.060 and 1994 c 4 s 2 & 1993 c 492 s 404;
- (23) RCW 43.72.140 and 1993 c 492 s 450; and
- (24) RCW 43.72.150 and 1993 c 492 s 451.

**NEW SECTION. Sec. 30.** Section 9 of this act shall constitute a new chapter in Title 48 RCW.

**NEW SECTION. Sec. 31.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

The President declared the question before the Senate to be the motion by Senator Quigley that the Committee on Health and Long-Term Care striking amendment to Engrossed Substitute House Bill No. 1046 not be adopted.

The motion by Senator Quigley carried and the committee striking amendment was not adopted.

Senator Quigley moved that the following amendment by Senators Quigley, Owen, Moyer and Deccio be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 70.47 RCW to read as follows:

**BASIC HEALTH PLAN--EXPANDED ENROLLMENT.** (1) The legislature finds that the basic health plan has been an effective program in providing health coverage for uninsured residents. Further, since 1993, substantial amounts of public funds have been allocated for subsidized basic health plan enrollment.

(2) It is the intent of the legislature that the basic health plan enrollment be expanded expeditiously, consistent with funds available in the health services account, with the goal of two hundred thousand adult subsidized basic health plan enrollees and one hundred thirty thousand children covered through expanded medical assistance services by June 30, 1997, with the priority of providing needed health services to children in conjunction with other public programs.

(3) Effective January 1, 1996, basic health plan enrollees whose income is less than one hundred twenty-five percent of the federal poverty level shall pay at least a ten-dollar premium share.

(4) No later than July 1, 1996, the administrator shall implement procedures whereby hospitals licensed under chapters 70.41 and 71.12 RCW, health carrier, rural health care facilities regulated under chapter 70.175 RCW, and community and migrant health centers funded under RCW 41.05.220, may expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of social and health services. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process.

(5) No later than July 1, 1996, the administrator shall implement procedures whereby health insurance agents and brokers, licensed under chapter 48.17 RCW, may expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of social and health services. Brokers and agents shall be entitled to receive a commission for each individual sale of the basic health plan to anyone not at anytime previously signed up and a commission for each group sale of the basic health plan. No commission shall be provided upon a renewal. Commissions shall be determined based on the estimated annual cost of the basic health plan, however, commissions shall not result in a reduction in the premium amount paid to health carriers. For purposes of this section "health carrier" is as defined in section 4 of this act. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process.

**NEW SECTION. Sec. 2.** HEALTH CARE SAVINGS ACCOUNTS. (1) This chapter shall be known as the health care savings account act.

(2) The legislature recognizes that the costs of health care are increasing rapidly and most individuals are removed from participating in the purchase of their health care.

As a result, it becomes critical to encourage and support solutions to alleviate the demand for diminishing state resources. In response to these increasing costs in health care spending, the legislature intends to clarify that health care savings accounts may be offered as health benefit options to all residents as incentives to reduce unnecessary health services utilization, administration, and paperwork, and to encourage individuals to be in charge of and participate directly in their use of service and health care spending. To alleviate the possible impoverishment of residents requiring long-term care, health care savings accounts may promote savings for long-term care and provide incentives for individuals to protect themselves from financial hardship due to a long-term health care need.

(3) Health care savings accounts are authorized in Washington state as options to employers and residents.

**NEW SECTION. Sec. 3.** HEALTH CARE SAVINGS ACCOUNTS--REQUEST FOR TAX EXEMPTION. The governor and responsible agencies shall:

(1) Request that the United States congress amend the internal revenue code to treat premiums and contributions to health benefits plans, such as health care savings account programs, basic health plans, conventional and standard health plans offered through a health carrier, by employers, self-employed persons, and individuals, as fully excluded employer expenses and deductible from individual adjusted gross income for federal tax purposes.

(2) Request that the United States congress amend the internal revenue code to exempt from federal income tax interest that accrues in health care savings accounts until such money is withdrawn for expenditures other than eligible health expenses as defined in law.

(3) If all federal statute or regulatory waivers necessary to fully implement this chapter have not been obtained by the effective date of this section, this chapter shall remain in effect.

**NEW SECTION. Sec. 4.** DEFINITIONS. Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(3) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of this act.

(4) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(5) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(6) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(7) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(8) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(9) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care service except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care service offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans; and

(j) Dental only and vision only coverage.

(10) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(11) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(12) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(13) "Small employer" means any person, firm, corporation, partnership, association, political subdivision, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes a self-employed individual or sole proprietor who derives at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate Internal Revenue Service form 1040, Schedule C or F, for the previous taxable year.

(14) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

(15) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

**NEW SECTION. Sec. 5. INSURANCE REFORM--PORTABILITY.** (1) Every health carrier shall waive any preexisting condition exclusion or limitation for persons or groups who had similar health coverage under a different health plan at any time during the three-month period immediately preceding the date of application for the new health plan if such person was continuously covered under the immediately preceding health plan. If the person was continuously covered for at least three months under the immediately preceding health plan, the carrier may not impose a waiting period for coverage of preexisting conditions. If the person was continuously covered for less than three months under the immediately preceding health plan, the carrier must credit any waiting period under the immediately preceding health plan toward the new health plan. For the purposes of this subsection, a preceding health plan includes an employer provided self-funded health plan.

(2) Subject to the provisions of subsection (1) of this section, nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history.

**NEW SECTION. Sec. 6. INSURANCE REFORM--PREEXISTING CONDITIONS.** (1) No carrier may reject an individual for health plan coverage based upon preexisting conditions of the individual and no carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that a carrier may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment within three months before the effective date of coverage.

(2) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals or groups who are higher than average health risks. These provisions apply only to individuals who are Washington residents.

**NEW SECTION. Sec. 7. INSURANCE REFORM--GUARANTEED ISSUE.** (1) All health carriers shall accept for enrollment any state resident within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

(2) Except as provided in subsection (5) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. In the case of group plans, the carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

(3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

- (a) Nonpayment of premium;
- (b) Violation of published policies of the carrier approved by the insurance commissioner;
- (c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;
- (d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;
- (e) Covered persons committing fraudulent acts as to the carrier;
- (f) Covered persons who materially breach the health plan; or
- (g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(4) The provisions of this section do not apply in the following cases:

- (a) A carrier has zero enrollment on a product; or
- (b) A carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product; or

(c) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded.

(5) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

**NEW SECTION. Sec. 8.** A new section is added to chapter 48.43 RCW to read as follows:

Every health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 1996, shall:

(1) Permit every category of health care provider to provide health services or care for conditions included in the basic health plan services to the extent that:

- (a) The provision of such health services or care is within the health care providers' permitted scope of practice; and
- (b) The providers agree to abide by standards related to:
  - (i) Provision, utilization review, and cost containment of health services;
  - (ii) Management and administrative procedures; and
  - (iii) Provision of cost-effective and clinically efficacious health services.

(2) Annually report the names and addresses of all officers, directors, or trustees of the health carrier during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals.

**NEW SECTION. Sec. 9. WASHINGTON HEALTH CARE POLICY BOARD.** (1) There is hereby created the Washington health care policy board. The board shall consist of: (a) Five members appointed by the governor; (b) two members of the senate appointed by the president of the senate, one of whom shall be a member of the minority party; and (c) two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the minority party. One member of the board shall be designated by the governor as chair and shall serve at the pleasure of the governor. All legislative members shall be appointed before the close of each regular or special session during an odd-numbered year.

(2) Of the members appointed by the governor, two shall be appointed to two-year terms and two shall be appointed to three-year terms. Thereafter, members shall be appointed to three-year terms. The chair shall serve at the pleasure of the governor. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated. A majority of the voting members shall constitute a quorum.

(3) Members of the board appointed by the governor shall occupy their positions on a full-time basis and are exempt from the provisions of chapter 41.06 RCW. They shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

**NEW SECTION. Sec. 10. CHAIR--POWERS AND DUTIES.** The chair shall be the chief administrative officer and the appointing authority of the board. The chair shall have the authority to employ personnel of the board in accordance with chapter 41.06 RCW and prescribe their duties. The chair may employ up to eight personnel exempt from the provisions of chapter 41.06 RCW. The chair shall also have the following powers and duties:

- (1) Enter into contracts on behalf of the board;
- (2) Accept and expend donations, grants, and other funds received by the board;
- (3) Appoint advisory committees and undertake studies, research, and analysis necessary to support activities of the board.

**NEW SECTION. Sec. 11. BOARD--POWERS AND DUTIES.** The board shall have the following powers and duties:

(1) Periodically make recommendations to the appropriate committees of the legislature and the governor on issues including, but not limited to the following:

- (a) The scope, financing, and delivery of health care benefit plans including access for both the insured and uninsured population;
- (b) Long-term care services including the finance and delivery of such services in conjunction with the basic health plan by 1999;
- (c) The use of health care savings accounts including their impact on the health of participants and the cost of health insurance;
- (d) Rural health care needs;
- (e) Whether Washington is experiencing an increase in immigration as a result of health insurance reforms and the availability of subsidized and unsubsidized health care benefits;
- (f) The status of medical education and make recommendations regarding steps possible to encourage adequate availability of health care professionals to meet the needs of the state's populations with particular attention to rural areas;
- (g) The implementation of community rating and its impacts on the marketplace including costs and access;
- (h) The status of quality improvement programs in both the public and private sectors;
- (i) Models for billing and claims processing forms, ensuring that these procedures minimize administrative burdens on health care providers, facilities, carriers, and consumers. These standards shall also apply to state-purchased health services where appropriate;

(j) Guidelines to health carriers for utilization management and review, provider selection and termination policies, and coordination of benefits and premiums; and

(k) Study the feasibility of including long-term care services in a medicare supplemental insurance policy offered according to RCW 41.05.197;

(2) Review rules prepared by the insurance commissioner, health care authority, department of social and health services, department of labor and industries, and department of health, and make recommendations where appropriate to facilitate consistency with the goals of health reform;

(3) Make recommendations on a system for managing health care services to children with special needs and report to the governor and the legislature on their findings by January 1, 1997;

(4) Conduct a comparative analysis of individual and group insurance markets addressing: Relative costs; utilization rates; adverse selection; and specific impacts upon small businesses and individuals. The analysis shall address, also, the necessity and feasibility of establishing explicit related policies, to include, but not be limited to, establishing the maximum allowable individual premium rate as a percentage of the small group premium rate. The board shall submit an interim report on its findings to the governor and appropriate committees of the legislature by December 15, 1995, and a final report on December 15, 1996;

(5) Develop sample enrollee satisfaction surveys that may be used by health carriers.

**NEW SECTION. Sec. 12. STUDY.** In January 1999 the legislative budget committee shall commence a study of the necessity of the existence of the board and report its recommendations to the appropriate committees of the legislature by December 1, 1999.

**NEW SECTION. Sec. 13.** A new section is added to chapter 48.20 RCW to read as follows:

(1)(a) An insurer offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude an insurer from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. An insurer offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.20.390, 48.20.393, 48.20.395, 48.20.397, 48.20.410, 48.20.411, 48.20.412, 48.20.416, and 48.20.420 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan.

(2) Premiums for health benefit plans for individuals shall be calculated using the adjusted community rating method that spreads financial risk across the carrier's entire individual product population. All such rates shall conform to the following:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in section 5 of this act.

(3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.21.045.

(4) As used in this section, "health benefit plan," "basic health plan," "adjusted community rate," and "wellness activities" mean the same as defined in section 4 of this act.

**Sec. 14.** RCW 48.21.045 and 1990 c 187 s 2 are each amended to read as follows:

~~((A basic group disability insurance policy may be offered to employers of fewer than twenty-five employees. Such a basic group disability insurance policy))~~ (1)(a) An insurer offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. An insurer offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320 if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees.



(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, benefits in excess of the basic ~~((coverage authorized herein))~~ health plan services. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in section 5 of this act.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage.

(4) The ~~((policy))~~ health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," "basic health plan," "adjusted community rate," and "wellness activities" mean the same as defined in section 4 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 48.44 RCW to read as follows:

(1)(a) A health care service contractor offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a contractor from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A contractor offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan.

(2) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in section 5 of this act.

(3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023.

(4) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," "basic health plan," "adjusted community rates," and "wellness activities" mean the same as defined in section 4 of this act.

**Sec. 16.** RCW 48.44.023 and 1990 c 187 s 3 are each amended to read as follows:

~~(A basic health care service contract may be offered to employers of fewer than twenty-five employees. Such a basic health care service contract)~~ (1)(a) A health care services contractor offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A contractor offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 if (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees.

(2) Nothing in this section shall prohibit ((an insurer) a health care service contractor from offering, or a purchaser from seeking, benefits in excess of the basic ((coverage authorized herein) health plan services. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

- (a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:
  - (i) Geographic area;
  - (ii) Family size;
  - (iii) Age; and
  - (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in section 5 of this act.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage.

(4) The ((policy) health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

NEW SECTION. Sec. 17. A new section is added to chapter 48.46 RCW to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a health maintenance organization from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A health maintenance organization offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.26.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan.

(2) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in section 5 of this act.

(3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066.

(4) As used in this section and RCW 48.46.066, "health benefit plan," "basic health plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in section 4 of this act.

**Sec. 18.** RCW 48.46.066 and 1990 c 187 s 4 are each amended to read as follows:

~~((A basic health maintenance agreement may be offered to employers of fewer than twenty-five employees. Such a basic health maintenance agreement))~~ (1)(a) A health maintenance organization offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A health maintenance organization offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees.

(2) Nothing in this section shall prohibit ~~((an insurer))~~ a health maintenance organization from offering, or a purchaser from seeking, benefits in excess of the basic ~~((coverage authorized herein))~~ health plan services. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the enrollment of the small employer;

(ii) Changes to the family composition of the employee;

(iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in section 5 of this act.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage.

(4) The (policy) health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

NEW SECTION. Sec. 19. A new section is added to chapter 43.70 RCW to read as follows:

(1) The identity of a whistleblower who complains, in good faith, to the department of health about the improper quality of care by a health care provider, or in a health care facility, as defined in RCW 43.72.010, shall remain confidential. The provisions of RCW 4.24.500 through 4.24.520, providing certain protections to persons who communicate to government agencies, shall apply to complaints filed under this section. The identity of the whistleblower shall remain confidential unless the department determines that the complaint was not made in good faith. An employee who is a whistleblower, as defined in this section, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW.

(2)(a) "Improper quality of care" means any practice, procedure, action, or failure to act that violates any state law or rule of the applicable state health licensing authority under Title 18 or chapters 70.41, 70.96A, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW, and enforced by the department of health. Each health disciplinary authority as defined in RCW 18.130.040 may, with consultation and interdisciplinary coordination provided by the state department of health, adopt rules defining accepted standards of practice for their profession that shall further define improper quality of care. Improper quality of care shall not include good faith personnel actions related to employee performance or actions taken according to established terms and conditions of employment.

(b) "Reprisal or retaliatory action" means but is not limited to: Denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated report of misconduct pursuant to Title 18 RCW; letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; suspension; dismissal; denial of employment; and a supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower.

(c) "Whistleblower" means a consumer, employee, or health care professional who in good faith reports alleged quality of care concerns to the department of health.

(3) Nothing in this section prohibits a health care facility from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower.

(4) The department shall adopt rules to implement procedures for filing, investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under Title 18 RCW for health professionals or health care facilities.

NEW SECTION. Sec. 20. A new section is added to chapter 48.43 RCW to read as follows:

Each health carrier as defined under section 4 of this act shall file with the commissioner its procedures for review and adjudication of complaints initiated by covered persons or health care providers. Procedures filed under this section shall provide a fair review for consideration of complaints. Every health carrier shall provide reasonable means whereby any person aggrieved by actions of the health carrier may be heard in person or by their authorized representative on their written request for review. If the health carrier fails to grant or reject such request within thirty days after it is made, the complaining person may proceed as if the complaint had been rejected. A complaint that has been rejected by the

health carrier may be submitted to nonbinding mediation. Mediation shall be conducted pursuant to mediation rules similar to those of the American arbitration association, the center for public resources, the judicial arbitration and mediation service, RCW 7.70.100, or any other rules of mediation agreed to by the parties.

**NEW SECTION. Sec. 21.** The health care authority, the office of financial management, and the department of social and health services shall together monitor the enrollee level in the basic health plan and the medicaid caseload of children funded from the health services account. The office of financial management shall adjust the funding levels by interagency reimbursement of funds between the basic health plan and medicaid and adjust the funding levels between the health care authority and the medical assistance administration of the department of social and health services to maximize combined enrollment.

**NEW SECTION. Sec. 22.** A new section is added to chapter 48.21 RCW to read as follows:

(1) No insurer shall offer any health benefit plan to any small employer without complying with the provisions of RCW 48.21.045(5).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care shall not be considered small employers and such plans shall not be subject to the provisions of RCW 48.21.045(5).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in section 4 of this act.

**NEW SECTION. Sec. 23.** A new section is added to chapter 48.44 RCW to read as follows:

(1) No health care service contractor shall offer any health benefit plan to any small employer without complying with the provisions of RCW 48.44.023(5).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care shall not be considered small employers and such plans shall not be subject to the provisions of RCW 48.44.023(5).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in section 4 of this act.

**NEW SECTION. Sec. 24.** A new section is added to chapter 48.46 RCW to read as follows:

(1) No health maintenance organization shall offer any health benefit plan to any small employer without complying with the provisions of RCW 48.46.066(5).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care shall not be considered small employers and such plans shall not be subject to the provisions of RCW 48.46.066(5).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in section 4 of this act.

**NEW SECTION. Sec. 25.** (1) The legislature recognizes that every individual possesses a fundamental right to exercise their religious beliefs and conscience. The legislature further recognizes that in developing public policy, conflicting religious and moral beliefs must be respected. Therefore, while recognizing the right of conscientious objection to participating in specific health services, the state shall also recognize the right of individuals enrolled with plans containing the basic health plan services to receive the full range of services covered under the plan.

(2)(a) No individual health care provider, religiously sponsored health carrier, or health care facility may be required by law or contract in any circumstances to participate in the provision of or payment for a specific service if they object to so doing for reason of conscience or religion. No person may be discriminated against in employment or professional privileges because of such objection.

(b) The provisions of this section are not intended to result in an enrollee being denied timely access to any service included in the basic health plan services. Each health carrier shall:

(i) Provide written notice to enrollees, upon enrollment with the plan, listing services that the carrier refuses to cover for reason of conscience or religion;

(ii) Provide written information describing how an enrollee may directly access services in an expeditious manner; and

(iii) Ensure that enrollees refused services under this section have prompt access to the information developed pursuant to (b)(ii) of this subsection.

(c) The insurance commissioner shall establish by rule a mechanism or mechanisms to recognize the right to exercise conscience while ensuring enrollees timely access to services and to assure prompt payment to service providers.

(3)(a) No individual or organization with a religious or moral tenet opposed to a specific service may be required to purchase coverage for that service or services if they object to doing so for reason of conscience or religion.

(b) The provisions of this section shall not result in an enrollee being denied coverage of, and timely access to, any service or services excluded from their benefits package as a result of their employer's or another individual's exercise of the conscience clause in (a) of this subsection.

(c) The insurance commissioner shall define by rule the process through which health carriers may offer the basic health plan services to individuals and organizations identified in (a) and (b) of this subsection in accordance with the provisions of subsection (2)(c) of this section.

(4) Nothing in this section requires a health carrier, health care facility, or health care provider to provide any health care services without appropriate payment of premium or fee.

**NEW SECTION. Sec. 26.** The department of social and health services, in consultation with the health care authority, the office of financial management, and other appropriate state agencies, shall seek necessary federal waivers and state law changes to the medical assistance program of the department to achieve greater coordination in financing, purchasing, and delivering health services to low-income residents of Washington state in a cost-effective manner, and to expand access to care for these low-income residents. Such waivers shall include any waiver needed to require that point-of-service cost-sharing, based on recipient household income, be applied to medical assistance recipients. In negotiating the waiver, consideration shall be given to the degree to which benefits in addition to the minimum list of services should be offered to medical assistance recipients.

**NEW SECTION. Sec. 27. REPEALERS.** The following acts or parts of acts are each repealed:

(1) RCW 18.130.320 and 1993 c 492 s 408;

(2) RCW 18.130.330 and 1994 c 102 s 1 & 1993 c 492 s 412;

(3) RCW 43.72.005 and 1993 c 492 s 401;

(4) RCW 43.72.010 and 1994 c 4 s 1, 1993 c 494 s 1, & 1993 c 492 s 402;

(5) RCW 43.72.020 and 1994 c 154 s 311 & 1993 c 492 s 403;

- (6) RCW 43.72.030 and 1993 c 492 s 405;
- (7) RCW 43.72.040 and 1994 c 4 s 3, 1993 c 494 s 2, & 1993 c 492 s 406;
- (8) RCW 43.72.050 and 1993 c 492 s 407;
- (9) RCW 43.72.060 and 1994 c 4 s 2 & 1993 c 492 s 404;
- (10) RCW 43.72.070 and 1993 c 492 s 409;
- (11) RCW 43.72.080 and 1993 c 492 s 425;
- (12) RCW 43.72.090 and 1993 c 492 s 427;
- (13) RCW 43.72.100 and 1993 c 492 s 428;
- (14) RCW 43.72.110 and 1993 c 492 s 429;
- (15) RCW 43.72.120 and 1993 c 492 s 430;
- (16) RCW 43.72.130 and 1993 c 492 s 449;
- (17) RCW 43.72.140 and 1993 c 492 s 450;
- (18) RCW 43.72.150 and 1993 c 492 s 451;
- (19) RCW 43.72.160 and 1993 c 492 s 452;
- (20) RCW 43.72.170 and 1993 c 492 s 453;
- (21) RCW 43.72.180 and 1993 c 492 s 454;
- (22) RCW 43.72.190 and 1993 c 492 s 455;
- (23) RCW 43.72.210 and 1993 c 492 s 463;
- (24) RCW 43.72.220 and 1993 c 494 s 3 & 1993 c 492 s 464;
- (25) RCW 43.72.225 and 1994 c 4 s 4;
- (26) RCW 43.72.230 and 1993 c 492 s 465;
- (27) RCW 43.72.240 and 1993 c 494 s 4 & 1993 c 492 s 466;
- (28) RCW 43.72.300 and 1993 c 492 s 447;
- (29) RCW 43.72.310 and 1993 c 492 s 448;
- (30) RCW 43.72.800 and 1993 c 492 s 457;
- (31) RCW 43.72.810 and 1993 c 492 s 474;
- (32) RCW 43.72.820 and 1993 c 492 s 475;
- (33) RCW 43.72.830 and 1993 c 492 s 476;
- (34) RCW 43.72.840 and 1993 c 492 s 478;
- (35) RCW 43.72.870 and 1993 c 494 s 5;
- (36) RCW 48.01.200 and 1993 c 492 s 294;
- (37) RCW 48.43.010 and 1993 c 492 s 432;
- (38) RCW 48.43.020 and 1993 c 492 s 433;
- (39) RCW 48.43.030 and 1993 c 492 s 434;
- (40) RCW 48.43.040 and 1993 c 492 s 435;
- (41) RCW 48.43.050 and 1993 c 492 s 436;
- (42) RCW 48.43.060 and 1993 c 492 s 437;
- (43) RCW 48.43.070 and 1993 c 492 s 438;
- (44) RCW 48.43.080 and 1993 c 492 s 439;
- (45) RCW 48.43.090 and 1993 c 492 s 440;
- (46) RCW 48.43.100 and 1993 c 492 s 441;
- (47) RCW 48.43.110 and 1993 c 492 s 442;
- (48) RCW 48.43.120 and 1993 c 492 s 443;
- (49) RCW 48.43.130 and 1993 c 492 s 444;
- (50) RCW 48.43.140 and 1993 c 492 s 445;
- (51) RCW 48.43.150 and 1993 c 492 s 446;
- (52) RCW 48.43.160 and 1993 c 492 s 426;
- (53) RCW 48.43.170 and 1993 c 492 s 431;
- (54) RCW 48.01.210 and 1993 c 462 s 51;
- (55) RCW 48.20.540 and 1993 c 492 s 283;
- (56) RCW 48.21.340 and 1993 c 492 s 284;
- (57) RCW 48.44.480 and 1993 c 492 s 285;
- (58) RCW 48.46.550 and 1993 c 492 s 286;
- (59) RCW 70.170.100 and 1993 c 492 s 259, 1990 c 269 s 12, & 1989 1st ex.s. c 9 s 510;
- (60) RCW 70.170.110 and 1993 c 492 s 260 & 1989 1st ex.s. c 9 s 511;
- (61) RCW 70.170.120 and 1993 c 492 s 261;
- (62) RCW 70.170.130 and 1993 c 492 s 262;
- (63) RCW 70.170.140 and 1993 c 492 s 263;
- (64) RCW 48.44.490 and 1993 c 492 s 288;
- (65) RCW 48.46.560 and 1993 c 492 s 289; and
- (66) RCW 43.72.200 and 1993 c 492 s 456.

**NEW SECTION. Sec. 28. CODIFICATION DIRECTION.** (1) Sections 2 and 3 of this act shall constitute a new chapter in Title 48 RCW.

(2) Sections 4 through 7 and 25 of this act are each added to chapter 48.43 RCW.

(3) Sections 9 through 12 of this act shall constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 29. CAPTIONS NOT LAW.** Captions as used in this act constitute no part of the law.

**NEW SECTION. Sec. 30. EFFECTIVE DATE.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995, except that sections 13 through 18 of this act shall take effect January 1, 1996.

NEW SECTION. Sec. 31. SAVINGS CLAUSE. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 32. SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Fairley moved that the following amendment to the striking amendment by Senator Quigley, Owen, Moyer and Deccio be adopted:

On page 1, line 7 of the amendment, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.47 RCW to read as follows:

The administrator shall expand the schedule of covered basic health plan services that were available to an enrollee of the basic health plan as of July 1, 1994, to include services of licensed midwives, limited chiropractic care, organ transplants, limited chemical dependency services, limited mental health services, and limited medical rehabilitation. Such expansion shall not increase the actuarially determined average member per month cost, excluding adjustments for inflation and utilization by more than six percent."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

Senator Fairley demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 1, line 7, to the striking amendment by Senators Quigley, Owen, Moyer and Deccio to Engrossed Substitute House Bill No. 1046.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Heavey, Kohl, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 21.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 27.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator Quigley moved that the following amendment by Senators Quigley and Moyer to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be adopted:

On page 5, line 28 of the amendment, after "political subdivision" insert "except school districts"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Quigley and Moyer on page 5, line 28, to the striking amendment by Senators Quigley, Owen, Moyer and Deccio to Engrossed Substitute House Bill No. 1046.

The motion by Senator Quigley carried and the amendment to the striking amendment was adopted.

#### MOTION

Senator Quigley moved that the following amendments to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be considered simultaneously and be adopted:

On page 9, after line 19 of the amendment, insert the following:

"(3) No health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 1996, shall offer an individual policy community-rated premium that is higher than the lesser value of actual experience or one hundred ten percent of the health plan's comparable small group policy community-rated premium. If actual experience for the individual policy exceeds one hundred ten percent of the small group premium, the carrier must freeze the individual premium at the one hundred ten percent value and may apply to the high-risk pool under chapter 48.41 RCW for funding to pay for its excess costs in the individual market.

NEW SECTION. Sec. 9. A new section is added to chapter 48.41 RCW to read as follows:

(1) The board shall develop and implement procedures by which the pool shall fund any health plan's costs that result from actual claims experience for individual policies exceeding one hundred ten percent of their small group premiums.

(2) The board shall make any recommendations necessary to the legislature for changes to the pool, its membership, or operation to facilitate compliance with this section."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 11, beginning on line 24 of the amendment, after "individuals." strike all material through "small group premium rate." on line 27

Debate ensued.

Senator Quigley demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Quigley on page 9, after line 19, and page 11, beginning on line 24, to the striking amendment by Senators Quigley, Owen, Moyer and Deccio to Engrossed Substitute House Bill No. 1046.

#### ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Kohl, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 19.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Rasmussen, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 29.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator Quigley moved that the following amendment to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be adopted:

On page 9, after line 19 of the amendment, insert the following:

**"NEW SECTION. Sec. 9.** A new section is added to chapter 48.43 RCW to read as follows:

Every health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 1996, shall:

(1) Permit every health care provider to provide health services or care for conditions included in any health plan offered by that carrier in every market area determined by the commissioner in which a carrier's market share of premiums is greater than thirty percent to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

(i) Provision, utilization review, and cost containment of health services;

(ii) Management and administrative procedures; and

(iii) Provision of cost-effective and clinically efficacious health services.

(2) Annually report the names and addresses of all officers, directors, or trustees of the health carrier during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

Senator Quigley demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Quigley on page 9, after line 19, to the striking amendment by Senators Quigley, Owen, Moyer and Deccio to Engrossed Substitute House Bill No. 1046.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Heavey, Kohl, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 23.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Wood - 25.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator Kohl moved that the following amendment by Senators Kohl, Prentice, Franklin, Hargrove, Fraser and Spanel to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be adopted:

On page 9, after line 19 of the amendment, insert the following:

"(3) Provide enrollees and upon request potential enrollees with written disclosure of coverage and benefits, including coverage principles and any exclusions or restrictions on coverage, and make available upon request information on evaluation and treatment policies and other specific conditions. Such information must be current, easily understandable, and easily available prior to enrollment and upon request thereafter."

Debate ensued.

Senator Franklin demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Kohl, Prentice, Franklin, Hargrove, Fraser and Spanel on page 9, after line 19, to the striking amendment by Senators Quigley, Owen, Moyer and Deccio to Engrossed Substitute House Bill No. 1046.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Heavey, Kohl, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Smith, Snyder, Spanel, Sutherland and Wojahn - 20.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Roach, Schow, Sellar, Sheldon, Strannigan, Swecker, West, Winsley and Wood - 28.

Excused: Senator Anderson, C. - 1.



## MOTION

Senator Hargrove moved that the following amendments by Senators Hargrove, Rasmussen, Drew and McAuliffe to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be considered simultaneously and be adopted:

Beginning on page 9, line 20 of the amendment, strike all material through page 11, line 36

Re-number the remaining sections consecutively and correct internal references accordingly.

On page 32, beginning on line 35 of the amendment, strike all material through "RCW." on line 36

Debate ensued.

## POINT OF INQUIRY

Senator Pelz: "Senator Moyer, did you reach an agreement with the Governor to keep this commission in this bill?"

Senator Moyer: "Did I reach an agreement with the Governor? No, I did not."

Senator Pelz: "Thank you."

Senator Hargrove demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Hargrove, Rasmussen, Drew and McAuliffe on page 9, line 20, and page 32, beginning on line 35, to the striking amendment by Senators Quigley, Owen, Moyer and Deccio to Engrossed Substitute House Bill No. 1046.

## ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Hargrove, Heavey, Kohl, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Wojahn - 19.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Fraser, Gaspard, Hale, Haugen, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Wood - 29.

Excused: Senator Anderson, C. - 1.

## MOTION

Senator Heavey moved that the following amendments by Senators Heavey and Franklin to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be considered simultaneously and be adopted:

On page 12, at the beginning of line 17 of the amendment, strike "18.57" and insert "18.25, 18.57,"

On page 12, at the beginning of line 19 of the amendment, strike "48.20.412,"

On page 14, at the beginning of line 12 of the amendment, strike "18.57" and insert "18.25, 18.57,"

On page 14, line 13 of the amendment, after "48.21.141," strike "48.21.142," and insert "((48.21.142,))"

On page 17, at the beginning of line 9 of the amendment, strike "18.57" and insert "18.25, 18.57,"

On page 17, line 10 of the amendment, after "48.44.300," strike "48.44.310,"

On page 19, at the beginning of line 7 of the amendment, strike "18.57" and insert "18.25, 18.57,"

On page 19, line 8 of the amendment, after "48.44.300," strike "48.44.310," and insert "((48.44.310,))"

On page 22, at the beginning of line 3 of the amendment, strike "18.57" and insert "18.25, 18.57,"

On page 23, at the beginning of line 37 of the amendment, strike "18.57" and insert "18.25, 18.57,"

On page 29, after line 12 of the amendment, insert the following:

**NEW SECTION. Sec. 25.** A new section is added to chapter 48.46 RCW to read as follows:

(1) Each agreement for health care services that is delivered or issued for delivery or renewed on or after January 1, 1996, must contain provisions providing benefits for chiropractic services on the same basis as any other care. Treatment must be covered under chiropractic coverage if treatment is rendered by the health maintenance organization or if the health maintenance organization refers the enrolled participant or the enrolled participant's dependent to a physician licensed under chapter 18.25 RCW.

(2) A patient of a chiropractor may not be denied services under an agreement because the practitioner is not licensed under chapter 18.57 or 18.71 RCW.

**Sec. 26.** RCW 70.47.060 and 1995 c 2 s 4 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, chiropractic services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care, which subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. On and after December 31, 1995, the uniform benefits package adopted and from time to time revised by the Washington health services commission pursuant to RCW 43.72.130 shall be implemented by the administrator as the schedule of covered basic health care services. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal

and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed the total premiums due from the enrollee.

(3) To design and implement a structure of copayments due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. On and after July 1, 1995, the administrator shall endeavor to make the copayments structure of the plan consistent with enrollee point of service cost-sharing levels adopted by the Washington health services commission, giving consideration to funding available to the plan.

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least semiannually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator shall require that a business owner pay at least fifty percent of the nonsubsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for Medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

Senator Franklin demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Heavey and Franklin on pages 12(2), 14(2), 17(2), 19(2), 22, 23 and 29, to the striking amendment by Senators Quigley, Owen, Moyer and Deccio to Engrossed Substitute House Bill No. 1046.

#### ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Heavey, Kohl, McAuliffe, Pelz, Prentice, Quigley, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel and Sutherland - 21.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Sellar, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 26.

Absent: Senator Rasmussen - 1.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator Franklin moved that the following amendments to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be considered simultaneously and be adopted:

On page 13, beginning on line 4 of the amendment, strike all material through "2000" on line 6, and insert "four hundred percent of the lowest rate for all age groups on January 1, 1996, through January 1, 1998, three hundred percent January 1, 1998, through January 1, 2000, and two hundred fifty percent on January 1, 2000"

On page 15, beginning on line 7 of the amendment, strike all material through "2000" on line 9, and insert "four hundred percent of the lowest rate for all age groups on January 1, 1996, through January 1, 1998, three hundred percent January 1, 1998, through January 1, 2000, and two hundred fifty percent on January 1, 2000"

On page 17, beginning on line 35 of the amendment, strike all material through "2000" on line 37, and insert "four hundred percent of the lowest rate for all age groups on January 1, 1996, through January 1, 1998, three hundred percent January 1, 1998, through January 1, 2000, and two hundred fifty percent on January 1, 2000"

On page 20, beginning on line 2 of the amendment, strike all material through "2000" on line 4, and insert "four hundred percent of the lowest rate for all age groups on January 1, 1996, through January 1, 1998, three hundred percent January 1, 1998, through January 1, 2000, and two hundred fifty percent on January 1, 2000"

On page 22, beginning on line 28 of the amendment, strike all material through "2000" on line 30, and insert "four hundred percent of the lowest rate for all age groups on January 1, 1996, through January 1, 1998, three hundred percent January 1, 1998, through January 1, 2000, and two hundred fifty percent on January 1, 2000"

On page 24, beginning on line 33 of the amendment, strike all material through "2000" on line 35, and insert "four hundred percent of the lowest rate for all age groups on January 1, 1996, through January 1, 1998, three hundred percent January 1, 1998, through January 1, 2000, and two hundred fifty percent on January 1, 2000"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Franklin, on pages 13, 15, 17, 20, 22 and 24, to the striking amendment by Senators Quigley, Owen, Moyer and Deccio to Engrossed Substitute House Bill No. 1046.

The motion by Senator Franklin failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator Kohl moved that the following amendments by Senators Kohl, Franklin, Fraser, Prentice and Spanel to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be considered simultaneously and be adopted:

On page 26, line 21 of the amendment, after "provider," insert "by a health carrier,"

On page 26, line 34 of the amendment, after "RCW" insert "or health carrier rules under Title 48 RCW or the authority of this act"

On page 26, line 35 of the amendment, after "department of health" insert "or the insurance commissioner"

On page 27, line 24 of the amendment, after "facilities" insert ", and for health carriers under Title 48 RCW and the authority of this act"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl, Franklin, Fraser, Prentice and Spanel on page 26, lines 21, 34 and 35, and page 27, line 24, to the striking amendment by Senators Quigley, Owen, Moyer and Deccio to Engrossed Substitute House Bill No. 1046.

The motion by Senator Kohl failed and the amendments to the striking amendment were not adopted on a rising vote.

#### MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Prentice, Hale, Wood, Bauer, Newhouse and Finkbeiner to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be adopted:

On page 30, after line 34 of the amendment, insert the following:

"Sec. 27. RCW 66.24.290 and 1994 sp.s. c 7 s 902 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his or her place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps provided under this section need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to seven percent multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(4)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, ~~((1995)) 1997, and two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, ((1995, through June 30,)) 1997, ((and four dollars and seventy-eight cents per barrel of thirty-one gallons)) and thereafter.~~

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (4) shall be deposited in the health services account under RCW 43.72.900.

(5) The tax imposed under this section shall not apply to "strong beer" as defined in this title."

Renumber the remaining sections consecutively and correct internal references accordingly.

#### POINT OF ORDER

Senator Moyer: "A point of order, Mr. President. I raise the point of order challenging the scope and object of the amendment before the body. Engrossed Substitute House Bill No. 1046 is a policy bill, not a fiscal bill. The amendment before the Senate addresses only taxation rates. No reference is made either in the title or the body of the bill to the subject of this amendment. The bill addresses neither the taxation nor the spending of accounts receiving the existing health care taxes. Taxation issues were also not addressed in the policy committee. The amendment addresses sections of RCW not cited in the title and completely outside the scope of the bill itself. I ask that you rule this amendment out of order."

Further debate ensued.

#### MOTION

On motion of Senator Spanel, further consideration of the amendment by Senators Rasmussen, Prentice, Hale, Wood, Bauer, Newhouse and Finkbeiner on page 30, after line 34, to Engrossed Substitute House Bill No. 1046 was deferred.

#### MOTION

Senator Sutherland moved that the following amendment to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be adopted:

On page 30, after line 34 of the amendment, insert the following:

"Sec. 27. RCW 66.24.290 and 1994 sp.s. c 7 s 902 (Referendum Bill No. 43) are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his or her place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps provided under this section need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to seven percent multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(4)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, and two dollars and thirty-nine cents per barrel of thirty-one gallons (~~for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons~~) thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (4) shall be deposited in the health services account under RCW 43.72.900.

(5) The tax imposed under this section shall not apply to "strong beer" as defined in this title."

Renumber the remaining sections consecutively and correct internal references accordingly.

#### PARLIAMENTARY INQUIRY

Senator Sutherland: "Mr. President, anticipating that somebody else will be rising very shortly to oppose the amendment, prior to them doing so I would like to ask you another question. That is, if the first amendment is found to be within the scope and object, but defeated by the body--excuse me--let me rephrase that, to be within the scope and object and accepted by the body, will my motion that I am making just now that you recognized be in order--or will it be out of order?"

#### REPLY BY THE PRESIDENT

President Pritchard: "Senator Sutherland, it is true. If the first amendment is adopted, then yours would be out of order, but we have no way of knowing at this time--until we go in and work on it."

#### POINT OF ORDER

Senator Moyer: "I raise the point of order challenging the scope and object on the same basis as the previous amendment."  
Further debate ensued.

#### MOTION

On motion of Senator Spanel, further consideration of the amendment by Senator Sutherland on page 30, after line 34, to Engrossed Substitute House Bill No. 1046 was deferred.

President Pro Tempore Wojahn assumed the Chair.

#### MOTION

Senator Franklin moved that the following amendment by Senators Franklin, Kohl, Heavey, Fairley, Prentice, Rasmussen and Fraser to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be adopted:

On page 30, after line 34 of the amendment, insert the following:

**"NEW SECTION. Sec. 27.** A new section is added to chapter 70.41 RCW to read as follows:

The department of health in consultation with the nursing quality assurance commission under chapter 18.79 RCW may, within funds appropriated specifically for the purpose, study staffing plans for hospitals, including the relationship between staffing ratios and patient care needs. The department shall develop a report with any recommendations it chooses to make to the legislature regarding specific changes in state law regarding these matters."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Franklin, Kohl, Heavey, Fairley, Prentice, Rasmussen and Fraser on page 30, after line 34 to the striking amendment by Senators Quigley, Owen, Moyer and Deccio to Engrossed Substitute House Bill No. 1046.

The motion by Senator Franklin failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Franklin moved that the following amendment to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be adopted:

On page 30, after line 34 of the amendment, insert the following:

**"NEW SECTION. Sec. 27.** A new section is added to chapter 43.70 RCW to read as follows:

The legislature finds that assuring adequate access to quality health services in rural and medically underserved areas requires special efforts to recruit and train health service providers and the development of health care systems in these areas. The state department of health has provided valuable coordination and technical assistance in these efforts through its office of rural health. The University of Washington's rural and underserved opportunities program and its community health systems development program have voluntarily initiated various creative efforts, which have made solid progress in meeting these essential state needs, despite the lack of explicit financial support from state government for these purposes. The legislature recognizes that increased price competition in health services delivery may jeopardize the University of Washington's laudatory efforts in these areas, and in other teaching and research endeavors that are critical to promoting universal access to

quality health services. Therefore, the department of health is authorized to ensure the continuation of these efforts as well as their coordination in the context of overall health systems development, within funds specially appropriated for this purpose."

Renumber the remaining sections consecutively and correct internal references.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Franklin on page 30, after line 34 to the striking amendment by Senators Quigley, Owen, Moyer and Deccio to Engrossed Substitute House Bill No. 1046.

The motion by Senator Franklin failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Franklin moved that the following amendment to the striking amendment by Senators Quigley, Owen, Moyer and Deccio be adopted:

On page 30, after line 34 of the amendment, insert the following:

**"NEW SECTION. Sec. 27.** A new section is added to chapter 43.70 RCW to read as follows:

All health care facilities, health carriers overseeing health care delivery, and providers must develop and disclose a staffing plan to include professional and nonprofessional staff, including direct registered nurse to patient ratios for each treatment setting and shift. This section does not require a health carrier, health care facility, or health provider to adhere to any particular standard that may not be otherwise provided by law. The department shall set in rule the forms, frequency of disclosure, and posting requirements for such information."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Franklin on page 30, after line 34, to the striking amendment by Senators Quigley, Owen, Moyer and Deccio to Engrossed Substitute House Bill No. 1046.

The motion by Senator Franklin failed and the amendment to the striking amendment was not adopted.

#### POINT OF INQUIRY

Senator Roach: "Senator Anderson, can you tell us all what the temperature is in the chamber?"

Senator Ann Anderson: "Senator Roach, as I just went back and checked the temperature, I believe it is sixty-three degrees in here."

Senator Roach: "Thank you, Senator Anderson."

#### PERSONAL PRIVILEGE

Senator Morton: "A personal privilege, please. I understand the dress decorum; I wonder if it would be appropriate for the gentlemen to offer their coats to the ladies?"

#### MOTION

At 8:47 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 8:53 p.m. by President Pro Tempore Wojahn.

#### MOTION

On motion of Senator Spanel, further consideration of Engrossed Substitute House Bill No. 1046 was deferred.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1589 and the pending Committee on Health and Long-Term Care amendment, deferred earlier today after the amendment by Senators Moyer, Deccio and Quigley on page 2 after line 5, to the committee amendment was adopted.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment, as amended, to Engrossed Substitute House Bill No. 1589.

The committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 1 of the title, after "assurance;" strike the remainder of the title and insert "adding a new section to chapter 43.70 RCW; adding a new section to chapter 48.43 RCW; creating new sections; repealing RCW 70.170.080; providing an effective date; and declaring an emergency."

On motion of Senator Quigley, the rules were suspended, Engrossed Substitute House Bill No. 1589, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1589, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1589, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senators McCaslin, Oke and Schow - 3.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate returned to the fourth order of business.

#### MESSAGES FROM THE HOUSE

April 13, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1566, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 13, 1995

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2089, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1566 by House Committee on Appropriations (originally sponsored by Representative Dyer) (by request of Health Care Authority)

Modifying public employee health care coverage.

Referred to Committee on Ways and Means.

EHB 2089 by Representatives B. Thomas, Foreman, Carrell, L. Thomas, Goldsmith, Cairnes, Johnson, Sehlin, Silver, Talcott, Smith, Campbell, Sheahan, Huff, Horn, McMorris, Beekma, Fuhrman, Hymes, Thompson, Schoesler, Hargrove, Carlson, Pennington, Backlund, Lambert, Mitchell, Casada, Mielke, Mulliken, Honeyford, Robertson, McMahan, Buck, Stevens, Brumsickle, Benton, Sherstad, Dyer, Radcliff, Cooke, Delvin, D. Schmidt, Chandler, Ballasiotes, Elliot, Van Luven, Skinner, Blanton and Boldt

Enacting the taxpayer relief act of 1995.

Referred to Committee on Ways and Means.

At 9:02 p.m., there being no objection, the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 9:10 p.m. by President Pritchard.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1046 and the pending amendment by Senators Rasmussen, Prentice, Hale, Wood, Bauer, Newhouse and Finkbeiner on page 30, after line 34, and the pending amendment by Senator Sutherland on page 30, after line 34, to the striking amendment by Senators Quigley, Owen, Moyer and Deccio.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the points of order raised by Senator Moyer on the amendment by Senators Rasmussen, Prentice, Hale, Wood, Bauer, Newhouse and Finkbeiner on page 30, after line 34, and the amendment by Senator Sutherland on page 30, after line 34, to the striking amendment by Senators Quigley, Owen, Moyer and Deccio, the President finds that Engrossed Substitute House Bill No. 1046 is a measure which makes various changes to the substantive provisions of the health care laws.

"The amendment by Senators Rasmussen, Prentice, Hale, Wood, Bauer, Newhouse and Finkbeiner on page 30, after line 34, and the amendment by Senator Sutherland on page 30, after line 34, would make changes to certain taxes which are deposited in the Health Services Account.

"As a preliminary matter, the President reminds the members that the scope and object of House Bills before the Senate is determined by the bill as it passed the House. Therefore, the scope and object of the Engrossed Substitute Bill is the appropriate version in this instance.

"Engrossed Substitute House Bill No. 1046 has no provisions dealing with taxation or tax rates."

The amendments by Senators Rasmussen, Prentice, Hale, Wood, Bauer, Newhouse and Finkbeiner on page 30, after line 34, and the amendment by Senator Sutherland on page 30, after line 34, to Engrossed Substitute House Bill No. 1046 were ruled out of order.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Quigley, Owen, Moyer and Deccio, as amended, to Engrossed Substitute House Bill No. 1046.

Debate ensued.

The striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 1 of the title, after "improvement;" strike the remainder of the title and insert "amending RCW 48.21.045, 48.44.023, and 48.46.066; adding a new section to chapter 70.47 RCW; adding new sections to chapter 48.43 RCW; adding a new section to chapter 48.20 RCW; adding new sections to chapter 48.44 RCW; adding new sections to chapter 48.46 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 48.21 RCW; adding a new chapter to Title 48 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 18.130.320, 18.130.330, 43.72.005, 43.72.010, 43.72.020, 43.72.030, 43.72.040, 43.72.050, 43.72.060, 43.72.070, 43.72.080, 43.72.090, 43.72.100, 43.72.110, 43.72.120, 43.72.130, 43.72.140, 43.72.150, 43.72.160, 43.72.170, 43.72.180, 43.72.190, 43.72.210, 43.72.220, 43.72.225, 43.72.230, 43.72.240, 43.72.300, 43.72.310, 43.72.800, 43.72.810, 43.72.820, 43.72.830, 43.72.840, 43.72.870, 48.01.200, 48.43.010, 48.43.020, 48.43.030, 48.43.040, 48.43.050, 48.43.060, 48.43.070, 48.43.080, 48.43.090, 48.43.100, 48.43.110, 48.43.120, 48.43.130, 70.170.140, 48.43.140, 48.43.150, 48.43.160, 48.43.170, 48.01.210, 48.20.540, 48.21.340, 48.44.480, 48.46.550, 70.170.100, 70.170.110, 70.170.120, 70.170.130, 70.170.140, 48.44.490, 48.46.560, and 43.72.200; providing effective dates; and declaring an emergency."

On motion of Senator Quigley, the rules were suspended, Engrossed Substitute House Bill No. 1046, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1046, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1046, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 39.

Voting nay: Senators Fairley, Franklin, Fraser, Kohl, McCaslin, Pelz, Prentice, Spanel and Wojahn - 9.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 9:36 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, April 17, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate



JOURNAL OF THE SENATE

NINETY-SIXTH DAY, APRIL 14, 1995

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

**NINETY-NINTH DAY**

MORNING SESSION

Senate Chamber, Olympia, Monday, April 17, 1995

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Ann Anderson, Cal Anderson, Deccio, Fraser, Moyer, Pelz, Quigley, Smith, Sutherland and Winsley. On motion of Senator Kohl, Senators Cal Anderson, Pelz and Sutherland were excused. On motion of Senator Wood, Senators Ann Anderson and Moyer were excused. On motion of Senator Sheldon, Senator Quigley was excused.

The Sergeant at Arms Color Guard, consisting of Pages Joe Osborne and Abby Woods, presented the Colors. Reverend Robert Cassis, pastor of the South Sound Presbyterian Church of Lacey, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 13, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5876, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 14, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5728, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 14, 1995

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5755,  
SUBSTITUTE SENATE BILL NO. 5992,  
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8210, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 14, 1995

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1241,  
SUBSTITUTE HOUSE BILL NO. 1483,  
SUBSTITUTE HOUSE BILL NO. 1929,  
SUBSTITUTE HOUSE BILL NO. 2060, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5728,  
ENGROSSED SENATE BILL NO. 5876.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1241,  
SUBSTITUTE HOUSE BILL NO. 1483,  
SUBSTITUTE HOUSE BILL NO. 1929,  
SUBSTITUTE HOUSE BILL NO. 2060.

MOTION

At 10:10 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:31 a.m. by President Pritchard.  
There being no objection, the President reverted the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR

July 7, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Jeff Johnson, appointed July 7, 1994, for a term ending June 30, 1995, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to the Committee on Higher Education.

December 1, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
John Carter, reappointed December 1, 1994, for a term ending June 30, 1998, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to the Committee on Higher Education.

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Prentice, the following resolution was adopted:

SENATE RESOLUTION 1995-8628

By Senator Prentice

WHEREAS, Bill Longbrake has made a major contribution to the quality of life in the state of Washington through application of his time, talent and commitment in both the public and private sectors;

WHEREAS, Bill Longbrake's distinguished career of public service began with a successful tenure with the Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency, and included senior positions with both agencies; and

WHEREAS, His distinguished career in the private sector began in 1982, when he joined Washington Mutual Savings Bank as executive vice president; and

WHEREAS, Bill Longbrake played an integral role in the growth and success of one of the Northwest's premier financial institutions, assuming the position of senior executive vice president and chief financial officer of Washington Mutual in 1988; and

WHEREAS, Bill Longbrake contributed his time and talent to the success of the financial services industry in Washington, including service as president of the Puget Sound Council of Financial Institutions; and

WHEREAS, Bill Longbrake has devoted thousands of hours of volunteer time to the issue of affordable housing in this state, including service as president of the Capitol Hill Housing Improvement Program, chairman of the board of Threshold Housing, as chair of the Washington State Affordable Housing Advisory Board; and

WHEREAS, Bill is now continuing his public service, returning to Washington D.C., as chief financial officer and deputy to the chair for financial policy with the Federal Deposit Insurance Corporation;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington now hereby recognizes and honors Bill Longbrake for his unique contribution to the financial services industry in this state and the nation, and for his dedication to the goal of affordable housing; and

BE IT FURTHER RESOLVED, That the Senate congratulates Bill Longbrake as he returns to public service and wishes him well in this new endeavor.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Bill Longbrake.

#### MOTION

On motion of Senator Spanel, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 6, 1995

#### MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5053, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.06.010 and 1994 c 200 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, this chapter does not apply to the following transfers of residential real property:

~~((1))~~ (a) A foreclosure, deed-in-lieu of foreclosure, real estate contract forfeiture, or a sale by a lienholder who acquired the residential real property through foreclosure ~~((or))~~, deed-in-lieu of foreclosure, or real estate contract forfeiture;

~~((2))~~ (b) A gift or other transfer to a parent, spouse, or child of a transferor or child of any parent or spouse of a transferor;

~~((3))~~ (c) A transfer between spouses in connection with a marital dissolution;

~~((4))~~ (d) A transfer where a buyer had an ownership interest in the property within two years of the date of the transfer including, but not limited to, an ownership interest as a partner in a partnership, a limited partner in a limited partnership, a shareholder in a corporation, a leasehold interest, or transfers to and from a facilitator pursuant to a tax deferred exchange;

~~((5))~~ (e) A transfer of an interest that is less than fee simple, except that the transfer of a vendee's interest under a real estate contract is subject to the requirements of this chapter; ~~(and~~

~~((6))~~ (f) A transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy; and

(g) A transfer of new residential construction, if the seller is registered under chapter 18.27 RCW, and if the buyer is the first purchaser and occupant.

(2) This chapter shall apply to transfers of residential real property exempt under this section, if the seller provides to the buyer a completed real property transfer disclosure statement in the form described in RCW 64.06.020(1).

Sec. 2. RCW 64.06.020 and 1994 c 200 s 3 are each amended to read as follows:

(1) In a transaction for the sale of residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement, or unless the transfer is exempt under RCW 64.06.010, deliver to the buyer a completed real property transfer disclosure statement in the following ~~((form))~~ format and that contains, at a minimum, the following information:

#### INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA". If the answer is "yes" to any \* items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than ~~((---))~~ five business days ~~((or five days if not filled in) of)~~, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

#### NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY THE SELLER(S), CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME THIS DISCLOSURE FORM IS COMPLETED BY THE SELLER. YOU HAVE ~~((---))~~ THREE BUSINESS DAYS, ~~((OR THREE BUSINESS DAYS IF NOT FILLED IN))~~ UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO ~~((REVOKE YOUR OFFER))~~ RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF ~~((REVOCATION))~~ RESCISSION TO THE SELLER, UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT. THE FOLLOWING ARE DISCLOSURES MADE BY THE SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN THE BUYER AND THE SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON YOUR BEHALF, FOR EXAMPLE, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, OR PEST AND DRY ROT INSPECTORS. THE PROSPECTIVE BUYER AND THE OWNER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

**I. SELLER'S DISCLOSURES:**

\*If "Yes" attach a copy or explain. If necessary use an attached sheet.

**1. TITLE**

- Yes  No  Don't know A. Do you have legal authority to sell the property?
- Yes  No  Don't know \*B. Is title to the property subject to any of the following?
  - (1) First right of refusal
  - (2) Option
  - (3) Lease or rental agreement
  - (4) Life estate?
- Yes  No  Don't know \*C. Are there any encroachments, boundary agreements, or boundary disputes?
- Yes  No  Don't know \*D. Are there any rights of way, easements, or access limitations that may affect the owner's use of the property?
- Yes  No  Don't know \*E. Are there any written agreements for joint maintenance of an easement or right of way?
- Yes  No  Don't know \*F. Is there any study, survey project, or notice that would adversely affect the property?
- Yes  No  Don't know \*G. Are there any pending or existing assessments against the property?
- Yes  No  Don't know \*H. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the subject property that would affect future construction or remodeling?
- Yes  No  Don't know \*I. Is there a boundary survey for the property?
- Yes  No  Don't know \*J. Are there any covenants, conditions, or restrictions which affect the property?

**2. WATER**

A. Household Water

(1) The source of the water is  Public  Community  Private

Shared

(2) Water source information:

- Yes  No  Don't know \*a. Are there any written agreements for shared water source?
- Yes  No  Don't know \*b. Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?
- Yes  No  Don't know \*c. Are any known problems or repairs needed?
- Yes  No  Don't know \*d. Does the source provide an adequate year round supply of potable water?
- Yes  No  Don't know \*(3) Are there any water treatment systems for the property?
  - Leased  Owned

B. Irrigation

- Yes  No  Don't know (1) Are there any water rights for the property?
- Yes  No  Don't know \*(2) If they exist, to your knowledge, have the water rights been used during the last five-year period?
- Yes  No  Don't know \*(3) If so, is the certificate available?

C. Outdoor Sprinkler System

- Yes  No  Don't know (1) Is there an outdoor sprinkler system for the property?
- Yes  No  Don't know \*(2) Are there any defects in the outdoor sprinkler system?

**3. SEWER/SEPTIC SYSTEM**

A. The property is served by:  Public sewer main,  Septic tank system  
 Other disposal system (describe)

Yes  No  Don't know B. If the property is served by a public or community sewer main, is the house connected to the main?

C. Is the property currently subject to a sewer capacity charge?

D. If the property is connected to a septic system:

- Yes  No  Don't know (1) Was a permit issued for its construction, and was it approved by the city or county following its construction?
- (2) When was it last pumped:
  - , 19. . .

Yes  No  Don't know \*(3) Are there any defects in the operation of the septic system?

Don't know (4) When was it last inspected?

, 19. . .

By Whom:

Don't know (5) How many bedrooms was the system approved for?

bedrooms

- Yes  No  Don't know \*((D)) E. Do all plumbing fixtures, including laundry drain, go to the septic/sewer system? If no, explain:
- Yes  No  Don't know \*((E)) E. Are you aware of any changes or repairs to the septic system?
- Yes  No  Don't know ((F)) G. Is the septic tank system, including the drainfield, located entirely within the boundaries of the property?

#### 4. STRUCTURAL

- Yes  No  Don't know \*A. Has the roof leaked?
- Yes  No  Don't know If yes, has it been repaired?
- Yes  No  Don't know \*B. Have there been any conversions, additions, or remodeling?
- Yes  No  Don't know \*1. If yes, were all building permits obtained?
- Yes  No  Don't know \*2. If yes, were all final inspections obtained?
- Yes  No  Don't know C. Do you know the age of the house? If yes, year of original construction:
- Yes  No  Don't know \*D. Do you know of any settling, slippage, or sliding of the house or other improvements? If yes, explain:
- Yes  No  Don't know \*E. Do you know of any defects with the following: (Please check applicable items)

- Foundations  Decks  Exterior Walls
- Chimneys  Interior Walls  Fire Alarm
- Doors  Windows  Patio
- Ceilings  Slab Floors  Driveways
- Pools  Hot Tub  Sauna
- Sidewalks  Outbuildings  Fireplaces
- Garage Floors  Walkways
- Other  Wood Stoves

- Yes  No  Don't know \*F. Was a pest or dry rot, structural or "whole house" inspection done? When and by whom was the inspection completed?
- Yes  No  Don't know \*G. Since assuming ownership, has your property had a problem with wood destroying organisms and/or have there been any problems with pest control, infestations, or vermin?

#### 5. SYSTEMS AND FIXTURES

If the following systems or fixtures are included with the transfer, do they have any existing defects:

- Yes  No  Don't know \*A. Electrical system, including wiring, switches, outlets, and service
- Yes  No  Don't know \*B. Plumbing system, including pipes, faucets, fixtures, and toilets
- Yes  No  Don't know \*C. Hot water tank
- Yes  No  Don't know \*D. Garbage disposal
- Yes  No  Don't know \*E. Appliances
- Yes  No  Don't know \*F. Sump pump
- Yes  No  Don't know \*G. Heating and cooling systems
- Yes  No  Don't know \*H. Security system  Owned  Leased
- \*I. Other

#### 6. COMMON INTEREST

- Yes  No  Don't know A. Is there a Home Owners' Association? Name of Association
- Yes  No  Don't know B. Are there regular periodic assessments:
- \$ per  Month  Year
- Other
- Yes  No  Don't know \*C. Are there any pending special assessments?
- Yes  No  Don't know \*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

#### 7. GENERAL

- Yes  No  Don't know \*A. Is there any settling, soil, standing water, or drainage problems on the property?
- Yes  No  Don't know \*B. Does the property contain fill material?
- Yes  No  Don't know \*C. Is there any material damage to the property or any of the structure from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?
- Yes  No  Don't know D. Is the property in a designated flood plain?
- ~~( Yes  No  Don't know E. Is the property in a designated flood hazard zone?)~~
- Yes  No  Don't know ~~(( F.))~~ \*E. Are there any substances, materials, or products that may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, and contaminated soil or water on the subject property?
- Yes  No  Don't know ~~(( G.))~~ \*F. Are there any tanks or underground storage tanks (e.g., chemical, fuel, etc.) on the property?
- Yes  No  Don't know ~~(( H.))~~ \*G. Has the property ever been used as an illegal drug manufacturing site?

## 8. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

- Yes  No  Don't know \*Are there any other material defects affecting this property or its value that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE . . . . . SELLER . . . . . SELLER

## II. BUYER'S ACKNOWLEDGMENT

- A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects which are known to me/us or can be known to me/us by utilizing diligent attention and observation.
- B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are made only by the seller.
- C. Buyer (which term includes all persons signing the "buyer's acceptance" portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. YOU, THE BUYER, HAVE ~~((---))~~ THREE BUSINESS DAYS ~~((OR THREE BUSINESS DAYS IF NOT FILLED IN))~~, UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO ~~((REVOKE YOUR OFFER))~~ RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF ~~((REVOCATION))~~ RESCISSION TO THE SELLER UNLESS YOU WAIVE THIS RIGHT OF ~~((REVOCATION))~~ RESCISSION.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS REAL PROPERTY TRANSFER DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE . . . . . BUYER . . . . . BUYER

(2) The real property transfer disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential real property. The real property transfer disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

**Sec. 3.** RCW 64.06.030 and 1994 c 200 s 4 are each amended to read as follows:

Unless the buyer has expressly waived the right to receive the disclosure statement, ~~((within))~~ not later than five business days or as otherwise agreed to, ~~((of))~~ after mutual acceptance of a written agreement between a buyer and a seller for the purchase and sale of residential real property, the seller shall deliver to the buyer a completed, signed, and dated real property transfer disclosure statement. Within three business days, or as otherwise agreed to, of receipt of the real property transfer disclosure statement, the buyer shall have the right to exercise one of the following two options: (1) Approving and accepting the real property transfer disclosure statement; or (2) rescinding the agreement for the purchase and sale of the property, which decision may be made by the buyer in the buyer's sole discretion. If the buyer elects to rescind the

agreement, the buyer must deliver written notice of rescission to the seller within the three-business-day period, or as otherwise agreed to, and upon delivery of the written rescission notice the buyer shall be entitled to immediate return of all deposits and other considerations less any agreed disbursements paid to the seller, or to the seller's agent or an escrow agent for the seller's account, and the agreement for purchase and sale shall be void. If the buyer does not deliver a written rescission notice to [the] seller within the three-business-day period, or as otherwise agreed to, the real property transfer disclosure statement will be deemed approved and accepted by the buyer.

**Sec. 4.** RCW 64.06.040 and 1994 c 200 s 5 are each amended to read as follows:

(1) If, after the date that a seller of residential real property completes a real property transfer disclosure statement, the seller becomes aware of additional information, or an adverse change occurs which makes any of the disclosures made inaccurate, the seller shall amend the real property transfer disclosure statement, and deliver the amendment to the buyer. No amendment shall be required, however, if the seller takes whatever corrective action is necessary so that the accuracy of the disclosure is restored, or the adverse change is corrected, at least three business days prior to the closing date. Unless the ~~((adverse change is corrected or repaired))~~ corrective action is completed by the seller prior to the closing date, the buyer shall have the right to exercise one of the following two options: (a) Approving and accepting the amendment, or (b) rescinding the agreement of purchase and sale of the property within three business days after receiving the amended real property transfer disclosure statement. Acceptance or rescission shall be subject to the same procedures described in RCW 64.06.030. If the closing date provided in the purchase and sale agreement is scheduled to occur within the three-~~business~~-day rescission period provided for in this section, the closing date shall be extended until the expiration of the three-business-day rescission period. The buyer shall have no right of rescission if the seller takes whatever action is necessary so that the accuracy of the disclosure is restored at least three business days prior to the closing date.

(2) In the event any act, occurrence, or agreement arising or becoming known after the closing of a residential real property transfer causes a real property transfer disclosure statement to be inaccurate in any way, the seller of such property shall have no obligation to amend the disclosure statement, and the buyer shall not have the right to rescind the transaction under this chapter.

(3) If the seller in a residential real property transfer fails or refuses to provide to the prospective buyer a real property transfer disclosure statement as required under this chapter, the prospective buyer's right of rescission under this section shall apply until the earlier of three business days after receipt of the real property transfer disclosure statement or the date the transfer has closed, unless the buyer has otherwise waived the right of rescission in writing. Closing is deemed to occur when the buyer has paid the purchase price, or down payment, and the conveyance document, including a deed or real estate contract, from the seller has been delivered and recorded. After closing, the seller's obligation to deliver the real property transfer disclosure statement and the buyer's rights and remedies under this chapter shall terminate.

**Sec. 5.** RCW 64.06.050 and 1994 c 200 s 6 are each amended to read as follows:

(1) The seller of residential real property shall not be liable for any error, inaccuracy, or omission in the real property transfer disclosure statement if the seller had no ~~((personal))~~ actual knowledge of the error, inaccuracy, or omission. Unless the seller of residential real property has actual knowledge of an error, inaccuracy, or omission in a real property transfer disclosure statement, the seller shall not be liable for such error, inaccuracy, or omission if the disclosure was based on information provided by public agencies, or by other persons providing information within the scope of their professional license or expertise, including, but not limited to, a report or opinion delivered by a land surveyor, title company, title insurance company, structural inspector, pest inspector, licensed engineer, or contractor.

(2) Any licensed real estate salesperson or broker involved in a residential real property transaction is not liable for any error, inaccuracy, or omission in the real property transfer disclosure statement if the licensee had no ~~((personal))~~ actual knowledge of the error, inaccuracy, or omission. Unless the salesperson or broker has actual knowledge of an error, inaccuracy, or omission in a real property transfer disclosure statement, the salesperson or broker shall not be liable for such error, inaccuracy, or omission if the disclosure was based on information provided by public agencies, or by other persons providing information within the scope of their professional license or expertise, including, but not limited to, a report or opinion delivered by a land surveyor, title company, title insurance company, structural inspector, pest inspector, licensed engineer, or contractor.

**Sec. 6.** RCW 64.06.070 and 1994 c 200 s 8 are each amended to read as follows:

Except as provided in RCW 64.06.050, nothing in this chapter shall extinguish or impair any rights or remedies of a buyer of real estate against the seller or against any agent acting for the seller otherwise existing pursuant to common law, statute, or contract; nor shall anything in this chapter create any new right or remedy for a buyer of residential real property other than the right of rescission exercised on the basis and within the time limits provided in this chapter.

NEW SECTION. **Sec. 7.** Section 2 of this act shall apply to real property transfer disclosure statements completed by sellers of residential real property on or after the effective date of this act. Real property transfer disclosure statements completed by sellers of residential real property prior to the effective date of this act must comply with requirements of RCW 64.06.020 in effect at the time the transaction is started."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 64.06.010, 64.06.020, 64.06.030, 64.06.040, 64.06.050, and 64.06.070; and providing an effective date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5053 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5092, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that it is in the interests of the people of the state of Washington to be able to establish library capital facility areas as quasi-municipal corporations and independent taxing units existing within the boundaries of existing rural county library districts, rural intercounty library districts, rural partial-county library districts, or island library districts, for the purpose of financing the construction of capital library facilities.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Library district" means rural county library district, rural intercounty library district, rural partial-county library district, or island library district.

(2) "Library capital facility area" means a quasi-municipal corporation and independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, created by a county legislative authority of one or several counties. A library capital facility area may include all or a portion of a city or town.

(3) "Library capital facilities" includes both real and personal property including, but not limited to, land, buildings, site improvements, equipment, furnishings, collections, and all necessary costs related to acquisition, financing, design, construction, equipping, and remodeling.

NEW SECTION. Sec. 3. Upon receipt of a completed written request to both establish a library capital facilities area and submit a ballot proposition under section 6 of this act to finance library capital facilities, that is signed by a majority of the members of the board of trustees of a library district or board of trustees of a city or town library, the county legislative authority or county legislative authorities for the county or counties in which a proposed library capital facility area is to be established shall submit separate ballot propositions to voters to authorize establishing the proposed library capital facilities area and authorizing the library capital facilities area, if established, to finance library capital facilities by issuing general indebtedness and imposing excess levies to retire the indebtedness. The ballot propositions may only be submitted to voters at a general election. Approval of the ballot proposition to create a library capital facilities area shall be by a simple majority vote.

A completed request submitted under this section shall include: (1) A description of the boundaries of the library capital facility area; and (2) a copy of the resolution of the legislative authority of each city or town, and board of trustees of each library district, with territory included within the proposed library capital facilities area indicating both: (a) Its approval of the creation of the proposed library capital facilities area; and (b) agreement on how election costs will be paid for submitting ballot propositions to voters that authorize the library capital facilities area to incur general indebtedness and impose excess levies to retire the general indebtedness.

NEW SECTION. Sec. 4. The governing body of the library capital facility area shall be three members of the county legislative authority from each county in which the library capital facility area is located. In counties that have more than three members of their legislative body, the three members who shall serve on the governing body of the library capital facility area shall be chosen by the full membership of the county legislative authority. Where the library capital facility area is located in more than one county, a county may be represented by less than three members by mutual agreement of the legislative authorities of the participating counties.

NEW SECTION. Sec. 5. A library capital facilities area may construct, acquire, maintain, and remodel library capital facilities and the governing body of the library capital facility area may, by interlocal agreement or otherwise, contract with a county, city, town, or library district to design, administer the construction of, operate, or maintain a library capital facility financed pursuant to this chapter. Legal title to library capital facilities acquired or constructed pursuant to this chapter may be transferred, acquired, or held by the library capital facility area or by a county, city, town, or library district in which the facility is located.

NEW SECTION. Sec. 6. (1) A library capital facility area may contract indebtedness or borrow money to finance library capital facilities and may issue general obligation bonds for such purpose not exceeding an amount, together with any existing indebtedness of the library capital facility area, equal to one and one-quarter percent of the value of the taxable property in the district and impose excess property tax levies to retire the general indebtedness as provided in RCW 39.36.050 if a ballot proposition authorizing both the indebtedness and excess levies is approved by at least three-fifths of the voters of the library capital facility area voting on the proposition, and the total number of voters voting on the proposition constitutes not less than forty percent of the total number of voters in the library capital facility area voting at the last preceding general election. The term "value of the taxable property" has the meaning set forth in RCW 39.36.015. Such a proposition may only be submitted to voters at a general election and may be submitted to voters at the same election as the election when the ballot proposition authorizing the establishing of the library capital facilities district is submitted.



(2) A library capital facility area may accept gifts or grants of money or property of any kind for the same purposes for which it is authorized to borrow money in subsection (1) of this section.

**NEW SECTION. Sec. 7.** (1) A library capital facility area may be dissolved by a majority vote of the governing body when all obligations under any general obligation bonds issued by the library capital facility area have been discharged and any other contractual obligations of the library capital facility area have either been discharged or assumed by another governmental entity.

(2) A library capital facility area shall be dissolved by the governing body if the first two ballot propositions under section 6 of this act that are submitted to voters are not approved.

**NEW SECTION. Sec. 8.** A new section is added to chapter 36.32 RCW to read as follows:

A county legislative authority may establish a library capital facility area pursuant to chapter 27.-- RCW (sections 1 through 7 of this act).

**NEW SECTION. Sec. 9.** The following acts or parts of acts are each repealed:

- (1) RCW 27.14.010 and 1961 c 162 s 1;
- (2) RCW 27.14.015 and 1963 c 80 s 5;
- (3) RCW 27.14.020 and 1963 c 80 s 1 & 1961 c 162 s 2;
- (4) RCW 27.14.030 and 1963 c 80 s 2 & 1961 c 162 s 3;
- (5) RCW 27.14.035 and 1963 c 80 s 3;
- (6) RCW 27.14.040 and 1963 c 80 s 4 & 1961 c 162 s 4; and
- (7) RCW 27.14.050 and 1961 c 162 s 5.

**NEW SECTION. Sec. 10.** Sections 1 through 7 of this act shall constitute a new chapter in Title 27 RCW."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 36.32 RCW; adding a new chapter to Title 27 RCW; and repealing RCW 27.14.010, 27.14.015, 27.14.020, 27.14.030, 27.14.035, 27.14.040, and 27.14.050.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5092 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 7, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5155, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that the shoreline management act requires that local shoreline master programs must provide for use designations that are consistent with state guidelines. The legislature further recognizes that the hydraulic project act requires a permit and complete plans for certain work within the high water line. The legislature therefore finds that the combined state oversight provided by both of these acts may be unnecessary when the same project requires a substantial development permit and a hydraulics permit.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.58 RCW to read as follows:

(1) A public or private project that is designed to improve fish or wildlife habitat or fish passage shall be exempt from the substantial development permit requirements of this chapter when all of the following apply:

- (a) The project has been approved by the department of fish and wildlife;
- (b) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 75.20 RCW; and
- (c) The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

(2) Approval authority under chapter 75.20 RCW for a public or private project that is not exempt from the substantial development permit requirements of this chapter, shall be delegated to cities, counties, or towns for projects located within a harbor area of that jurisdiction when an approved shoreline master program exists for that area and the city, town, or county has made a written request for such a delegation of authority."

On line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 90.58 RCW; and creating a new section.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

POINT OF ORDER

Senator Fraser: "Mr. President, a point of order. I believe that the amendment passed by the House exceeds the scope and object of the bill. The bill that the Senate passed, Substitute Senate Bill No. 5155, is a very narrowly drawn exception to the Shoreline Management Act. It allows an exemption from the Shoreline permit for a very specific purpose, fish and wildlife improvement projects, and the only respect with which it addresses the hydraulics code is to provide one criteria that can be satisfied before a Shoreline permit may be excluded. The House amendment adds an entirely new subject to the bill both as to the laws involved and to the types of projects and it amends the hydraulics code in the Shoreline Act, rather than in the Hydraulic's Act. It allows delegation to local governments of any type of project that is within a harbor area. Harbor areas, as you know, are reserved forever for purposes of navigation and commerce, so you wouldn't be having a fish and wildlife enhancement project there, generally. I do feel that this is outside the scope and object."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5155.

MOTION

At 11:49 a.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:09 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 14, 1995

MR. PRESIDENT:

The Speaker has signed HOUSE JOINT MEMORIAL NO. 4008, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE JOINT MEMORIAL NO. 4008.

STATEMENT FOR THE JOURNAL

During the session of April 17, 1995, I was absent from voting on final passage of Engrossed Substitute Senate Bill No. 5019; Senate Bill No. 5029; Senate Bill No. 5039, Senate Bill No. 5142; Second Substitute Senate Bill No. 5088; Substitute Senate Bill No. 5182; Substitute Senate Bill No. 5183; Engrossed Substitute Senate Bill No. 5190; Substitute Senate Bill No. 5209; Senate Bill No. 5239; Senate Bill No. 5267; Senate Bill No. 5275; Senate Bill No. 5282; Engrossed Second Substitute Senate Bill No. 5342; Senate Bill No. 5378; Senate Bill No. 5399; Engrossed Senate Bill No. 5402; and Substitute Senate Bill No. 5403 (all of these measures as amended by the House). I would have voted in the affirmative on all measures had I been present.

SENATOR DEAN SUTHERLAND, 17th District

MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5019 with the following amendment:

On page 2, line 4, beginning with "and" strike all the matter through "82.02.060" on line 5, and insert "and/or applicable impact fees are paid", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Sheldon, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5019.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5019, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5019, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 4; Excused, 6.

Voting yea: Senators Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, West, Wojahn and Wood - 39.

Absent: Senators Deccio, Fraser, Smith and Winsley - 4.

Excused: Senators Anderson, A., Anderson, C., Moyer, Pelz, Quigley and Sutherland - 6.

ENGROSSED SENATE BILL NO. 5019, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Loveland, Senators Fraser and Smith were excused.

MESSAGE FROM THE HOUSE

April 5, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5029 with the following amendment:

On page 3, line 3, after "thereto." strike all material through "~~community-)~~" on line 6, and insert "At ~~((least one third of the membership shall be composed of child care providers, and at))~~ least one member shall represent the adoption community.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate concurred in the House amendment to Senate Bill No. 5029.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5029, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5029, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 42.

Excused: Senators Anderson, A., Anderson, C., Fraser, Moyer, Pelz, Smith and Sutherland - 7.

SENATE BILL NO. 5029, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5039 with the following amendment(s):

On page 1, line 7, strike "developmentally disabled person" and insert "~~((developmentally disabled person))~~ a person with a developmental disability"

On page 1, line 10, strike "the developmentally disabled person's guardian" and insert "~~((the developmentally disabled person's guardian))~~ of the guardian of the person with a developmental disability"

On page 1, line 16, strike "developmentally disabled person" and insert "~~((developmentally disabled person))~~ the person with the developmental disability"

On page 2, line 1, strike "Developmentally disabled person" and insert "~~((Developmentally disabled person))~~ Person with a developmental disability", and the same are herewith transmitted.

MOTIONS

On motion of Senator Fairley, the Senate concurred in the House amendments to Senate Bill No. 5039.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5039, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5039, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 41.

Absent: Senators Johnson and McDonald - 2.

Excused: Senators Anderson, A., Anderson, C., Fraser, Moyer, Pelz and Sutherland - 6.

SENATE BILL NO. 5039, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5155 and the pending House amendments, deferred earlier today.

RULING BY THE PRESIDENT

"In ruling upon the point of order raised by Senator Fraser, the President finds that Substitute Senate Bill No. 5155 is a measure which exempts certain fish and wildlife enhancement projects from the substantial development permit requirements of the Shoreline Management Act if certain conditions are met.

"The striking amendment by the House of Representatives would transfer approval authority for all other hydraulic permits from the state to local governments for harbor projects when requested and an approved shoreline master program exists for that area.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The striking amendment and title amendment proposed by the House of Representatives to Substitute Senate Bill No. 5155 were ruled out of order.

MOTION

On motion of Senator Fraser, the Senate does not concur in the House amendments to Substitute Senate Bill No. 5155 and asks the House to recede therefrom.

President Pro Tempore Wojahn assumed the Chair.

MESSAGE FROM THE HOUSE

April 13, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5142 with the following amendment(s):

On page 1, line 19, after "~~((two))~~" strike "five" and insert "seven", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTIONS

On motion of Senator Sheldon, the Senate concurred in the House amendment to Senate Bill No. 5142.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5142, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5142, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.

Absent: Senator Hargrove - 1.

Excused: Senators Anderson, A., Anderson, C., Moyer, Pelz and Sutherland - 5.

SENATE BILL NO. 5142, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 10, 1995

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5088 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.09.020 and 1992 c 145 s 17 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(2) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(3) "Likely to engage in predatory acts of sexual violence" means that the person more probably than not will engage in such acts. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(4) "Predatory" means acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

~~((4))~~ (5) "Recent overt act" means any act that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm.

(6) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to chapter 71.09 RCW, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

(7) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement.

(8) "Secretary" means the secretary of social and health services or his or her designee.

**Sec. 2.** RCW 71.09.025 and 1992 c 45 s 3 are each amended to read as follows:

(1)(a) When it appears that a person may meet the criteria of a sexually violent predator as defined in RCW 71.09.020(1), the agency with jurisdiction shall refer the person in writing to the prosecuting attorney of the county where that person was charged, three months prior to:

(i) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense;

(ii) The anticipated release from total confinement of a person found to have committed a sexually violent offense as a juvenile;

(iii) Release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to RCW 10.77.090(3); or

(iv) Release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to RCW 10.77.020(3).

(b) The agency shall ~~((inform))~~ provide the prosecutor ~~((of))~~ with all relevant information including but not limited to the following information:

(i) ~~((The person's name, identifying factors, anticipated future residence, and offense history; and))~~ A complete copy of the institutional records compiled by the department of corrections relating to the person, and any such out-of-state department of corrections' records, if available;

(ii) ~~((Documentation of institutional adjustment and any treatment received))~~ A complete copy, if applicable, of any file compiled by the indeterminate sentence review board relating to the person;

(iii) All records relating to the psychological or psychiatric evaluation and/or treatment of the person;

(iv) A current record of all prior arrests and convictions, and full police case reports relating to those arrests and convictions; and

(v) A current mental health evaluation or mental health records review.

(2) This section applies to acts committed before, on, or after March 26, 1992.

(3) The agency, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

(4) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services.

**Sec. 3.** RCW 71.09.030 and 1992 c 45 s 4 are each amended to read as follows:

When it appears that: (1) ~~((The term of total confinement of))~~ A person who at any time previously has been convicted of a sexually violent offense is about to ~~((expire, or has expired))~~ be released from total confinement on, before, or after July 1, 1990; (2) ~~((the term of total confinement of))~~ a person found to have committed a sexually violent offense as a juvenile is about to ~~((expire, or has expired))~~ be released from total confinement on, before, or after July 1, 1990; (3) a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial is about to be released, or has been released on, before, or after July 1, 1990, pursuant to RCW 10.77.090(3); ~~((of))~~ (4) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released, or has been released on, before, or after July 1, 1990, pursuant to RCW 10.77.020(3), 10.77.110 (1) or (3), or 10.77.150; or (5) a person who at any time previously has been convicted of a sexually violent offense and has since been released from total confinement and has committed a recent overt act; and it appears that the person may be a sexually violent predator, the prosecuting attorney of the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney may file a petition alleging that the person is a "sexually violent predator" and stating sufficient facts to support such allegation.

**Sec. 4.** RCW 71.09.040 and 1990 c 3 s 1004 are each amended to read as follows:

(1) Upon the filing of a petition under RCW 71.09.030, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If such determination is made the judge shall direct that the person be taken into custody ~~((and))~~.

(2) Within seventy-two hours after a person is taken into custody pursuant to subsection (1) of this section, the court shall provide the person with notice of, and an opportunity to appear in person at, a hearing to contest probable cause as to whether the person is a sexually violent predator. At this hearing, the court shall (a) verify the person's identity, and (b) determine whether probable cause exists to believe that the person is a sexually violent predator. At the probable cause hearing, the state may rely upon the petition and certification for determination of probable cause filed pursuant to RCW 71.09.030. The state may supplement this with additional documentary evidence or live testimony.

(3) At the probable cause hearing, the person shall have the following rights in addition to the rights previously specified: (a) To be represented by counsel; (b) to present evidence on his or her behalf; (c) to cross-examine witnesses who testify against him or her; (d) to view and copy all petitions and reports in the court file.

(4) If the probable cause determination is made, the judge shall direct that the person ~~((shall))~~ be transferred to an appropriate facility for an evaluation as to whether the person is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct such an examination pursuant to rules developed by the department of social and health services. In adopting such rules, the department of social and health services shall consult with the department of health and the department of corrections. In no event shall the person be released from confinement prior to trial.

**Sec. 5.** RCW 71.09.050 and 1990 c 3 s 1005 are each amended to read as follows:

(1) Within forty-five days after the ~~((filing of a petition pursuant to RCW 71.09.030))~~ completion of any hearing held pursuant to RCW 71.09.040, the court shall conduct a trial to determine whether the person is a sexually violent predator. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced. At all stages of the proceedings under this chapter, any person subject to this chapter shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist him or her. The person shall be confined in a secure facility for the duration of the trial.

(2) Whenever any person is subjected to an examination under this chapter, he or she may retain experts or professional persons to perform an examination on their behalf. When the person wishes to be examined by a qualified expert or professional person of his or her own choice, such examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf.

(3) The person, the prosecuting attorney or attorney general, or the judge shall have the right to demand that the trial be before a twelve-person jury. If no demand is made, the trial shall be before the court.

**Sec. 6.** RCW 71.09.060 and 1990 1st ex.s. c 12 s 4 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. When the determination is made by a jury, the verdict must be unanimous.

If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020~~((4))~~(6)(c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person is safe either (a) to be at large, or (b) to be released to a less restrictive alternative as set forth in section 10 of this act. ~~((Such control, care, and treatment shall be provided at a facility operated by the department of social and health services.))~~ If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct the person's release.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to or has been released pursuant to RCW 10.77.090(3), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.090(3) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) The state shall comply with RCW 10.77.220 while confining the person pursuant to this chapter, except that during all court proceedings the person shall be detained in a secure facility. The facility shall not be located on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

**Sec. 7.** RCW 71.09.070 and 1990 c 3 s 1007 are each amended to read as follows:

Each person committed under this chapter shall have a current examination of his or her mental condition made at least once every year. The annual report shall include consideration of whether conditional release to a less restrictive alternative is in the best interest of the person and will adequately protect the community. The person may retain, or if he or she is indigent and so requests, the court may appoint a qualified expert or a professional person to examine him or her, and such expert or professional person shall have access to all records concerning the person. The periodic report shall be provided to the court that committed the person under this chapter.

**Sec. 8.** RCW 71.09.080 and 1990 c 3 s 1008 are each amended to read as follows:

~~((The involuntary detention or commitment of persons under this chapter shall conform to constitutional requirements for care and treatment.))~~ (1) Any person subjected to restricted liberty as a sexually violent predator pursuant to this chapter shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided in this chapter.

(2) Any person committed pursuant to this chapter has the right to adequate care and individualized treatment. The department of social and health services shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations made pursuant to this chapter. All such records and reports shall be made available upon request only to: The committed person, his or her attorney, the prosecuting attorney, the court, the protection and advocacy agency, or another expert or professional person who, upon proper showing, demonstrates a need for access to such records.

(3) At the time a person is taken into custody or transferred into a facility pursuant to a petition under this chapter, the professional person in charge of such facility or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the persons detained or transferred. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For

purposes of this subsection, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without consent of the patient or order of the court.

(4) Nothing in this chapter prohibits a person presently committed from exercising a right presently available to him or her for the purpose of obtaining release from confinement, including the right to petition for a writ of habeas corpus.

(5) No indigent person may be conditionally released or unconditionally discharged under this chapter without suitable clothing, and the secretary shall furnish the person with such sum of money as is required by RCW 72.02.100 for persons without ample funds who are released from correctional institutions. As funds are available, the secretary may provide payment to the indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules to do so.

**Sec. 9.** RCW 71.09.090 and 1992 c 45 s 7 are each amended to read as follows:

(1) If the secretary (~~(of the department of social and health services)~~) determines that the person's mental abnormality or personality disorder has so changed that the person is not likely to engage in predatory acts of sexual violence if conditionally released to a less restrictive alternative or unconditionally discharged, the secretary shall authorize the person to petition the court for conditional release to a less restrictive alternative or unconditional discharge. The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for conditional release to a less restrictive alternative or unconditional discharge, shall within forty-five days order a hearing. The prosecuting attorney or the attorney general, if requested by the county, shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of his or her choice. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney or attorney general. The burden of proof shall be upon the prosecuting attorney or attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if conditionally released to a less restrictive alternative or unconditionally discharged is likely to engage in predatory acts of sexual violence.

(2) Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for conditional release to a less restrictive alternative or unconditional discharge without the secretary's approval. The secretary shall provide the committed person with an annual written notice of the person's right to petition the court for conditional release to a less restrictive alternative or unconditional discharge over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall forward the notice and waiver form to the court with the annual report. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether facts exist that warrant a hearing on whether the person's condition has so changed that he or she is safe to be ~~((at large))~~ conditionally released to a less restrictive alternative or unconditionally discharged. The committed person shall have a right to have an attorney represent him or her at the show cause hearing but the person is not entitled to be present at the show cause hearing. If the court at the show cause hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is ~~((safe to be at large and is))~~ not likely to engage in predatory acts of sexual violence if conditionally released to a less restrictive alternative or unconditionally discharged, then the court shall set a hearing on the issue. At the hearing, the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The prosecuting attorney or the attorney general if requested by the county shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to have experts evaluate him or her on his or her behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that the committed person's mental abnormality or personality disorder remains such that the person is ~~((not safe to be at large and if released is))~~ likely to engage in predatory acts of sexual violence if conditionally released to a less restrictive alternative or unconditionally discharged.

(3) The jurisdiction of the court over a person civilly committed pursuant to this chapter continues until such time as the person is unconditionally discharged.

**NEW SECTION. Sec. 10.** Before the court may enter an order directing conditional release to a less restrictive alternative, it must find the following: (1) The person will be treated by a treatment provider who is qualified to provide such treatment in the state of Washington under chapter 18.155 RCW; (2) the treatment provider has presented a specific course of treatment and has agreed to assume responsibility for such treatment and will report progress to the court on a regular basis, and will report violations immediately to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center; (3) housing exists that is sufficiently secure to protect the community, and the person or agency providing housing to the conditionally released person has agreed in writing to accept the person, to provide the level of security required by the court, and immediately to report to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center if the person leaves the housing to which he or she has been assigned without authorization; (4) the person is willing to comply with the treatment provider and all requirements imposed by the treatment provider and by the court; and (5) the person is willing to comply with supervision requirements imposed by the department of corrections.

**NEW SECTION. Sec. 11.** (1) Upon the conclusion of the evidence in a hearing held pursuant to RCW 71.09.090, if the court finds that there is no legally sufficient evidentiary basis for a reasonable jury to find that the conditions set forth in section 10 of this act have been met, the court shall grant a motion by the state for a judgment as a matter of law on the issue of conditional release to a less restrictive alternative.



(2) Whenever the issue of conditional release to a less restrictive alternative is submitted to the jury, the court shall instruct the jury to return a verdict in substantially the following form: Has the state proved beyond a reasonable doubt that the proposed less restrictive alternative is not in the best interests of respondent or will not adequately protect the community? Answer: Yes or No.

**NEW SECTION. Sec. 12.** (1) If the court or jury determines that conditional release to a less restrictive alternative is in the best interest of the person and will adequately protect the community, and the court determines that the minimum conditions set forth in section 9 of this act are met, the court shall enter judgment and direct a conditional release.

(2) The court shall impose any additional conditions necessary to ensure compliance with treatment and to protect the community. If the court finds that conditions do not exist that will both ensure the person's compliance with treatment and protect the community, then the person shall be remanded to the custody of the department of social and health services for control, care, and treatment in a secure facility as designated in RCW 71.09.060(1).

(3) If the service provider designated to provide inpatient or outpatient treatment or to monitor or supervise any other terms and conditions of a person's placement in a less restrictive alternative is other than the department of social and health services or the department of corrections, then the service provider so designated must agree in writing to provide such treatment.

(4) Prior to authorizing any release to a less restrictive alternative, the court shall impose such conditions upon the person as are necessary to ensure the safety of the community. The court shall order the department of corrections to investigate the less restrictive alternative and recommend any additional conditions to the court. These conditions shall include, but are not limited to the following: Specification of residence, prohibition of contact with potential or past victims, prohibition of alcohol and other drug use, participation in a specific course of inpatient or outpatient treatment that may include monitoring by the use of polygraph and plethysmograph, supervision by a department of corrections community corrections officer, a requirement that the person remain within the state unless the person receives prior authorization by the court, and any other conditions that the court determines are in the best interest of the person or others. A copy of the conditions of release shall be given to the person and to any designated service providers.

(5) Any service provider designated to provide inpatient or outpatient treatment shall monthly, or as otherwise directed by the court, submit to the court, to the department of social and health services facility from which the person was released, to the prosecutor of the county in which the person was found to be a sexually violent predator, and to the supervising community corrections officer, a report stating whether the person is complying with the terms and conditions of the conditional release to a less restrictive alternative.

(6) Each person released to a less restrictive alternative shall have his or her case reviewed by the court that released him or her no later than one year after such release and annually thereafter until the person is unconditionally discharged. Review may occur in a shorter time or more frequently, if the court, in its discretion on its own motion, or on motion of the person, the secretary, or the prosecuting attorney so determines. The sole question to be determined by the court is whether the person shall continue to be conditionally released to a less restrictive alternative. The court in making its determination shall be aided by the periodic reports filed pursuant to subsection (5) of this section and the opinions of the secretary and other experts or professional persons.

**NEW SECTION. Sec. 13.** (1) Any service provider submitting reports pursuant to section 12(5) of this act, the supervising community corrections officer, the prosecuting attorney, or the attorney general may petition the court, or the court on its own motion may schedule an immediate hearing, for the purpose of revoking or modifying the terms of the person's conditional release to a less restrictive alternative if the petitioner or the court believes the released person is not complying with the terms and conditions of his or her release or is in need of additional care and treatment.

(2) If the prosecuting attorney, the supervising community corrections officer, or the court, based upon information received by them, reasonably believes that a conditionally released person is not complying with the terms and conditions of his or her conditional release to a less restrictive alternative, the court or community corrections officer may order that the conditionally released person be apprehended and taken into custody until such time as a hearing can be scheduled to determine the facts and whether or not the person's conditional release should be revoked or modified. The court shall be notified before the close of the next judicial day of the person's apprehension. Both the prosecuting attorney and the conditionally released person shall have the right to request an immediate mental examination of the conditionally released person. If the conditionally released person is indigent, the court shall, upon request, assist him or her in obtaining a qualified expert or professional person to conduct the examination.

(3) The court, upon receiving notification of the person's apprehension, shall promptly schedule a hearing. The issue to be determined is whether the state has proven by a preponderance of the evidence that the conditionally released person did not comply with the terms and conditions of his or her release. Hearsay evidence is admissible if the court finds it otherwise reliable. At the hearing, the court shall determine whether the person shall continue to be conditionally released on the same or modified conditions or whether his or her conditional release shall be revoked and he or she shall be committed to total confinement, subject to release only in accordance with provisions of this chapter.

**Sec. 14.** RCW 71.09.110 and 1990 c 3 s 1011 are each amended to read as follows:

The department of social and health services shall be responsible for all costs relating to the evaluation and treatment of persons committed to their custody whether in a secure facility or under a less restrictive alternative under any provision of this chapter. Reimbursement may be obtained by the department for the cost of care and treatment of persons committed to its custody whether in a secure facility or under a less restrictive alternative pursuant to RCW 43.20B.330 through 43.20B.370.

**Sec. 15.** RCW 9A.76.120 and 1982 1st ex.s. c 47 s 24 are each amended to read as follows:

(1) A person is guilty of escape in the second degree if:

(a) He or she escapes from a detention facility; ((or))

(b) Having been charged with a felony or an equivalent juvenile offense, he or she escapes from custody; or

(c) Having been found to be a sexually violent predator and being under an order of conditional release, he or she leaves the state of Washington without prior court authorization.

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

**NEW SECTION. Sec. 16.** In the event of an escape by a person committed under this chapter from a state institution or the disappearance of such a person while on conditional release, the superintendent or community corrections officer shall notify the following as appropriate: Local law enforcement officers, other governmental agencies, the person's relatives, and any other appropriate persons about information necessary for the public safety or to assist in the apprehension of the person.

**NEW SECTION. Sec. 17.** (1) At the earliest possible date, and in no event later than thirty days before conditional release or unconditional discharge, except in the event of escape, the department of social and health services shall send written notice of conditional release, unconditional discharge, or escape, to the following:

(a) The chief of police of the city, if any, in which the person will reside or in which placement will be made under a less restrictive alternative;

(b) The sheriff of the county in which the person will reside or in which placement will be made under a less restrictive alternative; and

(c) The sheriff of the county where the person was last convicted of a sexually violent offense, if the department does not know where the person will reside.

The department shall notify the state patrol of the release of all sexually violent predators and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific person found to be a sexually violent predator under this chapter:

(a) The victim or victims of any sexually violent offenses for which the person was convicted in the past or the victim's next of kin if the crime was a homicide. "Next of kin" as used in this section means a person's spouse, parents, siblings, and children;

(b) Any witnesses who testified against the person in his or her commitment trial under RCW 71.09.060; and

(c) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the committed person.

(3) If a person committed as a sexually violent predator under this chapter escapes from a department of social and health services facility, the department shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the committed person resided immediately before his or her commitment as a sexually violent predator, or immediately before his or her incarceration for his or her most recent offense. If previously requested, the department shall also notify the witnesses and the victims of the sexually violent offenses for which the person was convicted in the past or the victim's next of kin if the crime was a homicide. If the person is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(4) If the victim or victims of any sexually violent offenses for which the person was convicted in the past or the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(5) The department of social and health services shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(6) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

**NEW SECTION. Sec. 18.** For purposes of sections 19 through 21 of this act:

(1) "Escorted leave" means a leave of absence from a facility housing persons detained or committed pursuant to this chapter under the continuous supervision of an escort.

(2) "Escort" means a correctional officer or other person approved by the superintendent or the superintendent's designee to accompany a resident on a leave of absence and be in visual or auditory contact with the resident at all times.

(3) "Resident" means a person detained or committed pursuant to this chapter.

**NEW SECTION. Sec. 19.** The superintendent of any facility housing persons detained or committed pursuant to this chapter may, subject to the approval of the secretary, grant escorted leaves of absence to residents confined in such institutions to:

(1) Go to the bedside of the resident's wife, husband, child, mother or father, or other member of the resident's immediate family who is seriously ill;

(2) Attend the funeral of a member of the resident's immediate family listed in subsection (1) of this section; and

(3) Receive necessary medical or dental care which is not available in the institution.

NEW SECTION. Sec. 20. A resident shall not be allowed to start a leave of absence under section 19 of this act until the secretary, or the secretary's designee, has notified any county and city law enforcement agency having jurisdiction in the area of the resident's destination.

NEW SECTION. Sec. 21. (1) The secretary is authorized to adopt rules providing for the conditions under which residents will be granted leaves of absence and providing for safeguards to prevent escapes while on leaves of absence. Leaves of absence granted to residents under section 19 of this act, however, shall not allow or permit any resident to go beyond the boundaries of this state.

(2) The secretary shall adopt rules requiring reimbursement of the state from the resident granted leave of absence, or the resident's family, for the actual costs incurred arising from any leave of absence granted under the authority of section 19 (1) and (2) of this act. No state funds shall be expended in connection with leaves of absence granted under section 19 (1) and (2) of this act unless the resident and the resident's immediate family are indigent and without resources sufficient to reimburse the state for the expenses of such leaves of absence.

NEW SECTION. Sec. 22. RCW 71.09.100 and 1990 c 3 s 1010 are each repealed.

NEW SECTION. Sec. 23. Sections 10 through 13 and 16 through 21 of this act are each added to chapter 71.09 RCW."

On page 1, line 1 of the title, after "predators;" strike the remainder of the title and insert "amending RCW 71.09.020, 71.09.025, 71.09.030, 71.09.040, 71.09.050, 71.09.060, 71.09.070, 71.09.080, 71.09.090, 71.09.110, and 9A.76.120; adding new sections to chapter 71.09 RCW; repealing RCW 71.09.100; and prescribing penalties.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTIONS

On motion of Senator Smith, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5088.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5088, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5088, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.

Absent: Senator Hargrove - 1.

Excused: Senators Anderson, A., Anderson, C., Moyer, Pelz and Sutherland - 5.

SECOND SUBSTITUTE SENATE BILL NO. 5088, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 11, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5169 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

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#### PART I - OBSOLETE REFERENCES

**Sec. 101.** RCW 28A.150.360 and 1990 c 33 s 113 are each amended to read as follows:

In the event of an unforeseen emergency, in the nature of either an unavoidable cost to a district or unexpected variation in anticipated revenues to a district, the state superintendent is authorized, for not to exceed two years, to make such an adjustment in the allocation of funds as is consistent with the intent of ((RCW 28A.150.100 through 28A.150.430)) this chapter, RCW 28A.160.150 through ((28A.160.220)) 28A.160.210, 28A.300.170, and 28A.500.010 in providing an equal educational opportunity for the children of such district or districts.

**Sec. 102.** RCW 28A.150.370 and 1990 c 33 s 114 are each amended to read as follows:

In addition to those state funds provided to school districts for basic education, the legislature shall appropriate funds for pupil transportation, in accordance with ((RCW 28A.150.100 through 28A.150.430)) this chapter, RCW 28A.160.150 through ((28A.160.220)) 28A.160.210, 28A.300.170, and 28A.500.010, and for programs for handicapped students, in accordance with RCW 28A.155.010 through 28A.155.100. The legislature may appropriate funds to be distributed to school districts for population factors such as urban costs, enrollment fluctuations and for special programs, including but not limited to, vocational-technical institutes, compensatory programs, bilingual education, urban, rural, racial and disadvantaged programs, programs for gifted students, and other special programs.

**Sec. 103.** RCW 28A.150.380 and 1990 c 33 s 115 are each amended to read as follows:

The state legislature shall, at each regular session in an odd-numbered year, appropriate from the state general fund for the current use of the common schools such amounts as needed for state support to the common schools during the ensuing biennium as provided in ((RCW 28A.150.100 through 28A.150.430)) this chapter, RCW 28A.160.150 through ((28A.160.220)) 28A.160.210, 28A.300.170, and 28A.500.010.

**Sec. 104.** RCW 28A.215.010 and 1969 ex.s. c 223 s 28A.34.010 are each amended to read as follows:

The board of directors of any school district shall have the power to establish and maintain ((nursery schools)) preschools and to provide before-and-after-school and vacation care in connection with the common schools of said district located at such points as the board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district. The board shall establish such courses, activities, rules, and regulations governing ((nursery schools)) preschools and before-and-after-school care as it may deem best: PROVIDED, That these courses and activities shall meet the minimum standard for such ((nursery schools)) preschools as established by the United States Department of Health, Education and Welfare, or its successor agency, and the state board of education. Except as otherwise provided by state or federal law, the board of directors may fix a reasonable charge for the care and instruction of children attending such schools. The board may, if necessary, supplement such funds as are received for the superintendent of public instruction or any agency of the federal government, by an appropriation from the general school fund of the district.

**Sec. 105.** RCW 28A.215.040 and 1973 1st ex.s. c 154 s 45 are each amended to read as follows:

Every board of directors shall have power to establish, equip and maintain ((nursery schools)) preschools and/or provide before-and-after-school care for children of working parents, in cooperation with the federal government or any of its agencies, when in their judgment the best interests of their district will be subserved thereby.

**Sec. 106.** RCW 28A.315.680 and 1991 c 363 s 29 and 1991 c 288 ss 7 and 8 are each reenacted and amended to read as follows:

The school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more shall establish the director district boundaries. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, and 28A.315.680((, and 29.21.180)).

**Sec. 107.** RCW 28A.625.010 and 1990 c 33 s 513 are each amended to read as follows:

RCW 28A.625.020 through ((28A.625.070 and 28B.15.547)) 28A.625.065 may be known and cited as the Washington award for excellence in education program act.

**Sec. 108.** RCW 28A.625.050 and 1991 c 255 s 8 are each amended to read as follows:

The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to carry out the purposes of RCW 28A.625.010 through ((28A.625.070)) 28A.625.065. These rules shall include establishing the selection criteria for the Washington award for excellence in education program. The superintendent is encouraged to consult with teachers, educational staff associates, principals, administrators, classified employees, superintendents, and school board members in developing the selection criteria. Notwithstanding the provisions of RCW 28A.625.020 (1) and (2), such rules may allow for the selection of individuals whose teaching or administrative duties, or both, may encompass multiple grade level or building assignments, or both.

**Sec. 109.** RCW 28A.630.868 and 1993 c 335 s 5 are each amended to read as follows:

- (1) The superintendent of public instruction shall administer RCW ((28A.630.860)) 28A.630.861 through 28A.630.880.
- (2) The school-to-work transitions projects may be conducted for up to six years, if funds are provided.

**Sec. 110.** RCW 28A.630.870 and 1993 c 335 s 6 are each amended to read as follows:

(1) The superintendent of public instruction may accept, receive, and administer for the purposes of RCW ((28A.630.860)) 28A.630.861 through 28A.630.880 such gifts, grants, and contributions as may be provided from public and private sources for the purposes of RCW ((28A.630.860)) 28A.630.861 through 28A.630.880.

(2) The school-to-work transitions program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of ~~((28A.630.860))~~ RCW 28A.630.861 through 28A.630.880. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

**Sec. 111.** RCW 28A.630.874 and 1993 c 335 s 7 are each amended to read as follows:

(1) The superintendent of public instruction, in coordination with the state board of education, the state board for community and technical colleges, the work force training and education coordinating board, and the higher education coordinating board, shall provide technical assistance to selected schools and shall develop a process that coordinates and facilitates linkages among participating school districts, secondary schools, junior high schools, middle schools, technical colleges, and colleges and universities.

(2) The superintendent of public instruction and the state board of education may adopt rules under chapter 34.05 RCW as necessary to implement its duties under RCW ~~((28A.630.860))~~ 28A.630.861 through 28A.630.880.

**Sec. 112.** RCW 28A.630.880 and 1993 c 335 s 10 are each amended to read as follows:

RCW ~~((28A.630.860))~~ 28A.630.861 through 28A.630.880 may be known and cited as the school-to-work transitions program.

NEW SECTION. **Sec. 113.** RCW 28A.310.380 and 1975 1st ex.s. c 275 s 32, 1971 ex.s. c 282 s 23, & 1969 ex.s. c 176 s 16 are each repealed.

## PART II - OBSOLETE SECTIONS

**Sec. 201.** RCW 28A.205.050 and 1993 c 211 s 4 are each amended to read as follows:

In accordance with chapter 34.05 RCW, the administrative procedure act, the state board of education with respect to the matter of certification, and the superintendent of public instruction with respect to all other matters, shall have the power and duty to make the necessary rules ~~((and regulations))~~ to carry out the purpose and intent of this chapter.

~~((Criteria as promulgated by the state board of education or superintendent of public instruction for determining if any education center is providing adequate instruction in basic academic skills or demonstrating superior performance in student educational gains for funding under RCW 28A.205.040 shall be subject to review by four members of the legislature, one from each caucus of each house, including the chairs of the respective education committees.))~~

**Sec. 202.** RCW 28A.630.400 and 1991 c 285 s 2 are each amended to read as follows:

(1) The state board of education and the state board for community and technical colleges ~~((education))~~, in consultation with the superintendent of public instruction, the higher education coordinating board, the state apprenticeship training council, and community colleges, shall ~~((work cooperatively to develop by September 1, 1992, an educational paraprofessional))~~ adopt rules as necessary under chapter 34.05 RCW to implement the paraeducator associate of arts degree.

(2) As used in this section, ~~((an "educational paraprofessional"))~~ a paraeducator is an individual who has completed an associate of arts degree for ~~((an educational paraprofessional))~~ a paraeducator. The ~~((educational paraprofessional))~~ paraeducator may be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The ~~((educational paraprofessional))~~ paraeducator shall work under the direction of instructional certificated staff.

(3) The training program for ~~((an educational paraprofessional))~~ a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to handicapped children, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(4) ~~((In developing the program,))~~ Consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities.

~~((5) The agencies identified under subsection (1) of this section shall adopt rules as necessary under chapter 34.05 RCW to implement this section.))~~

NEW SECTION. **Sec. 203.** The following acts or parts of acts are each repealed:

(1) RCW 28A.170.010 and 1987 c 518 s 205;

(2) RCW 28A.170.020 and 1990 c 33 s 153, 1989 c 233 s 5, & 1987 c 518 s 206;

(3) RCW 28A.170.030 and 1987 c 518 s 207;

(4) RCW 28A.170.040 and 1990 c 33 s 154 & 1987 c 518 s 208;

(5) RCW 28A.170.060 and 1994 c 245 s 5, 1989 c 271 s 113, & 1987 c 518 s 210;

(6) RCW 28A.170.070 and 1990 c 33 s 155 & 1987 c 518 s 211;

(7) RCW 28A.175.060 and 1987 c 518 s 218;

- (8) RCW 28A.210.050 and 1969 ex.s. c 223 s 28A.31.060;
- (9) RCW 28A.225.190 and 1969 ex.s. c 223 s 28A.58.220;
- (10) RCW 28A.405.150 and 1990 c 33 s 388, 1988 c 241 s 1, 1986 c 73 s 1, & 1985 c 420 s 7;
- (11) RCW 28A.405.160 and 1990 c 33 s 389 & 1985 c 420 s 8;
- (12) RCW 28A.415.290 and 1993 c 336 s 406;
- (13) RCW 28A.630.090 and 1990 c 33 s 524 & 1987 c 401 s 11;
- (14) RCW 28A.630.091 and 1987 c 401 s 13;
- (15) RCW 28A.630.750 and 1991 c 346 s 1;
- (16) RCW 28A.630.753 and 1991 c 346 s 2;
- (17) RCW 28A.630.756 and 1991 c 346 s 3;
- (18) RCW 28A.630.759 and 1991 c 346 s 4;
- (19) RCW 28A.630.762 and 1991 c 346 s 5;
- (20) RCW 28A.630.765 and 1991 c 346 s 6;
- (21) RCW 28A.630.768 and 1991 c 346 s 7;
- (22) RCW 28A.630.771 and 1991 c 346 s 8;
- (23) RCW 28A.630.774 and 1991 c 346 s 9;
- (24) RCW 28A.630.777 and 1991 c 346 s 10;
- (25) RCW 28A.630.780 and 1991 c 346 s 11;
- (26) RCW 28A.630.783 and 1991 c 346 s 12;
- (27) RCW 28A.630.786 and 1991 c 346 s 13;
- (28) RCW 28A.630.789 and 1991 c 346 s 14; and
- (29) RCW 28A.630.800 and 1985 c 349 s 3.

**Sec. 204.** RCW 28A.170.075 and 1990 c 33 s 156 are each amended to read as follows:

- (1) The legislature finds that the provision of drug and alcohol counseling and related prevention and intervention services in schools will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potentials.
- (2) The legislature finds that it is essential that resources be made available to school districts to provide early drug and alcohol prevention and intervention services to students and their families; to assist in referrals to treatment providers; and to strengthen the transition back to school for students who have had problems of drug and alcohol abuse.
- (3) ~~((New and existing))~~ Substance abuse awareness programs funded ~~((pursuant to RCW 28A.170.010 through 28A.170.070))~~ under this chapter do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.
- (4) The legislature intends to provide grants for drug and alcohol abuse prevention and intervention in schools, targeted to those schools with the highest concentrations of students at risk.

**Sec. 205.** RCW 28A.170.090 and 1990 c 33 s 158 are each amended to read as follows:

- (1) The superintendent of public instruction shall select school districts and cooperatives of school districts to receive grants for drug and alcohol abuse prevention and intervention programs for students in kindergarten through twelfth grade, from funds appropriated by the legislature for this purpose. The minimum annual grant amount per district or cooperative of districts shall be twenty thousand dollars. Factors to be used in selecting proposals for funding and in determining grant awards shall be developed in consultation with the substance abuse advisory committee appointed under RCW 28A.170.050, with the intent of targeting funding to districts with high-risk populations. These factors may include:
  - (a) Characteristics of the school attendance areas to be served, such as the number of students from low-income families, truancy rates, juvenile justice referrals, and social services caseloads;
  - (b) The total number of students who would have access to services; and
  - (c) Participation of community groups and law enforcement agencies in drug and alcohol abuse prevention and intervention activities.
- (2) The application procedures for grants under this section shall ~~((be consistent with the application procedures for other grants for substance abuse awareness programs under RCW 28A.170.020, including))~~ include provisions for comprehensive planning, establishment of a school and community substance abuse advisory committee, and documentation of the district's needs assessment. Planning and application for grants under this section may be integrated with the development of other substance abuse awareness programs by school districts ~~((, and other grants under RCW 28A.170.010 through 28A.170.040 shall not require a separate application))~~. School districts shall, to the maximum extent feasible, coordinate the use of grants provided under this section with other funding available for substance abuse awareness programs. School districts should allocate resources giving emphasis to drug and alcohol abuse intervention services for students in grades five through nine. Grants may be used to provide services for students who are enrolled in approved private schools.

(3) School districts receiving grants under this section shall be required to establish a means of accessing formal assessment services for determining treatment needs of students with drug and alcohol problems. The grant applications submitted by districts shall identify the districts' plan for meeting this requirement.

(4) School districts receiving grants under this section shall be required to perform biennial evaluations of their drug and alcohol abuse prevention and intervention programs, and to report on the results of these evaluations to the superintendent of public instruction.

(5) The superintendent of public instruction may adopt rules to implement RCW 28A.170.080 (~~through 28A.170.100~~) and 28A.170.090.

### PART III - RECODIFICATIONS OR TECHNICAL CHANGES

**Sec. 301.** RCW 28A.610.010 and 1990 c 33 s 505 are each amended to read as follows:

(1) Parents can be the most effective teachers for their children. Providing illiterate or semiliterate parents with opportunities to acquire basic skills and child development knowledge will enhance their ability to assist and support their children in the learning process, and will enhance children's learning experiences in the formal education environment by providing children with the motivation and positive home environment which contribute to enhanced academic performance.

(2) (~~RCW 28A.610.020 through 28A.610.060~~) This chapter may be known and cited as project even start.

**Sec. 302.** RCW 28A.610.020 and 1990 c 33 s 506 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section shall apply throughout (~~RCW 28A.610.030 through 28A.610.060~~) this chapter.

"Parent" or "parents" means a parent who has less than an eighth grade ability in one or more of the basic skill areas of reading, language arts, or mathematics, as measured by a standardized test, and who has a child or children enrolled in: (1) The state early childhood education and assistance program; (2) a federal head start program; (3) a state or federally funded elementary school basic skills program serving students who have scored below the national average on a standardized test in one or more of the basic skill areas of reading, language arts, or mathematics; or (4) a cooperative (~~nursery school~~) preschool at a community or technical college (~~or vocational technical institute~~).

**Sec. 303.** RCW 28A.610.030 and 1990 c 33 s 507 are each amended to read as follows:

(1) The (~~superintendent of public instruction~~) state board for community and technical colleges, in consultation with the department of community, trade, and economic development, the department of social and health services, the (~~state board for community education~~) superintendent of public instruction, and community-based, nonprofit providers of adult literacy services, shall develop an adult literacy program to serve eligible parents as defined under RCW 28A.610.020. The program shall give priority to serving parents with children who have not yet enrolled in school or are in grades kindergarten through three.

(2) In addition to providing basic skills instruction to eligible parents, the program may include other program components which may include transportation, child care, and such other directly necessary activities as may be necessary to accomplish the purposes of (~~RCW 28A.610.020 through 28A.610.060~~) this chapter.

(3) Parents who elect to participate in training or work programs, as a condition of receiving public assistance, shall have the hours spent in parent participation programs, conducted as part of a federal head start program, or the state early childhood education and assistance program under RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908, or parent literacy programs under (~~RCW 28A.610.020 through 28A.610.060~~) this chapter, counted toward the fulfillment of their work and training obligation for the receipt of public assistance.

(4) State funds as may be appropriated for project even start shall be used solely to expand and complement, but not supplant, federal funds for adult literacy programs.

(5) The (~~superintendent of public instruction~~) state board for community and technical colleges shall adopt rules as necessary to carry out the purposes of (~~RCW 28A.610.020 through 28A.610.060~~) this chapter.

**NEW SECTION. Sec. 304.** The following sections are each recodified as new sections in chapter 28A.410 RCW:

RCW 28A.405.010

RCW 28A.405.025

**NEW SECTION. Sec. 305.** The following sections are recodified as a new chapter in Title 28B RCW:

RCW 28A.610.010

RCW 28A.610.020

RCW 28A.610.030

RCW 28A.610.040

RCW 28A.610.050

**NEW SECTION. Sec. 306.** The following acts or parts of acts are each repealed:

(1) RCW 28A.175.070 and 1994 c 245 s 6 & 1987 c 518 s 219;

(2) RCW 28A.210.005 and 1989 1st ex.s. c 9 s 239;

- (3) RCW 28A.215.300 and 1986 c 150 s 1;
- (4) RCW 28A.215.310 and 1990 c 33 s 216 & 1986 c 150 s 2;
- (5) RCW 28A.215.320 and 1986 c 150 s 3;
- (6) RCW 28A.215.330 and 1990 c 33 s 217 & 1986 c 150 s 4; and
- (7) RCW 28A.234.010 and 1993 sp.s. c 4 s 15.

**Sec. 307.** RCW 28A.215.020 and 1990 c 33 s 210 are each amended to read as follows:

Expenditures under federal funds and/or state appropriations made to carry out the purposes of RCW 28A.215.010 through 28A.215.050 (~~(and 28A.215.300 through 28A.215.330)~~) shall be made by warrants issued by the state treasurer upon order of the superintendent of public instruction. The state board of education shall make necessary rules and regulations to carry out the purpose of RCW 28A.215.010.

**Sec. 308.** RCW 28A.215.030 and 1990 c 33 s 211 are each amended to read as follows:

In the event the legislature appropriates any moneys to carry out the purposes of RCW 28A.215.010 through 28A.215.050 (~~(and 28A.215.300 through 28A.215.330)~~), allocations therefrom may be made to school districts for the purpose of underwriting allocations made or requested from federal funds until such federal funds are available. Any school district may allocate a portion of its funds for the purpose of carrying out the provisions of RCW 28A.215.010 through 28A.215.050 (~~(and 28A.215.300 through 28A.215.330)~~) pending the receipt of reimbursement from funds made available by acts of congress.

**Sec. 309.** RCW 28A.215.050 and 1990 c 33 s 212 are each amended to read as follows:

As a supplement to the authority otherwise granted by RCW 28A.215.010 through 28A.215.050 (~~(and 28A.215.300 through 28A.215.330)~~) respecting the care or instruction, or both, of children in general, the board of directors of any school district may only utilize funds outside the state basic education appropriation and the state school transportation appropriation to:

- (1) Contract with public and private entities to conduct all or any portion of the management and operation of a child care program at a school district site or elsewhere;
- (2) Establish charges based upon costs incurred under this section and provide for the reduction or waiver of charges in individual cases based upon the financial ability of the parents or legal guardians of enrolled children to pay the charges, or upon their provision of other valuable consideration to the school district; and
- (3) Transport children enrolled in a child care program to the program and to related sites using district-owned school buses and other motor vehicles, or by contracting for such transportation and related services: PROVIDED, That no child three years of age or younger shall be transported under the provisions of this section unless accompanied by a parent or guardian.

#### **PART IV - UNFUNDED PROGRAMS**

**Sec. 401.** RCW 28A.405.120 and 1985 c 420 s 3 are each amended to read as follows:

School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers to have training in evaluation procedures. ~~((The superintendent of public instruction shall provide technical assistance to the local school districts and to the educational service districts in providing training to evaluators.))~~

**NEW SECTION. Sec. 402.** The following acts or parts of acts are each repealed:

- (1) RCW 28A.175.020 and 1987 c 518 s 213;
- (2) RCW 28A.175.030 and 1990 c 33 s 160, 1989 c 209 s 1, & 1987 c 518 s 214;
- (3) RCW 28A.175.040 and 1990 c 33 s 161, 1989 c 209 s 2, & 1987 c 518 s 215;
- (4) RCW 28A.175.050 and 1990 c 33 s 162 & 1987 c 518 s 217;
- (5) RCW 28A.240.010 and 1990 c 33 s 248 & 1985 c 422 s 2;
- (6) RCW 28A.240.020 and 1985 c 422 s 1;
- (7) RCW 28A.240.030 and 1990 c 33 s 249 & 1985 c 422 s 3;
- (8) RCW 28A.300.110 and 1990 c 33 s 255, 1987 1st ex.s. c 2 s 208, 1987 c 197 s 1, & 1984 c 278 s 5;
- (9) RCW 28A.300.180 and 1989 c 146 s 3;
- (10) RCW 28A.300.200 and 1991 c 128 s 13 & 1990 c 243 s 9;
- (11) RCW 28A.415.110 and 1991 c 258 s 3;
- (12) RCW 28A.415.115 and 1991 c 258 s 4;
- (13) RCW 28A.415.220 and 1993 c 217 s 1 & 1991 c 252 s 1;
- (14) RCW 28A.600.425 and 1992 c 196 s 2;
- (15) RCW 28A.600.430 and 1992 c 196 s 3;
- (16) RCW 28A.600.435 and 1992 c 196 s 4;
- (17) RCW 28A.600.440 and 1992 c 196 s 5;
- (18) RCW 28A.600.445 and 1992 c 196 s 6;
- (19) RCW 28A.600.450 and 1992 c 196 s 7;



- (20) RCW 28A.615.060 and 1989 c 310 s 1;
- (21) RCW 28A.625.300 and 1985 c 349 s 4;
- (22) RCW 28A.630.070 and 1990 c 148 s 2;
- (23) RCW 28A.630.075 and 1990 c 148 s 3;
- (24) RCW 28A.630.300 and 1987 c 349 s 1;
- (25) RCW 28A.630.320 and 1990 c 33 s 534 & 1987 c 349 s 3;
- (26) RCW 28A.630.330 and 1990 c 33 s 535 & 1987 c 349 s 4; and
- (27) RCW 28A.630.390 and 1987 c 349 s 7.

**Sec. 403.** RCW 28A.415.105 and 1991 c 258 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW ((28A.415.140)) 28A.415.125 through 28A.415.140.

(1) "Cooperating organizations" means that at least one school district, one college or university, and one educational service district are involved jointly with the development of a student teaching center.

(2) "Cooperating teacher" means a teacher who holds a continuing certificate and supervises and coaches a student teacher.

(3) "Field experience" means opportunities for observation, tutoring, microteaching, extended practicums, and clinical and laboratory experiences which do not fall within the meaning of student teaching.

(4) "School setting" means a classroom in a public, common school in the state of Washington.

(5) "Student teacher" means a candidate for initial teacher certification who is in a state board of education-approved, or regionally or nationally accredited teacher preparation program in a school setting as part of the field-based component of their preparation program.

(6) "Student teaching" means the full quarter or semester in a school setting during which the student teacher observes the cooperating teacher, participates in instructional activities, and assumes both part-time and full-time teaching responsibilities under the supervision of the cooperating teacher.

(7) "Student teaching center" means the program established to provide student teachers in a geographic region of the state with special support and training as part of their teacher preparation program.

(8) "Supervisor or university supervisor" means the regular or adjunct faculty member, or college or university-approved designee, who assists and supervises the work of cooperating teachers and student teachers.

**Sec. 404.** RCW 28B.90.005 and 1993 c 181 s 1 are each amended to read as follows:

The legislature finds that it has previously declared in RCW 28B.107.005 that it is important to the economic future of the state to promote international awareness and understanding, and in RCW 1.20.100 ((and 28A.630.300)), that the state's economy and economic well-being depends heavily on foreign trade and international exchange.

The legislature finds that it is appropriate that such policies should be implemented by encouraging universities and colleges domiciled in foreign countries to establish branch campuses in Washington and that it is also important to those foreign colleges and universities that their status as authorized foreign degree-granting institutions be recognized by this state to facilitate the establishment and operation of such branch campuses.

In the furtherance of such policy, the legislature adopts the foreign degree-granting institution approved branch campus act.

NEW SECTION. **Sec. 405.** RCW 28A.415.120 and 1991 c 258 s 5 are each repealed.

## PART V - REPORTS

**Sec. 501.** RCW 28A.215.170 and 1994 c 166 s 9 are each amended to read as follows:

~~((The governor shall report to the legislature before each regular session of the legislature convening in an odd-numbered year, on the current status of the program, the state-wide need for early childhood program services, and the plans to address these needs. The department shall consult with the office of the superintendent of public instruction in the preparation of the biennial report and on all issues of mutual concern addressed in the report.~~

~~The governor's report shall include specific recommendations on at least the following issues:~~

- ~~(1) The desired relationships of a state-funded early childhood education and assistance program with the common school system;~~
- ~~(2) The types of children and their needs that the program should serve;~~
- ~~(3) The appropriate level of state support for implementing a comprehensive early childhood education and assistance program for all eligible children, including related programs to prepare instructors and provide facilities, equipment, and transportation;~~
- ~~(4) The state administrative structure necessary to implement the program; and~~
- ~~(5) The establishment of a system))~~ The department shall annually report to the governor and the legislature on the findings of the longitudinal study undertaken to examine and monitor the effectiveness of early childhood educational and assistance services for eligible children to measure, among other elements, if possible, how the average level of performance of children completing this program compare to the average level of performance of all state students in their grade level, and to the average level of performance of those eligible students who did

not have access to this program. The evaluation system shall examine how the percentage of these children needing access to special education or remedial programs compares to the overall percentage of children needing such services and compares to the percentage of eligible students who did not have access to this program needing such services.

**Sec. 502.** RCW 28A.320.200 and 1990 c 33 s 333 are each amended to read as follows:

(1) Each school district board of directors shall develop a schedule and process by which each public school within its jurisdiction shall undertake self-study procedures on a regular basis: PROVIDED, That districts may allow two or more elementary school buildings in the district to undertake jointly the self-study process. Each school may follow the accreditation process developed by the state board of education under RCW 28A.305.130(6), although no school is required to file for actual accreditation, or the school may follow a self-study process developed locally. The initial self-study process within each district shall begin by September 1, 1986, and should be completed for all schools within a district by the end of the 1990-91 school year.

(2) Any self-study process must include the participation of staff, parents, members of the community, and students, where appropriate to their age.

(3) The self-study process that is used must focus upon the quality and appropriateness of the school's educational program and the results of its operational effort. The primary emphasis throughout the process shall be placed upon:

- (a) Achieving educational excellence and equity;
- (b) Building stronger links with the community; and
- (c) Reaching consensus upon educational expectations through community involvement and corresponding school management.

(4) The state board of education shall adopt rules governing procedural criteria. Such rules should be flexible so as to accommodate local goals and circumstances. The rules may allow for waiver of the self-study for economic reasons and may also allow for waiver of the initial self-study if a district or its schools have participated successfully in an official accreditation process or in a similar assessment of educational programs within the last three years. The self-study process shall be conducted on a cyclical basis every seven years following the initial 1990-91 period.

(5) The superintendent of public instruction shall provide training to assist districts in their self-studies.

~~((6) Each district shall report every two years to the superintendent of public instruction on the scheduling and implementation of their self-study activities. The report shall include information about how the district and each school within the district have addressed the issue of class size and staffing patterns.))~~

**Sec. 503.** RCW 28A.330.100 and 1991 c 116 s 17 are each amended to read as follows:

Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him or her; and to fix his or her duties and compensation.

(2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation.

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation.

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation.

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the state board of education for the use of the common schools of this state.

(6) To, in addition to the minimum requirements imposed by this title establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of handicapped youth, as in the judgment of the board, best shall promote the interests of education in the district.

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained: PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools.

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof.

(9) To provide free textbooks and supplies for all children attending school.

(10) To require of the officers or employees of the district to give a bond for the honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district: PROVIDED, That the board may, by written policy, allow that such bonds may include a deductible proviso not to exceed two percent of the officer's or employee's annual salary.

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts.

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public

schools of the district who shall serve at the board's pleasure (~~(the school district medical inspector or authorized deputies shall make monthly inspections of each school in the district and report the condition of the same to the board of education and board of health)~~): PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian.

**Sec. 504.** RCW 28A.400.306 and 1992 c 159 s 9 are each amended to read as follows:

The state patrol shall accept fingerprints obtained under this chapter only if it can ensure that the patrol will not retain a record of the fingerprints after the check is complete. It shall not forward fingerprints obtained under this chapter to the federal bureau of investigation unless it can ensure that the federal bureau of investigation will not retain a record of the fingerprints after the check is complete. (~~(The state patrol shall report to the house of representatives appropriations committee and the senate ways and means committee on measures taken to implement this section before accepting any fingerprints obtained under this chapter.)~~)

**Sec. 505.** RCW 28A.630.885 and 1994 c 245 s 13 are each amended to read as follows:

(1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, to develop student assessment and school accountability systems, to review current school district data reporting requirements and make recommendations on what data is necessary for the purposes of accountability and meeting state information needs, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and five members appointed no later than June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(2) The commission shall establish advisory committees. Membership of the advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(3) The commission, with the assistance of the advisory committees, shall:

(a) Develop essential academic learning requirements based on the student learning goals in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b)(i) The commission shall present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of assessment methods, including performance-based measures that are criterion-referenced. Performance standards for determining if a student has successfully completed an assessment shall be initially determined by the commission in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(iii) Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. To the maximum extent possible, the commission shall integrate knowledge and skill areas in development of the assessments.

(iv) Before the 2000-2001 school year, participation by school districts in the assessment system shall be optional. School districts that desire to participate before the 2000-2001 school year shall notify the superintendent of public instruction in a manner determined by the superintendent. Beginning in the 2000-2001 school year, all school districts shall be required to participate in the assessment system.

(v) The state board of education and superintendent of public instruction may modify the essential academic learning requirements and academic assessment system, as needed, in subsequent school years.

(vi) The commission shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation. The commission shall make recommendations to the state board of education regarding the relationship between the certificate of mastery and high school graduation requirements. Upon achieving the certificate of mastery, schools shall provide students with the opportunity to continue to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;

(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the academic assessment system;

(g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that are consistent with the essential academic learning requirements and the certificate of mastery;

(h) Review current school district data reporting requirements for the purposes of accountability and meeting state information needs. The commission on student learning shall report recommendations to the joint select committee on education restructuring by September 15, 1996, on:

(i) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and

(ii) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under this section:

(i) By December 1, 1998, recommend to the legislature, governor, state board of education, and superintendent of public instruction:

(i) A state-wide accountability system to monitor and evaluate accurately and fairly the level of learning occurring in individual schools and school districts. The accountability system shall be designed to recognize the characteristics of the student population of schools and school districts such as gender, race, ethnicity, socioeconomic status, and other factors. The system shall include school-site, school district, and state-level accountability reports;

(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements;

(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements; and

(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements. School staff shall determine how the awards will be spent.

It is the intent of the legislature to begin implementation of programs in this subsection ~~(3)((h))~~ (i) on September 1, 2000;

~~((h))~~ (j) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and

~~((h))~~ (k) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(6) The commission shall select an entity to provide staff support and the office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**Sec. 506.** RCW 28A.630.952 and 1994 c 245 s 4 are each amended to read as follows:

(1) In addition to the duties in RCW 28A.630.951, the joint select committee on education restructuring shall review all laws pertaining to K-12 public education and to educator preparation and certification with the intent of identifying laws that inhibit the achievement of the new system of performance-based education. The select committee shall report to the legislature by November 15, 1994. The laws pertaining to home schooling and private schools shall not be reviewed in this study.

(2) The joint select committee on education restructuring shall review ~~((current))~~ the school district data reporting requirements for the purposes of accountability and meeting state information needs reported by the commission on student learning under RCW 28A.630.885. The joint select committee shall report its recommendations to the legislature by January 1996 ~~((on:~~

~~(a) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and~~

~~(b) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under RCW 28A.630.885(3)(h)).~~

**Sec. 507.** RCW 28A.650.015 and 1994 c 245 s 2 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan ~~((, which))~~ shall be ~~((completed by September 1, 1994, and))~~ updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The state board of education, the commission on student learning, the department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

**NEW SECTION. Sec. 508.** The following acts or parts of acts are each repealed:

(1) RCW 28A.205.060 and 1993 c 211 s 5 & 1985 c 434 s 2;

(2) RCW 28A.225.180 and 1990 c 33 s 233 & 1969 ex.s. c 223 s 28A.58.215;

(3) RCW 28A.225.320 and 1990 1st ex.s. c 9 s 210;

(4) RCW 28A.300.210 and 1991 c 201 s 18;

(5) RCW 28A.335.310 and 1993 c 461 s 3; and

(6) RCW 28A.340.050 and 1990 c 33 s 370 & 1988 c 268 s 7.

## PART VI - PERMISSIVE LANGUAGE

**Sec. 601.** RCW 28A.180.080 and 1990 c 33 s 167 are each amended to read as follows:

The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs. Moneys appropriated by the legislature for the purposes of RCW 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district: PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills. ~~((School districts are hereby empowered to accept grants, gifts, donations, devices and other gratuities from private and public sources to aid in accomplishing the purposes of RCW 28A.180.010 through 28A.180.080.))~~

**Sec. 602.** RCW 28A.225.220 and 1993 c 336 s 1008 are each amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school (~~(-- PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein)~~), and may charge the adults reasonable tuition.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) Beginning with the 1993-94 school year, school districts may not charge transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

**Sec. 603.** RCW 28A.225.250 and 1969 c 130 s 11 are each amended to read as follows:

~~((Notwithstanding any other provision of law,)) (1) The state superintendent of public instruction is directed and authorized to develop and adopt rules ((and regulations to implement such voluntary, tuition free attendance programs among school districts that he)) governing cooperative programs between and among school districts and educational service districts that the superintendent deems necessary ((for the expressed purpose of)) to assure:~~

~~((1) Providing educational opportunities, including vocational skills programs, not otherwise provided;~~

~~(2) Avoiding unnecessary duplication of specialized or unusually expensive educational programs and facilities; or~~

~~(3) Improving racial balance within and among school districts: PROVIDED, That no voluntary, tuition free attendance program among school districts developed by the superintendent of public instruction shall be instituted unless such program receives the approval of the boards of directors of the districts))~~

~~(a) Correct calculation of state apportionment payments;~~

~~(b) Proper budgeting and accounting for interdistrict cooperative program revenues and expenditures;~~

~~(c) Reporting of student, personnel, and fiscal data to meet state needs; and~~

~~(d) Protection of the right of residents of Washington under twenty-one years of age to a tuition-free program of basic education.~~

~~(2) Unless specifically authorized in law, interdistrict cooperative programs shall not be designed to systematically increase state allocation above amounts required if services were provided by the resident school district.~~

**Sec. 604.** RCW 28A.335.160 and 1990 c 33 s 359 are each amended to read as follows:

Any school district may cooperate with one or more school districts in the ~~((following:~~

~~(1) The)) joint financing, planning, construction, equipping and operating of any educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the state board of education pursuant to such rules as may now or hereafter be promulgated relating to state approval of school construction.~~

~~((2) The joint maintenance and operation of educational programs or services (a) either as a part of the operation of a joint facility or otherwise, (b) either on a full or part time attendance basis, and (c) either on a regular one hundred eighty day school year or extended school year: PROVIDED, That any such joint program or service must be operated pursuant to a written agreement approved by the superintendent of public instruction pursuant to rules and regulations promulgated therefor. In establishing rules and regulations the state superintendent shall consider, among such other factors as the superintendent deems appropriate, the economic feasibility of said services and programs, the educational and administrative scope of said agreement and the need for said programs or services.~~

~~Notwithstanding any other provision of the law, the state superintendent of public instruction shall establish rules and regulations for the apportionment of attendance credits for such students as are enrolled in a jointly operated facility or program, including apportionment for approved part time and extended school year attendance.))~~

**NEW SECTION. Sec. 605.** The following acts or parts of acts are each repealed:

(1) RCW 28A.170.100 and 1991 c 116 s 24, 1990 c 33 s 159, & 1989 c 271 s 313;

(2) RCW 28A.175.080 and 1989 c 233 s 7;

(3) RCW 28A.180.050 and 1984 c 124 s 4, & 1979 c 95 s 4;

- (4) RCW 28A.180.070 and 1990 c 33 s 166 & 1984 c 124 s 6; and  
(5) RCW 28A.415.050 and 1985 c 419 s 2.

#### PART VII - MANDATES ON SCHOOL DISTRICT OPERATIONS

**Sec. 701.** RCW 28A.405.070 and 1989 c 206 s 1 are each amended to read as follows:

~~((In filling a position)) Effective December 31, 1995, school and educational service districts shall ((consider applications from two individuals wishing to share a job. All announcements of job openings shall contain a statement indicating the district will accept applications from individuals wishing to share the position. Job sharing shall be available to certificated staff))~~ have a policy on the sharing of jobs by district employees.

NEW SECTION. **Sec. 702.** RCW 28A.400.150 and 1990 c 33 s 380 & 1969 ex.s. c 223 s 28A.58.170 are each repealed.

#### PART VIII - MISCELLANEOUS

NEW SECTION. **Sec. 801.** The repeal of any programs that are not funded as of the effective date of this section is not intended to comment on the value of the services provided by the programs. The repeal of statutes in chapter . . . , Laws of 1995 (this act) does not affect the general authority of school districts to provide services to accomplish the purposes of these programs. The deletion or repeal of language that permitted school districts to carry out specific activities that would be within their general authority is not intended to affect the general authority of school districts to continue to carry out those activities.

NEW SECTION. **Sec. 802.** Sections 109 through 112 of this act shall expire June 30, 1999.

NEW SECTION. **Sec. 803.** Section 505 of this act shall expire September 1, 1998.

NEW SECTION. **Sec. 804.** Section 506 of this act shall expire December 1, 2001.

NEW SECTION. **Sec. 805.** Part headings and the table of contents as used in this act do not constitute any part of the law."

On page 1, line 2 of the title, after "restructuring;" strike the remainder of the title and insert "amending RCW 28A.150.360, 28A.150.370, 28A.150.380, 28A.215.010, 28A.215.040, 28A.625.010, 28A.625.050, 28A.630.868, 28A.630.870, 28A.630.874, 28A.630.880, 28A.205.050, 28A.630.400, 28A.170.075, 28A.170.090, 28A.610.010, 28A.610.020, 28A.610.030, 28A.215.020, 28A.215.030, 28A.215.050, 28A.405.120, 28A.415.105, 28B.90.005, 28A.215.170, 28A.320.200, 28A.330.100, 28A.400.306, 28A.630.885, 28A.630.952, 28A.650.015, 28A.180.080, 28A.225.220, 28A.225.250, 28A.335.160, and 28A.405.070; reenacting and amending RCW 28A.315.680; adding new sections to chapter 28A.410 RCW; adding a new chapter to Title 28B RCW; creating new sections; recodifying RCW 28A.405.010, 28A.405.025, 28A.610.010, 28A.610.020, 28A.610.030, 28A.610.040, and 28A.610.050; repealing RCW 28A.310.380, 28A.170.010, 28A.170.020, 28A.170.030, 28A.170.040, 28A.170.060, 28A.170.070, 28A.175.060, 28A.210.050, 28A.225.190, 28A.405.150, 28A.405.160, 28A.415.290, 28A.630.090, 28A.630.091, 28A.630.750, 28A.630.753, 28A.630.756, 28A.630.759, 28A.630.762, 28A.630.765, 28A.630.768, 28A.630.771, 28A.630.774, 28A.630.777, 28A.630.780, 28A.630.783, 28A.630.786, 28A.630.789, 28A.630.800, 28A.175.070, 28A.210.005, 28A.215.300, 28A.215.310, 28A.215.320, 28A.215.330, 28A.234.010, 28A.175.020, 28A.175.030, 28A.175.040, 28A.175.050, 28A.240.010, 28A.240.020, 28A.240.030, 28A.300.110, 28A.300.180, 28A.300.200, 28A.415.110, 28A.415.115, 28A.415.220, 28A.600.425, 28A.600.430, 28A.600.435, 28A.600.440, 28A.600.445, 28A.600.450, 28A.615.060, 28A.625.300, 28A.630.070, 28A.630.075, 28A.630.300, 28A.630.320, 28A.630.330, 28A.630.390, 28A.415.120, 28A.205.060, 28A.225.180, 28A.225.320, 28A.300.210, 28A.335.310, 28A.340.050, 28A.170.100, 28A.175.080, 28A.180.050, 28A.180.070, 28A.415.050, and 28A.400.150; and providing expiration dates.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator McAuliffe, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5169 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 4, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5182 with the following amendment(s):

On page 1, after the enacting clause, strike the remainder of the bill and insert:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 36.32 RCW to read as follows:

In lieu of adopting an annual budget, the county legislative authority of any county may adopt an ordinance providing for biennial budgets with a mid-biennium review and modification for the second year of the biennium. The county legislative authority may repeal such an ordinance and revert to adopting annual budgets for a period commencing after the end of a biennial budget cycle. The county legislative

authority of a county with a biennial budget cycle may adopt supplemental and emergency budgets in the same manner and subject to the same conditions as the county legislative authority in a county with an annual budget cycle.

The procedure and steps for adopting a biennial budget shall conform with the procedure and steps for adopting an annual budget and with requirements established by the state auditor. The state auditor shall establish requirements for preparing and adopting the mid-biennium review and modification for the second year of the biennium.

Expenditures included in the biennial budget, mid-term modification budget, supplemental budget, or emergency budget shall constitute the appropriations for the county during the applicable period of the budget and every county official shall be limited in making expenditures or incurring liabilities to the amount of the detailed appropriation item or classes in the budget.

The county legislative authority shall hold a public hearing on the proposed county property taxes and proposed road district property taxes prior to imposing the property tax levies."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5182.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5182, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5182, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.

Absent: Senator Hargrove - 1.

Excused: Senators Anderson, A., Anderson, C., Moyer, Pelz and Sutherland - 5.

SUBSTITUTE SENATE BILL NO. 5182, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

#### MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5183 with the following amendment(s):

On page 6, line 30, beginning with "county commissioner" strike all the matter through "commissioner" on line 34, and insert "board of county commissioners of the several counties of the state of Washington shall, on the first Monday of each year (~~beginning with the year 1964~~), file with the auditor of the county (~~wherein such commissioner resides~~) a statement verified by oath (~~(of such county commissioner)~~)", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5183.

#### MOTION

On motion of Senator Loveland, Senator Hargrove was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5183, as amended by the House.



ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5183, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, A., Anderson, C., Hargrove, Moyer and Sutherland - 5.

SUBSTITUTE SENATE BILL NO. 5183, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5190 with the following amendment(s):

On page 1, at the beginning of line 7, strike "sixteen" and insert "eighteen"

On page 1, line 7, after "misdemeanor." insert "It is not a defense to a violation of this section that the person applying the tattoo did not know the minor's age unless the person applying the tattoo establishes by a preponderance of the evidence that he or she made a reasonable, bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license or other picture identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Smith, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5190.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5190, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5190 as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senator Fairley - 1.

Excused: Senators Anderson, A., Anderson, C., Hargrove, Moyer and Sutherland - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5190, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5209 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.93.090 and 1987 c 477 s 2 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file within one hundred eighty days a notice of intention with the board: PROVIDED, That when the initiator is the legislative body of a governmental unit, the notice of intention may be filed immediately following the body's first acceptance or approval of the action. The board may review any such proposed actions pertaining to:

(1) The: (a) Creation, incorporation, or change in the boundary, other than a consolidation, of any city, town, or special purpose district; (b) consolidation of special purpose districts, but not including consolidation of cities and towns; or (c) dissolution or disincorporation of any city, town, or special purpose district, except that a board may not review the dissolution or disincorporation of a special purpose district

which was dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW: PROVIDED, That the change in the boundary of a city or town arising from the annexation of contiguous city or town owned property held for a public purpose shall be exempted from the requirements of this section; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08.065 or chapter 57.40 RCW, as now or hereafter amended; or

(4) The establishment of or change in the boundaries of a mutual sewer and water system or separate water system by a sewer district pursuant to RCW 56.20.015 or chapter 56.36 RCW, as now or hereafter amended; or

(5) The extension of permanent water or sewer service outside of its existing (~~corporate boundaries~~) service area by a city, town, or special purpose district. The service area of a city, town, or special purpose district shall include all of the area within its corporate boundaries plus, (a) for extensions of water service, the area outside of the corporate boundaries which it is designated to serve pursuant to a coordinated water system plan approved in accordance with RCW 70.116.050; and (b) for extensions of sewer service, the area outside of the corporate boundaries which it is designated to serve pursuant to a comprehensive sewerage plan approved in accordance with chapter 36.94 RCW and RCW 90.48.110.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "boundaries;" strike the remainder of the title and insert "amending RCW 36.93.090; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Sheldon, the Senate concurred in the House amendments to Substitute Senate Bill No. 5209.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5209, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5209 as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, A., Anderson, C., Hargrove, Moyer and Sutherland - 5.

SUBSTITUTE SENATE BILL NO. 5209, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 4, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5239 with the following amendment(s):

On page 4, after line 11, insert the following:

"**Sec. 2.** RCW 9A.44.140 and 1991 c 274 s 3 are each amended to read as follows:

(1) The duty to register under RCW 9A.44.130 shall end:

(a) For a person convicted of a class A felony: Such person may only be relieved of the duty to register under subsection (2) or (3) of this section.

(b) For a person convicted of a class B felony: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony or any violation of RCW 9.68A.090: Ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

(2) Any person having a duty to register under RCW 9A.44.130 may petition the superior court to be relieved of that duty. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors. Except as provided in subsection (3) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(3) An offender having a duty to register under RCW 9A.44.130 for a sex offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after adjudication, and may consider other factors. The court may relieve the petitioner of the duty to register for a sex offense that was committed while the petitioner was fifteen years of age or older only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The court may relieve the petitioner of the duty to register for a sex offense that was committed while the petitioner was under the age of fifteen if the petitioner (a) has not been adjudicated of any additional sex offenses during the twenty-four months following the adjudication for the sex offense giving rise to the duty to register, and (b) the petitioner proves by a preponderance of the evidence that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(4) Unless relieved of the duty to register pursuant to this section, a violation of RCW 9A.44.130 is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

(5) Nothing in RCW 9.94A.220 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW 9A.44.130."

Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate concurred in the House amendment to Senate Bill No. 5239.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5239, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5239, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Moyer and Sutherland - 4.

SENATE BILL NO. 5239, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Loveland, Senator Owen was excused.

On motion of Senator Wood, Senator McDonald was excused.

#### MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5267 with the following amendment(s):

On page 2, after line 23, strike all of section 2 and insert:

"Sec. 2. RCW 29.51.170 and 1988 c 181 s 5 are each amended to read as follows:

For any office at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by RCW 29.04.180 and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. No write-in vote made for any person who has not filed a declaration of candidacy pursuant to RCW 29.04.180 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office, position, or political party shall be accepted if the canvassing board can determine, to their satisfaction, the voter's intent.

Write-in votes cast for an office need not be tallied if, assuming all of these write-in votes were cast for the same person, the write-in votes could not have altered the outcome of the primary or election.

**Sec. 3.** RCW 29.51.170 shall be recodified as a section in chapter 29.62 RCW."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Sheldon, the Senate concurred in the House amendment to Senate Bill No. 5267.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5267, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5267, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, A., Anderson, C., McDonald, Moyer, Owen and Sutherland - 6.

SENATE BILL NO. 5267, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 5, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5275 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.10.460 and 1985 c 281 s 9 are each amended to read as follows:

~~((Ballot titles on the questions shall be prepared as provided in RCW 35A.29.120.))~~ If a proposal for assumption of indebtedness is to be submitted to the voters of a city in which the indebtedness did not originate, the proposal shall be separately stated and the ballots shall contain, as a separate proposition to be voted on, the words "For Assumption of Indebtedness to be paid by the levy of annual property taxes in excess of regular property taxes" and "Against Assumption of Indebtedness to be paid by the levy of annual property taxes in excess of regular property taxes" or words equivalent thereto. If the question of the form or plan of government is to be submitted to the voters, the question shall be separately stated and the ballots shall contain, as a separate proposition to be voted on, the option of a voter to select one of the three forms or plans of government. If the question of the name of the proposed consolidated city is to be submitted to the voters, the question shall be separately stated and the ballots shall contain, as a separate proposition to be voted on, the option of a voter to select one of the names of the proposed consolidated city.

**Sec. 2.** RCW 35.10.470 and 1985 c 281 s 10 are each amended to read as follows:

The county canvassing board in each county involved shall canvass the returns in each election. The votes cast in each of such cities shall be canvassed separately, and the statement shall show the whole number of votes cast, the number of votes cast in each city for consolidation, and the number of votes cast in each city against such consolidation. If a proposal for assumption or indebtedness was voted upon in a city in which the indebtedness did not originate, the statement shall show the number of votes cast in such a city for assumption of indebtedness and the number of votes cast against assumption of indebtedness. If a question of the form or plan of government was voted upon, the statement shall show the number of votes cast in each city for each of the optional forms or plans of government. If a name for the proposed consolidated city was voted upon, the statement shall show the number of votes cast in each city for each optional name. A certified copy of such statement shall be filed with the legislative body of each of the cities proposed to be consolidated.

If it appears from such statement of canvass that a majority of the votes cast in each of the cities were in favor of consolidation, the consolidation shall be authorized and shall be effective when the newly elected legislative body members assume office, as provided in RCW 35.10.480.

If a question of the form or plan of government was voted upon, that form or plan receiving the greatest combined number of votes shall become the form or plan of government for the consolidated city. If two or three of the forms or plans of government received the same highest number of votes, the

form or plan of government shall be chosen by lot between those receiving the same highest number, where the mayor of the largest of the cities proposed to be consolidated draws the lot at a public meeting.

If a proposition to assume indebtedness was submitted to voters of a city in which the indebtedness did not originate, the proposition shall be deemed approved if approved by a majority of at least three-fifths of the voters of the city, and the number of persons voting on the proposition constitutes not less than forty percent of the number of votes cast in the city at the last preceding general election. Approval of the proposition authorizes annual property taxes to be levied on the property within the city in which the indebtedness did not originate that are in excess of regular property taxes. However, if the general indebtedness in question was incurred by action of a city legislative body, a proposition for assuming the indebtedness need only be approved by a simple majority vote of the voters of the city in which such indebtedness did not originate.

If a question of the name of the proposed consolidated city was voted upon, that name receiving the greatest combined number of votes shall become the name of the consolidated city. If two proposed names receive the same number of votes, the name shall be chosen by lot, where the mayor of the largest of the cities proposed to be consolidated draws the lot at a public meeting.

**Sec. 3.** RCW 35.10.480 and 1985 c 281 s 11 are each amended to read as follows:

If the voters of each of the cities proposed to consolidate approve the consolidation, elections to nominate and elect the elected officials of the consolidated city shall be held at times specified in RCW 35A.02.050. If the joint resolution or the petitions prescribe that councilmembers of the consolidated city shall be elected from wards, then the councilmembers shall be elected from wards under RCW 35A.12.180. Terms shall be established as if the city is initially incorporating.

The newly elected officials shall take office immediately upon their qualification. The effective date of the consolidation shall be when a majority of the newly elected members of the legislative body assume office. The clerk of the newly consolidated city shall transmit a duly certified copy of an abstract of the votes to authorize the consolidation and of the election of the newly elected city officials to the secretary of state and the office of financial management.

**Sec. 4.** RCW 35.10.490 and 1985 c 281 s 12 are each amended to read as follows:

A joint resolution or the petitions may prescribe the name of the proposed consolidated city or may provide that a ballot proposition to determine the name of the proposed consolidated city be submitted to the voters of the cities proposed to be consolidated. If two alternative names are submitted, the name receiving the simple majority vote of the voters voting on the question shall become the name of the consolidated city. If the name for the proposed consolidated city is not prescribed by the joint resolution or petition, or a proposition on the name is not submitted to the voters of the cities proposed to be consolidated, then the newly consolidated city shall be known as the city of . . . . . (listing the names of the cities that were consolidated in alphabetical order). The legislative body of the newly consolidated city may present another name or two names for the newly consolidated city to the city voters for their approval or rejection at the next municipal general election held after the effective date of the consolidation. If only one alternative name is submitted, this alternative name shall become the name of the consolidated city if approved by a simple majority vote of the voters voting on the question. If two alternative names are submitted, the name receiving the simple majority vote of the voters voting on the question shall become the name of the consolidated city.

**Sec. 5.** RCW 35.21.010 and 1991 c 363 s 37 are each amended to read as follows:

(1) Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of . . . . ., or the town of . . . . ., as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this title, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this title(~~(: PROVIDED, That)~~). However, not more than two square miles in area shall be included within the corporate limits of a town having a population of fifteen hundred or less, or located in a county with a population of one million or more, and not more than three square miles in area shall be included within the corporate limits of a town having a population of more than fifteen hundred in a county with a population of less than one million, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of a town without the consent of the owner of such unplatted land(~~(: PROVIDED FURTHER, That)~~).

(2) Notwithstanding subsections (1) and (3) of this section, a town located in three or more counties is excluded from a limitation in square mileage.

(3) Except as provided in subsection (2) of this section, the original incorporation of a town shall be limited to an area of not more than one square mile and a population as prescribed in RCW 35.01.040.

NEW SECTION. Sec. 6. A new section is added to chapter 35.10 RCW to read as follows:

Unless a commission form of government is prescribed or submitted to the voters under RCW 35.10.430, a joint resolution or petition may prescribe that wards be used to elect the councilmembers of the consolidated city. The joint resolution or petition must contain a map of the proposed consolidated city that clearly delineates the boundaries of each ward. Each ward in the proposed consolidated city shall contain approximately the same population. To the greatest extent possible, the integrity of the boundaries of the cities that are proposed to be consolidated shall be respected when the wards are drawn so that the territory within each city is: (1) Included within the fewest number of wards, to the extent the city has a population that is greater than the maximum population established for each ward; or (2) included wholly within one ward, to the extent the city has a population that is equal to or less than the maximum population established for each ward. After the election specified in RCW 35.10.480, election wards may be modified in the manner specified in RCW 35A.12.180.

Sec. 7. RCW 35.10.420 and 1985 c 281 s 5 are each amended to read as follows:

The submission of a ballot proposal to the voters of two or more contiguous cities for the consolidation of these contiguous cities may also be caused by the filing of a petition with the legislative body of each such city, signed by the voters of each city in number equal to not less than ten percent of ~~((the votes cast))~~ voters who voted in the city at the last general municipal election therein, seeking consolidation of such contiguous cities. A copy of the petition shall be forwarded immediately by each city to the auditor of the county or counties within which that city is located.

The county auditor or auditors shall determine the sufficiency of the signatures in each petition within ten days of receipt of the copies and immediately notify the cities proposed to be consolidated of the sufficiency. If each of the petitions is found to have sufficient valid signatures, the auditor or auditors shall call a special election at which the question of whether such cities shall consolidate shall be submitted to the voters of each of such cities. If a general election is to be held more than ninety days but not more than one hundred eighty days after the filing of the last petition, the question shall be submitted at that election. Otherwise the question shall be submitted at a special election to be called for that purpose at the next special election date, as specified in RCW 29.13.020, that occurs ninety or more days after the date when the last petition was filed.

If each of the petitions is found to have sufficient valid signatures, the auditor or auditors also shall notify the county legislative authority of each county in which the cities are located of the proposed consolidation.

Petitions shall conform with the requirements for form prescribed in RCW 35A.01.040, except different colored paper may be used on petitions circulated in the different cities. A legal description of the cities need not be included in the petitions."

On page 1, line 1 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 35.10.460, 35.10.470, 35.10.480, 35.10.490, 35.21.010, and 35.10.420; and adding a new section to chapter 35.10 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Sheldon, the Senate concurred in the House amendments to Senate Bill No. 5275.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5275, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5275, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, A., Anderson, C., McDonald, Moyer, Owen and Sutherland - 6.

SENATE BILL NO. 5275, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 11, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5282 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.32.330 and 1991 c 330 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to RCW 82.32.410, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: PROVIDED, That data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by RCW 82.32.410, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency;  
(~~and~~)

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer; ~~and~~

(f) "Department" means the department of revenue or its officer, agent, employee, or representative.

(2) Returns and tax information shall be confidential and privileged, and except as authorized by this section, neither the department of revenue (~~nor any officer, employee, agent, or representative thereof~~) nor any other person may disclose any return or tax information.

(3) The foregoing, however, shall not prohibit the department of revenue (~~or an officer, employee, agent, or representative thereof~~) from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding:

(i) In respect of any tax imposed under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: PROVIDED, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or (~~failed to file~~) filed and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(f) Disclosing such return or tax information, for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(g) Permitting the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

(h) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county,

for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state; ((~~or~~))

(i) Disclosing any such return or tax information to the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, the Department of Defense, the United States customs service, the coast guard of the United States, and the United States department of transportation, or any authorized representative thereof, for official purposes;

(j) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410; ((~~or~~))

(k) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, entity type, business address, mailing address, revenue tax registration numbers, standard industrial classification code of a taxpayer, and the dates of opening and closing of business. This subsection shall not be construed as giving authority to the department to give, sell, or provide access to any list of taxpayers for any commercial purpose; or

(1) Disclosing such return or tax information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under the provisions of chapter 42.17 RCW or is a document maintained by a court of record not otherwise prohibited from disclosure.

(4) (a) The department may disclose return or taxpayer information to a person under investigation or during any court or administrative proceeding against a person under investigation as provided in this subsection (4). The disclosure must be in connection with the department's official duties relating to an audit, collection activity, or a civil or criminal investigation. The disclosure may occur only when the person under investigation and the person in possession of data, materials, or documents are parties to the return or tax information to be disclosed. The department may disclose return or tax information such as invoices, contracts, bills, statements, resale or exemption certificates, or checks. However, the department may not disclose general ledgers, sales or cash receipt journals, check registers, accounts receivable/payable ledgers, general journals, financial statements, expert's workpapers, income tax returns, state tax returns, tax return workpapers, or other similar data, materials, or documents.

(b) Before disclosure of any tax return or tax information under this subsection (4), the department shall, through written correspondence, inform the person in possession of the data, materials, or documents to be disclosed. The correspondence shall clearly identify the data, materials, or documents to be disclosed. The department may not disclose any tax return or tax information under this subsection (4) until the time period allowed in (c) of this subsection has expired or until the court has ruled on any challenge brought under (c) of this subsection.

(c) The person in possession of the data, materials, or documents to be disclosed by the department has twenty days from the receipt of the written request required under (b) of this subsection to petition the superior court of the county in which the petitioner resides for injunctive relief. The court shall limit or deny the request of the department if the court determines that:

(i) The data, materials, or documents sought for disclosure are cumulative or duplicative, or are obtainable from some other source that is more convenient, less burdensome, or less expensive;

(ii) The production of the data, materials, or documents sought would be unduly burdensome or expensive, taking into account the needs of the department, the amount in controversy, limitations on the petitioner's resources, and the importance of the issues at stake; or

(iii) The data, materials, or documents sought for disclosure contain trade secret information that, if disclosed, could harm the petitioner.

(d) The department shall reimburse reasonable expenses for the production of data, materials, or documents incurred by the person in possession of the data, materials, or documents to be disclosed.

(e) Requesting information under (b) of this subsection that may indicate that a taxpayer is under investigation does not constitute a disclosure of tax return or tax information under this section.

(5) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of any return or tax information as provided under subsection (3) (f), (g), (h), or (i) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, shall upon conviction be punished by a fine not exceeding one thousand dollars and, if the person guilty of such violation is an officer or employee of the state, such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Smith, the Senate concurred in the House amendment to Senate Bill No. 5282.



The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5282, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5282, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Anderson, A., Anderson, C., Moyer and Sutherland - 4.

SENATE BILL NO. 5282, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 13, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5342 with the following amendment(s):

On page 41, beginning on line 14, strike all material through "1997" and insert "The rural natural resources impact area programs shall be terminated on June 30, 1998, as provided in section 35 of this act"

On page 41, line 18, after "June 30," strike "1998" and insert "1999"

On page 41, line 34, after "RCW" strike "43.160.210 and 1991 c 314 s 25" and insert "43.160.200 and 1995 c . . . s 16 (section 16 of this act), 1993 c 320 s 7, 1993 c 316 s 4, & 1991 c 314 s 23", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Pelz, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 5342.

#### MOTION

On motion of Senator Wood, Senator Morton was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5342, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5342, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, A., Anderson, C., Morton, Moyer and Sutherland - 5.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5342, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 5, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5374 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** This subchapter applies to limited liability partnerships. All other provisions of this chapter, not in conflict with this subchapter, also apply.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this subchapter.

(1) "Limited liability partnership" or "partnership" means a partnership formed pursuant to an agreement governed by the laws of this state, registered under section 6 of this act.

(2) "Foreign limited liability partnership" means a limited liability partnership formed pursuant to an agreement governed by the laws of another jurisdiction.

**NEW SECTION. Sec. 3.** (1) To become and to continue as a limited liability partnership, a partnership shall file with the secretary of state an application stating the name of the partnership; the address of its principal office; if the partnership's principal office is not located in this state, the address of a registered office and the name and address of a registered agent for service of process in this state which the partnership will be required to maintain; the number of partners; a brief statement of the business in which the partnership engages; any other matters that the partnership determines to include; and that the partnership thereby applies for status as a limited liability partnership.

(2) The application shall be executed by a majority in interest of the partners or by one or more partners authorized to execute an application.

(3) The application shall be accompanied by a fee of one hundred seventy-five dollars for each partnership.

(4) The secretary of state shall register as a limited liability partnership any partnership that submits a completed application with the required fee.

(5) A partnership registered under this section shall pay an annual fee, in each year following the year in which its application is filed, on a date and in an amount specified by the secretary of state. The fee must be accompanied by a notice, on a form provided by the secretary of state, of the number of partners currently in the partnership and of any material changes in the information contained in the partnership's application for registration.

(6) Registration is effective immediately after the date an application is filed, and remains effective until: (a) It is voluntarily withdrawn by filing with the secretary of state a written withdrawal notice executed by a majority in interest of the partners or by one or more partners authorized to execute a withdrawal notice; or (b) thirty days after receipt by the partnership of a notice from the secretary of state, which notice shall be sent by certified mail, return receipt requested, that the partnership has failed to make timely payment of the annual fee specified in subsection (5) of this section, unless the fee is paid within such a thirty-day period.

(7) The status of a partnership as a limited liability partnership, and the liability of the partners thereof, shall not be affected by: (a) Errors in the information stated in an application under subsection (1) of this section or a notice under subsection (5) of this section; or (b) changes after the filing of such an application or notice in the information stated in the application or notice.

(8) The secretary of state may provide forms for the application under subsection (1) of this section or a notice under subsection (5) of this section.

**NEW SECTION. Sec. 4.** The name of a limited liability partnership shall contain the words "limited liability partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of its name.

**NEW SECTION. Sec. 5.** A person or group of persons licensed or otherwise legally authorized to render professional services, as defined in RCW 18.100.030, within this state may organize and become a member or members of a limited liability partnership under the provisions of this chapter for the purposes of rendering professional service. Nothing in this section prohibits a person duly licensed or otherwise legally authorized to render professional services in any jurisdiction other than this state from becoming a member of a limited liability partnership organized for the purpose of rendering the same professional services. Nothing in this section prohibits a limited liability partnership from rendering professional services outside this state through individuals who are not duly licensed or otherwise legally authorized to render such professional services within this state.

**NEW SECTION. Sec. 6.** (1) A limited liability partnership formed and existing under this chapter, may conduct its business, carry on its operations, and have and exercise the powers granted by this chapter in any state, territory, district, or possession of the United States or in any foreign country.

(2) It is the intent of the legislature that the legal existence of a limited liability partnership formed and existing under this chapter be recognized outside the boundaries of this state and that the laws of this state governing a limited liability partnership transacting business outside this state be granted the protection of full faith and credit under the Constitution of the United States.

(3) The internal affairs of a partnership, including a limited liability partnership formed and existing under this chapter, including the liability of partners for debts, obligations, and liabilities of or chargeable to the partnership, shall be subject to and governed by the laws of this state.

(4) Subject to any statutes for the regulation and control of specific types of business, a foreign limited liability partnership, formed and existing under the laws of another jurisdiction, may do business in this state provided it registers with the secretary of state under this chapter in the same manner as a limited liability partnership.

(5) It is the policy of this state that the internal affairs of a foreign limited liability partnership, including the liability of partners for debts, obligations, and liabilities of or chargeable to partnerships, shall be subject to and governed by the laws of such other jurisdiction.

However, a foreign limited liability partnership formed and existing under the laws of another jurisdiction is subject to section 7 of this act if it renders professional services, as defined in RCW 18.100.030, in this state.

**NEW SECTION. Sec. 7.** (1) Except as provided in subsection (2) of this section, all partners are liable:

- (a) Jointly and severally for everything chargeable to the partnership under RCW 25.04.130 and 25.04.140; and
- (b) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract;
- (c) Except that:
  - (i) In no event shall a trustee or personal representative, a fiduciary, acting as a partner have personal liability except as provided in RCW 11.98.110 (2) and (4);
  - (ii) Any such liability under this section shall be satisfied first from the partnership assets and second from the trust or estate; and
  - (iii) If a fiduciary is liable, the fiduciary is entitled to indemnification first from the partnership assets and second from the trust or estate.

(2) Subject to subsections (3) and (5) of this section, a partner in a limited liability partnership is not liable directly or indirectly, including by way of indemnification, contribution, assessment, or otherwise for debts, obligations, and liabilities of or chargeable to the partnership, whether in tort, contract or otherwise, arising from omissions, negligence, wrongful acts, misconduct, or malpractice committed in the course of the partnership business by another partner or an employee, agent, or representative of the partnership.

(3) Subsection (2) of this section shall not affect the liability of a partner in a limited liability partnership for his or her own omissions, negligence, wrongful acts, misconduct, or malpractice or that of any person under his or her direct supervision and control.

(4) A partner in a limited liability partnership is not a proper party to a proceeding by or against a limited liability partnership, the object of which is to recover damages or enforce the obligations arising from omissions, negligence, wrongful acts, misconduct, or malpractice described in subsection (2) of this section, unless such partner is personally liable under subsection (3) of this section.

(5) If the partners of a limited liability partnership or foreign limited liability partnership are required to be licensed to provide professional services, as defined in RCW 18.100.030, and the partnership fails to maintain for itself and for its members practicing in this state a policy of professional liability insurance, bond, deposit in trust, bank escrow of cash, bank certificates of deposit, United States Treasury obligations, bank letter of credit, insurance company bond, or other evidence of financial responsibility of a kind designated by rule by the state insurance commissioner and in the amount of at least one million dollars or such greater amount, not to exceed three million dollars, as the state insurance commissioner may establish by rule for a licensed profession or for any specialty within a profession, taking into account the nature and size of the businesses within the profession or specialty, then the partners shall be personally liable to the extent that, had such insurance, bond, deposit in trust, bank escrow of cash, bank certificates of deposit, United States Treasury obligations, bank letter of credit, insurance company bond, or other evidence of responsibility been maintained, it would have covered the liability in question.

**NEW SECTION. Sec. 8.** The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

(1) Each partner shall be repaid his or her contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and except as provided in section 7(2) of this act, each partner must contribute toward the losses, whether of capital or otherwise, sustained by the partnership according to his or her share in the profits.

(2) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him or her in the ordinary and proper conduct of its business, or for the preservation of its business or property.

(3) A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he or she agreed to contribute, shall be paid interest from the date of the payment or advance.

(4) A partner shall receive interest on the capital contributed by him or her only from the date when repayment should be made.

(5) All partners have equal rights in the management and conduct of the partnership business.

(6) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his or her services in winding up the partnership affairs.

(7) No person can become a member of a partnership without the consent of all the partners.

(8) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners.

**NEW SECTION. Sec. 9.** Where a dissolution is caused by the act, death, or bankruptcy of a partner, each partner is liable to his or her copartners for his or her share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless:

- (1) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution; or
- (2) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy; or
- (3) The liability is for a debt, obligation, or liability for which the partner is not liable as provided in section 7(2) of this act.

**NEW SECTION. Sec. 10.** (1) The dissolution of the partnership does not of itself discharge the existing liability of any partner.

(2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself or herself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

(3) Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

(4) The individual property of a deceased partner shall be liable for those obligations of the partnership incurred while he or she was a partner and for which he or she was liable under section 7 of this act, but subject to the prior payment of his or her separate debts.

**NEW SECTION. Sec. 11.** In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:

(1) The assets of the partnership are:

- (a) The partnership property;
- (b) The contributions of the partners specified in subsection (4) of this section.

(2) The liabilities of the partnership shall rank in order of payment, as follows:

- (a) Those owing to creditors other than partners;
- (b) Those owing to partners other than for capital and profits;
- (c) Those owing to partners in respect of capital;
- (d) Those owing to partners in respect of profits.

(3) The assets shall be applied in the order of their declaration in subsection (1) of this section to the satisfaction of the liabilities.

(4) Except as provided in section 7(2) of this act: (a) The partners shall contribute, as provided by section 8(1) of this act the amount necessary to satisfy the liabilities; and (b) if any, but not all, of the partners are insolvent, or, not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and, in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.

(5) An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contribution specified in subsection (4) of this section.

(6) Any partner or his or her legal representative shall have the right to enforce the contributions specified in subsection (4) of this section, to the extent of the amount which he or she has paid in excess of his or her share of the liability.

(7) The individual property of a deceased partner shall be liable for the contributions specified in subsection (4) of this section.

(8) When partnership property and the individual properties of the partners are in possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

(9) Where a partner has become bankrupt or his or her estate is insolvent the claims against his or her separate property shall rank in the following order:

- (a) Those owing to separate creditors;
- (b) Those owing to partnership creditors;
- (c) Those owing to partners by way of contribution.

**NEW SECTION. Sec. 12.** Sections 1 through 11 of this act are each added to chapter 25.04 RCW and codified with the subchapter heading of "limited liability partnerships."

On page 1, line 1 of the title, after "partnerships;" strike the remainder of the title and insert "and adding new sections to chapter 25.04 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5374 and asks the House to recede therefrom.

#### MOTION

On motion of Senator McCaslin, Senator Hochstatter was excused.

MESSAGE FROM THE HOUSE

April 4, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5378 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.08.190 and 1991 sp.s. c 32 s 34 are each amended to read as follows:

When excess funds are distributed, all moneys subject to distribution shall be disbursed as follows:

(1) Three-tenths of one percent to ~~((the department of community development to be allocated to))~~ border areas under RCW 66.08.195; and

(2) From the amount remaining after distribution under subsection (1) of this section, fifty percent to the general fund of the state, ten percent to the counties of the state, and forty percent to the incorporated cities and towns of the state.

~~((3))~~ The governor may notify and direct the state treasurer to withhold the revenues to which the counties and cities are entitled under this section if the counties or cities are found to be in noncompliance pursuant to RCW 36.70A.340.

**Sec. 2.** RCW 66.08.195 and 1988 c 229 s 3 are each amended to read as follows:

For the purposes of this ~~((section, the term))~~ chapter: (1) "Border area" means ~~((Blaine, Everson, Friday Harbor, Lynden, Nooksack, Northport, Oroville, Port Angeles, Sumas, and that area of Whatcom county commonly referred to as Point Roberts.~~

~~Funds allocable to border areas under RCW 66.08.190 shall be distributed pursuant to a formula developed by the department of community development, by rule, based on border traffic and historical public impacts of law enforcement problems caused by the border on local budgets. All such funds received by Whatcom county pursuant to this allocation shall be spent within the Point Roberts area))~~ any incorporated city or town located within seven miles of the Washington-Canadian border or any unincorporated area that is a point of land surrounded on three sides by saltwater and adjacent to the Canadian border.

(2) "Border area per-capita law-enforcement spending" equals total per capita expenditures in a border area on: Law enforcement operating costs, court costs, law enforcement-related insurance, and detention expenses, minus funds allocated to a border area under RCW 66.08.190 and section 3 of this act.

(3) "Border-crossing traffic total" means the number of vehicles, vessels, and aircraft crossing into the United States through a United States customs service border crossing that enter into the border area during a federal fiscal year, using border crossing statistics and criteria included in guidelines adopted by the department of community, trade, and economic development.

(4) "Border-related crime statistic" means the sum of infractions and citations issued, and arrests of persons permanently residing outside Washington state in a border area during a calendar year.

**NEW SECTION. Sec. 3.** A new section is added to chapter 66.08 RCW to read as follows:

Distribution of funds to border areas under RCW 66.08.190 shall be as follows:

- (1) Sixty-five percent of the funds shall be distributed to border areas ratably based on border area traffic totals;
- (2) Twenty-five percent of the funds shall be distributed to border areas ratably based on border-related crime statistics; and
- (3) Ten percent of the funds shall be distributed to border areas ratably based upon border area per capita law enforcement spending.

Distributions to an unincorporated area that is a point of land surrounded on three sides by saltwater and adjacent to the Canadian border shall be made to the county in which such an area is located and may only be spent on services provided to that area.

**NEW SECTION. Sec. 4.** A new section is added to chapter 66.08 RCW to read as follows:

The department of community, trade, and economic development shall develop guidelines to determine the figures used under the three distribution factors defined in RCW 66.08.195. At the request of any border community, the department may review these guidelines once every three years.

**Sec. 5.** RCW 43.63A.190 and 1984 c 125 s 11 are each amended to read as follows:

Funds appropriated by the legislature as supplemental resources for border areas shall be distributed by the state treasurer pursuant to ~~((a))~~ the formula ~~((developed by the department under chapter 34.05 RCW based on border traffic and historical public impacts of law enforcement problems caused by the border on local budgets. All funds received by Whatcom county under this section shall be spent within the Point Roberts area.~~

As used in this section, "border area" means any incorporated city or town located within seven miles of the Washington-Canadian border and any point of land surrounded on three sides by water and adjacent to the Canadian border)) for distributing funds from the liquor revolving fund to border areas, and expenditure requirements for such distributions, under section 3 of this act.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 66.08.190, 66.08.195, and 43.63A.190; adding new sections to chapter 66.08 RCW; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Sheldon, the Senate concurred in the House amendments to Senate Bill No. 5378.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5378, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5378, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, A., Anderson, C., Hochstatter, Morton, Moyer and Sutherland - 6.

SENATE BILL NO. 5378, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5399 with the following amendment(s):

On page 10, after line 19, insert the following:

"Sec. 6. RCW 51.32.050 and 1993 c 521 s 1 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed two (~~thousand dollars~~) hundred percent of the average monthly wage in the state as defined in RCW 51.08.018 shall be paid.

(2)(a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage payments according to the following schedule:

(i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker but not less than one hundred eighty-five dollars;

(ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker but not less than two hundred twenty-two dollars;

(iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker but not less than two hundred fifty-three dollars;

(iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker but not less than two hundred seventy-six dollars;

(v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker but not less than two hundred ninety-nine dollars; or

(vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker but not less than three hundred twenty-two dollars.

(b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

(c) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs:

PROVIDED, That a monthly payment shall be made to the child or children of the deceased worker from the month following such remarriage in a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. If the surviving spouse does not have legal custody of any child or children of the deceased worker, or if after the death of the worker, legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children.

(d) In no event shall the monthly payments provided in subsection (2) of this section exceed the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018 as follows:

AFTER PERCENTAGE

June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(e) In addition to the monthly payments provided for in subsection (2) (a) through ((2))(c) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid ~~((the))~~ a sum ~~((of one thousand six hundred dollars))~~ equal to one hundred percent of the average monthly wage in the state as defined in RCW 51.08.018, any such children, or parents to share and share alike in said sum.

(f) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs. However, after September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) Receiving, once and for all, a lump sum of twenty-four times the monthly compensation rate in effect on the date of remarriage allocable to the spouse for himself or herself pursuant to subsection (2)(a)(i) of this section and subject to any modifications specified under subsection (2)(d) of this section and RCW 51.32.075(3) or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 28, 1991, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in subsection (2)(f)(i) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in subsection (2)(f)(i) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

(g) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in subsection (2)(f)(i) of this section, his or her estate shall be entitled to receive the sum specified under subsection (2)(f)(i) of this section or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

(h) The effective date of resumption of payments under subsection (2)(f)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(i) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) of this section shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018, as follows:

AFTER PERCENTAGE

June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018 as follows:

AFTER PERCENTAGE

June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067."

On page 11, after line 35, insert the following:

"NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the sections consecutively, correct internal references accordingly, and correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate concurred in the House amendments to Senate Bill No. 5399.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5399, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5399, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 2; Absent, 1; Excused, 6.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Swecker, West, Winsley, Wojahn and Wood - 40.

Voting nay: Senators Cantu and Strannigan - 2.

Absent: Senator Finkbeiner - 1.

Excused: Senators Anderson, A., Anderson, C., Hochstatter, Morton, Moyer and Sutherland - 6.

SENATE BILL NO. 5399, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5402 with the following amendment(s):

On page 2, after line 10, insert the following:



"Sec. 2. RCW 51.32.020 and 1977 ex.s. c 350 s 39 are each amended to read as follows:

If injury or death results to a worker from the deliberate intention of the worker himself or herself to produce such injury or death, or while the worker is engaged in the attempt to commit, or the commission of, a felony, neither the worker nor the widow, widower, child, or dependent of the worker shall receive any payment under this title.

If injury or death results to a worker from the deliberate intention of a beneficiary of that worker to produce the injury or death, or if injury or death results to a worker as a consequence of a beneficiary of that worker engaging in the attempt to commit, or the commission of, a felony, the beneficiary shall not receive any payment under this title.

An invalid child, while being supported and cared for in a state institution, shall not receive compensation under this chapter.

No payment shall be made to or for a natural child of a deceased worker and, at the same time, as the stepchild of a deceased worker.

Sec. 3. RCW 51.32.040 and 1987 c 75 s 7 are each amended to read as follows:

(1) Except as provided in RCW 43.20B.720 and 74.20A.260, no money paid or payable under this title shall, ((except as provided for in RCW 43.20B.720 or 74.20A.260, prior to)) before the issuance and delivery of the check or warrant ((therefor)), be ((capable of being)) assigned, charged, or ((ever be)) taken in execution ((or)), attached ((or)), garnished, ((nor shall the same)) or pass((;)) or be paid((;)) to any other person by operation of law, ((or by)) any form of voluntary assignment, or power of attorney. Any such assignment or charge ((shall be)) is void((;)) unless the transfer is to a financial institution at the request of a worker or other beneficiary and made in accordance with RCW 51.32.045 ((shall be made: PROVIDED, That)).

(2)(a) If any worker suffers (i) a permanent partial injury((;)) and dies from some other cause than the accident which produced ((such)) the injury before he or she ((shall have received)) receives payment of ((his or her)) the award for ((such)) the permanent partial injury((;)) or ((if any worker suffers)) (ii) any other injury before he or she ((shall have received)) receives payment of any monthly installment covering any period of time ((prior to)) before his or her death, the amount of ((such)) the permanent partial disability award((;)) or ((of such)) the monthly payment, or both, shall be paid to the surviving spouse((;)) or ((to)) the child or children if there is no surviving spouse((: PROVIDED FURTHER, That)).

(b) If any worker suffers an injury and dies ((therefrom)) from it before he or she ((shall have received)) receives payment of any monthly installment covering time loss for any period of time ((prior to)) before his or her death, the amount of ((such)) the monthly payment shall be paid to the surviving spouse((;)) or ((to)) the child or children if there is no surviving spouse((: PROVIDED FURTHER, That)).

(c) Any application for compensation under ((the foregoing provisos of this section)) this subsection (2) shall be filed with the department or self-insuring employer within one year of the date of death((: PROVIDED FURTHER, That)). However, if the injured worker resided in the United States as long as three years ((prior to)) before the date of injury, ((such)) payment under this subsection (2) shall not be made to any surviving spouse or child who was at the time of the injury a nonresident of the United States((: PROVIDED FURTHER, That)).

(3)(a) Any worker or beneficiary receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible ((therefor)) for benefits under this title while confined in, any institution under conviction and sentence shall have all payments of ((such)) the compensation canceled during the period of confinement ((but)). After discharge from the institution, payment of benefits ((thereafter)) due afterward shall be paid if ((such)) the worker or beneficiary would, ((but)) except for the provisions of this ((proviso)) subsection (3), otherwise be entitled ((thereto: PROVIDED FURTHER, That)) to them.

(b) If any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she ((shall be)) is entitled to payments under this title, subject to the requirements of chapter 72.65 RCW, unless his or her participation in ((such)) the program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence((: PROVIDED FURTHER, That)).

(c) If ((such incarcerated)) the confined worker has any beneficiaries during ((such)) the confinement period during which benefits are canceled under (a) or (b) of this subsection, ((any beneficiaries,)) they shall be paid directly the monthly benefits which would have been paid to ((him or her)) the worker for himself or herself and ((his or her)) the worker's beneficiaries had ((he or she)) the worker not been ((so)) confined.

(4) Any lump sum benefits to which ((the)) a worker would otherwise be entitled but for the provisions of ((these provisos)) this section shall be paid on a monthly basis to his or her beneficiaries."

On page 4, after line 26, insert the following:

"NEW SECTION. Sec. 6. Sections 2 and 3 of this act shall apply from the effective date of this act without regard to the date of injury or the date of filing a claim."

Renumber the sections consecutively, correct internal references accordingly, and correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate concurred in the House amendments to Substitute Senate Bill No. 5402.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5402, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5402, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Anderson, A., Anderson, C., Hochstatter, Morton, Moyer and Sutherland - 6.

SUBSTITUTE SENATE BILL NO. 5402, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5403 with the following amendment(s):

On page 2, line 33, after "park." insert "Any lands acquired by the commission after the effective date of this act for the state horse park shall be purchased under chapter 43.98A RCW."

On page 3, beginning on line 17, after "(1)" strike all material through "The" on line 19, and insert "A nonprofit corporation may be formed under the nonprofit corporation provisions of chapter 24.03 RCW to carry out the purposes of this chapter. Except as provided in section 5 of this act, the"

On page 4, after line 13, insert the following:

"(3) The articles of incorporation shall include a policy that provides for the preferential use of a specific area of the horse park facilities at nominal cost for horse groups associated with youth groups and the disabled."

On page 4, line 14, strike "(3)" and insert "(4)"

On page 4, line 17, strike "(4)" and insert "(5)"

On page 4, beginning on line 26, after "agency" strike ", other than the authority,"

On page 6, line 3, strike "is encouraged to" and insert "shall"

On page 6, line 5, strike "is also encouraged to" and insert "shall also", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Fraser, the Senate concurred in the House amendments to Substitute Senate Bill No. 5403.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5403, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5403, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 42.

Voting nay: Senator Prince - 1.

Excused: Senators Anderson, A., Anderson, C., Hochstatter, Morton, Moyer and Sutherland - 6.

SUBSTITUTE SENATE BILL NO. 5403, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 2:34 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:05 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 12, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5516 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to promote drug-free workplaces to improve the safety of the workplace, protect the health of workers, and afford employers in this state the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace, and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from substance abuse by employees.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- (2) "Alcohol test" means a chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of alcohol within an individual's body systems.
- (3) "Chain of custody" means the methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition for all specimens and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.
- (4) "Collection site" means a place where individuals present themselves for the purpose of providing a urine, breath, or other specimen to be analyzed for the presence of drugs or alcohol.
- (5) "Confirmation test," "confirmed test," or "confirmed substance abuse test" means a second analytical procedure used to identify the presence of a specific drug or metabolic in a specimen. Drug tests must be confirmed as specified in section 6(6) of this act. Alcohol tests must be confirmed by a second breath test or as specified for drug tests.
- (6) "Department" means the department of social and health services.
- (7) "Drug" means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any such substances.
- (8) "Drug test" means a chemical, biological, or physical instrumental analysis administered on a specimen sample for the purpose of determining the presence or absence of a drug or its metabolites within the sample.
- (9) "Employee" means a person who is employed for salary, wages, or other remuneration by an employer.
- (10) "Employee assistance program" means a program designed to assist in the identification and resolution of job performance problems associated with employees impaired by personal concerns. A minimum level of core services must include: Consultation and professional, confidential, appropriate, and timely problem assessment services; short-term problem resolution; referrals for appropriate diagnosis, treatment, and assistance; follow-up and monitoring; employee education; and supervisory training.
- (11) "Employer" means an employer subject to Title 51 RCW but does not include the state or any department, agency, or instrumentality of the state; any county; any city; any county or independent school system or municipal corporation; or any employer that is self-insured for purposes of Title 51 RCW.
- (12) "Initial test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. An initial drug test must use an immunoassay procedure or an equivalent procedure or must use a more accurate scientifically accepted method approved by the national institute on drug abuse as more accurate technology becomes available in a cost-effective form.
- (13) "Injury" means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result and occurring from without, and such physical conditions as result therefrom.
- (14) "Job applicant" means a person who has applied for employment with an employer and has been offered employment conditioned upon successfully passing a drug test and may have begun work pending the results of the drug test.
- (15) "Last-chance agreement" means a notice to an employee who is referred to the employee assistance program due to a verified positive alcohol or drug test or for violating an alcohol or drug-related employer rule that states the terms and conditions of continued employment with which the employee must comply.
- (16) "Medical review officer" means a licensed physician trained in the field of drug testing who provides medical assessment of positive test results, requests reanalysis if necessary, and makes a determination whether or not drug misuse has occurred.
- (17) "Nonprescription medication" means a drug or medication authorized under federal or state law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.
- (18) "Prescription medication" means a drug or medication lawfully prescribed by a physician, or other health care provider licensed to prescribe medication, for an individual and taken in accordance with the prescription.

(19) "Reasonable suspicion" means the reasonable belief of the employer or the employer's representative that the employee may be under the influence of drugs or alcohol based on specific personal observations that the employer or employer's representative can describe concerning the appearance, behavior, or breath of an employee.

(20) "Rehabilitation program" means a program approved by the department that is capable of providing expert identification, assessment, and resolution of employee drug or alcohol abuse in a confidential and timely service. Any rehabilitation program under this chapter must contain a two-year continuing care component.

(21) "Specimen" means breath or urine. "Specimen" may include other products of the human body capable of revealing the presence of drugs or their metabolites or of alcohol, if approved by the United States department of health and human services and permitted by rules adopted under section 13 of this act.

(22) "Substance" means drugs or alcohol.

(23) "Substance abuse test" or "test" means a chemical, biological, or physical instrumental analysis administered on a specimen sample for the purpose of determining the presence or absence of a drug or its metabolites or of alcohol within the sample.

(24) "Threshold detection level" means the level at which the presence of a drug or alcohol can be reasonably expected to be detected by an initial and confirmation test performed by a laboratory meeting the standards specified in this chapter. The threshold detection level indicates the level at which a valid conclusion can be drawn that the drug or alcohol is present in the employee's specimen.

(25) "Verified positive test result" means a confirmed positive test result obtained by a laboratory meeting the standards specified in this chapter that has been reviewed and verified by a medical review officer in accordance with medical review officer guidelines promulgated by the United States department of health and human services.

**NEW SECTION. Sec. 3.** (1) An employer may have a policy implementing a drug-free workplace program in accordance with section 4 of this act, if the policy is included in a collective bargaining agreement applicable to the workplace or, if no collective bargaining agreement applies, the employer and the employees of the employer agree to the drug-free workplace program. If the employer has such a policy, the employer shall qualify for a five percent premium discount under the employer's workers' compensation insurance policy as provided under chapter 51.16 RCW upon certification by the division of alcohol and substance abuse of the department as provided in section 13 of this act. The portion of the premium discount granted to employers under this chapter for the medical aid fund premium shall be shared equally with the employer's employees.

(2) The premium discount must remain in effect as long as the employer is certified under section 13 of this act, up to a maximum of three years from the date of certification.

(3) A certified employer may discontinue operating a drug-free workplace program at any time. The qualification for a premium discount shall expire in accordance with decertification rules adopted by the department under section 13 of this act.

(4) Employers whose substance abuse testing programs meet, as of July 1, 1995, all of the requirements for the premium discount provided in this section are not eligible for certification. Employers whose substance abuse testing programs meet, as of July 1, 1995, some, but not all, of the requirements for the premium discount provided in this section may, upon subsequent compliance with the requirements, be eligible for certification.

(5) Nothing in this chapter creates or alters an obligation on the part of an employer seeking to participate in this program to bargain with a collective bargaining representative of its employees.

(6) An employer may not receive premium discounts from the department of labor and industries under more than one premium discount program. An employer participating in and meeting all of the requirements for the discount provided in this section and also participating in another premium discount program offered by the department of labor and industries is only entitled to the premium discount that is the highest.

**NEW SECTION. Sec. 4.** (1) A drug-free workplace program established under this chapter must contain the following elements:

- (a) A written policy statement as provided in section 5 of this act;
- (b) Substance abuse testing as provided in section 6 of this act;
- (c) An employee assistance program as provided in accordance with section 7 of this act;
- (d) Employee education as provided in section 9 of this act; and
- (e) Supervisor training in accordance with section 10 of this act.

(2) In addition to the requirements of subsection (1) of this section, a drug-free workplace program established under this chapter must be implemented in compliance with the confidentiality standards provided in section 12 of this act.

**NEW SECTION. Sec. 5.** (1) An alcohol and drug-free workplace program must contain a written substance abuse policy statement in order to qualify for the premium discount provided under section 3 of this act. The policy must:

- (a) Notify employees that the use or being under any influence of alcohol during working hours is prohibited;
- (b) Notify employees that the use, purchase, possession, or transfer of drugs or having illegal drugs in their system is prohibited and that prescription or nonprescription medications are not prohibited when taken in accordance with a lawful prescription or consistent with standard dosage recommendations;

- (c) Identify the types of testing an employee or job applicant may be required to submit to or other basis used to determine when such a test will be required;
  - (d) Identify the actions the employer may take against an employee or job applicant on the basis of a verified positive test result;
  - (e) Contain a statement advising an employee or job applicant of the existence of this chapter;
  - (f) Contain a general statement concerning confidentiality;
  - (g) Identify the consequences of refusing to submit to a drug test;
  - (h) Contain a statement advising an employee of the employee assistance program;
  - (i) Contain a statement that an employee or job applicant who receives a verified positive test result may contest or explain the result to the employer within five working days after receiving written notification of the positive test result;
  - (j) Contain a statement informing an employee of the provisions of the federal drug-free workplace act, if applicable to the employer;
- and

(k) Notify employees that the employer may discipline an employee for failure to report an injury in the workplace.

(2) An employer not having a substance abuse testing program in effect on July 1, 1995, shall ensure that at least sixty days elapse between a general one-time notice to all employees that a substance abuse testing program is being implemented and the beginning of the actual testing. An employer having a substance abuse testing program in place before July 1, 1995, is not required to provide a sixty-day notice period.

(3) An employer shall include notice of substance abuse testing to all job applicants. A notice of the employer's substance abuse testing policy must also be posted in an appropriate and conspicuous location on the employer's premises, and copies of the policy must be made available for inspection by the employees or job applicants of the employer during regular business hours in the employer's personnel office or other suitable locations. An employer with employees or job applicants who have trouble communicating in English shall make reasonable efforts to help the employees understand the policy statement.

**NEW SECTION. Sec. 6.** (1) Substance abuse testing must be conducted in conformity with the standards and procedures established in this chapter and all applicable rules adopted by the department under this chapter. If an employer fails to maintain an alcohol and drug-free workplace program in accordance with the standards, procedures, and rules established under this chapter, the employer shall not qualify for the workers' compensation premium discount provided under section 3 of this act.

(2) To qualify for the premium discount under section 3 of this act, an employer shall:

- (a) Be in good standing and remain in good standing with the department of labor and industries with respect to the employer's workers' compensation premium obligations;
- (b) Require job applicants to submit to a drug test after extending an offer of employment. The employer may use a refusal to submit to a drug test or a verified positive test as a basis for not hiring the job applicant;
- (c) Require an employee to submit to drug and alcohol tests if the employer has reasonable suspicion to believe that the employee is impaired by or under the influence of drugs or alcohol in the course of employment. Under this chapter, a first-time verified positive test result may not be used as a basis to terminate an employee's employment. However, an employee may be terminated for independent reasons, such as a violation of a safety rule or regulation;
- (d) If the employee in the course of employment is referred to the employee assistance program by the employer as a result of a verified positive drug or alcohol test or an alcohol or drug-related incident in violation of employer rules, require the employee to submit to drug and alcohol testing in conjunction with any recommended rehabilitation program. If the employee assistance program determines that the employee does not require treatment services, the employee must still be required to participate in follow-up testing. However, if an employee voluntarily enters an employee assistance program, without a verified positive drug or alcohol test or a violation of any drug or alcohol related employer rule, follow-up testing is not required. If follow-up testing is conducted, the frequency of the testing shall be at least four times a year for a two-year period after completion of the rehabilitation program and advance notice of the testing date may not be given. A verified positive follow-up test result shall normally require termination of employment.

(3) This section does not prohibit an employer from conducting other drug or alcohol testing, such as upon reasonable suspicion or a random basis.

(4) Specimen collection and substance abuse testing under this section must be performed in accordance with regulations and procedures approved by the United States department of health and human services and the United States department of transportation regulations for alcohol and drug testing and must include testing for marijuana, cocaine, amphetamines, opiates, and phencyclidine. Employers may test for any drug listed in section 2(7) of this act.

(a) A specimen must be collected with due regard to the privacy of the individual providing the specimen and in a manner reasonably calculated to prevent substitution or contamination of the specimen.

(b) Specimen collection and analysis must be documented. The documentation procedures must include:

- (i) Labeling of specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results; and
- (ii) An opportunity for the employee or job applicant to provide to a medical review officer information the employee or applicant considers relevant to the drug test, including identification of currently or recently used prescription or nonprescription medication or other relevant medical information.

(c) Specimen collection, storage, and transportation to the testing site must be performed in a manner that reasonably precludes specimen contamination or adulteration.

(d) An initial and confirmation test conducted under this section, not including the taking or collecting of a specimen to be tested, must be conducted by a laboratory as described in subsection (5) of this section.

(e) A specimen for a test may be taken or collected by any of the following persons:

(i) A physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment;

(ii) A qualified person certified or employed by a laboratory certified by the substance abuse and mental health administration or the college of American pathologists; or

(iii) A qualified person certified or employed by a collection company using collection procedures adopted by the United States department of health and human services and the United States department of transportation for alcohol collection.

(f) Within five working days after receipt of a verified positive test result from the laboratory, an employer shall inform an employee or job applicant in writing of the positive test result, the consequences of the result, and the options available to the employee or job applicant.

(g) The employer shall provide to the employee or job applicant, upon request, a copy of the test results.

(h) An initial test having a positive result must be verified by a confirmation test.

(i) An employer who performs drug testing or specimen collection shall use chain of custody procedures to ensure proper recordkeeping, handling, labeling, and identification of all specimens to be tested.

(j) An employer shall pay the cost of all drug or alcohol tests, initial and confirmation, that the employer requires of employees.

(k) An employee or job applicant shall pay the cost of additional tests not required by the employer.

(5)(a) A laboratory may not analyze initial or confirmation drug specimens unless:

(i) The laboratory is approved by the substance abuse and mental health administration or the college of American pathologists;

(ii) The laboratory has written procedures to ensure the chain of custody; and

(iii) The laboratory follows proper quality control procedures including, but not limited to:

(A) The use of internal quality controls including the use of samples of known concentrations that are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy;

(B) An internal review and certification process for test results, conducted by a person qualified to perform that function in the testing laboratory;

(C) Security measures implemented by the testing laboratory to preclude adulteration of specimens and test results; and

(D) Other necessary and proper actions taken to ensure reliable and accurate drug test results.

(b) A laboratory shall disclose to the employer a written test result report within seven working days after receipt of the sample. A laboratory report of a substance abuse test result must, at a minimum, state:

(i) The name and address of the laboratory that performed the test and the positive identification of the person tested;

(ii) Positive results on confirmation tests only, or negative results, as applicable;

(iii) A list of the drugs for which the drug analyses were conducted; and

(iv) The type of tests conducted for both initial and confirmation tests and the threshold detection levels of the tests.

A report may not disclose the presence or absence of a drug other than a specific drug and its metabolites listed under this chapter.

(c) A laboratory shall provide technical assistance through the use of a medical review officer to the employer, employee, or job applicant for the purpose of interpreting a positive confirmed drug test result that could have been caused by prescription or nonprescription medication taken by the employee or job applicant. The medical review officer shall interpret and evaluate the laboratory's positive drug test result and eliminate test results that could have been caused by prescription medication or other medically documented sources in accordance with the United States department of health and human services medical review officer manual.

(6) A positive initial drug test must be confirmed using the gas chromatography/mass spectrometry method or an equivalent or more accurate scientifically accepted method approved by the substance abuse and mental health administration as the technology becomes available in a cost-effective form.

(7) A workplace safety committee established according to the standards for safety committees under chapter 49.17 RCW shall monitor the ongoing effectiveness of the substance abuse testing program established by the employer under this chapter and shall, at reasonable intervals established by the committee but not less than annually, make recommendations for improving the program.

**NEW SECTION. Sec. 7.** (1) The employee assistance program required under this chapter shall provide the employer with a system for dealing with employees whose job performances are declining due to unresolved problems, including alcohol or other drug-related problems, marital problems, or legal or financial problems.

(2) To ensure appropriate assessment and referral to treatment:

(a) The employer must notify the employees of the benefits and services of the employee assistance program;

(b) The employer shall publish notice of the employee assistance program in conspicuous places and explore alternative routine and reinforcing means of publicizing the services; and

(c) The employer shall provide the employee with notice of the policies and procedures regarding access to and use of the employee assistance program.

(3) A list of approved employee assistance programs must be provided by the department according to recognized program standards.

**NEW SECTION. Sec. 8.** (1)(a) Rehabilitation of employees suffering from either or both alcohol or drug addiction shall be a primary focus of an employee assistance program.

(b) Under any program under this chapter, the employer may not use a first-time verified positive drug or alcohol test as the basis for termination of an employee. After a first-time verified positive test result, the employee must be given an opportunity to keep his or her job through the use of a last-chance agreement. The last-chance agreement shall require an employee to:

- (i) Submit to an employee assistance program evaluation for chemical dependency;
- (ii) Comply with any treatment recommendations;
- (iii) Be subject to follow-up drug and alcohol testing for two years;
- (iv) Meet the same standards of performance and conduct that are set for other employees; and
- (v) Authorize the employer to receive all relevant information regarding the employee's progress in treatment, if applicable.

Failure to comply with all the terms of this agreement normally will result in termination of employment.

(2) When substance abuse treatment is necessary, employees must use treatment services approved by the department, which include a continuing care component lasting for two years.

(a) The employee assistance program shall monitor the employee's progress while in treatment, including the two-year continuing care component, and notify the employer when an employee is not complying with the programs's treatment recommendations.

(b) The employer shall monitor job performance and conduct follow-up testing.

(3) An employer may terminate an employee for the following reasons:

- (a) Refusal to submit to a drug or alcohol test;
- (b) Refusal to agree to or failure to comply with the conditions of a last-chance agreement;
- (c) A second verified positive drug or alcohol test result; or
- (d) After the first verified positive drug or alcohol test, any violation of employer rules pertaining to alcohol and drugs.

(4) Nothing in this chapter limits the right of any employer who participates in the worker's compensation premium discount program under this chapter to terminate employment for any other reason.

**NEW SECTION. Sec. 9.** An employer shall provide all employees with an annual education program on substance abuse, in general, and its effects on the workplace, specifically. An employer with employees who have trouble communicating in English shall make reasonable efforts to help the employees understand the substance of the education program. An education program for a minimum of one hour should include but is not limited to the following information:

- (1) The explanation of the disease model of addiction for alcohol and drugs;
- (2) The effects and dangers of the commonly abused substances in the workplace; and
- (3) The employer's policies and procedures regarding substance abuse in the workplace and how employees who wish to obtain substance abuse treatment can do so.

**NEW SECTION. Sec. 10.** In addition to the education program provided in section 9 of this act, an employer shall provide all supervisory personnel with a minimum of two hours of supervisor training, that should include but is not limited to the following information:

- (1) How to recognize signs of employee substance abuse;
- (2) How to document and collaborate signs of employee substance abuse;
- (3) How to refer employees to the employee assistance program or proper treatment providers; and
- (4) Circumstances and procedures for postinjury testing.

**NEW SECTION. Sec. 11.** (1) A physician-patient relationship is not created between an employee or job applicant and an employer, medical review officer, or person performing or evaluating a drug or alcohol test solely by the establishment, implementation, or administration of a drug or alcohol testing program.

(2) This chapter may not be construed to prevent an employer from establishing reasonable work rules related to employee possession, use, sale, or solicitation of drugs, including convictions for drug-related offenses, and taking action based upon a violation of any of those rules.

(3) This chapter may not be construed to operate retroactively. This chapter does not abrogate the right of an employer under state or federal law to conduct drug or alcohol tests or implement employee drug or alcohol testing programs. However, only those programs that meet the criteria outlined in this chapter qualify for workers' compensation insurance premiums discounts.

(4) This chapter may not be construed to prohibit an employer from conducting medical screening or other tests required, permitted, or not disallowed by a statute or rule for the purpose of monitoring exposure of employees to toxic or other unhealthy materials in the workplace or in the performance of job responsibilities. The screening or tests must be limited to testing for the specific material expressly identified in the statute or rule, unless prior written consent of the employee is obtained for other tests.

(5) This chapter does not establish a legal duty for employers to conduct alcohol or drug tests of employees or job applicants. A cause of action may not arise in favor of a person based upon the failure of an employer to establish or conduct a program or policy for substance abuse

testing or to conduct a program or policy in conformance with the standards and procedures established in this chapter. This chapter does not create individual rights of action and may be enforced only by the department by denial of the workers' compensation premium discount provided in section 3 of this act.

**NEW SECTION. Sec. 12.** Confidentiality standards that apply to substance abuse testing programs implemented under this chapter include the following:

(1) Information, interviews, reports, statements, memoranda, and test results, written or otherwise, received through a substance abuse testing program are confidential communications, and may not be used or received in evidence, obtained in discovery, or disclosed in a civil or administrative proceeding, except as provided in subsection (5) of this section.

(2) An employer, laboratory, medical review officer, employee assistance program, drug or alcohol rehabilitation program, and their agents who receive or have access to information concerning test results shall keep the information confidential, except as provided in subsection (5) of this section.

(3) Any release of the information must be pursuant to a written consent form that complies with RCW 70.02.030 and is signed voluntarily by the person tested, unless the release is compelled by the division of alcohol and substance abuse of the department or a court of competent jurisdiction in accordance with state and federal confidentiality laws, or unless required by a professional or occupational licensing board in a related disciplinary proceeding. Any disclosure by any agency approved by the department must be in accordance with RCW 70.96A.150. The consent form must contain at a minimum:

- (a) The name of the person who is authorized to obtain the information;
- (b) The purpose of the disclosure;
- (c) The precise information to be disclosed;
- (d) The duration of the consent; and
- (e) The signature of the person authorizing release of the information.

(4) Information on test results may not be released or used in a criminal proceeding against the employee or job applicant.

Information released contrary to this subsection is inadmissible as evidence in a criminal proceeding.

(5) Nothing in this chapter prohibits:

(a) An employer from using information concerning an employee or job applicant's substance abuse test results in a lawful manner with respect to that employee or applicant; or

(b) An entity that obtains the information from disclosing or using the information in a lawful manner as part of a matter relating to the substance abuse test, the test result, or an employer action with respect to the job applicant or employee.

**NEW SECTION. Sec. 13.** The department shall adopt by rule procedures and forms for the certification of employers who establish and maintain a drug-free workplace that complies with this chapter. The department shall adopt by rule procedures for the decertification of employers formally certified for the workers' compensation premium discount provided under this chapter. The department may charge a fee for the certification of a drug-free workplace program in an amount that must approximate its administrative costs related to the certification. Certification of an employer is required for each year in which a premium discount is granted. The department may adopt any other rules necessary for the implementation of this chapter.

**NEW SECTION. Sec. 14.** (1) The department of labor and industries may adopt rules necessary for the implementation of this chapter including but not limited to provisions for penalties and repayment of premium discounts by employers that are decertified by the department of social and health services under section 13 of this act.

(2) The department of labor and industries shall conduct an evaluation of the effect of the premium discount provided for under section 3 of this act on workplace safety and the state of Washington industrial insurance fund. The department of labor and industries shall report its preliminary findings to the appropriate committees of the legislature on September 1 of 1996 and 1997 and shall issue a comprehensive final report on December 1, 1998.

**NEW SECTION. Sec. 15.** The department shall conduct an evaluation to determine the costs and benefits of the program under this chapter. If the department contracts for the performance of any or all of the evaluation, no more than ten percent of the contract amount may be used to cover indirect expenses. The department shall report its preliminary findings to the appropriate committees of the legislature on September 1 of 1996 and 1997 and shall issue a comprehensive final report on December 1, 1998.

**NEW SECTION. Sec. 16.** Notwithstanding any other provisions of this chapter, the total premium discounts available under section 3 of this act shall not exceed five million dollars during any fiscal year.

**NEW SECTION. Sec. 17.** Sections 1 through 16 of this act shall constitute a new chapter in Title 49 RCW.

**NEW SECTION. Sec. 18.** Sections 1 through 16 of this act shall expire July 1, 1999.

**NEW SECTION. Sec. 19.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "workplaces;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; providing an effective date; providing an expiration date; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk



MOTION

On motion of Senator Owen, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5516 and requests of the House a conference thereon.

MESSAGE FROM THE HOUSE

April 12, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5544 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.143.010 and 1989 1st ex.s. c 2 s 9 are each amended to read as follows:

(1) The purpose of this chapter is to articulate policies and establish guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines.

(2) There shall be no leasing of Washington's tidal or submerged lands extending from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment, nor in Grays Harbor, Willapa Bay, and the Columbia river downstream from the Longview bridge, for purposes of oil or gas exploration, development, or production until at least July 1, ((1995)) 2000. During the ((1995)) 2000 legislative session, the legislature shall determine whether the moratorium on leasing should be extended past July 1, ((1995)) 2000. This determination shall be based on the information available at that time, including the analysis described in RCW 43.143.040. If the legislature does not extend the moratorium on leasing, the moratorium will end on July 1, ((1995)) 2000. At any time that oil or gas leasing, exploration, and development are allowed to occur, these activities shall be required to meet or exceed the standards and criteria contained in RCW 43.143.030.

(3) When conflicts arise among uses and activities, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources.

(4) It is the policy of the state of Washington to actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation.

(5) It is not currently the intent of the legislature to include recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources within the uses and activities which must meet the planning and review criteria set forth in RCW 43.143.030. It is not the intent of the legislature, however, to permanently exclude these uses from the requirements of RCW 43.143.030. If information becomes available which indicates that such uses should reasonably be covered by the requirements of RCW 43.143.030, the permitting government or agency may require compliance with those requirements, and appeals of that decision shall be handled through the established appeals procedure for that permit or approval.

(6) The state shall participate in federal ocean and marine resource decisions to the fullest extent possible to ensure that the decisions are consistent with the state's policy concerning the use of those resources."

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "and amending RCW 43.143.010.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Drew, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5544 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5632 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that river and stream systems can threaten public and private property during flood events. The legislature therefore declares that reducing flood damage through the use of structural and nonstructural projects is in the public interest and that it is the duty of the state to properly fund flood control projects. Structural and nonstructural projects include but are not limited to: Streambank stabilization, river channel maintenance, land use restrictions, land buy-outs, flood easements, and emergency notification.

**Sec. 2.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated

under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.120. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

(5) All development regulations developed under this section shall be consistent with the flood plain management plan adopted by the county under RCW 86.26.105.

**Sec. 3.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map, and the comprehensive flood plain management plan adopted by the county under RCW 86.26.105. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

- (a) Land use assumptions used in estimating travel;
- (b) Facilities and services needs, including:

- (i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;
- (ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;
- (iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;
- (iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;
- (v) Identification of system expansion needs and transportation system management needs to meet current and future demands;
- (c) Finance, including:
  - (i) An analysis of funding capability to judge needs against probable funding resources;
  - (ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;
  - (iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;
- (d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;
- (e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

**Sec. 4.** RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each amended to read as follows:

- (1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:
  - (a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;
  - (b) Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;
  - (c) Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and
  - (d) Critical areas.

(2) In making the designations required by this section, counties and cities shall consider the guidelines established pursuant to RCW 36.70A.050, and shall make such designations so that they are consistent with the flood plain management plan adopted by the county under RCW 86.26.105.

**Sec. 5.** RCW 43.21C.020 and 1971 ex.s. c 109 s 2 are each amended to read as follows:

- (1) The legislature, recognizing that ~~((man))~~ people depend((s)) on ~~((his))~~ their biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well((:)), and recognizing further the profound impact of ~~((man's))~~ human activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances, and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of ~~((man))~~ people, declares that it is the continuing policy of the state of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) ~~((te))~~ create and maintain conditions under which ~~((man))~~ people and nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the state of Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

- (a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;  
(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; ~~(and)~~

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources; and

(h) Provide for the prevention, minimization, and repair of flood damage as defined in RCW 86.16.120.

(3) The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

NEW SECTION. Sec. 6. A new section is added to chapter 75.20 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply to RCW 75.20.100, 75.20.103, and 75.20.130.

(1) "Bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by humans.

(2) "Commercial" means any facility or building used for commerce, including those used for agricultural or industrial purposes.

(3) "Emergency" means an immediate threat to life, public land, or private property, or an immediate threat of serious environmental degradation.

(4) "Streambank stabilization" includes but is not limited to log and debris removal; bank protection including riprap, jetties, and groins; gravel removal; and erosion control.

(5) "To construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

NEW SECTION. Sec. 7. A new section is added to chapter 75.20 RCW to read as follows:

The permitting department may impose the following conditions on persons applying under RCW 75.20.100 or 75.20.103:

(1) The permittee shall establish an excavation line. "Excavation line" means a line on the dry bed, parallel to the water's edge unless otherwise stated, that changes with water level fluctuations.

(2) The permittee may not remove bed material from the water side of the excavation line.

(3) The permittee shall begin excavating at the excavation line and proceed toward the bank, perpendicular to the alignment of the watercourse.

(4) The permittee shall keep the maximum distance of excavation toward the bank from the excavation line approximately equal throughout the excavation zone. "Excavation zone" means the area between the excavation line and the bank.

(5) The permittee shall identify the excavation zone with boundary markers.

(6) The permittee shall maintain a minimum one-half percent gradient upward from the excavation line in the excavation zone.

(7) The permittee shall ensure that the excavation zone is free of pits or potholes.

(8) The permittee shall not stockpile or spoil excavated materials within the ordinary high water line except from June 15 to October 15.

(9) The permittee may not allow any equipment within the wetted perimeter of the watercourse without specific permission.

(10) The permittee shall dispose of debris in the excavation zone so it does not reenter the watercourse.

(11) The permittee may not perform gravel washing or crushing operations below the ordinary high water line.

(12) The permittee shall be allowed to remove only that amount of rock, sand, gravel, or silt which is naturally replenished on an annual basis, except in instances where a lapse in material removal has occurred. If such lapse has occurred, then an amount of material equivalent to the amount estimated to have accumulated since the last material removal operation, including debris and vegetation, may be removed.

Sec. 8. RCW 75.20.100 and 1993 sp.s. c 2 s 30 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department as to the adequacy of the means proposed for the protection of fish life. The hydraulic project approval authority of the department shall be limited to construction or other work that occurs at or below the mean higher high water line in salt water and estuaries or at or below the ordinary high water line in fresh water. The department shall neither deny nor condition a hydraulic project approval on the basis of human or animal actions or environmental conditions that occur above the higher high water line in salt water and estuaries or above the ordinary high water line in fresh water. The department may not limit, condition, or otherwise affect the amount, timing, or delivery method of water diverted under chapter 90.03

RCW. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 (~~and 75.20.1002~~), the department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if ~~((1))~~ (a) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; ~~((2))~~ (b) the site is physically inaccessible for inspection; or ~~((3))~~ (c) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned.

(2) In making a decision as to whether fish life is protected, the department shall determine if a project as proposed or modified:

(a) Presents no substantial risk to fish life and provides fish habitat productivity that is equivalent to preproject conditions at the project site within three years of the project's completion; or

(b)(i) Protects a residential, commercial, or industrial facility or structure that is likely to incur significant flood damage during the next flood season if the project is not completed; and (ii) lessens the loss of fish life or habitat as compared to a project resulting from an emergency request under this section.

The department shall approve a project if it determines that the project meets either (a) or (b) of this subsection. This subsection (2) shall apply only to projects that are consistent with a comprehensive food control management plan, as determined by the county.

(3) Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

~~((For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.~~

~~The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.)~~

(4) In case of an emergency arising from weather or stream flow conditions or other natural conditions, upon request the department, through its authorized representatives, shall ~~((issue))~~ grant immediately ~~((upon request))~~, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or ~~((to protect))~~ protecting property threatened by the stream or a change in the stream flow without ~~((the necessity of obtaining))~~ requiring a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

(5) In granting approval for projects submitted by local flood control agencies, the department shall grant a special duration hydraulic permit approval if the submitted project is a multiyear maintenance program. The approval shall be granted for up to five years, or the actual number of years covered by the maintenance program, whichever is less.

(6) This section shall not apply to the repair of an existing flood control project if the project is determined by the county to be:

(a) Consistent with a currently approved comprehensive flood control management plan; and

(b) Necessary to avoid flood damage during the next flood season.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

**Sec. 9.** RCW 75.20.103 and 1993 sp.s. c 2 s 32 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization or flood damage reduction to protect farm and agricultural land as defined in RCW 84.34.020, and when such ~~((diversion or~~

streambank stabilization)) hydraulic project will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department as to the adequacy of the means proposed for the protection of fish life. The hydraulic project approval authority of the department shall be limited to construction or other work that occurs at or below the mean higher high water line in salt water and estuaries or at or below the ordinary high water line in fresh water. The department shall neither deny nor condition a hydraulic project approval on the basis of human or animal actions or environmental conditions that occur above the higher high water line in salt water and estuaries or above the ordinary high water line in fresh water. The department may not limit, condition, or otherwise affect the amount, timing, or delivery method of water diverted under chapter 90.03 RCW. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 (~~and 75.20.1002~~), the department shall grant or deny the approval within forty-five calendar days of the receipt of a complete application (~~and notice of compliance with any applicable requirements of the state environmental policy act~~) made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail.

(2) A complete application for an approval shall:

(a) Contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life; and

(b) Not be required to include notice of compliance with any applicable requirements of the state environmental policy act. Final approval of a project may not be granted until any applicable requirements of the state environmental policy act have been satisfied.

(3) The forty-five day requirement shall be suspended if (~~((1))~~):

(a) ~~After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; ((2))~~

(b) The site is physically inaccessible for inspection; ((or (3))) (c) After forty-four days of receipt of a complete application, a notice of compliance with the state environmental policy act has not been issued; or

~~(d) The applicant requests delay.~~

(4) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(5) In making a decision as to whether fish life is protected, the department shall determine if a project as proposed or modified:

(a) Presents no substantial risk to fish life and provides fish habitat productivity that is equivalent to preproject conditions at the project site within three years of the project's completion; or

(b)(i) Protects a residential, commercial, or industrial facility or structure that is likely to incur significant flood damage during the next flood season if the project is not completed; and (ii) lessens the loss of fish life or habitat as compared to a project resulting from an emergency request under this section.

The department shall approve a project if it determines that the project meets either (a) or (b) of this subsection. This subsection (5) shall apply only to projects that are consistent with a comprehensive flood control management plan, as determined by the county.

(6) An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

(7) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

(8) The department may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

(9) A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

(10) If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this

section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

(11) In granting approval for projects submitted by local flood control agencies, the department shall grant a special duration hydraulic permit approval if the submitted project is a multiyear maintenance program. The approval shall be granted for up to five years, or the actual number of years covered by the maintenance program, whichever is less.

(12) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency.

(For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.)

(13) This section shall not apply to a project involving the repair of an existing flood control facility if the project is determined by the county to be:

(a) Consistent with a previously approved comprehensive flood control management plan; and

(b) Necessary to avoid flood damage during the next flood season.

**Sec. 10.** RCW 75.20.130 and 1993 sp.s. c 2 s 37 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department under the authority granted in RCW 75.20.103 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

(c) If a review proceeding authorized in (a) of this subsection finds for the aggrieved permit applicant, the applicant may be awarded any legal and engineering costs involved in challenging the permit decision.

**NEW SECTION. Sec. 11.** A new section is added to chapter 79.90 RCW to read as follows:

(1) Use or modification, or both, of any river system must involve basic hydraulic principles, as well as harmonize as much as possible with existing aquatic ecosystems, and human needs.

(2) The department, commissioner, and board shall:

(a) Encourage bank and island stabilization programs which rely mainly on natural vegetative systems as holding elements;

(b) Encourage research to develop alternative methods of channel control, utilizing natural systems of stabilization;

(c) Recognize natural plant and animal communities and other features that provide an ecological balance to a streamway in evaluating competing human uses and require protection from significant human impact; and

(d) Recognize that hydraulic conditions may require the installation of riprap or other similar measure to further protect natural systems of stabilization.

(3) No person may remove normal stream depositions of logs, uprooted tree snags, and stumps which abut on shorelands and do not intrude on the navigational channel or reduce flow, or adversely redirect a river course, and are not harmful to life and property without the department's permission but the department must consider the need to protect the resultant dependent aquatic systems.

(4) No person may fill indentations such as mudholes, eddies, pools, and aeration drops without permission of the department.

(5) The department may permit river channel relocations only when an overriding public benefit can be shown. Filling, grading, lagooning, or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation, or impairment of fish and aquatic life are not authorized.

(6) No person may remove sand and gravel below the wetted perimeter of navigable rivers unless authorized by a hydraulics permit issued by either the department of fisheries or department of wildlife under RCW 75.20.100 and 75.20.103. These removals may be authorized for maintenance and improvement of navigational channels or for creating backwater channels for fish rearing or improvement of the flow capacity of the channels.

(7) The department may allow sand and gravel removals above the wetted perimeter of a navigable river which are not harmful to public health and safety when any or all of the following situations exist:

- (a) The removal is designed to create or improve a feature such as a pond, wetland, or other habitat valuable for fish and wildlife;
- (b) The removal provides recreational benefits;
- (c) The removal will aid in reducing a detrimental accumulation of aggregates in downstream lakes, reservoirs, and river beds;
- (d) The removal will aid in reducing damage to private or public land and property abutting a navigable river; or
- (e) The removal will contribute to increased flood protection for private or public land.

(8) The department may not allow sand and gravel removals above the wetted perimeter of a navigable river when:

- (a) The location of such material is below a dam and has inadequate supplementary feeding of gravel or sand;
- (b) Removal will cause unstable hydraulic conditions detrimental to fish, wildlife, public health, and safety; or
- (c) Removal will impact esthetics of nearby recreational facilities.

(9) No person may perform bank dumping or junk revetment on aquatic lands.

(10) The department shall condition sand and gravel removal leases to allow removal of only that amount which is naturally replenished on an annual basis, except in instances where a lapse in material removal has occurred. If such a lapse has occurred, then an amount of material equivalent to the amount estimated to have accumulated since the last material removal operation, including debris and vegetation, may be removed.

**Sec. 12.** RCW 79.90.150 and 1991 c 337 s 1 are each amended to read as follows:

When gravel, rock, sand, silt or other material from any aquatic lands is removed by any public agency or under public contract for channel or harbor improvement, or flood control, use of such material may be authorized by the department of natural resources for a public purpose on land owned or leased by the state or any municipality, county, or public corporation: PROVIDED, That when no public land site is available for deposit of such material, its deposit on private land with the landowner's permission is authorized and may be designated by the department of natural resources to be for a public purpose. Prior to removal and use, the state agency, municipality, county, or public corporation contemplating or arranging such use shall first obtain written permission from the department of natural resources. No payment of royalty shall be required for such gravel, rock, sand, silt, or other material used for such public purpose, but a charge will be made if such material is subsequently sold or used for some other purpose: PROVIDED, That the department may authorize such public agency or private landowner to dispose of such material without charge when necessary to implement disposal of material. No charge shall be required for any use of the material obtained under the provisions of this chapter when used solely on an authorized site. No charge shall be required for any use of the material obtained under the provisions of this chapter if the material is used for public purposes by local governments. No charge may be required for removal or use of such material if the removal of the material is determined by the local government to be for flood control purposes. Public purposes include, but are not limited to, construction and maintenance of roads, dikes, and levies. Nothing in this section shall repeal or modify the provisions of RCW 75.20.100 or eliminate the necessity of obtaining a permit for such removal from other state or federal agencies as otherwise required by law.

**Sec. 13.** RCW 79.90.300 and 1991 c 322 s 26 are each amended to read as follows:

(1) The department of natural resources, upon application by any person or when determined by the department to be in the best interest of the state, may enter into a contract or lease providing for the removal and sale of rock, gravel, sand, and silt, or other valuable materials located within or upon beds of navigable waters, or upon any tidelands or shorelands belonging to the state and providing for payment to be made therefor by such royalty as the department may fix, by negotiation, by sealed bid, or at public auction. If application is made for the purchase of any valuable material situated within or upon aquatic lands the department shall inspect and appraise the value of the material in the application. The department may reduce or eliminate royalties in areas prone to flooding. Removal of material from within the ordinary high water mark must be construed as being removed for flood control purposes. The department may include a provision in contracts for the removal of rock, gravel, sand, or silt that allows for payment to be made as the material is sold.

(2) The department shall actively seek to encourage through permit requirements and adjusted fees the removal of accumulated materials from rivers and streams where there is a flood damage reduction benefit. The department shall develop policies to accomplish this goal.

**Sec. 14.** RCW 86.15.030 and 1969 ex.s. c 195 s 2 are each amended to read as follows:

Upon receipt of a petition asking that a zone be created, or upon motion of the board, the board shall adopt a resolution which shall describe the boundaries of such proposed zone; describe in general terms the flood control needs or requirements within the zone; set a date for public hearing upon the creation of such zone, which shall be not more than thirty days after the adoption of such resolution. Notice of such hearing and publication shall be had in the manner provided in RCW 36.32.120(7).

At the hearing scheduled upon the resolution, the board shall permit all interested parties to be heard. Thereafter, the board may reject the resolution or it may modify the boundaries of such zone and make such other corrections or additions to the resolutions as they deem



necessary to the accomplishment of the purpose of this chapter: PROVIDED, That if the boundaries of such zone are enlarged, the board shall hold an additional hearing following publication and notice of such new boundaries: PROVIDED FURTHER, That the boundaries of any zone shall generally follow the boundaries of the watershed area affected: PROVIDED FURTHER, That the immediately preceding proviso shall in no way limit or be construed to prohibit the formation of a county-wide flood control zone district authorized to be created by RCW 86.15.025.

Within ~~((ten))~~ thirty days after final hearing on a resolution, the board shall issue its ~~((order))~~ ordinance creating the flood control zone district.

**Sec. 15.** RCW 86.15.050 and 1961 c 153 s 5 are each amended to read as follows:

The board ~~((of county commissioners of each county))~~ shall be ex officio, by virtue of their office, supervisors of the zones created in each county. The supervisors of the district shall conduct the business of the flood control zone district according to the regular rules and procedures that it adopts.

**Sec. 16.** RCW 86.15.160 and 1986 c 278 s 60 are each amended to read as follows:

For the purposes of this chapter the supervisors may authorize:

- (1) An annual excess ad valorem tax levy within any zone or participating zones when authorized by the voters of the zone or participating zones under RCW 84.52.052 and 84.52.054;
- (2) An assessment upon property, including state property, specially benefited by flood control improvements or storm water control improvements imposed under chapter 86.09 RCW;
- (3) Within any zone or participating zones an annual ad valorem property tax levy of not to exceed fifty cents per thousand dollars of assessed value when the levy will not take dollar rates that other taxing districts may lawfully claim and that will not cause the combined levies to exceed the constitutional and/or statutory limitations, and the additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies under chapter 39.67 RCW;
- (4) A charge, under RCW 36.89.080 through 36.89.100, for the furnishing of service to those who are receiving or will receive benefits from storm water control facilities ~~((and))~~ or who are contributing to an increase in surface water runoff. Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state and state property, shall be liable for the charges to the same extent a private person and privately owned property is liable for the charges, and in setting these rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;
- (5) The creation of local improvement districts and utility local improvement districts, the issuance of improvement district bonds and warrants, and the imposition, collection, and enforcement of special assessments on all property, including any state-owned or other publicly-owned property, specially benefited from improvements in the same manner as provided for counties by chapter 36.94 RCW.

**Sec. 17.** RCW 86.26.105 and 1986 c 46 s 5 are each amended to read as follows:

~~((A comprehensive flood control management plan shall determine the need for flood control work, consider alternatives to in-stream flood control work, identify and consider potential impacts of in-stream flood control work on the state's in-stream resources, and identify the river's meander belt or floodway.))~~ (1) A comprehensive flood control management plan shall be completed and adopted ((within at least three years of the certification that it is being prepared, as provided in RCW 86.26.050)) by any county that has experienced at least two presidentially declared flood disasters within the most recent ten-year period by December 31, 1999, or within two years of a second presidentially declared flood disaster.

(2) If ((after this three-year period has elapsed)), by December 31, 1999, or within two years of a second presidentially declared flood disaster, such a comprehensive flood control plan has not been completed and adopted, grants for flood control maintenance projects shall not be made to the county or municipal corporations in the county until a comprehensive flood control plan is completed and adopted by the appropriate local authority. These limitations on grants shall not preclude allocations for emergency purposes made pursuant to RCW 86.26.060, however, priority consideration for emergency assistance shall be given to those counties that are required to plan, and have completed a plan, as required under this section.

**Sec. 18.** RCW 90.58.180 and 1994 c 253 s 3 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a request for the same within thirty days of the date of filing as defined in RCW 90.58.140(6).

Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his or her request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor. The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the request for review filed pursuant to this section. The shorelines hearings board shall initially schedule review proceedings on such requests for review without regard as to whether such requests have or have not been certified or as to

whether the period for the department or the attorney general to intervene has or has not expired, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines hearings board and the appropriate local government within thirty days from the date the final order was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW.

(4) If the review proceedings authorized in subsection (1) of this section find for the requestor, and if the requestor is the permit applicant, the requestor may be awarded any legal and engineering costs involved in challenging the permit decision.

(5) A local government may appeal to the shorelines hearings board any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

If the board determines that the rule, regulation, or guideline:

- (a) Is clearly erroneous in light of the policy of this chapter; or
- (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or
- (c) Is arbitrary and capricious; or
- (d) Was developed without fully considering and evaluating all material submitted to the department by the local government; or
- (e) Was not adopted in accordance with required procedures;

the board shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new rule, regulation, or guideline. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.

~~((5))~~ (6) Rules, regulations, and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.05.570(2). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection ~~((4))~~ (5) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearings board.

**NEW SECTION. Sec. 19.** A new section is added to chapter 43.17 RCW to read as follows:

Each appropriate agency shall actively seek to encourage through permit requirements the removal of accumulated materials from rivers and streams where there is a flood damage reduction benefit. Each agency shall develop policies to accomplish this goal. Policies shall be developed from a designed, open-channel hydraulic engineering criteria to facilitate the natural downstream movement of detrimental material.

**Sec. 20.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

- (1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;
- (2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a ~~((cost/benefit))~~ cost-benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; ~~((and))~~ (e) identifying areas where a river may migrate into a new channel and developing options to prevent the creation of the new channel, and identifying practices that will avoid long-term accretion of sediments; and (f) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;
- (3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;
- (4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; and
- (5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific flood plain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to chapter 86.16 RCW and RCW 86.26.050 relating to flood plain management activities. When a county plans under chapter 36.70A RCW, it (~~may~~) must incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

**Sec. 21.** RCW 90.58.030 and 1987 c 474 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and

(E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology(~~(: PROVIDED, That)~~). However, any county or city may

determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet (~~(therefrom)~~);

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Improvements to dikes and levees if the improvement is determined by a county to be consistent with a flood control management plan developed under chapter 86.26 RCW;

(iii) Streambed maintenance including sediment removal, sediment disposal, and streambank stabilization if performed to provide public flood control benefit as determined by the appropriate county legislative authority;

(iv) Construction of stream flow regulation, retention, or detention facilities if consistent with a flood control management plan developed under chapter 86.26 RCW;

(v) Construction of the normal protective bulkhead common to single family residences;

~~((iii))~~ (vi) Emergency construction necessary to protect property from damage by the elements;

~~((iv))~~ (vii) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

~~((v))~~ (viii) Construction or modification of navigational aids such as channel markers and anchor buoys;

~~((vi))~~ (ix) Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

~~((vii))~~ (x) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

~~((viii))~~ (xi) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

~~((ix))~~ (xii) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

~~((x))~~ (xiii) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

~~((xi))~~ (xiv) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways,

development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge.

**NEW SECTION. Sec. 22.** A new section is added to chapter 86.26 RCW to read as follows:

A flood protection project is work necessary to preserve, restore, or improve either natural or human-made stream banks or flood control facilities that repair or prevent flood damage as defined in RCW 86.16.120 including but not limited to damage by erosion, stream flow, sheet runoff, or other damages by the sea or other bodies of water.

**NEW SECTION. Sec. 23.** A new section is added to chapter 86.12 RCW to read as follows:

Upon request by a county or city preparing a comprehensive flood management plan under chapter 86.12 RCW, the department of transportation shall:

(1) Provide an inventory of all state highways and bridges located in a floodplain as designated by the federal emergency management agency;

(2) Identify any state roads or bridges that may cause a constriction to the natural flow of flood waters;

(3) Identify state roads that, either by themselves or in conjunction with levees or other structures in the floodplain, may entrap floodwaters in areas originally intended to be flood-proofed; and

(4) Provide any other information available to the department to assist in preventing or minimizing flood damages.

**NEW SECTION. Sec. 24.** A new section is added to chapter 75.20 RCW to read as follows:

By December 31, 1996, the departments of fish and wildlife, natural resources, and ecology shall jointly develop a memorandum of understanding to facilitate the consideration of projects that will aid in the minimization or prevention of flood damage as defined in RCW 86.16.120. To reduce the duplication of information required by a project's permits, the departments must provide in their memorandum procedures to share data to the extent practicable among themselves and with other agencies that may be involved in approving or denying a permit application. The departments' memorandum must provide a plan to implement a comprehensive permit process that is streamlined and easily understandable to permit applicants.

**NEW SECTION. Sec. 25.** RCW 79.90.325 and 1984 c 212 s 10 are each repealed.

**NEW SECTION. Sec. 26.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "reduction;" strike the remainder of the title and insert "amending RCW 36.70A.060, 36.70A.070, 36.70A.170, 43.21C.020, 75.20.100, 75.20.103, 75.20.130, 79.90.150, 79.90.300, 86.15.030, 86.15.050, 86.15.160, 86.26.105, 90.58.180, 86.12.200, and 90.58.030; adding new sections to chapter 75.20 RCW; adding a new section to chapter 79.90 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 86.26 RCW; adding a new section to chapter 86.12 RCW; creating new sections; repealing RCW 79.90.325; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Drew, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5632 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 10, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5655 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.76.200 and 1993 c 224 s 1 are each amended to read as follows:

The legislature finds that a balanced multimodal transportation system is required to maintain the state's commitment to the growing mobility needs of its citizens and commerce. The state's freight rail system((s are)), including branch lines, mainlines, rail corridors, terminals, yards, and equipment, is an important element((s)) of this multimodal system. Washington's economy relies heavily upon the freight rail system to ensure movement of the state's agricultural, chemical, and natural resources and manufactured products to local, national, and international markets and thereby contributes to the economic vitality of the state.

Since 1970, Washington has lost ((nearly)) over one-third of its ((five thousand two hundred)) rail miles to abandonment and bankruptcies((, leaving approximately three thousand four hundred rail miles.

Abandonment of rail lines and rail freight service)). The combination of rail abandonments and rail system capacity constraints may alter the delivery to market of many commodities. In addition, the resultant motor vehicle freight traffic increases the burden on state highways and county roads. In many cases, the cost of maintaining and upgrading the state highways and county roads exceeds the cost of maintaining rail

freight service. Thus, the economy of the state will be best served by a policy of maintaining and encouraging a healthy rail freight system by creating ~~((a)) mechanisms ~~((which keeps)) that keep~~ rail freight lines operating if the benefits of the service outweigh the cost.~~

Recognizing the implications of this trend for freight mobility and the state's economic future, the legislature ~~((believes)) finds~~ that better freight rail planning, better cooperation to preserve rail lines, and increased financial assistance from the state are necessary to maintain and improve the freight rail system within the state.

**Sec. 2.** RCW 47.76.210 and 1990 c 43 s 2 are each amended to read as follows:

The Washington state department of transportation shall implement a state freight rail program ~~((for rail coordination, planning, and technical assistance)) that supports the freight rail service objectives identified in the state's multimodal transportation plan required under chapter 47.06 RCW. The support may be in the form of projects and strategies that support branch lines and light-density lines, provide access to ports, maintain adequate mainline capacity, and preserve or restore rail corridors and infrastructure.~~

**Sec. 3.** RCW 47.76.220 and 1993 c 224 s 2 are each amended to read as follows:

(1) The department of transportation shall prepare and periodically update a state rail plan, the objective of which is to identify, evaluate, and encourage essential rail services. The plan shall:

(a) Identify and evaluate mainline capacity issues;

(b) Identify and evaluate port-to-rail access and congestion issues;

(c) Identify and evaluate those rail freight lines that may be abandoned or have recently been abandoned;

~~((b))~~ (d) Quantify the costs and benefits of maintaining rail service on those lines that are likely to be abandoned; ~~((and~~

~~((e)))~~ (e) Establish priorities for determining which rail lines should receive state support. The priorities should include the anticipated benefits to the state and local economy, the anticipated cost of road and highway improvements necessitated by the abandonment or capacity constraints of the rail line, the likelihood the rail line receiving funding can meet operating costs from freight charges, surcharges on rail traffic, and other funds authorized to be raised by a county or port district, and the impact of abandonment or capacity constraints on changes in energy utilization and air pollution;

(f) Identify and describe the state's rail system;

(g) prepare a state freight rail system map;

(h) Identify and evaluate rail commodity flows and traffic types;

(i) Identify lines and corridors that have been rail banked or preserved; and

(j) Identify and evaluate other issues affecting the state's rail traffic.

(2) The state rail plan may be prepared in conjunction with the rail plan prepared by the department pursuant to the federal Railroad Revitalization and Regulatory Reform Act.

**Sec. 4.** RCW 47.76.230 and 1990 c 43 s 3 are each amended to read as follows:

(1) The department of transportation shall continue its responsibility for the development and implementation of the state rail plan and programs, and the utilities and transportation commission shall continue its responsibility for intrastate rates, service, and safety issues.

(2) The department of transportation shall maintain an enhanced data file on the rail system. Proprietary annual station traffic data from each railroad and the modal use of major shippers shall be obtained to the extent that such information is available.

(3) The department of transportation shall provide technical assistance, upon request, to state agencies and local interests. Technical assistance includes, but is not limited to, the following:

(a) ~~((Abandonment)) Rail project cost-benefit analyses~~((, to include the public and private costs and benefits of maintaining the service, providing alternative service including necessary road improvement costs, or of taking no action))~~ conducted in accordance with methodologies recommended by the Federal Railroad Administration;~~

(b) Assistance in the formation of county rail districts and port districts; and

(c) Feasibility studies for rail service continuation and/or rail service assistance.

(4) With funding authorized by the legislature, the department of transportation, in collaboration with the department of community, trade, and economic development, and local economic development agencies, and other interested public and private organizations, shall develop a cooperative process to conduct community and business information programs and to regularly disseminate information on rail matters. ~~((The following agencies and jurisdictions shall be involved in the process:~~

~~((a) The state departments of community development and trade and economic development;~~

~~((b) Local jurisdictions and local economic development agencies; and~~

~~((c) Other interested public and private organizations.))~~

**Sec. 5.** RCW 47.76.240 and 1993 c 224 s 3 are each amended to read as follows:

The state, counties, local communities, ports, railroads, labor, and shippers all benefit from continuation of rail service and should participate in its preservation. Lines ~~((which)) that~~ provide benefits to the state and local jurisdictions, such as avoided roadway costs, reduced traffic congestion, economic development potential, environmental protection, and safety, should be assisted through the joint efforts of the state, local jurisdictions, and the private sector.

State funding for rail service (~~(or)~~), rail preservation, and corridor preservation projects must benefit the state's interests (~~(, which include)~~). The state's interest is served by reducing public roadway maintenance and repair costs, increasing economic development opportunities, increasing domestic and international trade, preserving jobs, and enhancing safety (~~(, and)~~). State funding for projects is contingent upon appropriate local jurisdiction and private sector participation and cooperation. Before spending state moneys on projects the department shall seek federal, local, and private funding and participation to the greatest extent possible.

(1) The department of transportation shall continue to monitor the status of the state's (~~(high density line system)~~) mainline and branchline common carrier railroads and preserved rail corridors through the state rail plan and various analyses, and shall seek alternatives to abandonment prior to interstate commerce commission proceedings, where feasible.

(2) The utilities and transportation commission shall intervene in interstate commerce commission proceedings on abandonments, when necessary, to protect the state's interest.

(3) (~~(As conditions warrant, the following criteria shall be used for identifying the state's essential rail system:~~)  
(a) ~~Established regional and short-line carriers excluding private operations which are not common carriers;~~  
(b) ~~Former state project lines, which are lines that have been studied and have received funds from the state and federal governments;~~  
(c) ~~Lines serving major agricultural and forest product areas or terminals, with such terminals generally being within a fifty-mile radius of producing areas, and sites associated with commodities shipped by rail;~~  
(d) ~~Lines serving ports, seaports, and navigable river ports;~~  
(e) ~~Lines serving power plants or energy resources;~~  
(f) ~~Lines used for passenger service;~~  
(g) ~~Mainlines connecting to the national and Canadian rail systems;~~  
(h) ~~Major intermodal service points or hubs; and~~  
(i) ~~The military's strategic rail network)~~ The department of transportation, in consultation with the Washington state rail policy development committee, shall establish criteria for evaluating rail projects and corridors of significance to the state.

(4) Local jurisdictions may implement rail service preservation projects in the absence of state participation.

(5) The department of transportation shall continue to monitor projects for which it provides assistance.

**Sec. 6.** RCW 47.76.250 and 1993 c 224 s 4 are each amended to read as follows:

(1) The essential rail assistance account is created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be used by the department or distributed by the department to cities, county rail districts, counties, economic development councils, and port districts for the purpose of:

(a) Acquiring, rebuilding, rehabilitating, or improving (~~(branch)~~) rail lines;  
(b) Purchasing or rehabilitating railroad equipment necessary to maintain essential rail service;  
(c) Constructing railroad improvements to mitigate port access or mainline congestion;  
(d) Construction of (~~(transloading)~~) loading facilities to increase business on light density lines or to mitigate the impacts of abandonment; (~~(or)~~

~~(d))~~ (e) Preservation, including operation, of (~~(viable)~~) light density lines, as identified by the Washington state department of transportation, in compliance with this chapter; or

(f) Preserving rail corridors for future rail purposes by purchase of rights of way. The department shall first pursue transportation enhancement program funds, available under the federal surface transportation program, to the greatest extent practicable to preserve rail corridors. Purchase of rights of way may include track, bridges, and associated elements, and must meet the following criteria:

(i) The right of way has been identified and evaluated in the state rail plan prepared under this chapter;

(ii) The right of way may be or has been abandoned; and

(iii) The right of way has potential for future rail service.

(3) The department or the participating local jurisdiction is responsible for maintaining any right of way acquired under this chapter, including provisions for drainage management, fire and weed control, and liability associated with ownership.

(4) Nothing in this section impairs the reversionary rights of abutting landowners, if any, without just compensation.

~~((3))~~ (5) The department, cities, county rail districts, counties, and port districts may grant franchises to private railroads for the right to operate on lines acquired under this chapter.

~~((4))~~ (6) The department, cities, county rail districts, counties, and port districts may grant trackage rights over rail lines acquired under this chapter.

~~((5))~~ (7) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or until compensation has been made to the underlying fee title holder or reversionary rights holder.

~~((6) Projects should be prioritized on the basis)) (8) The department of transportation shall develop criteria for prioritizing freight rail projects that meet the minimum eligibility requirements for state assistance under RCW 47.76.240. The department shall develop criteria in consultation with the Washington state freight rail policy advisory committee. Project criteria should consider the level of local financial commitment to the project as well as cost/benefit ratio. Counties, local communities, railroads, shippers, and others who benefit from the project should participate financially to the greatest extent practicable.~~

~~((7)) (9) Moneys received by the department from franchise fees, trackage rights fees, and loan payments shall be redeposited in the essential rail assistance account. Repayment of loans made under this section shall occur within a period not longer than fifteen years, as set by the department. The repayment schedule and rate of interest, if any, shall be determined before the distribution of the moneys.~~

~~((8)) (10) The state shall maintain a contingent interest in ~~((a line)) any equipment, property, rail line, or facility~~ that has outstanding grants or loans. The owner may not use the line as collateral, remove track, bridges, or associated elements for salvage, or use it in any other manner subordinating the state's interest without permission from the department.~~

**Sec. 7.** RCW 47.76.270 and 1993 c 224 s 6 are each amended to read as follows:

~~(1) The essential rail banking account is ~~((created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes specified in this section.~~~~

~~(2) Moneys in the account may be used by the department to:~~

~~(a) Acquire rail rights of way;~~

~~(b) Provide funding to cities, port districts, counties, and county rail districts to acquire rail rights of way; or~~

~~(c) Provide for essential corridor maintenance including drainage management and fire and weed control when necessary.~~

~~(3) Use of the moneys pursuant to subsection (2) of this section shall be for rights of way that meet the following criteria:~~

~~(a) The right of way has been identified and evaluated in the state rail plan prepared pursuant to this chapter;~~

~~(b) The right of way may be or has been abandoned; and~~

~~(c) The right of way has potential for future rail service. The department of transportation shall immediately report any expenditure of essential rail banking account funds on rail banking projects to the legislative transportation committee. The report shall include a description of the project, the project's rank in relation to other potential projects, the amount of funds expended, the terms and parties to the transaction, and any other information that the legislative transportation committee may require.~~

~~(4) The department may also expend funds from the receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.280.~~

~~(5) The department or the participating local jurisdiction shall be responsible for maintaining the right of way, including provisions for drainage management, for fire and weed control, and for liability associated with ownership.~~

~~(6) Nothing in this section and in RCW 47.76.260 and 47.76.250 shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.~~

~~(7) The department shall develop guidelines for expenditure of essential rail banking funds in the best interest of the state.~~

~~(8) Moneys loaned under this section must be repaid to the state by the city, port district, county, or county rail district. The repayment must occur within a period not longer than fifteen years, as set by the department, of the distribution of the moneys and deposited in the essential rail banking account. The repayment schedule and rate of interest, if any, must be set at the time of the distribution of the moneys.~~

~~(9) The state shall maintain a contingent interest in any property that has outstanding grants or loans. The owner may not use the line as collateral, remove track, bridges, and associated elements for salvage, or use the line in any other manner subordinating the state's interest without permission from the department)) merged into the essential rail assistance account created under RCW 47.76.250. Any appropriations made to the essential rail banking account are transferred to the essential rail assistance account, and are subject to the restrictions of that account.~~

**Sec. 8.** RCW 47.76.280 and 1993 c 224 s 7 are each amended to read as follows:

The department may sell or lease property acquired under this chapter to a county rail district established under chapter 36.60 RCW, a county, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity ~~((which)) that~~ originally donated funds to the department under this chapter shall receive credit against the purchase price for the amount donated to the department, less management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, county, port district, or other public or private entity authorized to operate rail service purchases or leases the property within six years after its acquisition by the department, the department may sell or lease such property in the manner provided in RCW 47.76.290. Failing this, the department may sell or convey all such property in the manner provided in RCW 47.76.300 or 47.76.320.

**NEW SECTION. Sec. 9.** A new section is added to chapter 47.76 RCW to read as follows:

The department of transportation shall convene a Washington state freight rail policy advisory committee from time to time as necessary to accomplish the purposes of this chapter. The committee shall consist of representatives from large and small railroads, agriculture, rural regional transportation planning organizations, urban metropolitan planning organizations, select department of transportation regions, the transportation commission, port districts, cities, counties, organized rail labor, and other parties with an interest in the vitality of freight rail.

**NEW SECTION. Sec. 10.** RCW 47.76.260 and 1993 c 224 s 5 & 1990 c 43 s 5 are each repealed."



On line 1 of the title, after "service;" strike the remainder of the title and insert "amending RCW 47.76.200, 47.76.210, 47.76.220, 47.76.230, 47.76.240, 47.76.250, 47.76.270, and 47.76.280; adding a new section to chapter 47.76 RCW; and repealing RCW 47.76.260.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Owen, the Senate refuses to concur in the House amendments to Senate Bill No. 5655 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 5, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5677 with the following amendment(s):

On page 4, beginning on line 13, after "(5)" strike all material through "units" on line 14, and insert "Apartment houses with ten or fewer units", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendment to Senate Bill No. 5677 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 10, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5795 with the following amendment(s):

On page 1, line 18, strike "in a city with a population of over four hundred thousand."

On page 2, line 1, after "city" insert "or town"

On page 2, line 7, after "city" insert "or town"

On page 2, line 8, after "city" insert "or town"

On page 2, line 30, after "city" insert "or town", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5795 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5885 with the following amendment(s):

On page 7, line 19, strike "~~((six)) twelve~~" and insert "six"

On page 7, line 28, strike "~~((six months)) one year~~" and insert "six months"

On page 15, beginning on line 27, strike all of section 15

On page 19, beginning on line 11, strike all of section 17

On page 34, beginning on line 1, strike all of section 23

On page 38, beginning on line 21, strike all of section 27

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5885 and requests of the House a conference thereon.

MESSAGE FROM THE HOUSE

April 5, 1995

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5003 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.84.092 and 1994 c 2 s 6 (Initiative Measure No. 601), 1993 sp.s. c 25 s 511, 1993 sp.s. c 8 s 1, 1993 c 500 s 6, 1993 c 492 s 473, 1993 c 445 s 4, 1993 c 329 s 2, and 1993 c 4 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, the weights and measures account, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The marine operating fund, the motor vehicle fund, and the transportation fund.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 2.** RCW 43.79A.040 and 1993 sp.s. c 8 s 2 and 1993 c 500 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The agricultural local fund, the American Indian scholarship endowment fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, and the self-insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 2 of the title, after "accounts;" strike the remainder of the title and insert "reenacting and amending RCW 43.84.092 and 43.79A.040; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Rasmussen, the Senate refuses to concur in the House amendments to Second Substitute Senate Bill No. 5003 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 12, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5011 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 76.48.020 and 1992 c 184 s 1 are each amended to read as follows:

Unless otherwise required by the context, as used in this chapter:

(1) "Christmas trees" (~~shall~~) means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(2) "Native ornamental trees and shrubs" (~~shall~~) means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(3) "Cut or picked evergreen foliage," commonly known as brush, (~~shall~~) means evergreen boughs, huckleberry, salal, fern, Oregon grape, mosses, bear grass, rhododendron, and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not mean cones or seeds.

(4) "Cedar products" (~~shall~~) means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(5) "Cedar salvage" (~~shall~~) means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(6) "Processed cedar products" (~~shall~~) means cedar shakes, shingles, fence posts, hop poles, pickets, stakes, (~~and~~) rails(~~and~~) or rounds less than one foot in length.

(7) "Cedar processor" (~~shall~~) means any person who purchases (~~and/or~~) takes, or retains possession of cedar products or cedar salvage(~~and~~) for later sale in the same or modified form(~~and~~) following (~~their~~) removal and delivery from the land where harvested.

(8) "Cascara bark" (~~shall~~) means the bark of a Cascara tree.

(9) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means.

(10) "Specialized forest products" ~~((shall))~~ means Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, wild edible mushrooms, and Cascara bark.

(11) "Person" ~~((shall))~~ includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

(12) "Harvest" ~~((shall))~~ means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection ~~((with))~~ or contact with the land or vegetation upon which it ~~((was or has been))~~ is or was growing(;) or (b) from the position in which it ~~((has been))~~ is lying upon ~~((such))~~ the land.

(13) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site ~~((, including but not limited to conveyance by a motorized vehicle designed for use on improved roadways, or by vessel, barge, raft, or other waterborne conveyance.))~~ ~~"Transportation" also means any conveyance of specialized forest products by helicopter~~) by any means.

(14) "Landowner" means, with regard to ~~((any))~~ real property, the private owner ~~((thereof))~~, the state of Washington or any political subdivision ~~((thereof))~~, the federal government, or ~~((any))~~ a person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at ~~((any))~~ a public or private timber sale.

(15) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees(;) which ~~((form))~~ contains the information required by RCW 76.48.080, ~~((and))~~ a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

(16) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

(17) "Specialized forest products permit" ~~((shall))~~ means a printed document in a form specified by the department of natural resources, or true copy thereof, that is signed by a landowner or his ~~((duly))~~ or her authorized agent or representative ~~((herein))~~, referred to in this chapter as "permittor"(~~(;))~~) and validated by the county sheriff ~~((, authorizing))~~ and authorizes a designated person ~~((herein))~~, referred to in this chapter as "permittee"(~~(;))~~), who ~~((shall))~~ has also ~~((have))~~ signed the permit, to harvest ~~((and/or))~~ and transport a designated specialized forest product from land owned or controlled and specified by the permittor(~~(;))~~) and that is located in the county where ~~((such))~~ the permit is issued.

(18) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office or an agent of the office.

(19) "True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permittor signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permittor specify an earlier date. A permittor may require the actual signatures of both the permittee and permittor for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permittor, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

(20) "Permit area" means a designated tract of land that may contain single or multiple harvest sites.

**Sec. 2.** RCW 76.48.030 and 1979 ex.s. c 94 s 2 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person to:

- (1) Harvest specialized forest products as described in RCW 76.48.020, in the quantities specified in RCW 76.48.060, without first obtaining a validated specialized forest products permit;
- (2) Engage in activities or phases of harvesting specialized forest products not authorized by the permit; or
- (3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060, as now or hereafter amended, without first obtaining permission from the landowner or his or her duly authorized agent or representative.

**Sec. 3.** RCW 76.48.040 and 1994 c 264 s 51 are each amended to read as follows:

Agencies charged with the enforcement of this chapter shall include, but not be limited to, the Washington state patrol, county sheriffs and their deputies, county or municipal police forces, ~~((authorized personnel of the United States forest service,))~~ and authorized personnel of the ~~((departments of natural resources and))~~ department of fish and wildlife. Primary enforcement responsibility lies in the county sheriffs and their deputies.

**Sec. 4.** RCW 76.48.050 and 1979 ex.s. c 94 s 4 are each amended to read as follows:

Specialized forest products permits shall consist of properly completed permit forms validated by the sheriff of the county in which the specialized forest products are to be harvested. Each permit shall be separately numbered and the permits shall be issued by consecutive numbers. All specialized forest products permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the permittor. A properly completed specialized forest products permit form shall include:

- (1) The date of its execution and expiration;
- (2) The name, address, telephone number, if any, and signature of the permittor;
- (3) The name, address, telephone number, if any, and signature of the permittee;
- (4) The type of specialized forest products to be harvested or transported;

- (5) The approximate amount or volume of specialized forest products to be harvested or transported;
- (6) The legal description of the property from which the specialized forest products are to be harvested or transported, including the name of the county, or the state or province if outside the state of Washington;
- (7) A description by local landmarks of where the harvesting is to occur, or from where the specialized forest products are to be transported;
- (8) At the discretion of the county sheriff, the person's driver's license number or other valid picture identification number; and
- (9) Any other condition or limitation which the permittor may specify.

Except for the harvesting of Christmas trees, the permit or true copy thereof must be carried by the permittee and available for inspection at all times. For the harvesting of Christmas trees only a single permit or true copy thereof is necessary to be available at the harvest site.

**Sec. 5.** RCW 76.48.060 and 1992 c 184 s 2 are each amended to read as follows:

A specialized forest products permit validated by the county sheriff shall be obtained by ~~((any))~~ a person prior to harvesting from any lands, including his or her own, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any cedar products, cedar salvage, processed cedar products, or more than five pounds of Cascara bark, or more than three United States gallons of a single species of wild edible mushroom and ~~((not))~~ more than an aggregate total of nine United States gallons of wild edible mushrooms, plus one wild edible mushroom. Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or permittors in reasonable quantities. A permit form shall be completed in triplicate for each permittor's property on which a permittee harvests specialized forest products. A properly completed permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested. Before a permit form is validated by the sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct ~~((such))~~ other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff is reasonably satisfied as to the truth of ~~((such))~~ the information, the form shall be validated with the sheriff's validation stamp ~~((provided by the department of natural resources))~~. Upon validation, the form shall become the specialized forest products permit authorizing the harvesting, possession ~~((and/or))~~, or transportation of specialized forest products, subject to any other conditions or limitations which the permittor may specify. Two copies of the permit shall be given or mailed to the permittor, or one copy shall be given or mailed to the permittor and the other copy given or mailed to the permittee. The original permit shall be retained in the office of the county sheriff validating the permit. In the event a single land ownership is situated in two or more counties, a specialized forest product permit shall be completed as to the land situated in each county. While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.

**Sec. 6.** RCW 76.48.070 and 1992 c 184 s 3 are each amended to read as follows:

- (1) Except as provided in RCW 76.48.100 and 76.48.075, it ~~((shall be))~~ is unlawful for any person (a) to possess, ~~((and/or))~~ (b) to transport, or (c) to possess and transport within the state of Washington, subject to any other conditions or limitations specified in the specialized forest products permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any processed cedar products, or more than five pounds of Cascara bark, or more than three gallons of a single species of wild edible mushrooms and ~~((not))~~ more than an aggregate total of nine gallons of wild edible mushrooms, plus one wild edible mushroom without having in his or her possession a written authorization, sales invoice, bill of lading, or specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of specialized forest products being so possessed or transported.
- (2) It ~~((shall be))~~ is unlawful for any person either (a) to possess ~~((and/or))~~, (b) to transport, or (c) to possess and transport within the state of Washington any cedar products or cedar salvage without having in his or her possession a specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of the materials being so possessed or transported.

**Sec. 7.** RCW 76.48.075 and 1979 ex.s. c 94 s 15 are each amended to read as follows:

- (1) It is unlawful for any person to transport or cause to be transported into this state from any other state or province specialized forest products, except those harvested from that person's own property, without: (a) First acquiring and having readily available for inspection a document indicating the true origin of the specialized forest products as being outside the state, or (b) without acquiring a specialized forest products permit as provided in subsection (4) of this section.
- (2) Any person transporting or causing to be transported specialized forest products into this state from any other state or province shall, upon request of any person to whom the specialized forest products are sold or delivered or upon request of any law enforcement officer, prepare and sign a statement indicating the true origin of the specialized forest products, the date of delivery, and the license number of the vehicle making delivery, and shall leave the statement with the person making the request.
- (3) It is unlawful for any person to possess specialized forest products, transported into this state, with knowledge that the products were introduced into this state in violation of this chapter.
- (4) When any person transporting or causing to be transported into this state specialized forest products elects to acquire a specialized forest products permit, the specialized forest products transported into this state shall be deemed to be harvested in the county of entry, and the

sheriff of that county may validate the permit as if the products were so harvested, except that the permit shall also indicate the actual harvest site outside the state.

(5) A cedar processor shall comply with RCW 76.48.096 by requiring a person transporting specialized forest products into this state from any other state or province to display a specialized forest products permit, or true copy thereof, or other document indicating the true origin of the specialized forest products as being outside the state. The cedar processor shall make and maintain a record of the purchase, taking possession, or retention of cedar products and cedar salvage in compliance with RCW 76.48.094.

(6) If, ~~((pursuant to))~~ under official inquiry, investigation, or other authorized proceeding regarding specialized forest products not covered by a valid specialized forest products permit or other acceptable document, the inspecting law enforcement officer has probable cause to believe that the specialized forest products were harvested in this state or wrongfully obtained in another state or province, the officer may take into custody and detain, for a reasonable time, the specialized forest products, all supporting documents, invoices, and bills of lading, and the vehicle in which the products were transported until the true origin of the specialized forest products can be determined.

**Sec. 8.** RCW 76.48.096 and 1979 ex.s. c 94 s 10 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any cedar processor to purchase, take possession, or retain cedar products or cedar salvage subsequent to the harvesting and prior to the retail sale of ~~((such))~~ the products, unless the supplier thereof displays a specialized forest products permit, or true copy thereof ~~((, which))~~ that appears to be valid, or obtains the information ~~((pursuant to))~~ under RCW 76.48.075(5).

**Sec. 9.** RCW 76.48.098 and 1979 ex.s. c 94 s 11 are each amended to read as follows:

Every cedar processor shall prominently display a valid registration certificate, or copy thereof, obtained from the department of revenue ~~((pursuant to))~~ under RCW 82.32.030 at each location where ~~((such))~~ the processor receives cedar products or cedar salvage.

Permittees shall sell cedar products or cedar salvage only to cedar processors displaying registration certificates which appear to be valid.

**Sec. 10.** RCW 76.48.100 and 1979 ex.s. c 94 s 12 are each amended to read as follows:

The provisions of this chapter ~~((shall))~~ do not apply to:

(1) Nursery grown products.  
(2) Logs (except as included in the definition of "cedar salvage" under RCW 76.48.020), poles, pilings, or other major forest products from which substantially all of the limbs and branches have been removed, and cedar salvage when harvested concurrently with timber stands (a) under an approved forest practices application or notification, or (b) under a contract or permit issued by an agency of the United States government.

(3) The activities of a landowner, his or her agent, or representative, or of a lessee of land in carrying on noncommercial property management, maintenance, or improvements on or in connection with the land of ~~((such))~~ the landowner or lessee.

**Sec. 11.** RCW 76.48.110 and 1979 ex.s. c 94 s 13 are each amended to read as follows:

Whenever any law enforcement officer has probable cause to believe that a person is harvesting or is in possession of or transporting specialized forest products in violation of the provisions of this chapter, he or she may, at the time of making an arrest, seize and take possession of any ~~((such))~~ specialized forest products found. The law enforcement officer shall provide reasonable protection for the specialized forest products involved during the period of litigation or he or she shall dispose of ~~((such))~~ the specialized forest products at the discretion or order of the court before which the arrested person is ordered to appear.

Upon any disposition of the case by the court, the court shall make a reasonable effort to return the specialized forest products to ~~((their))~~ its rightful owner or pay the proceeds of any sale of specialized forest products less any reasonable expenses of ~~((such))~~ the sale to the rightful owner. If for any reason, the proceeds of ~~((such))~~ the sale cannot be disposed of to the rightful owner, ~~((such))~~ the proceeds, less the reasonable expenses of the sale, shall be paid to the treasurer of the county in which the violation occurred. The county treasurer shall deposit the same in the county general fund. The return of the specialized forest products or the payment of the proceeds of any sale of products seized to the owner shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

**Sec. 12.** RCW 76.48.120 and 1979 ex.s. c 94 s 14 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to offer as genuine any paper, document, or other instrument in writing purporting to be a specialized forest products permit, or true copy thereof, authorization, sales invoice, or bill of lading, or to make any representation of authority to possess or conduct harvesting or transporting of specialized forest products, knowing the same to be in any manner false, fraudulent, forged, or stolen.

Any person who knowingly or intentionally violates this section ~~((shall be))~~ is guilty of forgery, and shall be punished as a class C felony providing for imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars, or by both ~~((such))~~ imprisonment and fine.

Whenever any law enforcement officer reasonably suspects that a specialized forest products permit or true copy thereof, authorization, sales invoice, or bill of lading is forged, fraudulent, or stolen, it may be retained by the officer until its authenticity can be verified.

**Sec. 13.** RCW 76.48.130 and 1977 ex.s. c 147 s 10 are each amended to read as follows:

~~((Any))~~ A person who violates ~~((any))~~ a provision of this chapter, other than the provisions contained in RCW 76.48.120, as now or hereafter amended, ~~((shall be))~~ is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not to exceed one year or by both ~~((such))~~ a fine and imprisonment.

NEW SECTION. Sec. 14. A new section is added to chapter 76.48 RCW to read as follows:

Buyers who purchase specialized forest products are required to record (1) the permit number; (2) the type of forest product purchased; (3) the permit holder's name; and (4) the amount of forest product purchased. The buyer shall keep a record of this information for a period of one year from the date of purchase and make the records available for inspection by authorized enforcement officials.

The buyer of specialized forest products must record the seller's permit number on the bill of sale. This section shall not apply to transactions involving Christmas trees.

This section shall not apply to buyers of specialized forest products at the retail sales level.

NEW SECTION. Sec. 15. A new section is added to chapter 76.48 RCW to read as follows:

County sheriffs may contract with other entities to serve as authorized agents to validate specialized forest product permits. These entities include the United States forest service, the bureau of land management, the department of natural resources, local police departments, and other entities as decided upon by the county sheriffs' departments.

NEW SECTION. Sec. 16. A new section is added to chapter 76.48 RCW to read as follows:

Records of buyers of specialized forest products collected under the requirements of section 14 of this act may be made available to colleges and universities for the purpose of research.

NEW SECTION. Sec. 17. A new section is added to chapter 76.48 RCW to read as follows:

Minority groups have long been participants in the specialized forest products industry. The legislature encourages agencies serving minority communities, community-based organizations, refugee centers, social service agencies, agencies and organizations with expertise in the specialized forest products industry, and other interested groups to work cooperatively to accomplish the following purposes:

- (1) To provide assistance and make referrals on translation services and to assist in translating educational materials, laws, and rules regarding specialized forest products;
- (2) To hold clinics to teach techniques for effective picking; and
- (3) To work with both minority and nonminority permittees in order to protect resources and foster understanding between minority and nonminority permittees.

To the extent practicable within their existing resources, the commission on Asian-American affairs, the commission on Hispanic affairs, and the department of natural resources are encouraged to coordinate this effort.

NEW SECTION. Sec. 18. RCW 76.48.092 and 1979 ex.s. c 94 s 8 & 1977 ex.s. c 147 s 14 are each repealed.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 5011 and requests of the House a conference thereon.

#### MESSAGE FROM THE HOUSE

April 12, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5121 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

- (1) The state's highly productive and efficient agricultural sector is composed predominately of family-owned and managed farms and an industrious and efficient work force;
- (2) A reasonable level of safety regulation is needed to protect workers; and
- (3) The smaller but highly efficient farming operations would benefit from safety rules that are easily referenced and agriculture-specific to the extent possible.

NEW SECTION. Sec. 2. A new section is added to chapter 49.17 RCW to read as follows:

(1) To afford the legislature an opportunity to examine more closely the agricultural safety standards that should apply to the agricultural industry, no rules adopted under this chapter amending or establishing agricultural safety standards shall take effect during the period beginning January 1, 1995, and ending January 15, 1996. This subsection applies, but is not limited to applying, to a rule adopted prior to January 1, 1995, but with an effective date which is during the period beginning January 1, 1995, and ending January 15, 1996, and to provisions

of rules adopted prior to January 1, 1995, which provisions are to become effective during the period beginning January 1, 1995, and ending January 15, 1996. This subsection does not apply to provisions of rules that were in effect prior to January 1, 1995.

(2) Rollover protective structures shall not be required before January 15, 1996, for any tractor that was manufactured before October 25, 1976. By December 15, 1995, the department shall prepare a list of the rollover protective structures available to persons in this state that fully satisfy the standards for such structures proposed for such tractors by the department by rule before January 1, 1995. The list shall include the name and address of the manufacturer of each structure listed, the manufacturer's price of the structure, and approximate delivery and installation costs. The department shall not list a structure if it: Is not readily available; restricts or eliminates a common use for the tractor for which it is designed; or does not include all of the parts needed to install the structure on the tractor for which it is designed in a manner that fully satisfies the standards proposed for such structures by the department. The department shall certify the accuracy of the information on the list and submit the list to the committees of the senate and the house of representatives with general jurisdiction over matters relating to agriculture and those with general jurisdiction over matters relating to labor.

(3) The following applies to rules for agricultural safety adopted under this chapter. The rules shall:

(a) Establish, for agricultural employers, an agriculture safety standard that includes agriculture-specific standards and specific references to the general industry safety standard adopted under this chapter; and

(b) Exempt agricultural employers from the general industry safety standard adopted under this chapter for all requirements not specifically referenced in the agriculture safety standard.

(4) The department shall publish in one volume all of the occupational safety standards that apply to agricultural employers and shall make this volume available to all agricultural employers before February 15, 1996. This volume must be available in both English and Spanish.

(5) The department shall provide training, education, and enhanced consultation services concerning its agricultural safety standards to agricultural employers before the standards take effect. The training, education, and consultation must continue throughout the winter of 1995-1996. Training and education programs must be provided throughout the state and must be coordinated with agricultural associations in order to meet their members' needs.

(6) Subsections (1) and (2) of this section do not limit the authority of the director to adopt rules that are specifically required by federal law, and only to the extent specifically required, for the agricultural safety standards under this chapter to be as effective as the standards adopted or recognized by the United States secretary of labor under the authority of the occupational safety and health act of 1970 (P.L. 91-596; 84 Stat. 1590).

(7) Once the single volume of all of the rules setting agricultural safety standards is first published as required by subsection (4) of this section, no new rules regarding agricultural safety may be established under this chapter except: As specifically required by federal law, and only to the extent specifically required; or as specifically authorized by the legislature by law enacted after the effective date of this section.

**NEW SECTION. Sec. 3.** Section 2 (1) and (2) of this act are remedial in nature and apply to rules and provisions of rules regarding agricultural safety that would take effect after December 31, 1994."

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "adding a new section to chapter 49.17 RCW; and creating new sections.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Rasmussen, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5121 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5434 with the following amendment(s):

On page 2, after line 22, insert the following:

"**Sec. 2.** RCW 48.17.150 and 1994 c 131 s 4 are each amended to read as follows:

- (1) To qualify for an agent's or broker's license an applicant must otherwise comply with this code therefor and must
  - (a) be eighteen years of age or over, if an individual;
  - (b) be a bona fide resident of and actually reside in this state, or if a corporation, be other than an insurer and maintain a lawfully established place of business in this state, except as provided in RCW 48.17.330;
  - (c) be empowered to be an agent or broker, as the case may be, under its members' agreement, if a firm, or by its articles of incorporation, if a corporation;
  - (d) complete such minimum educational requirements for the issuance of an agent's license for the kinds of insurance specified in RCW 48.17.210 as may be required by regulation issued by the commissioner;



(e) successfully pass any examination as required under RCW 48.17.110;  
(f) be a trustworthy person;  
(g) if for an agent's license, be appointed as its agent by one or more authorized insurers, subject to issuance of the license; and  
(h) if for broker's license, have had at least two years experience either as an agent, solicitor, adjuster, general agent, broker, or as an employee of insurers or representatives of insurers, and special education or training of sufficient duration and extent reasonably to satisfy the commissioner that he possesses the competence necessary to fulfill the responsibilities of broker.

(2) The commissioner shall by regulation establish minimum continuing education requirements for the renewal or reissuance of a license to an agent or a broker(~~(: PROVIDED, That)~~). The commissioner shall require that continuing education courses will be made available on a state-wide basis in order to ensure that persons residing in all geographical areas of this state will have a reasonable opportunity to attend such courses. The continuing education requirements shall be appropriate to the license for the kinds of insurance specified in RCW 48.17.210(~~(: PROVIDED FURTHER, That)~~). The required hours of continuing education shall be a minimum of twenty-four hours per two-year licensing period. The continuing education requirements may be waived by the commissioner for good cause shown.

(3) If the commissioner finds that the applicant is so qualified and that the license fee has been paid, the license shall be issued. Otherwise, the commissioner shall refuse to issue the license."

Correct the title reference accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Prentice, the Senate refuses to concur in the House amendment to Senate Bill No. 5434 and asks the House to recede therefrom.

#### MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Swecker, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8649

By Senators Swecker, Hargrove, Johnson, Roach and Kohl

WHEREAS, Home schools and private schools provide families the opportunity for their children to receive a sound academic education integrated with high ethical standards taught within a safe and secure environment; and

WHEREAS, Home schools and private schools allow parents to ensure that the positive character traits and moral values instilled in their children at home are reinforced by the educational process; and

WHEREAS, It is a fundamental principle that precedes both the federal and state constitutions that parents have the ultimate authority and responsibility for the care and upbringing of their children; and

WHEREAS, Parents have the paramount right to direct the education of their children and to oversee what their children learn and how they are taught; and

WHEREAS, The Washington State Legislature has appropriately and statutorily recognized home education and private schooling as legitimate and viable education alternatives; and

WHEREAS, The Washington State Legislature has also recognized the rights of parents to teach and train their children according to the dictates of their sincerely held religious beliefs; and

WHEREAS, Home education and private school education were the predominant, if not singular, forms of education for much of the early years of America's past; and

WHEREAS, Many notable Americans, including George Washington, Patrick Henry, John Marshall, Abraham Lincoln, Booker T. Washington, and Woodrow Wilson were primarily educated at home; and

WHEREAS, Washington now has more children being educated at home schools and private schools than ever before in the history of our state; and

WHEREAS, Parents of students in home schools and private schools must not only pay for the education of their own children, but as taxpayers they also pay for the education of their neighbors' children saving the state millions of dollars each year; and

WHEREAS, Contemporary studies continue to confirm that children who are educated at home or in private schools score exceptionally well on nationally normed achievement tests, exhibit confidence, conviction, poise, and purpose, and are fully prepared to meet the challenges of today's society; and

WHEREAS, It is appropriate that home and private school educators throughout Washington be recognized for their sacrificial contributions to the diversity and quality of education in this great state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor, thank, and celebrate the home school and private school educators of our state and recognize the first week of June as Washington State Home School and Private School Education Week.

Senators Swecker, Hargrove and McAuliffe spoke to Senate Resolution 1995-8649.

#### MOTION

At 4:30 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Tuesday, April 18, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-NINTH DAY, APRIL 17, 1995

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

**ONE HUNDREDTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Tuesday, April 18, 1995  
The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cal Anderson, Fraser, Haugen, Johnson, McAuliffe, Morton, Rasmussen, Sheldon and Swecker. On motion of Senator Loveland, Senator Cal Anderson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Ashley Adler and Emily Whipple, presented the Colors. Reverend Ed Evans, pastor of the United Church of Christ in Blaine, Washington, and a guest of Secretary of State Ralph Munro, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046, and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

April 17, 1995

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046,  
SUBSTITUTE HOUSE BILL NO. 1220,  
SUBSTITUTE HOUSE BILL NO. 1248,  
SUBSTITUTE HOUSE BILL NO. 1432,  
SUBSTITUTE HOUSE BILL NO. 1677,  
HOUSE JOINT MEMORIAL NO. 4028,  
HOUSE JOINT MEMORIAL NO. 4029, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 17, 1995

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5728,  
ENGROSSED SENATE NO. 5876, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 17, 1995

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1220,  
SUBSTITUTE HOUSE BILL NO. 1248,  
SUBSTITUTE HOUSE BILL NO. 1432,  
SUBSTITUTE HOUSE BILL NO. 1677,  
HOUSE JOINT MEMORIAL NO. 4028,  
HOUSE JOINT MEMORIAL NO. 4029.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SENATE BILL NO. 5019,  
SENATE BILL NO. 5029,  
SENATE BILL NO. 5039,  
SECOND SUBSTITUTE SENATE BILL NO. 5088,  
SENATE BILL NO. 5142,  
SUBSTITUTE SENATE BILL NO. 5182,  
SUBSTITUTE SENATE BILL NO. 5183,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5190,  
SUBSTITUTE SENATE BILL NO. 5209,  
SENATE BILL NO. 5239,  
SENATE BILL NO. 5267,  
SENATE BILL NO. 5275,  
SENATE BILL NO. 5282,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5342,  
SENATE BILL NO. 5378,  
SENATE BILL NO. 5399,  
SUBSTITUTE SENATE BILL NO. 5402,  
SUBSTITUTE SENATE BILL NO. 5403.

MOTION

At 9:08 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:50 a.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 18, 1995

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009,  
SUBSTITUTE HOUSE BILL NO. 1035,  
SUBSTITUTE HOUSE BILL NO. 1047,  
SUBSTITUTE HOUSE BILL NO. 1053.

TIMOTHY A. MARTIN, Chief Clerk

MESSAGE FROM THE HOUSE

April 10, 1995

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5157, with the following amendment(s):

On page 1, after line 14, insert the following:

"The legislature further declares that the establishment of other incentives for commercial fishing and fish processing in Washington will complement the program of selective harvest in mixed stock fisheries anticipated by this legislation."

On page 2, after line 28, insert the following:

"Sec. 4. RCW 75.08.011 and 1994 c 255 s 2 are each amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations, including corporations and partnerships.

(4) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.

(5) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(6) "To fish," "to harvest," and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.

(7) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(8) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(10) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(11) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

- (12) "Food fish" means those species of the classes:  
 (a) Osteichthyes, except all species of tuna, mackerel, and jack;  
 (b) Agnatha(⊖); and  
 (c) Chondrichthyes

that have been classified and that shall not be fished for except as authorized by rule of the director. The term "food fish" includes all stages of development and the bodily parts of food fish species.

(13) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(14) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name Common Name

*Oncorhynchus tshawytscha* Chinook salmon  
*Oncorhynchus kisutch* Coho salmon  
*Oncorhynchus keta* Chum salmon  
*Oncorhynchus gorbuscha* Pink salmon  
*Oncorhynchus nerka* Sockeye salmon

(15) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(16) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(17) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(18) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(19) "Open season" means those times, manners of taking, and places or waters established by rule of the director for the lawful fishing, taking, or possession of food fish or shellfish. "Open season" includes the first and last days of the established time.

(20) "Fishery" means the taking of one or more particular species of food fish or shellfish with particular gear in a particular geographical area.

(21) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW.

(22) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

**Sec. 5.** RCW 82.27.010 and 1985 c 413 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Enhanced food fish" includes all species of food fish, except all species of tuna, mackerel, and jack; shellfish(⊖); and anadromous game fish, including byproducts and parts thereof, originating within the territorial and adjacent waters of Washington and salmon originating from within the territorial and adjacent waters of Oregon, Washington, and British Columbia, and all troll-caught Chinook salmon originating from within the territorial and adjacent waters of southeast Alaska. As used in this subsection, "adjacent" waters of Oregon, Washington, and Alaska are those comprising the United States fish conservation zone; "adjacent" waters of British Columbia are those comprising the Canadian two hundred mile exclusive economic zone; and "southeast Alaska" means that portion of Alaska south and east of Cape Suckling to the Canadian border. For purposes of this chapter, point of origination is established by a document which identifies the product and state or province in which it originates, including, but not limited to fish tickets, bills of lading, invoices, or other documentation required to be kept by governmental agencies.

(2) "Commercial" means related to or connected with buying, selling, bartering, or processing.

(3) "Possession" means the control of enhanced food fish by the owner and includes both actual and constructive possession. Constructive possession occurs when the person has legal ownership but not actual possession of the enhanced food fish.

(4) "Anadromous game fish" means steelhead trout and anadromous cutthroat trout and Dolly Varden char and includes byproducts and also parts of anadromous game fish, whether fresh, frozen, canned, or otherwise.

(5) "Landed" means the act of physically placing enhanced food fish (a) on a tender in the territorial waters of Washington; or (b) on any land within or without the state of Washington including wharves, piers, or any such extensions therefrom.

**NEW SECTION. Sec. 6.** A new section is added to Title 75 RCW to read as follows:

The department may require the reporting of catch data and other relevant data for the commercial landing of tuna, mackerel, and jack."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 1, line 2 of the title, after "salmon;" insert "amending RCW 75.08.011 and 82.27.010;", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Drew, the Senate refuses to concur in the House amendments to Second Substitute Senate Bill No. 5157 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.32A.010 and 1979 c 155 s 15 are each amended to read as follows:

The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, experience and maturity are better qualifications for establishing guidelines beneficial to and protective of individual members and the group as a whole than are youth and inexperience. The legislature further finds that it is the right and responsibility of adults to establish laws for the benefit and protection of the society; and that, in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. The legislature reaffirms its position stated in RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that it should remain intact in the absence of compelling evidence to the contrary.

The legislature recognizes that the public is concerned about the growing problem with runaways. The legislature further recognizes that children have run away from home, are substance abusers, or have serious acting out behaviors and their parents have sought help. The legislature recognizes that families with children who are endangering themselves and others by their behavior also need services.

The legislature finds that many parents do not know their rights regarding their adolescent children and law enforcement, and parents and courts feel they have insufficient legal recourse for the chronic runaway child who is endangering himself or herself through his or her behavior. The legislature further finds that the juvenile justice reform enacted in 1977 does not adequately protect youth and families and that chronic runaways with substantial problems are left without adequate protection or legal recourse.

The legislature further recognizes that for chronic runaways whose behavior puts them in serious danger of harming themselves or others, secure facilities must be provided to assist parents and protect their children. The legislature intends, in chapter . . . Laws of 1995 (this act), to give tools to law enforcement, courts, and parents to keep families together and reunite them whenever possible.

The legislature intends to provide for the protection of children who, through their behavior, are endangering themselves. The legislature intends to provide appropriate residential services, including secure facilities, to protect, stabilize, and treat children with serious problems. The legislature further intends to empower parents by providing them with the assistance they require to raise their children.

NEW SECTION. Sec. 2. This act may be known and cited as the "Becca bill."

**Sec. 3.** RCW 13.32A.030 and 1990 c 276 s 3 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;
- (3) "Parent" means the legal custodian(s) or guardian(s) of a child;
- (4) "~~(Semi-secure)~~ Secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away(~~(= PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. The facility administrator shall notify a parent and the appropriate law enforcement agency within four hours of all unauthorized leaves);~~

~~(= PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. The facility administrator shall notify a parent and the appropriate law enforcement agency within four hours of all unauthorized leaves);~~

(5) "Multidisciplinary team" means those persons involved in helping a child who meets the definition of an at-risk youth. This group shall include the parent, guardian, or custodian, a department case worker, a representative of the counties, and a member of the following disciplines: Mental health and substance abuse. This group may include, but is not limited to the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, a member of the child's cultural community, therapists, medical personnel, social service providers, placement providers, and extended family members. Team members shall be volunteers who do not receive compensation for team activities unless an individual team member's employer chooses to provide such compensation.

(6) "At-risk youth" means an individual under the chronological age of eighteen years who:

- (a) Is absent from home for more than seventy-two consecutive hours without consent of his or her parent;
- (b) Is beyond the control of his or her parent such that the child's behavior substantially endangers the health, safety, or welfare of the child or any other person; or
- (c) Has a serious substance abuse problem for which there are no pending criminal charges related to the substance abuse.

NEW SECTION. Sec. 4. A new section is added to chapter 13.32A RCW to read as follows:

The department shall establish appropriate security requirements for all crisis residential centers. The requirements shall be designed to prevent children from leaving the centers without authorization. Security requirements may include, but not be limited to, locked doors and windows, electronic monitoring bracelets, and perimeter fences or patrols. The crisis residential center administrator shall notify parents and the appropriate law enforcement within four hours of all unauthorized leaves.

**Sec. 5.** RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read as follows:

Families who are in conflict or who are experiencing problems with at-risk youth may request family reconciliation services from the department. The department shall involve the local multidisciplinary teams in determining the services to be provided and in providing those services, if a local multidisciplinary team exists. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth or family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family. Upon a referral by a school or other appropriate agency, family reconciliation services may also include training in parenting, conflict management, and dispute resolution skills.

**Sec. 6.** RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended to read as follows:

A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in the placement under the rules established for the center for a period not to exceed five consecutive days from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make ~~((a concerted))~~ every reasonable effort to protect the child and achieve a reconciliation of the family. If a reconciliation, using family reconciliation services, and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the ((person in charge shall inform the parent and child of (1) the

availability of counseling services; (2) the right to file a petition for an alternative residential placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; and (3) the right to request a review of any alternative residential placement) facility administrator or his or her designee shall immediately convene the multidisciplinary team, if one exists.

At no time shall information regarding a parent's or child's rights be withheld if requested. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

**NEW SECTION. Sec. 7.** A new section is added to chapter 13.32A RCW to read as follows:

(1) Each county shall have the authority to assemble a multidisciplinary team. To the extent possible, the multidisciplinary team shall draw upon existing community resources.

(2) The multidisciplinary team, if one exists, shall make every reasonable effort to protect the child and achieve a reconciliation of the family whenever possible. If a crisis residential center administrator or his or her designee makes a referral, the team must respond as soon as possible but no later than twelve hours after the referral is made. The team shall have the authority to assess the juvenile, and family members, if appropriate and agreed to, and shall:

- (a) With parental input, develop a plan of appropriate available services and assist the family in obtaining those services;
- (b) Make a referral to the designated chemical dependency specialist or the county designated mental health professional, if appropriate;
- (c) Recommend no further intervention because the juvenile and his or her family have resolved the problem causing the family conflict; or
- (d) With the family's consent, work with the family on a longer-term basis to achieve reconciliation of the child and family, whenever possible.

(3) To the maximum extent possible, the members of the multidisciplinary team shall include members who are representative of the cultures in the family's community.

**NEW SECTION. Sec. 8.** A new section is added to chapter 13.32A RCW to read as follows:

(1) The purpose of the multidisciplinary team is to coordinate and communicate about services offered to the child and family.

(2) At the first meeting of the multidisciplinary team, it shall choose a member to act as case manager for the family. The parent member of the multidisciplinary team must agree with the choice of case manager. Thereafter, the team shall meet periodically.

**Sec. 9.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to read as follows:

~~(The department shall)~~ A juvenile, his or her parent, guardian, or custodian, or the case manager of the multidisciplinary team may file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

- (a) The parent has been notified that the child was so admitted or placed;
- (b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;
- (c) No agreement between the parent and the child as to where the child shall live has been reached;
- (d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian;

- (e) The parent has not filed an at-risk youth petition; and
- (f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

- (a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;
- (b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and
- (c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

- (a) The party to whom the arrangement is no longer acceptable has so notified the department;
- (b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;
- (c) No new agreement between parent and child as to where the child shall live has been reached;
- (d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent;
- (e) The parent has not filed an at-risk youth petition; and
- (f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

**Sec. 10.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to read as follows:

(1) Except as otherwise provided in this section the juvenile court shall not accept the filing of an alternative residential placement petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment provided by the department shall involve the multidisciplinary team as provided in RCW 13.32A.040, if one exists. The family assessment or plan of services developed by the multidisciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under subsection (3) of this section.

(2) A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an alternative residential placement.

(3) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioning parent resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

- (a) The child is an at-risk youth as defined in this chapter;
- (b) The petitioning parent has the right to legal custody of the child;
- (c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and
- (d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

The petition shall set forth facts that support the allegations in this subsection and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child. An at-risk youth petition may not be filed if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. A petition may be accepted for filing only if alternatives to court intervention have been attempted. Juvenile court personnel may screen all at-risk youth petitions and may refuse to allow the filing of any petition that lacks merit, fails to comply with the requirements of this section, or fails to allege sufficient facts in support of allegations in the petition.

**Sec. 11.** RCW 13.50.010 and 1994 sp.s. c 7 s 541 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the multidisciplinary team formed under chapter 13.32A RCW, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

**Sec. 12.** RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended to read as follows:

A law enforcement officer shall take a child into custody:

(1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(2) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter.

Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty-four hours.



(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer receives a report that causes the officer to have reasonable suspicion that a child is being harbored under RCW 13.32A.080 or for other reasons has a reasonable suspicion that a child is being ~~((unlawfully))~~ harbored under RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060.

**Sec. 13.** RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050 (1) or (2) shall inform the child of the reason for such custody and shall either:

(a) Transport the child to his or her home. The officer releasing a child into the custody of the parent shall inform the parent of the reason for the taking of the child into custody and shall inform the child and the parent of the nature and location of appropriate services available in their community; or

(b) Take the child to the home of an ~~((adult))~~ extended family member, a designated crisis residential center, or the home of a responsible adult after attempting to notify the parent or legal guardian:

(i) If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing in the home some type of child abuse or neglect, as defined in RCW 26.44.020, as now law or hereafter amended; or

(ii) If it is not practical to transport the child to his or her home; or

(iii) If there is no parent available to accept custody of the child.

The officer releasing a child into the custody of an extended family member or a responsible adult shall inform the child and the extended family member or responsible adult of the nature and location of appropriate services available in the community.

(2) An officer taking a child into custody under RCW 13.32A.050 (3) or (4) shall inform the child of the reason for custody ~~((and))~~. An officer taking a child into custody under RCW 13.32A.050(3) shall take the child to a designated crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. ~~((However,))~~ An officer taking a child into custody under RCW 13.32A.050(4) ~~((may))~~ shall place the child in a juvenile detention facility as provided in RCW 13.32A.065. The department shall ensure that all the enforcement authorities are informed on a regular basis as to the location of the designated crisis residential center or centers in their judicial district, where children taken into custody under RCW 13.32A.050 may be taken.

(3) "Extended family members" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

**Sec. 14.** RCW 13.32A.065 and 1981 c 298 s 4 are each amended to read as follows:

(1) A child ~~((may))~~ shall be placed in detention after being taken into custody pursuant to RCW 13.32A.050(4). The court shall hold a detention review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:

(a) A motion and order to show why the child should not be held in contempt has been filed and served on the child at or before the detention hearing; and

(b) The court believes that the child would not appear at a hearing on contempt.

(2) If the court orders the child to remain in detention, the court shall set the matter for a hearing on contempt within seventy-two hours, excluding Saturdays, Sundays, and holidays.

**Sec. 15.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read as follows:

(1) Except when expressly required otherwise in this chapter, an officer taking a child into custody under RCW 13.32A.050 may, at his or her discretion, transport the child to the home of a responsible adult who is other than the child's parent or extended family member where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a child with a responsible adult other than his or her parent or extended family member shall immediately notify the department's local community service office of this fact and of the reason for taking the child into custody.

(2) A law enforcement officer acting in good faith pursuant to this chapter in failing to take a child into custody, in taking a child into custody, or in releasing a child to a person other than a parent or extended family member of such child is immune from civil or criminal liability for such action.

(3) A person other than a parent of such child who receives a child pursuant to this chapter and who acts reasonably and in good faith in doing so is immune from civil or criminal liability for the act of receiving such child. Such immunity does not release such person from liability under any other law including the laws regulating licensed child care and prohibiting child abuse.

(4) As used in this section, "extended family member" has the meaning prescribed in RCW 13.32A.060.

**NEW SECTION. Sec. 16.** A new section is added to chapter 13.32A RCW to read as follows:

(1) Any person who, without legal authorization, provides shelter to a minor and who knows at the time of providing the shelter that the minor is away from the parent's home without the permission of the parent, shall promptly report the location of the child to a local law enforcement agency. The report may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within four hours after the person has knowledge that the minor is away from home without parental permission.

(c) "Parent" means any parent having legal custody of the child, whether individually or joint.

(3) Violation of this section is a gross misdemeanor.

**NEW SECTION. Sec. 17.** A new section is added to chapter 46.20 RCW to read as follows:

When the department of licensing is provided with a notice under section 18 of this act, the department shall suspend for ninety days all driving privileges of the juvenile identified in the notice. To the extent it may be required to provide due process, the department may adopt rules to provide the juvenile with an opportunity to challenge the notice.

**NEW SECTION. Sec. 18.** A new section is added to chapter 13.32A RCW to read as follows:

When petitioned to do so by a parent, the department shall determine whether the parent's child has, on two or more occasions within a twelve-month period, been absent from home for more than seventy-two consecutive hours without parental consent. If the department finds that the child has and also that the child has a Washington state driver's license, then the department shall provide a notice of its findings to the

department of licensing which shall suspend the child's driver's license as provided in section 17 of this act. The twelve-month period shall be the twelve-calendar-month period immediately before the month in which the department receives the petition. The department shall develop procedures for verifying absences and if requested by either a parent or child shall conduct a hearing on the question of whether the absences have occurred.

**Sec. 19.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to read as follows:

(1) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(2) The court may set conditions of supervision for the child that include:

(a) Regular school attendance;

(b) Counseling;

(c) Participation in a substance abuse treatment program;

(d) If ordered under subsection (3) of this section, placement in a secure facility or other secure program of treatment;

(e) Reporting on a regular basis to the department or any other designated person or agency; and

~~((e))~~ (f) Any other condition the court deems an appropriate condition of supervision.

(3) If requested by a parent of an at-risk youth who is a habitual runaway, the court may include in its dispositional order or orders a requirement that the youth be placed, for up to one hundred eighty consecutive days, in a secure facility or other court-ordered secure program of treatment. The court may not include this requirement unless, at the disposition hearing, it finds that the placement is necessary in order to protect the at-risk youth and that a less-restrictive order or orders not requiring such placement would be inadequate to protect the youth, given the youth's age, maturity, propensity to run away from home, past exposure to serious risk when the youth ran away from home, and possible future exposure to serious risk should the youth run away from home again. For purposes of this section, an at-risk youth is a "habitual runaway" if the youth, on each of three or more occasions within the twelve-month period preceding the month in which the at-risk youth petition was filed, has been absent from home for more than seventy-two consecutive hours without parental consent; or if the youth during such twelve-month period has been absent from home without parental consent for more than thirty consecutive days. This subsection constitutes a method of placement or commitment that is in addition to methods prescribed under other laws and is not intended as the exclusive method for placement or commitment of children who qualify as at-risk youth.

(4) Except as provided in this section for habitual runaways, no dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

~~((4))~~ (5) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled. The parent may request dismissal of an at-risk youth proceeding at any time and upon such a request, the court shall dismiss the matter and cease court supervision of the child unless a contempt action is pending in the case. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

~~((5))~~ (6) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

**Sec. 20.** RCW 13.32A.198 and 1990 c 276 s 15 are each amended to read as follows:

(1) Upon making a disposition regarding an adjudicated at-risk youth, the court shall schedule the matter on the calendar for review ~~((within three months))~~, advise the parties of the date thereof, appoint legal counsel for the child, advise the parent of the right to be represented by legal counsel at the review hearing at the parent's own expense, and notify the parties of their rights to present evidence at the hearing. The review hearing shall commence within ninety consecutive days after the date in which the dispositional order or orders are entered. However, if the order or orders provide for the placement of a habitual runaway in a secure facility or secure program of treatment, then the review hearing shall commence within thirty consecutive days after such date.

(2) At the review hearing, the court shall approve or disapprove the continuation of court supervision in accordance with the goal of assisting the parent to maintain the care, custody, and control of the child. The court shall determine whether the parent and child are complying with the dispositional plan. If court supervision is continued, the court may modify the dispositional plan. However, in the case of a habitual runaway placed in a secure facility or secure program of treatment, the court may continue the placement for an additional period only if requested by the parent and if the court finds that its findings under RCW 13.32A.196 are still accurate.

(3) Except for the placement of a habitual runaway in a secure facility or secure program of treatment, court supervision of the child may not be continued past one hundred eighty consecutive days from the day the review hearing commenced unless the court finds, and the parent agrees, that there are compelling reasons for an extension of supervision. Any extension granted pursuant to this subsection shall not exceed ninety days. The court may not require the placement of a habitual runaway for longer than a period of one hundred eighty consecutive days and may not provide for any extension of the placement beyond such period.

(4) The court may dismiss an at-risk youth proceeding at any time if the court finds good cause to believe that continuation of court supervision, including the placement of a habitual runaway, would serve no useful purpose or that the parent is not cooperating with the court-ordered case plan. The court shall dismiss an at-risk youth proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

**Sec. 21.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to read as follows:

If a juvenile required to attend school under the laws of the state of Washington fails to attend school without valid justification, the juvenile's school shall:

(1) Inform the juvenile's custodial parent, parents or guardian by a notice in writing or by telephone that the juvenile has failed to attend school without valid justification after one unexcused absence within any month during the current school year;

(2) Schedule a conference or conferences with the custodial parent, parents or guardian and juvenile at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the juvenile's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(3) Take steps to eliminate or reduce the juvenile's absences. These steps shall include, where appropriate, adjusting the juvenile's school program or school or course assignment, providing more individualized or remedial instruction, preparing the juvenile for employment with specific vocational courses or work experience, or ~~((both))~~ refer the juvenile to a community truancy board, and assisting the parent or student to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

**Sec. 22.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to read as follows:

If action taken by a school pursuant to RCW 28A.225.020 is not successful in substantially reducing a student's absences from school, any of the following actions may be taken after five or more unexcused absences during the current school year: (1) The attendance officer of the school district or the community truancy board through its attorney may petition the ((juvenile)) court to assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150 for the purpose of alleging a violation of RCW 28A.225.010 by the parent; or (2) a petition alleging a violation of RCW 28A.225.010 by a child may be filed with the ((juvenile)) court by the parent of such child or by the attendance officer of the school district or the community truancy board through its attorney at the request of the parent. If the court assumes jurisdiction in such an instance, the provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except where otherwise stated, shall apply.

**NEW SECTION. Sec. 23.** A new section is added to chapter 28A.225 RCW to read as follows:

For purposes of this chapter, "community truancy board" means a board comprised of members of the local community in which the juvenile attends school. The local school district shall direct the formation of the board, and if possible include a variety of representatives from the community. The community truancy board shall set conditions designed to improve school attendance and monitor subsequent school attendance.

**Sec. 24.** RCW 28A.225.150 and 1992 c 205 s 205 are each amended to read as follows:

The school district attendance officer shall report biannually to the educational service district superintendent, in the instance of petitions filed alleging a violation by a child under RCW 28A.225.030:

- (1) The number of petitions filed by a school district or by a parent;
- (2) The frequency of each action taken under RCW 28A.225.020 prior to the filing of such petition;
- (3) When deemed appropriate under RCW 28A.225.020, the frequency of delivery of supplemental services; and
- (4) Disposition of cases filed with the ((juvenile)) court, including the frequency of contempt orders issued to enforce a court's order under RCW 28A.225.090.

The educational service district superintendent shall compile such information and report annually to the superintendent of public instruction. The superintendent of public instruction shall compile such information and report to the committees of the house of representatives and the senate by September 1 of each year.

**Sec. 25.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to read as follows:

(1) Any person fourteen years of age or older may give consent for himself or herself to the furnishing of counseling, care, treatment, or rehabilitation by a treatment program or by any person. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age is not necessary to authorize the care, except that the person shall not become a resident of the treatment program without such permission except as provided in RCW 70.96A.120 or 70.96A.140. The parent, parents, or legal guardian of a person less than eighteen years of age are not liable for payment of care for such persons pursuant to this chapter, unless they have joined in the consent to the counseling, care, treatment, or rehabilitation. The parent's, parents', or guardians' insurance carrier is also not liable for payment and shall not be billed for payment unless the parent, parents, or guardian has given consent.

(2) The parent of any minor may apply to an approved treatment program for the admission of the minor for purposes authorized in this chapter. The consent of the minor shall not be required for the application or admission. The approved treatment program shall accept the application as if it were submitted voluntarily by the minor. The ability of a parent to apply to an approved treatment program for the involuntary admission of his or her child does not create any right to this treatment or to obtain or benefit from any public funds or resources.

**NEW SECTION. Sec. 26.** A new section is added to chapter 70.96A RCW to read as follows:

Nothing in this chapter authorizes school district personnel to refer minors to any treatment program or treatment provider without providing notice of the referral to the parent, parents, or guardians.

**Sec. 27.** RCW 70.96A.110 and 1990 c 151 s 7 are each amended to read as follows:

(1) An alcoholic or other drug addict may apply for voluntary treatment directly to an approved treatment program. If the proposed patient is ((a minor or)) an incompetent person, he or she, a parent, a legal guardian, or other legal representative may make the application. If the proposed patient is a minor, the minor or the minor's parent, legal guardian, or other legal representative may make the application as provided in RCW 70.96A.095.

(2) Subject to rules adopted by the secretary, the administrator in charge of an approved treatment program may determine who shall be admitted for treatment. If a person is refused admission to an approved treatment program, the administrator, subject to rules adopted by the secretary, shall refer the person to another approved treatment program for treatment if possible and appropriate.

(3) If a patient receiving inpatient care leaves an approved treatment program, he or she shall be encouraged to consent to appropriate outpatient treatment. If it appears to the administrator in charge of the treatment program that the patient is an alcoholic or other drug addict who requires help, the department may arrange for assistance in obtaining supportive services and residential programs.

(4) If a patient leaves an approved public treatment program, with or against the advice of the administrator in charge of the program, the department may make reasonable provisions for his or her transportation to another program or to his or her home. If the patient has no home he or she should be assisted in obtaining shelter. If the patient is less than ((fourteen)) eighteen years of age or an incompetent person the request for discharge from an inpatient program shall be made by a parent, legal guardian, or other legal representative or by the ((minor or)) incompetent if he or she was the original applicant.

**Sec. 28.** RCW 70.96A.140 and 1993 c 362 s 1 are each amended to read as follows:

(1) When a designated chemical dependency specialist receives information alleging that a person is incapacitated as a result of chemical dependency, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020. If placement in a chemical dependency program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and is incapacitated by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for detoxification or chemical dependency treatment pursuant to RCW 70.96A.110, and is in need of a more sustained treatment program, or that the person is chemically dependent and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for

treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or 71.34.050, ~~((as now or hereafter amended,))~~ in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the designated chemical dependency specialist on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is chemically dependent shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment program. It shall not order commitment of a person unless it determines that an approved treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed under this section shall remain in the program for treatment for a period of sixty days unless sooner discharged. At the end of the sixty-day period, he or she shall be discharged automatically unless the program, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she is chemically dependent and likely to inflict physical harm on another, the program shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(7) The approved treatment program shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to the custody of a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of a chemically dependent person committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a chemically dependent person committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive

care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

**Sec. 29.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read as follows:

(1) Any minor (~~(thirteen)~~ fourteen years or older may request and receive outpatient treatment without the consent of the minor's parent provided that the treatment provider provides notice to the minor's parent. The treatment provider must provide notice within forty-eight hours of the minor's request for treatment excluding Saturdays, Sundays, and holidays. The notice shall contain the same information as required under subsection (2)(c) of this section. Parental authorization is required for outpatient treatment of a minor under the age of (~~(thirteen)~~ fourteen.

(2) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility in accordance with the following requirements:

(a) A minor under (~~(thirteen)~~ fourteen years of age may only be admitted on the application of the minor's parent.

(b) A minor (~~(thirteen years or older)~~) may be voluntarily admitted by application of the parent. (~~(Such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor.)~~ The consent of the minor is not required.

(c) A minor (~~(thirteen)~~ fourteen years or older may, with the concurrence of the professional person in charge of an evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility, provided that notice is given by the facility to the minor's parent in accordance with the following requirements:

(i) Notice of the minor's admission shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent that the minor has been admitted to inpatient treatment; the location and telephone number of the facility providing such treatment; and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent.

(ii) The minor shall be released to the parent at the parent's request for release unless the facility files a petition with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(iii) The petition shall be signed by the professional person in charge of the facility or that person's designee.

(iv) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(v) There shall be a hearing on the petition, which shall be held within three judicial days from the filing of the petition.

(vi) The hearing shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility.

(vii) At such hearing, the facility must demonstrate by a preponderance of the evidence presented at the hearing that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

(d) Written renewal of voluntary consent must be obtained from the applicant (~~(and the minor thirteen years or older)~~) no less than once every twelve months.

(e) The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

(3) A notice of intent to leave shall result in the following:

(a) Any minor under the age of (~~(thirteen)~~ fourteen and any minor fourteen or older admitted by a parent under subsection (2)(b) of this section must be discharged immediately upon written request of the parent.

(b) Any minor (~~(thirteen)~~ fourteen years or older voluntarily admitted by himself or herself under subsection (2)(c) of this section may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(c) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, (~~(thirteen)~~ fourteen years or older, from the facility within twenty-four hours after receipt of the minor's notice of intent to leave, unless the county-designated mental health professional or a parent or legal guardian files a petition or an application for initial detention within the time prescribed by this chapter.

(4) The ability of a parent to apply for treatment of his or her child under this section does not create a right to obtain this treatment or to obtain or benefit from any public funds or resources.

**Sec. 30.** RCW 71.34.040 and 1985 c 354 s 4 are each amended to read as follows:

If a minor, (~~(thirteen)~~ fourteen years or older, is brought to an evaluation and treatment facility or hospital emergency room for immediate mental health services, the professional person in charge of the facility shall evaluate the minor's mental condition, determine whether the minor suffers from a mental disorder, and whether the minor is in need of immediate inpatient treatment. If it is determined that the minor suffers from a mental disorder, inpatient treatment is required, the minor is unwilling to consent to voluntary admission, and the professional person believes that the minor meets the criteria for initial detention set forth herein, the facility may detain or arrange for the detention of the

minor for up to twelve hours in order to enable a county-designated mental health professional to evaluate the minor and commence initial detention proceedings under the provisions of this chapter.

**NEW SECTION. Sec. 31.** A new section is added to chapter 71.34 RCW to read as follows:

Nothing in this chapter authorizes school district personnel to refer minors to any evaluation and treatment program or mental health professional without providing notice of the referral to the minor's parent.

**Sec. 32.** RCW 71.34.050 and 1985 c 354 s 5 are each amended to read as follows:

(1) When a county-designated mental health professional receives information that a minor, (~~thirteen~~) fourteen years or older, as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the county-designated mental health professional may take the minor, or cause the minor to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

If the minor is not taken into custody for evaluation and treatment, the parent who has custody of the minor may seek review of that decision made by the county designated mental health professional in court. The parent shall file notice with the court and provide a copy of the county designated mental health professional's report or notes.

(2) Within twelve hours of the minor's arrival at the evaluation and treatment facility, the county-designated mental health professional shall serve on the minor a copy of the petition for initial detention, notice of initial detention, and statement of rights. The county-designated mental health professional shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The county-designated mental health professional shall commence service of the petition for initial detention and notice of the initial detention on the minor's parent and the minor's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the county-designated mental health professional shall advise the minor both orally and in writing that if admitted to the evaluation and treatment facility for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the minor's provisional acceptance to determine whether probable cause exists to commit the minor for further mental health treatment.

The minor shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the minor is indigent.

(4) Whenever the county designated mental health professional petitions for detention of a minor under this chapter, an evaluation and treatment facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the minor's arrival, the facility must evaluate the minor's condition and either admit or release the minor in accordance with this chapter.

(5) If a minor is not approved for admission by the inpatient evaluation and treatment facility, the facility shall make such recommendations and referrals for further care and treatment of the minor as necessary.

**Sec. 33.** RCW 71.34.070 and 1985 c 354 s 7 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the treatment and evaluation facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is residing or being detained.

(a) A petition for a fourteen-day commitment shall be signed either by two physicians or by one physician and a mental health professional who have examined the minor and shall contain the following:

(i) The name and address of the petitioner;

(ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;

(iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;

(iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;

(v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

(vi) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(vii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(b) A copy of the petition shall be personally delivered to the minor by the petitioner or petitioner's designee. A copy of the petition shall be sent to the minor's attorney and the minor's parent.

**Sec. 34.** RCW 71.34.130 and 1985 c 354 s 13 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a minor receiving treatment under the provisions of this chapter and responsible others shall be liable for the costs of treatment, care, and transportation to the extent of available resources and ability to pay.

(2) The minor's parent shall not be liable for payment for the costs of treatment, care, and transportation unless the parent gave consent to the treatment, care, and transportation. The parent's insurance carrier is also not liable for payment and shall not be billed for payment unless the parent has given consent.

(3) The secretary shall establish rules to implement this section and to define income, resources, and exemptions to determine the responsible person's or persons' ability to pay.

**Sec. 35.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to read as follows:

(1) The department shall establish, by contracts with private vendors, not less than eight regional crisis residential centers, which shall be structured group care facilities licensed under rules adopted by the department. Each regional center shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children. The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in RCW 13.32A.090.

(2) The department shall, in addition to the regional facilities established under subsection (1) of this section, establish not less than thirty additional crisis residential centers pursuant to contract with licensed private group care or specialized foster home facilities. The

department may also locate crisis residential centers in or adjacent to secure juvenile detention facilities operated by the county. Where a center is located in or adjacent to a secure juvenile detention facility, the center shall be operated in a manner that prevents in-person contact between the residents of the center and the persons held in such facility. The staff at the facilities shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

Crisis residential ((facilities)) centers shall be operated as ((semi-secure)) secure facilities.

**Sec. 36.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises, ((which procedures are consistent with the federal juvenile justice and delinquency prevention act of 1974 and regulations and clarifying instructions promulgated thereunder)). Nothing in this section shall prohibit a center from referring any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW ((~~et~~)), to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In providing these services, the facility shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible; and

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed five consecutive days.

(3) A juvenile taking unauthorized leave from this residence ((may)) shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile ((may)) shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed five consecutive days.

**Sec. 37.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032(2) may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center or the nearest regional crisis residential center. Placement in both centers shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130.

~~(4) ((Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.~~

~~(5))~~ It is the intent of the legislature that by July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "amending RCW 13.32A.010, 13.32A.030, 13.32A.040, 13.32A.130, 13.32A.140, 13.32A.150, 13.50.010, 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.070, 13.32A.196, 13.32A.198, 28A.225.020, 28A.225.030, 28A.225.150, 70.96A.095, 70.96A.110, 70.96A.140, 71.34.030, 71.34.040, 71.34.050, 71.34.070, 71.34.130, 74.13.032, 74.13.033, and 74.13.034; adding new sections to chapter 13.32A RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 71.34 RCW; creating a new section; and prescribing penalties.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Hargrove, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5439 and requests of the House a conference thereon.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

April 13, 1995

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

- (1) Protection of the state's water resources, and utilization of such resources for provision of public water supplies, requires more efficient and effective management than is currently provided under state law;
- (2) The provision of public water supplies to the people of the state should be undertaken in a manner that is consistent with the planning principles of the growth management act and the comprehensive plans adopted by local governments under the growth management act;
- (3) Small water systems have inherent difficulties with proper planning, operation, financing, management and maintenance. The ability of such systems to provide safe and reliable supplies to their customers on a long-term basis needs to be assured through proper management and training of operators;
- (4) New water quality standards and operational requirements for public water systems will soon generate higher rates for the customers of those systems, which may be difficult for customers to afford to pay. It is in the best interest of the people of this state that small systems maintain themselves in a financially viable condition;
- (5) The drinking water 2000 task force has recommended maintaining a strong and properly funded state-wide drinking water program, retaining primary responsibility for administering the federal safe drinking water act in Washington. The task force has further recommended delegation of as many water system regulatory functions as possible to local governments, with provision of adequate resources and elimination of barriers to such delegation. In order to achieve these objectives, the state shall provide adequate funding from both general state funds and funding directly from the regulated water system;
- (6) The public health services improvement plan recommends that the principal public health functions in Washington, including regulation of public water systems, should be fully funded by state revenues and undertaken by local jurisdictions with the capacity to perform them; and
- (7) State government, local governments, water suppliers, and other interested parties should work for continuing economic growth of the state by maximizing the use of existing water supply management alternatives, including regional water systems, satellite management, and coordinated water system development.

**Sec. 2.** RCW 70.116.060 and 1977 ex.s. c 142 s 6 are each amended to read as follows:

- (1) A coordinated water system plan shall be submitted to the secretary for design approval within two years of the establishment of the boundaries of a critical water supply service area.
- (2) The secretary shall review the coordinated water system plan and, to the extent the plan is consistent with the requirements of this chapter and regulations adopted hereunder, shall approve the plan, provided that the secretary shall not approve those portions of a coordinated water system plan ((which)) that fail to meet the requirements for future service area boundaries until any boundary dispute is resolved as set forth in RCW 70.116.070.
- (3) Following the approval of a coordinated water system plan by the secretary:
  - (a) All purveyors constructing or proposing to construct public water system facilities within the area covered by the plan shall comply with the plan.
  - (b) No other purveyor shall establish a public water system within the area covered by the plan, unless the ((secretary)) local legislative authority determines that existing purveyors are unable to provide the service in a timely and reasonable manner, pursuant to guidelines developed by the secretary. An existing purveyor is unable to provide the service in a timely manner if the water cannot be provided to an applicant for water within one hundred twenty days unless specified otherwise by the local legislative authority. If such a determination is made, the ((secretary may)) local legislative authority shall require the new public water system to be constructed in accordance with the construction standards and specifications embodied in the coordinated water system plan approved for the area. The service area boundaries in the coordinated plan for the affected utilities shall be revised to reflect the decision of the local legislative authority.
- (4) The secretary may deny proposals to establish or to expand any public water system within a critical water supply service area for which there is not an approved coordinated water system plan at any time after two years of the establishment of the critical water supply service area: PROVIDED, That service connections shall not be considered expansions.
- (5) The affected legislative authorities may develop and utilize a mechanism for addressing disputes that arise in the implementation of the coordinated water system plan after the plan has been approved by the secretary.
- (6) After adoption of the initial coordinated water system plan, the local legislative authority or the secretary may determine that the plan should be updated or revised. The legislative authority may initiate an update at any time, but the secretary may initiate an update no more frequently than once every five years. The update may encompass all or a portion of the plan, with the scope of the update to be determined by the secretary and the legislative authority. The process for the update shall be the one prescribed in RCW 70.116.050.
- (7) The provisions of subsection (3) of this section shall not apply in any county for which a coordinated water system plan has not been approved under subsection (2) of this section.
- (8) If the secretary initiates an update or revision of a coordinated water system plan, the state shall pay for the cost of updating or revising the plan.

**Sec. 3.** RCW 70.119A.060 and 1991 c 304 s 4 are each amended to read as follows:

- (1) In order to assure safe and reliable public drinking water and to protect the public health, public water systems shall:
  - (a) Protect the water sources used for drinking water;
  - (b) Provide treatment adequate to assure that the public health is protected;
  - (c) Provide and effectively operate and maintain public water system facilities;
  - (d) Plan for future growth and assure the availability of safe and reliable drinking water;
  - (e) Provide the department with the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system, including any changes to this information, and provide to users the name and twenty-four hour telephone number of an emergency contact person; and
  - (f) Take whatever investigative or corrective action is necessary to assure that a safe and reliable drinking water supply is continuously available to users.
- (2) No new public water system may be approved or created unless: (a) It is owned or operated by a satellite system management agency established under RCW 70.116.134 and the satellite system management system complies with financial viability requirements of the department; or (b) a satellite management system is not available and it is determined that the new system has sufficient management and financial resources to provide safe and reliable service. The approval of any new system that is not owned by a satellite system management agency shall be conditioned upon future management or ownership by a satellite system management agency, if such management or ownership



can be made with reasonable economy and efficiency, or upon periodic review of the system's operational history to determine its ability to meet the department's financial viability and other operating requirements. The department and local health jurisdictions shall enforce this requirement under authority provided under this chapter, chapter 70.116, or 70.05 RCW, or other authority governing the approval of new water systems by the department or a local jurisdiction.

(3) The department and local health jurisdictions shall carry out the rules and regulations of the state board of health adopted pursuant to RCW 43.20.050(2)(a) and other rules adopted by the department relating to public water systems.

NEW SECTION. Sec. 4. A new section is added to chapter 70.119A RCW to read as follows:

The department shall create a water supply advisory committee. Membership on the committee shall reflect a broad range of interests in the regulation of public water supplies, including water utilities of all sizes, local governments, business groups, special purpose districts, local health jurisdictions, other state and federal agencies, financial institutions, environmental organizations, the legislature, and other groups substantially affected by the department's role in implementing state and federal requirements for public water systems. Members shall be appointed for fixed terms of no less than two years, and may be reappointed. Any members of an existing advisory committee to the drinking water program may remain as members of the water supply advisory committee. The committee shall provide advice to the department on the organization, functions, service delivery methods, and funding of the drinking water program. The committee shall also review the adequacy and necessity of the current and prospective funding for the drinking water program, and the results of the committees' review shall be forwarded to the department for inclusion in a report to the appropriate standing committees of the legislature no later than November 1, 1996. The report shall include a discussion of the extent to which the drinking water program has progressed toward achieving the objectives of the public health improvement plan, and an assessment of any changes to the program necessitated by modifications to the federal safe drinking water act.

Sec. 5. RCW 82.16.020 and 1989 c 302 s 204 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

- (a) Railroad, express, railroad car, sewerage collection, and telegraph businesses: Three and six-tenths percent;
- (b) Light and power business: Three and sixty-two one-hundredths percent;
- (c) Gas distribution business: Three and six-tenths percent;
- (d) Urban transportation business: Six-tenths of one percent;
- (e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;
- (f) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;
- (g) Water distribution business: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050.

(4) Fifteen percent of the moneys collected under subsection (1) of this section on water distribution businesses shall be deposited in the safe drinking water account created in RCW 70.119A.120.

Sec. 6. RCW 70.119.020 and 1991 c 305 s 2 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.

(2) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

(3) "Certified operator" means an individual holding a valid certificate and employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington and who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

(4) "Department" means the department of health.

(5) "Distribution system" means that portion of a public water system which stores, transmits, pumps and distributes water to consumers.

(6) "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:

- (a) Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as giardia lamblia; or
- (b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

(7) "Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections. Group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people.

(8) "Group B water system" means a system with more than four service connections but less than fifteen service connections and serving either: (a) An average of less than twenty-five people per day for sixty or more days within a calendar year; or (b) any number of people for less than sixty days within a calendar year.

(9) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((9))~~ (10) "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption or domestic use, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

~~((40))~~ (11) "Purification plant" means that portion of a public water system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

~~((14))~~ (12) "Secretary" means the secretary of the department of health.

~~((12))~~ (13) "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations, three persons will be considered equivalent to one service.

~~((13))~~ (14) "Surface water" means all water open to the atmosphere and subject to surface runoff.

**Sec. 7.** RCW 70.119.030 and 1991 c 305 s 3 are each amended to read as follows:

(1) A public water system shall have a certified operator if:

(a) ~~(The system serves one hundred or more services in use at any one time)~~ It is a group A water system; or

(b) It is a ~~(group A)~~ public water system using a surface water source or a ground water source under the direct influence of surface water.

(2) The certified operators shall be in charge of the technical direction of a water system's operation, or an operating shift of such a system, or a major segment of a system necessary for monitoring or improving the quality of water. The operator shall be certified as provided in RCW 70.119.050.

(3) A certified operator may provide required services to more than one system or to a group of systems. The amount of time that a certified operator shall be required to be present at any given system shall be based upon the time required to properly operate and maintain the public water system as designed and constructed in accordance with RCW 43.20.050. The employing or appointing officials shall designate the position or positions requiring mandatory certification within their individual systems and shall assure that such certified operators are responsible for the system's technical operation.

(4) The department shall, in establishing by rule or otherwise the requirements for public water systems with fewer than one hundred connections, phase in such requirements in order to assure that (a) an adequate number of certified operators are available to serve the additional systems, (b) the systems have adequate notice and time to plan for securing the services of a certified operator, (c) the department has the additional data and other administrative capacity, (d) adequate training is available to certify additional operators as necessary, and (e) any additional requirements under federal law are satisfied. The department shall not require a certified operator for a system with fewer than one hundred connections unless that system is determined by the department to be in significant noncompliance with monitoring or water quality standards, as defined by the department by rule, or has, or is required to have, water treatment facilities other than simple disinfection.

(5) Any examination required by the department as a prerequisite for the issuance of a certificate under this chapter shall be offered in each region where the department has a regional office.

(6) Operators not required to be certified by this chapter are encouraged to become certified on a voluntary basis.

**Sec. 8.** RCW 70.116.050 and 1977 ex.s. c 142 s 5 are each amended to read as follows:

(1) Each purveyor within the boundaries of a critical water supply service area shall develop a water system plan for the purveyor's future service area if such a plan has not already been developed: PROVIDED, That nonmunicipally owned public water systems are exempt from the planning requirements of this chapter, except for the establishment of service area boundaries if they (a) were in existence as of September 21, 1977; and (b) have no plans for water service beyond their existing service area (and (c) meet minimum quality and pressure design criteria established by the state board of health); PROVIDED FURTHER, That if the county legislative authority permits a change in development that will increase the demand for water service of such a system beyond the existing system's ability to provide minimum water service, the purveyor shall develop a water system plan in accordance with this section. The establishment of future service area boundaries shall be in accordance with RCW 70.116.070.

(2) After the boundaries of a critical water supply service area have been established pursuant to RCW 70.116.040, the committee established in RCW 70.116.040 shall participate in the development of a coordinated water system plan for the designated area. Such a plan shall incorporate all water system plans developed pursuant to subsection (1) of this section. The plan shall provide for maximum integration and coordination of public water system facilities consistent with the protection and enhancement of the public health and well-being. Decisions of the committee shall be by majority vote of those present at meetings of the committee.

(3) Those portions of a critical water supply service area not yet served by a public water system shall have a coordinated water system plan developed by existing purveyors based upon permitted densities in county plans, ordinances, and/or growth policies for a minimum of five years beyond the date of establishment of the boundaries of the critical water supply service area.

(4) To insure that the plan incorporates the proper designs to protect public health, the secretary shall adopt regulations pursuant to chapter 34.05 RCW concerning the scope and content of coordinated water system plans, and shall ensure, as minimum requirements, that such plans:

(a) Are reviewed by the appropriate local governmental agency to insure that the plan is not inconsistent with the land use plans, shoreline master programs, and/or developmental policies of the general purpose local government or governments whose jurisdiction the water system plan affects.

(b) Recognize all water resource plans, water quality plans, and water pollution control plans which have been adopted by units of local, regional, and state government.

(c) Incorporate the fire protection standards developed pursuant to RCW 70.116.080.

(d) Identify the future service area boundaries of the public water system or systems included in the plan within the critical water supply service area.

(e) Identify feasible emergency inter-ties between adjacent purveyors.

(f) Include satellite system management requirements consistent with RCW 70.116.134.

(g) Include policies and procedures that generally address failing water systems for which counties may become responsible under RCW 43.70.195.

(5) If a "water general plan" for a critical water supply service area or portion thereof has been prepared pursuant to chapter 36.94 RCW and such a plan meets the requirements of subsections (1) and (4) of this section, such a plan shall constitute the coordinated water system plan for the applicable geographical area.

(6) The committee established in RCW 70.116.040 may develop and utilize a mechanism for addressing disputes that arise in the development of the coordinated water system plan.

(7) Prior to the submission of a coordinated water system plan to the secretary for approval ~~(of the design of the proposed facilities)~~ pursuant to RCW 70.116.060, ~~(the plan shall be reviewed for consistency with subsection (4) of this section by)~~ the legislative authorities of the counties in which the critical water supply service area is located shall hold a public hearing thereon and shall determine the plan's consistency with subsection (4) of this section. If within sixty days of receipt of the plan, the legislative authorities find any segment of a proposed service area of a purveyor's plan or any segment of the coordinated water system plan to be inconsistent with any current land use plans, shoreline master programs, and/or developmental policies of the general purpose local government or governments whose jurisdiction the water system plan

affects, the secretary shall not approve that portion of the plan until the inconsistency is resolved between the local government and the purveyor. If no comments have been received from the legislative authorities within sixty days of receipt of the plan, the secretary may consider the plan for approval.

(8) Any county legislative authority may adopt an abbreviated plan for the provision of water supplies within its boundaries that includes provisions for service area boundaries, minimum design criteria, and review process. The elements of the abbreviated plan shall conform to the criteria established by the department under subsection (4) of this section and shall otherwise be consistent with other adopted land use and resource plans. The county legislative authority may, in lieu of the committee required under RCW 70.116.040, and the procedures authorized in this section, utilize an advisory committee that is representative of the water utilities and local governments within its jurisdiction to assist in the preparation of the abbreviated plan, which may be adopted by resolution and submitted to the secretary for approval. Purveyors within the boundaries covered by the abbreviated plan need not develop a water system plan, except to the extent required by the secretary or state board of health under other authority. Any abbreviated plan adopted by a county legislative authority pursuant to this subsection shall be subject to the same provisions contained in RCW 70.116.060 for coordinated water system plans that are approved by the secretary.

**Sec. 9.** RCW 70.119A.040 and 1993 c 305 s 2 are each amended to read as follows:

(1)(a) In addition to or as an alternative to any other penalty or action allowed by law, a person who violates a law or rule regulating public water systems and administered by the department of health is subject to a penalty of not more than five thousand dollars per day for every such violation, or, in the case of a violation that has been determined to be a public health emergency, a penalty of not more than ten thousand dollars per day for every such violation. Every such violation shall be a separate and distinct offense. The amount of fine shall reflect the health significance of the violation and the previous record of compliance on the part of the public water supplier. In case of continuing violation, every day's continuance shall be a separate and distinct violation.

(b) In addition, a person who constructs, modifies, or expands a public water system or who commences the construction, modification, or expansion of a public water system without first obtaining the required departmental approval is subject to penalties of not more than five thousand dollars per service connection, ~~((or))~~ except that a penalty may not exceed one thousand dollars per service connection if the public water system has less than one thousand connections and the person had submitted all information and plans to the department necessary for departmental approval for modification or expansion of the system and the department has not acted within a reasonable period of time. In the case of a system serving a transient population, a penalty of not more than four hundred dollars per person based on the highest average daily population the system erves or is anticipated to serve may be imposed. The total penalty that may be imposed pursuant to this subsection (1)(b) is five hundred thousand dollars. For the purpose of computing the penalty under this subsection, a service connection shall include any new service connection actually constructed, any anticipated service connection the system has been designed to serve, and, in the case of a system modification not involving expansions, each existing service connection that benefits or would benefit from the modification.

(c) Every person who, through an act of commission or omission, procures, aids, or abets a violation is considered to have violated the provisions of this section and is subject to the penalty provided in this section.

(2) The penalty provided for in this section shall be imposed by a notice in writing to the person against whom the civil penalty is assessed and shall describe the violation. The notice shall be personally served in the manner of service of a summons in a civil action or in a manner that shows proof of receipt. A penalty imposed by this section is due twenty-eight days after receipt of notice unless application for an adjudicative proceeding is filed as provided in subsection (3) of this section.

(3) Within twenty-eight days after notice is received, the person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules of the department or board of health.

(4) A penalty imposed by a final administrative order is due upon service of the final administrative order. A person who fails to pay a penalty assessed by a final administrative order within thirty days of service of the final administrative order shall pay, in addition to the amount of the penalty, interest at the rate of one percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid, commencing with the month in which the notice of penalty was served and such reasonable attorney's fees as are incurred in securing the final administrative order.

(5) A person who institutes proceedings for judicial review of a final administrative order assessing a civil penalty under this chapter shall place the full amount of the penalty in an interest bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court shall, as appropriate, enter a judgment on behalf of the department and order that the judgment be satisfied to the extent possible from moneys paid into the registry of the court or shall enter a judgment in favor of the person appealing the penalty assessment and order return of the moneys paid into the registry of the court together with accrued interest to the person appealing. The judgment may award reasonable attorney's fees for the cost of the attorney general's office in representing the department.

(6) If no appeal is taken from a final administrative order assessing a civil penalty under this chapter, the department may file a certified copy of the final administrative order with the clerk of the superior court in which the public water system is located or in Thurston county, and the clerk shall enter judgment in the name of the department and in the amount of the penalty assessed in the final administrative order.

(7) A judgment entered under subsection (5) or (6) of this section shall have the same force and effect as, and is subject to all of the provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered.

(8) All penalties imposed under this section shall be payable to the state treasury and credited to the ~~((general fund))~~ safe drinking water account, and shall be used by the department to provide training and technical assistance to system owners and operators.

(9) Except in cases of public health emergencies, the department may not impose monetary penalties under this section unless a prior effort has been made to resolve the violation informally.

**Sec. 10.** RCW 70.119A.130 and 1991 c 304 s 7 are each amended to read as follows:

~~((Until July 1, 1996, local governments shall be prohibited from administering a separate operating permit requirement for public water systems. After July 1, 1996,))~~ Local governments may establish separate operating permit requirements for public water systems provided the operating permit requirements have been approved by the department. The department shall not approve local operating permit requirements unless the local system will result in an increased level of service to the public water system. There shall not be duplicate operating permit requirements imposed by local governments and the department.

**NEW SECTION. Sec. 11.** A new section is added to chapter 70.119A RCW to read as follows:

A drinking water assistance account is created in the state treasury. The purpose of the account is to allow the state to take advantage of any federal funds that become available for safe drinking water. Expenditures from the account may only be made by the secretary or the public works board after appropriation. Moneys in the account may only be used to assist water systems to provide safe drinking water through a program administered through the department of health and the public works board. Money may be placed in the account from the proceeds of

bonds when authorized by the legislature, transfers from other state funds or accounts, federal capitalization grants or other financial assistance, all repayments of moneys borrowed from the account, all interest payments made by borrowers from the account or otherwise earned on the account, or any other lawful source. Expenditures from the account may only be made by the secretary or the public works board after appropriation. Moneys in the account may only be used to assist local governments and water systems to provide safe and reliable drinking water and to administer the program.

**Sec. 12.** RCW 43.155.050 and 1993 sp.s. c 24 s 921 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. During the 1993-95 fiscal biennium, moneys in the public works assistance account may be appropriated for flood control assistance including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the 1993-95 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

**Sec. 13.** RCW 80.04.110 and 1991 c 134 s 1 and 1991 c 100 s 2 are each reenacted and amended to read as follows:

(1) Complaint may be made by the commission of its own motion or by any person or corporation, chamber of commerce, board of trade, or any commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation, or by the public counsel section of the office of the attorney general, or its successor, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public service corporation in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission: PROVIDED, That no complaint shall be entertained by the commission except upon its own motion, as to the reasonableness of the schedule of the rates or charges of any gas company, electrical company, water company, or telecommunications company, unless the same be signed by the mayor, council or commission of the city or town in which the company complained of is engaged in business, or not less than twenty-five consumers or purchasers of such gas, electricity, water or telecommunications service, or at least twenty-five percent of the consumers or purchasers of the company's service: PROVIDED, FURTHER, That when two or more public service corporations, (meaning to exclude municipal and other public corporations) are engaged in competition in any locality or localities in the state, either may make complaint against the other or others that the rates, charges, rules, regulations or practices of such other or others with or in respect to which the complainant is in competition, are unreasonable, unremunerative, discriminatory, illegal, unfair or intending or tending to oppress the complainant, to stifle competition, or to create or encourage the creation of monopoly, and upon such complaint or upon complaint of the commission upon its own motion, the commission shall have power, after notice and hearing as in other cases, to, by its order, subject to appeal as in other cases, correct the abuse complained of by establishing such uniform rates, charges, rules, regulations or practices in lieu of those complained of, to be observed by all of such competing public service corporations in the locality or localities specified as shall be found reasonable, remunerative, nondiscriminatory, legal, and fair or tending to prevent oppression or monopoly or to encourage competition, and upon any such hearing it shall be proper for the commission to take into consideration the rates, charges, rules, regulations and practices of the public service corporation or corporations complained of in any other locality or localities in the state.

(2) All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of complaints or grievances or misjoinder of parties; and in any review of the courts of orders of the commission the same rule shall apply and pertain with regard to the joinder of complaints and parties as herein provided: PROVIDED, All grievances to be inquired into shall be plainly set forth in the complaint. No complaint shall be dismissed because of the absence of direct damage to the complainant.

(3) Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the person or corporation complained of, which shall be accompanied by a notice fixing the time when and place where a hearing will be had upon such complaint. The time fixed for such hearing shall not be less than ten days after the date of the service of such notice and complaint, excepting as herein provided. The commission shall enter its final order with respect to a complaint filed by any entity or person other than the commission within ten months from the date of filing of the complaint, unless the date is extended for cause. Rules of practice and procedure not otherwise provided for in this title may be prescribed by the commission. Such rules may include the requirement that a complainant use informal processes before filing a formal complaint.

(4) The commission shall, as appropriate, audit a nonmunicipal water system upon receipt of an administrative order from the department, or the city or county in which the water system is located, finding that the water delivered by a system does not meet state board of health standards adopted under RCW 43.20.050(2)(a) or standards adopted under chapters 70.116 and 70.119A RCW, and the results of the audit shall be provided to the requesting department, city, or county. However, the number of nonmunicipal water systems referred to the commission in any one calendar year shall not exceed twenty percent of the water companies subject to commission regulation as defined in RCW 80.04.010.

Every nonmunicipal water system referred to the commission for audit under this section shall pay to the commission an audit fee in an amount, based on the system's twelve-month audited period, equal to the fee required to be paid by regulated companies under RCW 80.24.010.

(5) Any customer or purchaser of service from a water system or company that is subject to commission regulation may file a complaint with the commission if he or she has reason to believe that the water delivered by the system to the customer does not meet state drinking water standards under chapter 43.20 or 70.116 RCW. The commission shall investigate such a complaint, and shall request that the state department of health or local health department of the county in which the system is located test the water for compliance with state drinking water standards, and provide the results of such testing to the commission. The commission may decide not to investigate the complaint if it determines that the complaint has been filed in bad faith, or for the purpose of harassment of the water system or company, or for other reasons has no substantial merit. The water system or company shall bear the expense for the testing. After the commission has received the complaint from the customer and during the pendency of the commission investigation, the water system or company shall not take any steps to terminate service to the customer or to collect any amounts alleged to be owed to the company by the customer. The commission may issue an order or take any other action to ensure that no such steps are taken by the system or company. The customer may, at the customer's option and expense, obtain a water quality test by a licensed or otherwise qualified water testing laboratory, of the water delivered to the customer by the water system or company, and provide the results of such a test to the commission. If the commission determines that the water does not meet state drinking water standards, it shall exercise its authority over the system or company as provided in this title, and may, where appropriate, order a refund to

the customer on a pro rata basis for the substandard water delivered to the customer, and shall order reimbursement to the customer for the cost incurred by the customer, if any, in obtaining a water quality test.

**Sec. 14.** RCW 70.116.070 and 1977 ex.s. c 142 s 7 are each amended to read as follows:

(1) The proposed service area boundaries of public water systems within the critical water supply service area that are required to submit water system plans under this chapter shall be ~~((determined by written agreement among the purveyors and with the approval of the appropriate legislative authority. Failure of the legislative authority to file with the secretary objections to the proposed service area boundaries within sixty days of receipt of the proposed boundary agreement may be construed as approval of the agreement))~~ identified in the system's plan. The local legislative authority, or its planning department or other designee, shall review the proposed boundaries to determine whether the proposed boundaries of one or more systems overlap. The boundaries determined by the local legislative authority not to overlap shall be incorporated into the coordinated water system plan. Where any overlap exists, the local legislative authority may attempt to resolve the conflict through procedures established under RCW 70.116.060(5).

(2) ~~((If no service area boundary agreement has been established within a reasonable period of time, or if the legislative authority has filed with the secretary objections in writing as provided in subsection (1) of this section))~~ Any final decision by a local legislative authority regarding overlapping service areas, or any unresolved disputes regarding service area boundaries, may be appealed or referred to the secretary in writing for resolution. After receipt of an appeal or referral, the secretary shall hold a public hearing thereon. The secretary shall provide notice of the hearing by certified mail to each purveyor ((providing service in the critical water supply service area)) involved in the dispute, to each county legislative authority having jurisdiction in the area and to the public. The secretary shall provide public notice pursuant to the provisions of chapter 65.16 RCW. Such notice shall be given at least twenty days prior to the hearing. The hearing may be continued from time to time and, at the termination thereof, the secretary may restrict the expansion of service of any purveyor within the area if the secretary finds such restriction is necessary to provide the greatest protection of the public health and well-being.

**Sec. 15.** RCW 56.08.200 and 1991 c 190 s 1 are each amended to read as follows:

It is unlawful and a misdemeanor to make, or cause to be made, or to maintain any ~~((sewer))~~ connection with any sewer or water system of any sewer district, or with any sewer or water system which is connected directly or indirectly with any sewer or water system of any sewer district without having permission from the sewer district.

**Sec. 16.** RCW 57.08.180 and 1991 c 190 s 5 are each amended to read as follows:

It is unlawful and a misdemeanor to make, or cause to be made, or to maintain any ~~((sewer))~~ connection with any sewer or water system of any water district, or with any sewer or water system which is connected directly or indirectly with any sewer or water system of any water district without having permission from the water district.

**NEW SECTION. Sec. 17.** Section 10 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 70.116.060, 70.119A.060, 82.16.020, 70.119.020, 70.119.030, 70.116.050, 70.119A.040, 70.119A.130, 43.155.050, 70.116.070, 56.08.200, and 57.08.180; reenacting and amending RCW 80.04.110; adding new sections to chapter 70.119A RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Sutherland, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5448 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 7, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5567, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ~~((recognizing))~~ ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, ~~((and))~~ objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, accessory apartments in single-family residences, and the leasing of rooms in single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable

funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management needs to meet current and future demands;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent."

On page 1, line 2 of the title, after "neighborhoods;" strike the remainder of the title and insert "and amending RCW 36.70A.070.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5567 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 12, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5616, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature declares that it is the goal of the state of Washington to preserve and restore the natural resources of the state and, in particular, fish and wildlife and their habitat. It is further the policy of the state insofar as possible to utilize the volunteer organizations who have demonstrated their commitment to these goals.

To this end, it is the intent of the legislature to minimize the expense and delays caused by unnecessary bureaucratic process in securing permits for projects that preserve or restore native fish and wildlife habitat.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section shall apply throughout sections 1 through 7 of this act.

(1) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district, that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed, and for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant, adverse environmental impact, a detailed statement under RCW 43.21C.031 must be prepared on the plan.

(2) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(a) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(b) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(c) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure other than a bridge or culvert or instream habitat enhancement structure associated with the project is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

**NEW SECTION. Sec. 3.** By January 1, 1996, the Washington conservation commission shall develop, in consultation with other state agencies, tribes, and local governments, a consolidated application process for permits for a watershed restoration project developed by an agency or sponsored by an agency on behalf of a volunteer organization. The consolidated process shall include a single permit application form for use by all responsible state and local agencies. The commission shall encourage use of the consolidated permit application process by any federal agency responsible for issuance of related permits. The permit application forms to be consolidated shall include, at a minimum, applications for: (1) Approvals related to water quality standards under chapter 90.48 RCW; (2) hydraulic project approvals under chapter 75.20 RCW; and (3) Section 401 water quality certifications under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

**NEW SECTION. Sec. 4.** Each agency of the state and unit of local government that claims jurisdiction or the right to require permits, other approvals, or fees as a condition of allowing a watershed restoration project to proceed shall designate an office or official as a designated recipient of project applications and shall inform the conservation commission of the designation.

**NEW SECTION. Sec. 5.** All agencies of the state and local governments shall accept the single application developed under section 3 of this act. Unless the procedures under section 6 of this act are invoked, the application shall be processed without charge and permit decisions shall be issued within forty-five days of receipt of a complete application.

**NEW SECTION. Sec. 6.** The applicant or any state agency, tribe, or local government with permit processing responsibility may request that the permit assistance center created by chapter ..., Laws of 1995 (House Bill No. 1724) appoint a project facilitator to develop in consultation with the applicant and permit agencies a coordinated process for permit decisions on the application. The process may incorporate procedures for coordinating state permits under chapter ..., Laws of 1995 (House Bill No. 1724). The center shall adopt a target of completing permit decisions within forty-five days of receipt of a complete application.

If House Bill No. 1724 is not enacted by June 30, 1995, this section shall be null and void.

**NEW SECTION. Sec. 7.** State agencies, tribes, and local governments responsible for permits or other approvals of watershed restoration projects as defined in section 2 of this act may develop general permits or permits by rule to address some or all projects required by an approved watershed restoration plan, or for types of watershed restoration projects. Nothing in this act precludes local governments, state agencies, and tribes from working out other cooperative permitting agreements outside the procedures of this act.

**NEW SECTION. Sec. 8.** A new section is added to chapter 35.63 RCW to read as follows:

A permit required under this chapter for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 35A.63 RCW to read as follows:

A permit required under this chapter for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 10.** A new section is added to chapter 36.70 RCW to read as follows:

A permit required under this chapter for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 11.** A new section is added to chapter 36.70A RCW to read as follows:

A permit required under this chapter for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 12.** A new section is added to chapter 43.21C RCW to read as follows:

Decisions pertaining to watershed restoration projects as defined in section 2 of this act are not subject to the requirements of RCW 43.21C.030(2)(c).

**NEW SECTION. Sec. 13.** A new section is added to chapter 43.30 RCW to read as follows:

A permit required by the department for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 14.** A new section is added to chapter 75.20 RCW to read as follows:

A hydraulic project approval required by the department for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 90.48 RCW to read as follows:

A permit, certification, or other approval required by the department for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act. Public review of proposed watershed restoration projects may be shortened or waived by the department.

**NEW SECTION. Sec. 16.** A new section is added to chapter 90.58 RCW to read as follows:

Watershed restoration projects as defined in section 2 of this act are exempt from the requirement to obtain a substantial development permit. Local government shall review the projects for consistency with the locally adopted shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving a complete consolidated application form from the applicant. No fee may be charged for accepting and processing applications for watershed restoration projects as used in this section.

**NEW SECTION. Sec. 17.** Sections 1 through 7 of this act are each added to chapter 89.08 RCW."

On page 1, line 1 of the title, after "projects;" strike the remainder of the title and insert "adding new sections to chapter 89.08 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 90.48 RCW; and adding a new section to chapter 90.58 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Drew, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5616 and asks the House to recede therefrom.

MOTION

On motion of Senator Swecker, the following resolution was adopted:

SENATE RESOLUTION 1995-8641

By Senators Swecker, Palmer and Roach

WHEREAS, The mission statement of the Lewis County Sesquicentennial Committee is "Celebrating the One Hundred Fiftieth Anniversary of Lewis County by Revisiting the Past and Exploring the Future"; and

WHEREAS, Throughout 1995, the citizens of Lewis County are celebrating their heritage as Washington's first county. The Sesquicentennial is a significant milestone for the county and provides a once-in-a-lifetime opportunity to reflect both on the past and the future of this area so rich in people, natural resources, history, and opportunity; and

WHEREAS, Lewis County, Washington's first county, was created by the Oregon Territorial Legislature on December 21, 1845. The Legislature proclaimed "That all that portion of Oregon Territory lying north of the Columbia River and west of the Cowlitz up to 54'40" north latitude be and the same is hereby created and organized into a separate county by the name of Lewis County." Because of its size, Lewis was known as "The Mother of All Counties"; and

WHEREAS, The county's current borders were established shortly before Washington became a state in 1889. Today, it is Washington's sixth largest county in land area. With 2,423 square miles, it is the largest county west of the Cascade Mountains; and

WHEREAS, Lewis County is named for Meriwether Lewis, the great explorer of the Lewis and Clark Expedition. His explorations were key in claiming this part of North America for the United States and residents are proud to live in a county bearing his name; and

WHEREAS, Lewis County is home to many of Washington "firsts": The first United States District Court north of San Francisco was held at the Jackson Courthouse, a building that still stands today. The oldest governmental records still in existence in Washington State are from the Board of Lewis County Commissioners in October, 1847. Simon Plamondon was the first white settler who settled near present day Toledo; and

WHEREAS, Lewis County is rich in natural resources. For the past one hundred fifty years, the land has provided a living to many of the county's citizens in agriculture, mining, and especially its vast forests. Today, the county is enjoying greater economic diversity, but natural resources will always play a vital role to visitors and citizens alike;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor Lewis County during its Sesquicentennial Year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each member of the Lewis County Sesquicentennial Committee.

Senators Swecker and Palmer spoke to Senate Resolution 1995-8641.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the Lewis County Sesquicentennial Committee, who were seated in the gallery.

MOTION

At 12:06 p.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:16 p.m. by President Pritchard.  
There being no objection, the President returned the Senate to the fourth order of business.

MOTION

On motion of Senator Ann Anderson, Senators Morton and Swecker were excused.

MESSAGE FROM THE HOUSE

April 10, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5012, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 75.28.011 and 1993 sp.s. c 17 s 34 are each amended to read as follows:

(1) Unless otherwise provided in this title, a license issued under this chapter is not transferable from the license holder to any other person.



(2) The following restrictions apply to transfers of commercial fishery licenses, salmon delivery licenses, and salmon charter licenses that are transferable between license holders:

(a) The license holder shall surrender the previously issued license to the department.

(b) The department shall complete no more than one transfer of the license in any seven-day period.

(c) The fee to transfer a license from one license holder to another is:

(i) The same as the resident license renewal fee if the license is not limited under chapter 75.30 RCW; ~~((or))~~

(ii) Three and one-half times the resident renewal fee if the license is not a commercial salmon license and the license is limited under chapter 75.30 RCW~~((or))~~;

~~((or))~~ (iii) Fifty dollars if the license is a commercial salmon license and is limited under chapter 75.30 RCW; or

(iv) If a license is transferred from a resident to a nonresident, ~~((the transferee shall pay))~~ the difference between the resident and nonresident license fees at the time of transfer, to be paid by the transferee.

(3) A commercial license that is transferable under this title survives the death of the holder. Though such licenses are not personal property, they shall be treated as analogous to personal property for purposes of inheritance and intestacy. Such licenses are subject to state laws governing wills, trusts, estates, intestate succession, and community property, except that such licenses are exempt from claims of creditors of the estate and tax liens. The surviving spouse, estate, or beneficiary of the estate may apply for a renewal of the license. There is no fee for transfer of a license from a license holder to the license holder's surviving spouse or estate, or to a beneficiary of the estate."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "and amending RCW 75.28.011.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Drew, the Senate concurred in the House amendments to Substitute Senate Bill No. 5012.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5012, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5012, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 6; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Kohl, Long, Loveland, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley, Wojahn and Wood - 40.

Absent: Senators Fraser, Haugen, Johnson, McAuliffe, Rasmussen and Sheldon - 6.

Excused: Senators Anderson, C., Morton and Swecker - 3.

SUBSTITUTE SENATE BILL NO. 5012, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Loveland, Senator Rasmussen was excused.

#### MESSAGE FROM THE HOUSE

April 6, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTED SENATE BILL NO. 5017, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 75.28 RCW to read as follows:

If, for any reason, the department does not allow any opportunity for a commercial fishery during a calendar year, the department shall either: (1) Waive the requirement to obtain a license for that commercial fishery for that year; or (2) refund applicable license fees upon return of the license.

NEW SECTION. Sec. 2. A new section is added to chapter 75.30 RCW to read as follows:

(1) The department shall waive license requirements, including landing or poundage requirements, if, during the calendar year that a license issued pursuant to chapter 75.28 RCW is valid, no harvest opportunity occurs in the fishery corresponding to the license.

(2) For each license limitation program, where the person failed to hold the license and failed to make landing or poundage requirements because of a license waiver by the department during the previous year, the person shall qualify for a license by establishing that the person held the license during the last year in which the license was not waived."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "adding a new section to chapter 75.28 RCW; and adding a new section to chapter 75.30 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Drew, the Senate concurred in the House amendments to Substitute Senate Bill No. 5017.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5017, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5017, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley, Wojahn and Wood - 46.

Excused: Senators Anderson, C., Rasmussen and Swecker - 3.

SUBSTITUTE SENATE BILL NO. 5017, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 12, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5064, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 75.50 RCW to read as follows:

The legislature finds that:

(1) Regional enhancement groups are a valuable resource for anadromous fish recovery. They improve critical fish habitat and directly contribute to anadromous fish populations through fish restoration technology.

(2) Due to a decrease in recreational and commercial salmon license sales, regional enhancement groups are receiving fewer financial resources at a time when recovery efforts are needed most.

(3) To maintain regional enhancement groups as an effective enhancement resource, technical assets of state agencies must be coordinated and utilized to maximize the financial resources of regional enhancement groups and overall fish recovery efforts.

NEW SECTION. Sec. 2. A new section is added to chapter 75.50 RCW to read as follows:

The department's habitat division shall work with cities, counties, and regional fisheries enhancement groups to develop a program to identify and expedite the removal of human-made or caused impediments to anadromous fish passage. A priority shall be given to projects that immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. The department may contract with cities and counties to assist in the identification and removal of impediments to anadromous fish passage.

A report on the progress of impediment identification and removal and the need for any additional legislative action shall be submitted to the senate and the house of representatives natural resources committees no later than January 1, 1996.

NEW SECTION. Sec. 3. A new section is added to chapter 75.50 RCW to read as follows:

To maximize available state resources, the department and the department of transportation shall work in partnership with the regional fisheries enhancement group advisory board to identify cooperative projects to eliminate fish passage barriers caused by state roads and highways. The advisory board may provide input to the department to aid in identifying priority barrier removal projects that can be accomplished with the assistance of regional fisheries enhancement groups. The department of transportation shall provide engineering and other technical services to assist regional fisheries enhancement groups with fish passage barrier removal projects, provided that the barrier removal projects have been identified as a priority by the department of fish and wildlife and the department of transportation has received an appropriation to continue the fish barrier removal program.

NEW SECTION. Sec. 4. A new section is added to chapter 90.58 RCW to read as follows:

A regional fisheries enhancement group or cooperative group project that is primarily designed to improve fish habitat or fish passage; has been approved by the department of fish and wildlife; has been given or is qualified to be given a hydraulic permit; and has been determined by local government to not substantially affect other concerns of this chapter is exempt from the permitting requirements of this chapter. A letter of exemption must be obtained from the local government, which shall be provided in a timely manner.

Sec. 5. RCW 75.50.110 and 1990 c 58 s 4 are each amended to read as follows:

(1) A regional fisheries enhancement group advisory board is established to make recommendations to the director. ~~((The advisory board shall make recommendations regarding regional enhancement group rearing project proposals and funding of those proposals.))~~ The members shall be appointed by the director and consist of two commercial fishing representatives, two recreational fishing representatives, and three at-large positions. At least two of the advisory board members shall be members of a regional fisheries enhancement group. Advisory board members shall serve three-year terms. The advisory board membership shall include two members serving ex officio to be nominated, one through the Northwest Indian fisheries commission, and one through the Columbia river intertribal fish commission. The chair of the regional fisheries enhancement group advisory board shall be elected annually by members of the regional fisheries enhancement advisory board. The advisory board shall meet at least quarterly. All meetings of the advisory board shall be open to the public under the open public meetings act, chapter 42.30 RCW.

The department shall invite the advisory board to comment and provide input into all relevant policy initiatives, including, but not limited to, wild stock, hatcheries, and habitat restoration efforts.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department may use account funds to provide agency assistance to the groups, to provide professional, administrative or clerical services to the advisory board, or to implement the training and technical services plan as developed by the advisory board pursuant to section 6 of this act. The level of account funds used by the department shall be determined by the director after review ~~((and))~~ of recommendation by the regional fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

NEW SECTION. Sec. 6. A new section is added to chapter 75.50 RCW to read as follows:

(1) The regional fisheries enhancement group advisory board shall:

(a) Assess the training and technical assistance needs of the regional fisheries enhancement groups;

(b) Develop a training and technical assistance services plan in order to provide timely, topical technical assistance and training services to regional fisheries enhancement groups. The plan shall be provided to the director and to the senate and house of representatives

natural resources committees no later than October 1, 1995, and shall be updated not less than every year. The advisory board shall provide ample opportunity for the public and interested parties to participate in the development of the plan. The plan shall include but is not limited to:

(i) Establishment of an information clearinghouse service that is readily available to regional fisheries enhancement groups. The information clearinghouse shall collect, collate, and make available a broad range of information on subjects that affect the development, implementation, and operation of diverse fisheries and habitat enhancement projects. The information clearinghouse service may include periodical news and informational bulletins;

(ii) An ongoing program in order to provide direct, on-site technical assistance and services to regional fisheries enhancement groups. The advisory board shall assist regional fisheries enhancement groups in soliciting federal, state, and local agencies, tribal governments, institutions of higher education, and private business for the purpose of providing technical assistance and services to regional fisheries enhancement group projects; and

(iii) A cost estimate for implementing the plan;

(c) Propose a budget to the director for operation of the advisory board and implementation of the technical assistance plan;

(d) Make recommendations to the director regarding regional enhancement group project proposals and funding of those proposals;

and

(e) Establish criteria for the redistribution of unspent project funds for any regional enhancement group that has a year ending balance exceeding one hundred thousand dollars.

(2) The regional fisheries enhancement group advisory board may:

(a) Facilitate resolution of disputes between regional fisheries enhancement groups and the department;

(b) Promote community and governmental partnerships that enhance the salmon resource and habitat;

(c) Promote environmental ethics and watershed stewardship;

(d) Advocate for watershed management and restoration;

(e) Coordinate regional fisheries enhancement group workshops and training;

(f) Monitor and evaluate regional fisheries enhancement projects;

(g) Provide guidance to regional fisheries enhancement groups; and

(h) Develop recommendations to the director to address identified impediments to the success of regional fisheries enhancement groups.

**Sec. 7.** RCW 75.50.120 and 1990 c 58 s 5 are each amended to read as follows:

The department and the regional fisheries enhancement group advisory board shall report biennially to the senate (~~(environment and natural resources committee.)~~) and the house of representatives (~~(fisheries and wildlife)~~) natural resources committees, the senate ways and means committee and house of representatives fiscal committees, or any successor committees beginning October 1, 1991. The report shall include but not be limited to the following:

(1) An evaluation of enhancement efforts;

(2) A description of projects;

(3) A region by region accounting of financial contributions and expenditures including the enhancement group account funds; (~~and~~)

(4) Volunteer participation and member affiliation, including an inventory of volunteer hours dedicated to the program;

(5) An evaluation of technical assistance training efforts and agency participation;

(6) Identification of impediments to regional fisheries enhancement group success; and

(7) Suggestions for legislative action that would further the enhancement of salmonid resources.

**Sec. 8.** RCW 75.50.100 and 1993 sp.s. c 17 s 11 and 1993 c 340 s 53 are each reenacted and amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A surcharge of one dollar shall be collected on each recreational personal use food fish license sold in the state. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. The department shall study methods for collecting and making available, an annual list, including names and addresses, of all persons who obtain recreational and commercial salmon fishing licenses. This list may be used to assist formation of the regional fisheries enhancement groups and allow the broadest participation of license holders in enhancement efforts. The results of the study shall be reported to the house of representatives fisheries and wildlife committee and the senate environment and natural resources committee by October 1, 1990. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 75.50.110. Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. Revenue from any enhancement group's sale of salmon carcasses and eggs conducted pursuant to section 9 of this act shall also be deposited in the regional fisheries enhancement group account. The director shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

**NEW SECTION. Sec. 9.** A new section is added to chapter 75.50 RCW to read as follows:

The department shall establish a hatchery egg and carcass take program for projects conducted by regional fisheries enhancement groups. Under the program, salmon that have returned to the hatchery of a regional fisheries enhancement group, and the eggs from those salmon, may be sold by the group in accordance with rules established by the department. All proceeds from sales of salmon eggs and carcasses that return to group facilities shall be deposited in the dedicated regional fisheries enhancement group account for reallocation to the regional fisheries enhancement group or groups sponsoring the project.

Prior to engaging in salmon egg sales under this program, the regional fisheries enhancement group shall ensure that all on-station needs are fulfilled and that the eggs are made available for other appropriate department or tribal hatchery needs, or other group projects.

The department, in consultation with the regional fisheries enhancement group advisory board, shall develop rules in accordance with chapter 34.05 RCW for the purpose of implementing this section. The rules shall include the following:

(1) Requirements for conducting sales under the program;

(2) Accounting procedures for tracking sales;

(3) Provisions for ensuring compliance with the wild salmonid policy established under RCW 75.28.760; and

(4) Provisions for reallocating proceeds generated under this section to the regional fisheries enhancement group or groups sponsoring the project that generated the proceeds.

NEW SECTION. Sec. 10. A new section is added to chapter 75.50 RCW to read as follows:

The department shall coordinate with the regional fisheries enhancement group advisory board to field test coho and chinook salmon remote site incubators. The purpose of field testing efforts shall be to gather conclusive scientific data on the effectiveness of coho and chinook remote site incubators.

Sec. 11. RCW 75.08.230 and 1993 c 340 s 48 are each amended to read as follows:

(1) Except as provided in this section, state and county officers receiving the following moneys shall deposit them in the state general fund:

- (a) The sale of licenses required under this title;
- (b) The sale of property seized or confiscated under this title;
- (c) Fines and forfeitures collected under this title;
- (d) The sale of real or personal property held for department purposes;
- (e) Rentals or concessions of the department;
- (f) Moneys received for damages to food fish, shellfish or department property; and
- (g) Gifts.

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) All fines and forfeitures collected or assessed by a district court for a violation of this title or rule of the director shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department (~~to the extent these proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270.~~ Allocations under this subsection shall be made only for hatchery operations partially or wholly financed by sources other than state general revenues or for purposes of processing human consumable salmon for disposal) of general administration shall be deposited in the regional fisheries enhancement group account established in RCW 75.50.100.

(6) Moneys received by the director under RCW 75.08.045, to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

(7) Proceeds from the sale of herring spawn on kelp fishery licenses by the department, to the extent those proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for herring management, enhancement, and enforcement.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 75.50.110, 75.50.120, and 75.08.230; reenacting and amending RCW 75.50.100; adding new sections to chapter 75.50 RCW; adding a new section to chapter 90.58 RCW; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Drew, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 5064.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5064, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5064, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Swecker - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5064, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 12, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5084, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.01.230 and 1993 c 394 s 6 are each amended to read as follows:

State agencies may, (~~subject to appropriation and~~) under the internal revenue code rules, use public funds to financially assist agency-approved incentives for alternative commute modes, including but not limited to carpools, vanpools, purchase of transit and ferry passes,

and guaranteed ride home programs, if the financial assistance is an element of the agency's commute trip reduction program as required under RCW 70.94.521 through 70.94.551. This section does not permit any payment for the use of state-owned vehicles for commuter ride sharing.

**Sec. 2.** RCW 43.01.225 and 1993 c 394 s 5 are each amended to read as follows:

(1) There is hereby established an account in the state treasury to be known as the "state (~~capitol~~) vehicle parking account." All parking rental income (~~collected from rental of parking space~~) resulting from parking fees established by the department of general administration under RCW 46.08.172 at state-owned or leased property shall be deposited in the "state (~~capitol~~) vehicle parking account." Revenue deposited in the "state (~~capitol~~) vehicle parking account" shall be first applied to pledged purposes. Unpledged parking revenues deposited in the "state (~~capitol~~) vehicle parking account" may be used to:

(1) Pay costs incurred in the operation, maintenance, regulation, and enforcement of vehicle parking and parking facilities (~~on state-owned or leased properties~~);

(2) Support the lease costs and/or capital investment costs of vehicle parking and parking facilities (~~at agency-owned and leased facilities off the capitol campus~~); and

(3) Support agency commute trip reduction programs under RCW 70.94.521 through 70.94.551.

~~((Distribution of funds from the "state capitol vehicle parking account" are subject to appropriation by the legislature and will be made by the office of financial management after considering recommendations from the director of general administration and the interagency task force for commute trip reduction, under RCW 70.94.551-))~~

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.01 RCW to read as follows:

(1) There is hereby established an account in the state treasury to be known as the state agency parking account. All parking income collected from the fees imposed by state agencies on parking spaces at state-owned or leased facilities, including the capitol campus, shall be deposited in the state agency parking account. Only the office of financial management may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. No agency may receive an allotment greater than the amount of revenue deposited into the state agency parking account.

(2) An agency may, as an element of the agency's commute trip reduction program to achieve the goals set forth in RCW 70.94.527, impose parking rental fees at state-owned and leased properties. These fees will be deposited in the state agency parking account. Each agency shall establish a committee to advise the agency director on parking rental fees, taking into account the market rate of comparable, privately owned rental parking in each region. The agency shall solicit representation of the employee population including, but not limited to, management, administrative staff, production workers, and state employee bargaining units. Funds shall be used by agencies to: (a) Support the agencies' commute trip reduction program under RCW 70.94.521 through 70.94.551; (b) support the agencies' parking program; or (c) support the lease or ownership costs for the agencies' parking facilities.

(3) In order to reduce the state's subsidization of employee parking, after July 1997 agencies shall not enter into leases for employee parking in excess of building code requirements, except as authorized by the director of general administration. In situations where there are fewer parking spaces than employees at a worksite, parking must be allocated equitably, with no special preference given to managers.

(4) The director of general administration must report to the house and senate transportation committees no later than December 1, 1997, regarding the implementation of chapter . . . , Laws of 1995 (this act). The report must include an estimate of the reduction in parking supply and an estimate of the cost savings.

**Sec. 4.** RCW 46.08.172 and 1993 c 394 s 4 are each amended to read as follows:

The director of the department of general administration shall establish equitable and consistent parking rental fees for (~~state-owned or leased property~~) the capitol campus and may, if requested by agencies, establish equitable and consistent parking rental fees for agencies off the capitol campus, to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking or to meet the commute trip reduction goals established in RCW 70.94.527. ~~((The department shall solicit representatives from affected state agencies, employees, and state employee bargaining units to meet as regional committees. These regional committees will advise the director on parking rental fees, taking into account the market rate of comparable, privately owned rental parking in each region. In the event that such fees become part of a collective bargaining agreement and there is a conflict between the agency and the collective bargaining unit, the terms of the collective bargaining agreement shall prevail.))~~ All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. However, parking rental fees are not to exceed the local market rate of comparable privately owned rental parking.

The director may delegate the responsibility for the collection of parking fees to other agencies of state government when cost-effective.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.01 RCW to read as follows:

All institutions of higher education as defined under RCW 28B.10.016 are exempt from the requirements under RCW 43.01.225.

**Sec. 6.** RCW 43.99H.070 and 1989 1st ex.s. c 14 s 7 are each amended to read as follows:

In addition to any other charges authorized by law and to assist in the reimbursement of principal and interest payments on bonds issued for the purposes of RCW 43.99H.020(15), the following revenues may be collected:

(1) The director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant of the facility or building constructed with bonds issued for the purposes of RCW 43.99H.020(15) for payment of a proportion of costs for each square foot of floor space assigned to or occupied by the entity. Payment of the amount billed to the entity for such occupancy shall be made quarterly during each fiscal year. The director of general administration shall deposit the payment in the capitol campus reserve account.

(2) The director of general administration may pledge a portion of the parking rental income collected by the department of general administration from parking space developed as a part of the facility constructed with bonds issued for the purposes of RCW 43.99H.020(15). The pledged portion of this income shall be deposited in the capitol campus reserve account. The unpledged portion of this income shall continue to be deposited in the state (~~capitol~~) vehicle parking account.

(3) The state treasurer shall transfer four million dollars from the capitol building construction account to the capitol campus reserve account each fiscal year from 1990 to 1995. Beginning in fiscal year 1996, the director of general administration, in consultation with the state finance committee, shall determine the necessary amount for the state treasurer to transfer from the capitol building construction account to the capitol campus reserve account for the purpose of repayment of the general fund of the costs of the bonds issued for the purposes of RCW 43.99H.020(15).

(4) Any remaining balance in the state building and parking bond redemption account after the final debt service payment shall be transferred to the capitol campus reserve account."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.01.230, 43.01.225, 46.08.172, and 43.99H.070; and adding new sections to chapter 43.01 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5084.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5084, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5084, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senator Roach - 1.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5084, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 13, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5287, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.80.160 and 1985 c 370 s 18 are each amended to read as follows:

In the development of any such plans as called for within RCW 28B.80.150, the board shall use at least the following criteria:

(1) Students who are eligible to attend compact-authorized programs in other states shall meet the Washington residency requirements of chapter 28B.15 RCW prior to being awarded tuition assistance (~~(grants;)~~).

(2) For recipients named after January 1, 1995, the tuition assistance shall be in the form of loans that may be completely forgiven in exchange for the student's service within the state of Washington after graduation. The requirements for such service and provisions for loan forgiveness shall be determined in rules adopted by the board.

(3) If appropriations are insufficient to fund all students qualifying under subsection (1) of this section, then the plans shall include criteria for student selection that would be in the best interest in meeting the state's educational needs, as well as recognizing the financial needs of students.

(4) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, that are paid by or on behalf of participants under this section, shall be deposited with the board and placed in an account created in this section and shall be used to cover the costs of granting the scholarships, maintaining necessary records, and making collections. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional loans to eligible students.

(5) The Washington interstate commission on higher education professional student exchange program trust fund is created in the custody of the state treasurer. All receipts from loan repayment shall be deposited into the fund. Only the higher education coordinating board, or its designee, may authorize expenditures from the fund. No appropriation is required for expenditures from this fund.

NEW SECTION. **Sec. 2.** RCW 28B.102.900 and 1994 c 126 s 4 & 1987 c 437 s 9 are each repealed.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 1 of the title, after "aid;" strike the remainder of the title and insert "amending RCW 28B.80.160; repealing RCW 28B.102.900; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Bauer, the Senate concurred in the House amendments to Senate Bill No. 5287.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5287, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5287, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5287, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5397, with the following amendment(s):

On page 5, line 12, after "sought" insert ". The department may require the successful completion of annual refresher courses provided or approved by the department for continued certification as an asbestos worker or supervisor. However, the authority of the director to adopt rules implementing this section is limited to rules that are specifically required, and only to the extent specifically required, for the standards to be as stringent as the applicable federal laws governing work subject to this chapter"

On page 5, beginning on line 18, after "training." strike all material through "supervisor." on line 21, and insert "~~((The department may require the successful completion of annual refresher courses provided or approved by the department for continued certification as an asbestos worker or supervisor.))~~", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5397.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5397, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5397, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 46.

Absent: Senators Gaspard and Hargrove - 2.

Excused: Senator Anderson, C. - 1.

ENGROSSED SENATE BILL NO. 5397, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5445, with the following amendment(s):

On page 4, line 32, after "section" insert "and removed at the direction of law enforcement"

On page 4, line 34, after "redeemed" strike "after impound"

On page 6, line 2, after "complaint by a" strike "person who" and insert "registered tow truck operator that"

On page 6, line 4, after "officer" insert "of the law enforcement agency responsible for directing the removal of the vehicle"

On page 6, line 6, after "infraction" insert ", on a form prescribed by the department of licensing.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Senate Bill No. 5445.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5445, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5445, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5445, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5503, with the following amendment(s):

On page 5, after line 13, insert the following:

"**NEW SECTION. Sec. 10.** Any rules adopted under this act pertaining to an employer who is subject to the migrant and seasonal agricultural worker protection act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.), must comply with the housing provisions of that federal act."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 5, line 34, after "through" strike "9" and insert "10"

On page 5, beginning on line 29, strike all of section 11

Renumber the remaining sections consecutively and correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Prentice, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5503.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5503, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5503, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5503, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 4, 1995

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5523, with the following amendment(s):

On page 2, line 10, after "remitted" strike "to the county or city for criminal justice purposes" and insert "for criminal justice purposes to the county or city that is responsible for the defendant's jail costs", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate concurred in the House amendment to Senate Bill No. 5523.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5523, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5523, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SENATE BILL NO. 5523, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 4, 1995

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5537, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.410 RCW to read as follows:

Not later than January 1, 1997, the state board of education shall study, report, and make recommendations to the legislature on the following issues regarding teacher assessment for initial or residency certification:

- (1) How an individual assessment would be linked to state board-adopted, performance-based program approval standards;
- (2) How an individual assessment would be linked to the performance-based public education system under RCW 28A.630.885; and
- (3) Whether, in lieu of requiring the assessment for initial or residency certification, the assessment should be required as a diagnostic tool and the results used for professional growth purposes while the teacher holds the residency certificate.



In conducting this study, the state board shall take into consideration any recommendations from the board's professional education advisory committee and the Washington advisory council for professional teaching standards.

Any recommendation to implement a teacher assessment system, including funding support, must be approved by the legislature before such implementation occurs.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

- (1) RCW 28A.305.230 and 1985 c 419 s 1;
- (2) RCW 28A.305.240 and 1990 c 33 s 268 & 1987 c 525 s 217;
- (3) RCW 28A.305.245 and 1991 c 259 s 3;
- (4) RCW 28A.305.250 and 1990 c 33 s 269, 1989 c 11 s 4, & 1987 c 525 s 226;
- (5) RCW 28A.410.030 and 1993 c 336 s 801, 1991 c 116 s 21, & 1987 c 525 s 203;
- (6) RCW 28A.415.290 and 1993 c 336 s 406;
- (7) RCW 28B.35.380 and 1977 ex.s. c 169 s 60; and
- (8) RCW 28B.40.380 and 1977 ex.s. c 169 s 80, 1975 1st ex.s. c 275 s 147, 1969 ex.s. c 176 s 155, & 1969 ex.s. c 223 s 28B.40.380."

On page 1, line 1 of the title, after "preparation;" strike the remainder of the title and insert "adding a new section to chapter 28A.410 RCW; and repealing RCW 28A.305.230, 28A.305.240, 28A.305.245, 28A.305.250, 28A.410.030, 28A.415.290, 28B.35.380, and 28B.40.380.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator McAuliffe moved that the Senate concur in the House amendments to Substitute Senate Bill No. 5537.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate do concur in the House amendments to Substitute Senate Bill No. 5537.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5537.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5537, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5537, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Anderson, C. - 1.

SUBSTITUTE SENATE BILL NO. 5537, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

Senator McDonald moved that the Senate advance to the ninth order of business.

Senator Snyder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator McDonald to advance to the ninth order of business.

#### MOTION

At 2:02 p.m., on motion of Senator Snyder, the Senate was declared to be at ease.

The Senate was called to order at 3:55 p.m. by President Pritchard.

#### SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046.

There being no objection, the Senate resumed consideration of the motion by Senator McDonald to advance to the ninth order of business. Senator Snyder had demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator McDonald to advance to the ninth order of business.

#### ROLL CALL

The Secretary called the roll and the motion to advance to the ninth order of business carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Wood - 25.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Haugen, Heavey, Kohl, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 23.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator McDonald moved that the Committee on Government Operations be relieved of further consideration of Initiative 164 and that Initiative 164 be placed on the third reading calendar.

#### REMARKS BY SENATOR MCDONALD

Senator McDonald: "Mr. President and fellow members of the Senate, I believe we all know what this Initiative is about. It is about a property right. It is one that should be brought before the Senate; it should be disposed of in either a positive or a negative way. It is a very significant piece of legislation. It has been brought by a number of people to this body. I think it is a positive step in the right direction. I look forward to a positive vote on this motion."

#### MOTION BY SENATOR HAUGEN

Senator Haugen: "Thank you, Mr. President. I would like to make a motion to amend that. I would like to move for this bill to be sent to the Committee on Ways and Means."

#### REPLY BY THE PRESIDENT

President Pritchard: "An oral amendment?"

Senator Haugen: "An oral amendment moving this bill to Ways and Means and I would like to speak to that."

President Pritchard: "All right, Senator Haugen."

#### FURTHER REMARKS BY SENATOR HAUGEN

Senator Haugen: "Thank you, Mr. President. This bill has been in my committee. As you all well know, we heard a very lengthy hearing in my committee. Actually, we had a hundred and eight people come and testify--to sign up--for the Initiative and we had a hundred and thirty-three people come and sign up against it. At the end of that hearing, we took an informal poll of the people who served on my committee and it was obvious the bill did not have the support of the members of the committee to move out.

"However, one of the issues that was really clear to both myself and, I think, to my ranking minority member, that this bill had severe fiscal impacts, not only on the state of Washington, but also on the people in local government. I would say that before we vote on this bill, it should have the opportunity to have a complete fiscal hearing--at least a hearing so that these state agencies who are impacted and the local governments that will be impacted will have the opportunity to come and testify. We did not give them that opportunity that night, because we felt we needed to hear from the people.

"We are elected to be responsible; we are elected to do the work of the people in a responsible manner. Part of that responsibility is to pay for things in which we mandate and pay for things in which we see go into law. We have done that with Initiative No. 159, which did go through the fiscal committee and I believe this bill should be treated exactly like that Initiative. I would urge your support of sending this to Ways and Means."

#### POINT OF INQUIRY

Senator Pelz: "Would Senator Haugen yield to a question? Senator Haugen, I know you have undertaken a painstaking effort to determine a fiscal note on this Initiative. Could you tell me what, at this time, what you think the fiscal impact on the state budget will be on this Initiative?"

Senator Haugen: "Well, it is very difficult to say. We have--litigation, alone, could run about four million dollars. They figure the fiscal impact on local government is a billion dollars. The fiscal impact on the Department of Transportation is about thirty-four million dollars. The fiscal impact on the State Energy Office, they figure is about seven hundred thousand dollars. The Department of Health has about three million dollars; the Department of Fisheries has two point five million dollars; the Department of Labor and Industries--I don't see the number right here, but those are just some of the agencies. The Department of Agriculture also has a fiscal impact; the Attorney General's Office had a fiscal impact statement, also. It was really unfortunate, because the bill did not have the support to get out of committee, that it did not get to a fiscal committee where those issues could have been addressed."

Senator Pelz: "Do you remember what the total of that was, roughly? I am sorry I wasn't counting."

Senator Haugen: "Well, all I know it was a billion dollars per local government and that is kind of where my heart is--"

Senator Pelz: "A billion for local government?"

Senator Haugen: "A billion for local government--but several million--hundreds of millions--because you add up all these millions and it adds up real fast, but it doesn't make any difference whether it is one million or if it's a hundred million, the issue is, there are two fiscal impacts on the state of Washington."

Senator Pelz: "I guess it does make a difference. With the permission of the body, I want to ask Senator Rinehart a question, if I may?"

#### REPLY BY THE PRESIDENT

President Pritchard: "If it is within your three minutes."

#### POINT OF INQUIRY

Senator Pelz: "Okay. Senator Rinehart, is it your understanding that if we were to pass the Initiative out of here in the next couple of days, would this impact--are we in the seventy million range? Would this have to be reflected in the budget that we vote out of here this year?"

Senator Rinehart: "Clearly, the impact on the state budget would have to be reflected. The question about the impact on local government is one that is a bit up in the air. It would probably show up in a supplemental budget. The issue is that under Initiative 601, this would likely to be assumed to be an unfunded mandate put on local government by state government and state government would likely be responsible for picking up the cost from local government, so those costs presumably would show up, then, in the second year of the biennium."

Senator Pelz: "And, therefore, my point being that if we pass Initiative 164 out of the Legislature, and I look forward to working with Senator Haugen to try and get a fiscal note for state government, but if it were fifty million dollars, that fifty million dollars would have to be included in the current budget and it would be coming out of K-12; it would be coming out of higher ed; it would be coming out of the runaway bill; it would be coming out of welfare reform. It is another factor that we have to fund out of here that we are going to be depriving our districts of when we write a budget."

#### REMARKS BY SENATOR McDONALD

Senator McDonald: "Mr. President and fellow members. I would speak in opposition to the amendment to my motion. I would make a couple of points. One, there was plenty of opportunity during this session to send it to Ways and Means; they chose not to do that. We are at the end of the session and we have the ability and the authority to dispose of this issue. I think it is--I guess I would say that I think it is unfortunate that it didn't go through the Ways and Means process, but that was the choice of the Chair. We have only one choice now.

"I would also say that this Initiative is about changing behavior, changing the behavior of government, that you can't simply take people's property and if you do you are going to compensate them for that. I think that is a good thing. I think this is saying that the fiscal impact is as if there is no change in behavior and that is what this Initiative is about. Defeat the motion."

#### POINT OF INQUIRY

Senator McAuliffe: "Senator McDonald, would you yield to a question? Is there a fiscal impact on this Initiative?"

Senator McDonald: "Appears to be."

Senator McAuliffe: "Excuse me?"

Senator McDonald: "Yes, there appears to be."

Senator McAuliffe: "There appears to be, and you intend to pass this through this Legislature without our having the opportunity to look at the fiscal impact when we are very concerned about how we are going to fund our educational system in this state?"

Senator McDonald: "Senator, if there are twenty-five people on this floor that choose to do that, I guess it will be passed."

Senator McAuliffe: "Regardless of the fiscal impact? Is that correct?"

Senator McDonald: "Senator McAuliffe, I told you that it was the choice of the Chair of that committee that this would not be brought to a vote, therefore it did not go to the Ways and Means Committee. This is our only opportunity and I choose to take it."

Senator McAuliffe: "Then, I would ask each member of this legislative body to recognize that their vote also is a vote with fiscal responsibility associated with Initiative 164."

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "I request a roll call on the motion by Senator Haugen to refer Initiative 164 to the Committee on Ways and Means."

President Pritchard: "All right. Do one-sixth of the members sustain the request for a roll call? The roll call is demanded and sustained."

The President declared the question before the Senate to be the roll call on the motion by Senator Haugen to refer Initiative 164 to the Committee on Ways and Means.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Haugen to refer Initiative 164 to the Committee on Ways and Means failed by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Haugen, Heavey, Kohl, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 23.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Wood - 25.

Excused: Senator Anderson, C. - 1.

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "We now have the motion by Senator McDonald to relieve the Committee on Government Operations of Initiative 164 and to place the Initiative on the third reading calendar."

Senator Snyder: "I would request a roll call, please."

President Pritchard: "All right, a roll call has been requested. Do one-sixth of the members sustain the request? They do. The clerk will call the roll."

#### REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you, Mr. President. Well, frankly, I would rather be shot right now than take this vote. I am real serious. It would be a lot less painful, at this point in time, to just be put out of my misery, because I have a deep respect for both my caucus and the people in my caucus--and for the leadership of our caucus. It is something for people on the outside of this body to understand exactly what these votes mean today.

"But, this issue is one that I, not only have worked for the last three years with no resolution and no hope of resolution, but worked in the interim by working on the Initiative, by working with people to gather signatures, by working with people to raise money to do that, and we worked during this session to try to get this thing to the floor in some other way. I would rather not be doing this. In fact, if somebody has a gun, you can go ahead and put me out of my misery right now. That would be great. Anyone carrying--Senator Roach, we are looking at you. I guess the point is that there are few times in history--in all of history--where people have to stand up for what they believe in no matter what the consequence. I am ready to take the consequences for something I believe in."

#### REMARKS BY SENATOR HAUGEN

Senator Haugen: "Thank you, Mr. President. Well, as Chairman of this committee where this bill is being relieved from, I guess I have to, too, take my consequences and we all have to stand up for what we believe. First of all, I must apologize; my brothers always said my bladder was behind my eyes and so I weep very easily according to my brothers. What we have here is an Initiative. This is an Initiative to the Legislature. As an Initiative to the Legislature, we have three options in an Initiative to the Legislature. We can adopt it and it becomes law; we can put an alternative out and people can have their choice or we can choose to have the Initiative go to the people.

"I told people early on, when the bill came to my committee that we would hold a public hearing on it, because I, too, care a great deal about this issue. Over the years, I have introduced legislation in which to try to find ways to give local government stability to buy those rights, because I think they should. My county has been a leader in doing some things with property rights and there are many other counties in the state that have done it, also. It is very difficult for local government to do some things without the ability to pay and that is the problem that is out there.

"We held the public hearing and it was obvious that the debate had only begun. It is a great regret to me that this bill could not have been pulled apart, section by section, and sent to the many committees in which this impacts. Believe me, it does not only impact local government. It impacts agriculture, it impacts health, it impacts transportation in a big way and I can go on and on about the many parts of state agencies that it does impact. But, my committee--and I polled the members of my committee--there were not the votes in my committee, and as a Committee Chair, we all know--those of us who have the privilege to serve--it is not always easy to be a Committee Chair and sometimes the easiest thing to do is to allow a vote to occur, so you can simply look all the people in the eye and say, 'I didn't have the votes.' I chose--I chose not to do that, because I felt it was not fair to my committee members to put them in that position. I, instead, took all the phone calls. I, instead, have had the pressure put on me, and that was a decision that I took.

"Ladies and gentlemen, this bill needs to go to the vote of the people. This Initiative needs to go to the vote of the people, the debate needs to be continued. Because of the very people that Senator Hargrove and that I care about and that each one of you care about, will not be saved. Their property is not going to be saved by this, because they cannot afford an attorney and the only people who will ever benefit from this are those who can afford an attorney, because this bill will require lots and lots of litigation."

#### REMARKS BY SENATOR PRITCHARD

President Pritchard: "Three minutes are up, Senator."

Senator Haugen: "I urge you to vote against this Initiative."

President Pritchard: "The clerk will call the roll on the motion by Senator McDonald to relieve the Government Operations Committee of further consideration of Initiative 164 and to place Initiative 164 on today's third reading calendar."

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDonald to relieve the Committee on Government Operations of Initiative 164 and to place the Initiative on the third reading calendar carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Wood - 25.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Haugen, Heavey, Kohl, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 23.

Excused: Senator Anderson, C. - 1.

#### MOTION

Senator McDonald: "Mr. President I move that the Senate revert to the seventh order of business and immediately consider Initiative 164."

President Pritchard: "Hearing no objection, so ordered."

EDITOR'S NOTES:

The text of Initiative 164 was read in on the third day, January 11, 1995.

On the one hundred-fifth day, April 23, 1995, Senator Roach moved that the complete transcript of the debate on Initiative 164 be spread upon the Journal.

THIRD READING

INITIATIVE 164 by People of the state of Washington

Relating to regulation of private property.

The initiative was read the third time.

REMARKS BY SENATOR MCDONALD

Senator McDonald: "Mr. President, I think we all know what this Initiative is about. It is about property rights; it is about people who have been forgotten in the governmental process for a very long time. It is about redress and I think it is about just compensation and that is all it is about. I think it is a very worthwhile bill--Initiative--and I think it deserves your positive vote."

REMARKS BY SENATOR PELZ

Senator Pelz: "Thank you, Mr. President, rising in opposition to this Initiative. This Initiative is not about people, this Initiative is about money. This Initiative marks a real low mark in Washington State politics. It's really, probably, well I guess it isn't the first Initiative that money went out and bought, but it is second or third on the list. This is an Initiative that wasn't going anywhere this fall, because there wasn't popular support for this Initiative. There wasn't an energized constituency out there, as our framers of our Constitution envisioned when they set up the Initiative process--that there would have to be an energized constituency for a measure that would be willing to spend their Saturday afternoons and their evenings out collecting signatures. That wasn't here for this Initiative, so some interest pumped tens of thousands of dollars overnight into this measure--went out and hired professional signature-gatherers to create this grassroots movement and that is why this issue is before us today.

"I had an experience at Christmas shopping this year when I went out to the K-Mart out in Aurora. I know that if you have been to K-Mart you know that is the store of choice for the working poor in our state now. Outside the K-Mart, there was a person collecting signatures for this measure and I asked him if he was paid and he said he was. People were walking in and he would say, 'Protect your property rights, protect your property rights--sign here to protect your property rights.' Well, my fellow colleagues, shoppers at K-Mart are renters and the ones at K-Mart that own a home, own a fairly modest home, maybe a box up off Aurora and they don't have a self-interest in this bill. The siren song of property rights was being sung by these paid signature gatherers and they bought that song momentarily and they signed the measure, which now turns out has a one billion dollar fiscal note for local government.

"This measure will, of course, enrich the attorneys who will fight it immediately in court, who will be hired by those wealthy property owners and developers, so that they can move rapidly to exploit this law. So, those renters will see their taxes go up to pay for this measure. On a state level, we will see our schools and our higher education and our other budget measures suffer once again, to pay for this measure. It is a sad day; I imagine there will be a referendum. Actually, I think, ironically, we will see this on the ballot, but I imagine the people that go out and get the fifty-five thousand signatures for a referendum will not be paid signature-gatherers. They will then come back and we will have the campaign in the fall where the wealthy interests will be spending a great deal of money. The public will get another look at this measure, but unfortunately we have to go through this rather tainted course to get there."

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you, Mr. President. Well, I want to tell you a short story about a man named Frank LaDue. He lived in my district, no longer lives in my district. He bought thirty acres of land on the Hoquiam River about twenty years ago and built a home and filled three or four acres of that property. This was when he thought he only had wet land. This is before we know it as wetlands, the highly regulated thing that it is today. On this three acres, approximately, of area that he filled, he was growing vegetables and giving them to the local food bank--there is a lot of need in our area as a matter of fact. He was growing vegetable starts and through the CAP agency giving these starts to low-income, many single mothers that were using that to start their gardens or their flower pots or whatever. Guess what, the EPA and the DOE found out that he had filled this property. They wanted him to remove all of the fill. This guy was not building condominiums on this property; this guy had twenty-seven acres of his property forever in wildlife and wetlands. He was seventy-seven years old; he was a World War II veteran and he could not understand why the government that he fought to defend--the freedom that he fought to defend--was now turning on him.

"When I asked the regulators that came out, 'You are talking about taking his entire property?' They said, 'That is not our issue, he can take it to court.' So, this seventy-seven year old man had the opportunity to spend five or six hundred thousand dollars and go to our State Supreme Court to try and prove a taking on property that was worth fifteen thousand dollars.

"Well, Frank LaDue died and his wife, his widow, still is in doubt about what is going to happen on this property. That is why I feel so strongly about this and I urge your support."

REMARKS BY SENATOR DREW

Senator Drew: "Thank you, Mr. President, and members of the Legislature. There are many stories that all of us have heard from our districts and there are wrongs that are committed by government. I don't think anyone in this body disputes that. However, I would like to disagree with the Senator from the forty-eighth district who said we all know what this is about. I don't believe we all know what this is about. I don't believe that we all know what the impacts are of this piece of legislation that we are trying to pass into law. I don't believe the people of this

state know the impacts on their communities, on their local government, on their tax dollars, on the state budget--which we will have to find the money to fund this out of that which is the largest portion of our budget, education. I don't think we all know what the impacts are, because this hasn't had the extent of a fiscal analysis that perhaps needs to happen. I am on this Government Operations Committee; I do fully support the Chair of that committee.

"I do understand that there are issues and I also recognize that we in this Legislature have tried to address those issues. Have we passed a piece of legislation called 'taking?' 'No.' Have we passed 'regulatory reform?' 'Yes.' Two years ago we passed a bill that said that evaluation of your property must take into account growth management regulations. Is that done by the accessors? 'No.' Is it law? 'Yes,' because we in this Legislature decided to take some very important steps forward. We decided to combine our SEPA and GMA process, in a reflection of and in a return to what we heard from all of our constituents as to the regulatory problems. Yes, we have made many steps forward. I'm afraid that this piece of legislation, this Initiative, the one thing that everyone agrees on is that it is flawed. The one thing that everyone agrees on is that no two attorneys can agree on an interpretation. That means that the only thing that will happen is that we will have continuous litigation for the next many years. I do not see this as a solution and I do not think the people of this state have had yet the opportunity to discuss this and it should go to them for their vote. I urge your opposition."

#### REMARKS BY SENATOR KOHL

Senator Kohl: "Thank you, Mr. President, and members of the Senate. The Senator from the forty-eighth district finished his remarks by saying, 'This was simply a measure directed toward individual property owners and their rights.' What wasn't said was which individual property owners and their rights. I asked about the rights of the property owners of land adjoining that property in which the government would have to provide full compensation for quote, 'taking.' While it may not be found that a public nuisance could be created by the development of one parcel of land, it certainly could provide an impact and a very negative impact on the land of property owners adjoining that piece of land.

"Are they compensated for the negative impact on the value of their land or do they, then, have to pay their hard earned taxes to compensate their neighbor for a so-called taking? This Initiative has very good intentions and many of us want to see real changes made in the laws, both locally and state. However, this Initiative is poorly written. Even when proponents are asked about some of the flaws here with regard to the language, they will admit that. I too often hear the term, 'probably' being used when asked of the Initiative proponents--what could be potential problems.

"Lastly, the Senator from the twenty-fourth district, whom I do respect and I do believe is very sincere in his concerns, said that there was no resolution to be found without passage of this Initiative. However, there is a resolution. If we do not pass this Initiative, it does go to the ballot in November and the people can vote on it. Several years ago another Initiative was brought to the Legislature which many people supported--Initiative 120. A decision was made in the House of Representatives not to bring that Initiative for a vote on the House Floor. Many House members were very upset about that, but that Initiative did go to the people and that Initiative was approved by the people. There is, indeed, a resolution without passing this Initiative today."

#### REMARKS BY SENATOR SMITH

Senator Smith: "Thank you, Mr. President, and members of the Senate. I concur both in Senator Kohl's remarks and in Senator Drew's remarks that the big problem here is with regulation. I think Senator Drew is correct in that everyone can point to instances where government has regulated and has not done so in a very user-friendly manner. We have tried to address that issue and have, in fact, addressed it this session. The reason that I can't support this Initiative is because there is a fact that I think a lot of people are forgetting. When we have talked about how much this costs, everyone says, 'Well, you know the government ought to pay to protect individuals.'

"Unfortunately, individuals are the government. The costs that we have thrown out here are costs that all of our constituents are going to have to bear and going to have to pay. On the other side of the equation, are property owners. Now, the proponents of this Initiative have very smartly picked out the examples of where property regulations have hurt small people--people who don't have a great deal of money. It was not coincidence, as Senator Pelz alluded to, where all the money came from to support this Initiative. In essence, what we are going to do, if we pass this Initiative, is we are going to go out to all the old tax payers, all the old members of the government, who may not know they are members of the government, and ask them to pay for what is by and large, wealthy land owners use of their property. The bottom line in our society is the people who have money have more property. Now, it is just the way it works out. I believe that this Initiative is sort of a reversed Robin Hood. It will force the government--all of us tax payers--to pay--whatever the fiscal note may be--out, so the developers who bought and paid for this Initiative will be able to save money. I don't think that is in the best interest of the residents of my district and I cannot support the Initiative."

#### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Mr. President, and ladies and gentlemen of the Senate. Well, I am one of those that has a great deal of property, as least a great deal of property for Pierce County. We are also one of the dying breed in the county and that is in agriculture. My reason for coming to the Legislature was to represent the dairy farmers, to represent the farmers, agriculture in my area. I find I am one of the few left, but I hope, not in this body, that we have lost the farm block. What I want to tell you that scares me more is having an airport across the street, very real--right across the street--a landfill at the headwaters of the creek that goes to our three hundred and sixty acres. We have Boeing down the street, had St. Regis Timber Company, which is no longer a timber company, sell all of their land holdings next to us, to development.

"Thirty-five years ago, we had eighteen fenced neighbors. In the nineteen hundreds, we had about four. Now, we have three times thirty fenced neighbors. Does that mean they are a nuisance? I have asked the attorneys and they have said naught. They don't know. I don't want to vote for something that is a job description for the attorneys in this state--economic development to them.

"My district is hammering me to vote for it; I wish they knew as much as I wish I knew about what the impacts would be. They are hammering me, they don't want an airport, except the people that own the property for the airport. They said, 'Sure, we'd like to sell.' I tell you where my life insurance is. It is not with any agent; it is in our land. Do I want to sell for the highest and best use? 'Yes.' We raised seven wonderful kids on our farm; can they farm on our farm? Probably not.

"Taxation--the best thing this Legislature ever did was to pass Open Spaces that keeps our farm intact. I would like to have a lot more questions answered before I see it go through this body. I would like to see it go to the voters. I think we need time; we need time to find out

who and how we will all be impacted. I urge you to vote your conscience and vote your district and I am sure you will do that. I have to vote my farm; I have to vote my family, because that is why I am here."

#### REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you, Mr. President, and members of the Senate. I think it is really unfortunate that this Initiative is not more carefully worded. It is very vague and I think one of the results is that it is going to do the opposite of what the drafters intend. I think it will harm small property owners. I spent fifteen years as a local elected official at the city and county level and I had the rather miserable job of making decisions on almost every conceivable kind of land use that there is, so, I too, could tell many stories of local regulation. But, what I will do instead is summarize and basically most of the decisions local elected officials have to make are on these disputes protecting one property owner from another, protecting property values and protecting community character. I think with this measure, which requires compensation, even if there is no loss of value, is a very serious matter.

"It will affect regulations--all the normal kinds--that all your constituents are used to--the standard subdivision layout, whether there is a setback from the adjacent subdivision, what the densities will be, whether or not there needs to be special consideration for various features, and on and on and on--all the details that go into regular neighborhood planning that goes on all around our state. Unfortunately, this Initiative provides that you have to be compensated unless it is a nuisance. Well, so much of what is done, is not a nuisance. It deals with fundamental values in this state of how people want to live and fundamental values in their communities and it is going to be very difficult for local elected officials to live up to their constituent's concerns. Under this Initiative, they won't even be able to require a traffic study. Property owners expect their government to protect them. Under this Initiative, they will be less able to do that and citizens will be forced into the courts themselves. I don't think that is a good alternative."

#### POINT OF INQUIRY

Senator Deccio: "Would Senator Pelz yield to a question? Senator Pelz, a great argument has been made of the tremendous cost to state and local government. I am going to read a portion of the Initiative and I would like to have you explain to me and give me a breakdown of the costs and why that cost would be so tremendous to state and local government. It says, 'Full compensation means the reduction in the fair market value of the portion or parcel of property taken for general public use which is attributable to the regulation or restraint.' That is very clear to me and I guess I need to have you explain to me and maybe others on this floor and in the gallery why you are against this Initiative because of the tremendous cost to state and local government. How would that come about?"

Senator Pelz yielded to Senator Haugen.

Senator Haugen: "Well, the answer to that is truly when you take a look at several sections. First of all, it tells they have to do full economic analysis of every action they take, so every local--this is truly a bureaucrats dream, because many small jurisdictions do not have a lot of people who are able to do all of those analyses and every action that has to be taken has to be done with a full analysis to start with.

"Section 6 says that you can no longer require anyone to pay for any study, maps, plans or reports on restricting use. In essence, if there was to be a new subdivision coming in to a community or a new development, local government could no longer ask the developer to provide them with those plans. That would be a direct cost to local government; they would have to pay for them. For the state, the Department of Transportation tells us, now, when anyone wants an access on to the road, they have to provide those plans. The state would have to pay for those.

"Presently, because of an act that was enacted years ago, dealing with energy siting, we require the people who are going to put in place any kind of energy siting to pay for all the maps, and the studies, and the mitigation and all that. Under the interpretation that we have been given by the attorneys, we would have to pay for that. I think the big issue is that every action they take, they have to do an economic analysis before they do that. This would have a tremendous chilling effect. You, I know, as a former County Commissioner, knows how expensive it is whenever you have to have staff put together all of those plans. That is where the real costs would be for local government--is putting together all of those analyses."

Senator Deccio: "Yes, I was a County Commissioner for four years and I can say very proudly that to my knowledge there has never been a eminent domain action by Yakima County. They always paid the bill. I think that the strength of government has become awesome and fearful in the last several years and it is time that we, at least, balanced out this issue. Maybe it may work to the great benefit of the property owner and if it does, it is about time. To this point, the big hammer, the big banana, whatever you ever want to refer to it, is state and local government and also the federal government.

"The environmental issues that are before us from day to day have worked not to the benefit of the general public. At least, let's get an issue on the ballot that will tip the scales back in favor of the property owners for a change. This is a very important Initiative; the people are speaking out. I can tell you that if this goes to the ballot, it is going to pass overwhelming. Initiatives and referendums are a poor way to do business. We ought to solve this problem in the Legislature, but we haven't. That is why this issue is before us today and I hope there will be a proper vote. Thank you."

#### REMARKS BY SENATOR FAIRLEY

Senator Fairley: "Thank you, Mr. President. There are two things about Initiative 164. First off, it is the full employment act for attorneys. Second off, it is bankruptcy for my town. Tomorrow night at seven thirty, I become a City Councilwoman, again, in a small town in North King County. Well, because, I will have to tell them what has gone on here today, and as Senator Fraser alluded to, this will be devastating to our people. We will have to hire a full time attorney. We will have to hire a full time land-use planner. On one little tiny issue alone--I took a look at it--the creek is overflowing because of something that was put on the creek earlier by our town. It is going to cost us five hundred and forty-six thousand dollars. Now people, my whole town's budget is five million a year. We are going to have to lock the doors and leave, because of the ambiguous language, the wording in this Initiative.

"I'm not saying there isn't something we should do on these lines, but this is not the way to do it. I didn't come here to give more money to the attorneys out there, more money to people who want to make it difficult for small towns like mine to exist. But, this is what is going on today."

#### REMARKS BY SENATOR ANN ANDERSON

Senator Ann Anderson: "Thank you, Mr. President. This is not a new debate; this is not a new issue for this floor. As a matter of fact, for four years in a row, I worked with some people in this body to try to relieve the pressure on this issue. I had a bill that said that before wetlands could be regulated, you first of all had to map the wetlands, so that you know what you are regulating. Secondly, you would have to notify the property owner that they potentially had a regulated wetland on their property. Thirdly, notify them of when the hearing was to come and talk about it, and then fourthly, if the local jurisdiction did decide to regulate private property, in some way then, the local jurisdiction was obligated to compensate, via through lower property taxes or other methods of compensation.

"During that debate, we heard from local governments--'we can't afford it, too expensive.' My question was, what makes you think that each one of those individual property owners can afford it? That's what happens, you see, in the system that we have now is that governments can write any regulation that they want to because they know they are not obligated to compensate in any way. Human nature is--when it is free, 'Hey, take more, stuff your pockets full.' So, instead of maybe a twenty-five foot buffer, we're seeing two hundred foot buffers, when the same environmental protection could have been satisfied by twenty-five foot buffers.

"That's why this measure is before us today. Systemically, every solution that we have had before has been turned down; the argument has been pat--'Local government can't afford it.' I'm telling you that individual property owners can no longer, out of their own pocket, afford it. If environmental protection is important, then society as a whole should be willing to pay for it. Local governments should be willing to budget that, just like they budget roads, just like they budget social services. That has to be figured in what their budgets are now, because people have said that protection is important, but it is time that everybody starts paying it and not just single property owners scattered throughout this state."

#### REMARKS BY SENATOR ROACH

Senator Roach: "Thank you, Mr. President. You maybe know that I work in King County and I work a lot with constituents. During the last few years, I have had grown men cry on the phone for the losses that have been imposed on them by government. For some members, I would like to either inform you if you don't know or remind you that in King County, they--the voters--authorized outright buy-outs of land. In King County, the voters also authorized development rights buy-outs--legitimate ways of acquiring land and people were compensated. Then began a series of declarations and rezones and those people weren't compensated in any way. I understand that we do have by a court ruling, the ability to zone, but there is an extent to which we need to understand that property owners need to be compensated.

"I believe that our State Constitution and the U.S. Constitution let us know. The fifth amendment of the Constitution of the United States says that there shall be no taking without compensation. I love the founding fathers of the state of Washington, because they go just one step further--'No private property shall be taken or damaged for public or private use without just compensation having first been made.' I think that is important to understand that our founding fathers took it just a little further, because they understood the nature of government and they have provided this extra protection for us. Unfortunately, legislators in the past--Legislatures in the past--have not been so responsive and we find ourselves buffeted one way or another by Initiatives solely because the Legislature hasn't addressed the issues the way the people want them addressed. I'm glad to know that they have the powers they do vested in them, and I'll be voting 'yes.'

#### REMARKS BY SENATOR McAULIFFE

Senator McAuliffe: "Thank you, Mr. President. Let me tell you a story and this is a story about myself. I am an individual property owner; I own two acres in King County. In 1989, a historic building that I own was caught on fire and needed to be remodeled and updated. I went to the King County Building and Land Department and put in my application for a permit. At that time, I was told that I would never get a permit for this property under the laws of this state. There were too many regulations, there were too many piled on top of each other; they would affect my stream, my historic building, my--let me see how I can say this--overlay of my parking lot. I didn't think I ever wanted to know about a grass line swale, I didn't think that I ever cared about an underground storage tank.

"Let me tell you, that six years later, I did receive a permit. I played by the rules; they were tough and they were hard. As an individual property owner, I didn't always have the money to gut through with the big projects, but I did it. Why did I do it, because I believed in the environment and I believed in playing by the rules. I want my creek restored and I want my building to be something that everyone could be proud of. I ask you to play by the rules. Initiative 164 does not do that. You have usurped this process, taken this from this committee after it has been heard, researched, evaluated and voted against and now you are usurping the process again. I'm afraid you are not playing by the rules and I am very disappointed in that--by this body."

#### REMARKS BY SENATOR PRENTICE

Senator Prentice: "Thank you, Mr. President. It is pretty clear what is happening in this room is that a minority of the people--those in this room--are going to be cramming their view down on the people of this state. I have to ask myself, 'Why they are so unwilling to let the people of this state vote on this?' I am absolutely certain and they know, also, that this would be voted down overwhelmingly when the people know what this is about. Why am I so sure? In the last race for the Land Commissioner, the current Land Commissioner was labeled an outright environmentalist--outright environmentalist. So, there she sits proudly commissioning the lands for whatever that means. Others have spoken more eloquently about what this harms--what harm this Initiative will do--not only to the environment, to jobs, to schools, the very financial underpinning of our state.

"Let's look at what this really is. Land developers have been hiding behind and manipulating elderly people. This is not about property rights; it is about greed--buck naked greed. I urge you to defeat this."

#### REMARKS BY SENATOR FRANKLIN

Senator Franklin: "Thank you, Mr. President. Ladies and gentlemen of the Senate, we hear the underpinnings of tiresome, boredom, get on with it, but this is indeed a very, very complex issue. It sounds really--property rights--I'm all for property rights and in regards to the



illustrious Senator, I am very sensitive to his concerns. Having served on the Pierce County Commission for nine years, we came in contact in regards to this issue--the issue of taking. I knew that eventually, if it were not resolved that we would, in the future, would have been faced with an Initiative. Unfortunately, this Initiative, really, it touches the lives of everyone. It is not just for one particular group of people. The complexity of it will determine the future of all Washingtonians and tourists as they come and as we live in our beautiful state.

"Let us not think that it is just simply private property rights of which I am a strong believer, but the underpinning of what it is all about. It is a complex issue; it needs the debate within the public arena--the debate because John Q. Public out there--the citizens really do not understand what is going on here tonight--I really do not think at all. Because of my interest, having served on the Natural Resources Committee, I took this during the interim and went to Eastern Washington and had meetings dealing with the issue of property rights. The solution is not in this Initiative. I think now that if it is passed, that I will be in the wrong profession, that I will return to law school and earn a lot of money, because certainly this will not compare to it--go back to law school to become fully employed as a land use attorney and we will go from there."

#### REMARKS BY SENATOR WINSLEY

Senator Winsley: "Thank you, Mr. President, and ladies and gentlemen of the Senate. I represent a very suburban area and two of the areas in my district, Lakewood and University Place, just voted for incorporation. Last November, University Place, for the first time, put incorporation on the ballot and by eighty-two percent, the people voted to incorporate. What was the issue--growth and a lack of county regulation. People were tired of all the apartments that were being built. University Place is basically homes on a hill, overlooks Puget Sound. They were seeing new homes being built, trees being cut down and when it rained, the people down below were getting the mud from the homes of the people up above. One man had his garage washed away in the rain down below from the water that was coming down the bank--growth and a lack of county regulations.

"Lakewood voted, just this March, by a sixty percent vote to incorporate. What was the issue? Growth, lack of county regulations, too many apartments, too much strip zoning. There was a brochure that was put out. On the outside of the cover, it showed a picture of a man and his child walking along the lake and it said, 'This is not the real Lakewood,' and when you opened it up, there was a collage of about twenty-five apartment complexes-- and as it went on there was a picture of each one-- and they put them together and that was the whole message.

"For us down here, sent by the people that elect us, I feel that I am representing my district when ninety thousand people--sixty thousand of Lakewood, thirty thousand of University Place, can vote for incorporation with eighty-two percent of the vote. There is a strong message there. Yes, I suppose if I represented a rural area, I will look at this issue much differently, but we are here. For the suburbanites who just incorporated because they don't feel that the county is doing their job, I'm afraid they are going to get a message through this Initiative that they are probably not going to be able to put the brakes on growth as they thought they would. So, I am voting 'no' on behalf of my district."

#### REMARKS BY SENATOR HAUGEN

Senator Haugen: "Thank you, Mr. President. Well, it is really sad for Frank and his widow and I think the worst thing about it is that this is another false hope. This is an example of the Legislature riding into town again on its white horse, passing 164 and going out to the people and saying, 'We passed property rights,' only for it to end up in court. Frank's widow, I hope she lives long enough, I hope she has the ability to hire an attorney. Everyone, both pros and con--our colleagues in the House spent hours and hours trying to clarify what it says, because everyone knows it isn't clear what it says. I don't want to go into that; I think that the thing that is so ironic is that this undoes all the work that we did on regulatory reform and all the work we did on SEPA and GMA.

"What this does, it makes every action that local government takes--just read Section 7 where it says, 'Any action, requirement, or restriction by a governmental entity, other than actions to prevent or abate public nuisances'--which is very difficult to prove--that limits the use of public development'-- has to have a full economic development, which has to be prepared within thirty days. What does that do? It tells you that local governments simply aren't going to do it.

"Worst of all, what this does is that this guts the Growth Management Act of this state. Now, a lot of you say that is not true. Let me tell you, as of the tenth of this month, fifty cities have fully adopted growth management plans and four counties. Now, you and I both know that is a whole lot--and there are a whole lot more out there doing it. What this Initiative does it puts a very chilling effect on what is happening out there. All of those local governments will now stop their work.

"I had the privilege to work on growth management in this state and no matter what people think, growth management wasn't about a grand vision of what the state of Washington would look like, although I will maintain, that the people live in the state of Washington for the quality of life. It was about predictability, because from what we heard from developers and the small home owners, that they couldn't get a permit and they couldn't get through the whole maze and it is going to be back to that. I maintain that all those people who put their money in this and I don't want to question their reasons for doing that, but they will be here saying, 'You must do something; we must be able to get our permits,' because local governments aren't going to do it.

"This truly does gut the Growth Management Act and perhaps that is what you want, but for you to go back into your districts and look them in the eye and say, 'I did something for property rights' is a lie. This is nothing for property rights; this is nothing but something to be fought in the courts. Someday we will have to come back and try to fix it. Tomorrow, I will be on the streets gathering signatures so that the people have the right--have the right--to vote on that and I would urge you to have the courage to give them the right to vote on that. The public debate has only begun in this building; it will be continued in every town hall, every grange hall, every community center in this state."

#### REMARKS BY THE PRESIDENT

President Pritchard: "The clerk will call the roll on the final passage of Initiative 164."

#### ROLL CALL

The Secretary called the roll and Initiative 164 passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Hale, Hargrove, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Prince, Rasmussen, Roach, Schow, Sellar, Snyder, Strannigan, Swecker, West and Wood - 28.

Voting nay: Senators Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Haugen, Heavey, Kohl, McAuliffe, Pelz, Prentice, Quigley, Rinehart, Sheldon, Smith, Spanel, Sutherland, Winsley and Wojahn - 20.  
Excused: Senator Anderson, C. - 1.

MOTION

At 5:05 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Wednesday, April 19, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDREDTH DAY, APRIL 18, 1995

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**ONE HUNDRED-FIRST DAY**

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MORNING SESSION

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House Chamber, Olympia, Wednesday, April 19, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding) presiding. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mary Hammond and Tricia Feliciano. Prayer was offered by Reverend Paul Norris of The Lacey Community Church.

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

**MESSAGES FROM THE SENATE**

April 18, 1995

Mr. Speaker:

The President has passed:

SENATE INITIATIVE NO. 164,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 18, 1995

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5012,  
SUBSTITUTE SENATE BILL NO. 5017,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5064,  
SUBSTITUTE SENATE BILL NO. 5084,  
SENATE BILL NO. 5287,  
ENGROSSED SENATE BILL NO. 5397,  
SENATE BILL NO. 5445,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5503,  
SENATE BILL NO. 5523,  
SUBSTITUTE SENATE BILL NO. 5537,

and the same are herewith transmitted.

Marty Brown, Secretary

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

### THIRD READING

There being no objection, the House considered the following bills in the following order: House Bill No. 1088, Substitute House Bill No. 1123, House Bill No. 1136 and Substitute House Bill No. 1140.

### SENATE AMENDMENTS TO HOUSE BILL

April 4, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1088 with the following amendments:

On page 8, line 2, after "9.94A.127" insert "or 13.40.135"

On page 15, after line 6, insert the following:

**"Sec. 5.** RCW 13.40.150 and 1992 c 205 s 109 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

- (a) Violations which are current offenses count as misdemeanors;
- (b) Violations may not count as part of the offender's criminal history;
- (c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

- (a) Consider the facts supporting the allegations of criminal conduct by the respondent;
- (b) Consider information and arguments offered by parties and their counsel;
- (c) Consider any predisposition reports;

(d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any;

(g) Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

- (v) There has been at least one year between the respondent's current offense and any prior criminal offense;
- (i) Consider whether or not any of the following aggravating factors exist:
- (i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;
- (ii) The offense was committed in an especially heinous, cruel, or depraved manner;
- (iii) The victim or victims were particularly vulnerable;
- (iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;
- (v) The current offense included a finding of sexual motivation pursuant to RCW ((9.94A.127)) 13.40.135;
- (vi) The respondent was the leader of a criminal enterprise involving several persons; and
- (vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.
- (4) The following factors may not be considered in determining the punishment to be imposed:
- (a) The sex of the respondent;
- (b) The race or color of the respondent or the respondent's family;
- (c) The creed or religion of the respondent or the respondent's family;
- (d) The economic or social class of the respondent or the respondent's family; and
- (e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.
- (5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community."

On page 1, line 2 of the title, after "9A.44.130," strike "and 9A.44.140" and insert "9A.44.140, and 13.40.150"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Ballasiotes moved that the House concur in the Senate amendments to House Bill No. 1088 and pass the bill as amended by the Senate.

Representative Ballasiotes spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1088 as amended by the Senate.

Representatives Ballasiotes and Quall spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Brown, Representatives Appelwick, Sommers, Morris and Patterson were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1088 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 1, Excused - 9.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Cody, Cole,

Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Absent: Representative Poulsen - 1.

Excused: Representatives Appelwick, Benton, Chandler, Clements, Cooke, Hickel, Morris, Patterson and Sommers - 9.

House Bill No. 1088, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1123 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) The expansion of international trade is vital to the overall growth of Washington's economy;

(b) On a per capita basis, Washington state is the most international trade dependent state in the nation;

(c) The north american free trade agreement (NAFTA) and the general agreement on tariffs and trade (GATT) highlight the increased importance of international trade opportunities to the United States and the state of Washington;

(d) The passage of NAFTA and GATT will have a major impact on the state's agriculture, aerospace, computer software, and textiles and apparel sectors;

(e) There is a need to strengthen and coordinate the state's activities in promoting and developing its agricultural, manufacturing, and service industries overseas, especially for small and medium-sized businesses, and minority and women-owned business enterprises; and

(f) The importance of having a coherent vision for advancing Washington state's interest in the global economy has rarely been so consequential as it is now.

(2) The legislature declares that the purpose of the office of the Washington state trade representative is to strengthen and expand the state's activities in marketing its goods and services overseas.

**NEW SECTION. Sec. 2.** The office of the Washington state trade representative is created under the office of the governor. The office shall serve as the state's official liaison with foreign governments on trade matters.

The office of the Washington state trade representative may accept or request grants or gifts from citizens and other private sources to be used to defray the costs of appropriate hosting of foreign dignitaries, including appropriate gift-giving and reciprocal gift-giving, or other activities of the office. The office shall open and maintain a bank account into which it shall deposit all money received under this section. Such money and the interest accruing thereon shall not constitute public funds, shall be kept segregated and apart from funds of the state, and shall not be subject to appropriation or allotment by the state or subject to chapter 43.88 RCW.

**NEW SECTION. Sec. 3.** (1) The executive and administrative head of the office of the Washington state trade representative shall be the governor's special trade representative. The

governor's special trade representative shall be appointed by the governor with consent of the senate, and shall serve at the pleasure of the governor. The governor's special trade representative shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

(2) The governor's special trade representative shall supervise and administer the activities of the office of the Washington state trade representative and shall advise the governor and legislature with respect to trade matters affecting the state.

(3) The governor's special trade representative may establish a trade advisory council to:

(a) Advise the governor and legislature on mechanisms for enhancing the state export promotion and assistance efforts;

(b) Evaluate proposals for enhancement, coordination, and structure of the state's activities in international trade, including but not limited to proposals on new or expanded overseas trade offices, sister-state relations, and new trade priorities for the state, and make recommendations to the legislature and the governor on the merits of such proposals; and

(c) Provide the special trade representative with such advice and assistance as may be necessary to carry out the purposes of the office of the Washington state trade representative.

(4) The governor's special trade representative may hire such personnel as may be necessary for the general administration of the office. To the extent permitted by law, state agencies may temporarily assign staff to the office of the Washington state trade representative to assist in carrying out the office's duties and responsibilities under this chapter.

(5) The governor's special trade representative is authorized to:

(a) Consult with the department of agriculture and the various agricultural commissions, created in Title 15 RCW, on the promotion of Washington agricultural commodities overseas; and

(b) Consult with the department of community, trade, and economic development on the promotion of Washington goods and services overseas.

**NEW SECTION. Sec. 4.** Sections 2 and 3 of this act shall constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "trade;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative D. Schmidt moved that the House concur in the Senate amendments to Substitute House Bill No. 1123 and pass the bill as amended by the Senate.

Representative Sheldon spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1123 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1123 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin,



McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 90.

Excused: Representatives Benton, Chandler, Clements, Cooke, Morris, Patterson, Poulsen and Sommers - 8.

Substitute House Bill No. 1123, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1136 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the responsibility for criminal activity should fall squarely on the criminal. To the greatest extent possible society should not be expected to have to pay the price for crimes twice, once for the criminal activity and again by feeding, clothing, and housing the criminal. The corrections system should be the first place criminals are given the opportunity to be responsible for paying for their criminal act, not just through the loss of their personal freedom, but by making financial contributions to alleviate the pain and suffering of victims of crime.

**NEW SECTION. Sec. 2.** A new section is added to chapter 72.09 RCW to read as follows:

Each year the department shall transfer twenty-five percent of the total annual revenues and receipts received in each institutional betterment fund subaccount to the department of labor and industries for the purpose of providing direct benefits to crime victims through the crime victims' compensation program as outlined in chapter 7.68 RCW. This transfer takes priority over any expenditure of betterment funds and shall be reflected on the monthly financial statements of each institution's betterment fund subaccount.

Any funds so transferred to the department of labor and industries shall be in addition to the crime victims' compensation amount provided in an omnibus appropriation bill. It is the intent of the legislature that the funds forecasted or transferred pursuant to this section shall not reduce the funding levels provided by appropriation.

**Sec. 3.** RCW 7.68.090 and 1973 1st ex.s. c 122 s 9 are each amended to read as follows:

The director shall establish such fund or funds, separate from existing funds, necessary to administer this chapter, and payment to these funds shall be from legislative appropriation, statutory provision, reimbursement and subrogation as provided in this chapter, and from any contributions or grants specifically so directed."

On page 1, line 1 of the title, after "accounts;" strike the remainder of the title and insert "amending RCW 7.68.090; adding a new section to chapter 72.09 RCW; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ballasiotes moved that the House concur in the Senate amendments to House Bill No. 1136 and pass the bill as amended by the Senate.

Representative Ballasiotes spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1136 as amended by the Senate.

Representatives Ballasiotes and Quall spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1136 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 90.

Excused: Representatives Benton, Chandler, Clements, Cooke, Morris, Patterson, Poulsen and Sommers - 8.

House Bill No. 1136, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1140 with the following amendments:

On page 2, line 5, after "any" insert "gross misdemeanor or felony"

On page 2, line 11, after "committing any" insert "gross misdemeanor or felony"

On page 2, line 17, after "committing any" insert "gross misdemeanor or felony"

On page 7, after line 24, insert the following:

"(i) The current offense was one of domestic violence as defined in RCW 10.99.020."

On page 7, after line 24, insert the following:

"(i) The current offense was a violent offense committed to obstruct or hinder legal abortions and the victim was an employee, volunteer, or patient of a health care facility as defined in RCW 9A.50.010 where legal abortions are performed. For purposes of this subsection (2)(i), "employee" includes a person contracting with the health care facility."

and the same are herewith transmitted.

Marty Brown, Secretary

### MOTION

Representative Sheahan moved that the House not concur in the Senate amendments to Substitute House Bill No. 1140 and ask the Senate to recede therefrom.

### POINT OF ORDER

Representative Sheahan: Thank you Mr. Speaker. I would request a ruling on the scope and object of the Senate amendments to Substitute House Bill No. 1140.

There being no objection, the House deferred further consideration of Substitute House Bill No. 1140 and the bill held its place on the third reading calendar.

### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1060 with the following amendments:

On page 10, after line 36, insert the following:

**"Sec. 8.** RCW 66.24.420 and 1981 1st ex.s. c 5 s 45 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be seven hundred dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated	
Cities and towns	Fees
Less than 20,000	\$1,200
20,000 or over	\$2,000

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: Two thousand dollars; this fee shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: PROVIDED, FURTHER, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(f) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property or, in the case of a class H licensed hotel, property owned or controlled by leasehold interest by that hotel for use as a conference or convention center or banquet facility open to the general public for special events in the same metropolitan area, at the discretion of the board and a duplicate license may be issued for each additional place: PROVIDED, That the holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license: PROVIDED FURTHER, That an additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of class H licenses issued in the state of Washington by the board, not including those class H licenses issued to clubs, shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community."

On page 1, line 3 of the title, after "66.24.330," insert "66.24.420,"

On page 11, after line 31, insert the following:

**"Sec. 9.** RCW 66.28.180 and 1985 c 226 s 4 are each amended to read as follows:

It is unlawful for a person, firm, or corporation holding a certificate of approval issued under RCW 66.24.270 or 66.24.206, a beer wholesaler's license, a brewer's license, a beer importer's license, a domestic winery license, a wine importer's license, or a wine wholesaler's license within the state of Washington to modify any prices without prior notification to and approval of the board.

(1) Intent. This section is enacted, pursuant to the authority of this state under the twenty-first amendment to the United States Constitution, to promote the public's interest in fostering the orderly and responsible distribution of malt beverages and wine towards effective control of consumption; to promote the fair and efficient three-tier system of distribution of such beverages; and to confirm existing board rules as the clear expression of state policy to regulate the manner of selling and pricing of wine and malt beverages by licensed suppliers and wholesalers.

(2) Beer and wine wholesale price posting. (a) Every beer or wine wholesaler shall file with the board at its office in Olympia a price posting showing the wholesale prices at which any and all brands of beer and wine sold by such beer and/or wine wholesaler shall be sold to retailers within the state.

(b) Each price posting shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth:

(i) All brands, types, packages, and containers of beer offered for sale by such beer and/or wine wholesaler;

(ii) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(c) No beer and/or wine wholesaler may sell or offer to sell any package or container of beer or wine to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer and/or wine wholesaler and then in effect, according to rules adopted by the board.

(d) Quantity discounts are prohibited. No price may be posted that is below acquisition cost plus ten percent of acquisition cost. However, the board is empowered to review periodically, as it may deem appropriate, the amount of the percentage of acquisition cost as a minimum mark-up over cost and to modify such percentage by rule of the board, except such percentage shall be not less than ten percent.

(e) Wholesale prices on a "close-out" item shall be accepted by the board if the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(f) The board may reject any price posting that it deems to be in violation of this section or any rule, or portion thereof, or that would tend to disrupt the orderly sale and distribution of beer and wine. Whenever the board rejects any posting, the licensee submitting the posting may be heard by the board and shall have the burden of showing that the posting is not in violation of this section or a rule or does not tend to disrupt the orderly sale and distribution of beer and wine. If the posting is accepted, it shall become effective at the time fixed by the board. If the posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this section.

(g) All price postings filed as required by this section shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

(h) Any beer and/or wine wholesaler or employee authorized by the wholesaler-employer may sell beer and/or wine at the wholesaler's posted prices to any class A, B, C, D, E, F, H, G, or J licensee upon presentation to the wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(i) Every class A, B, C, D, E, F, H, G, or J licensee, upon purchasing any beer and/or wine from a wholesaler, shall immediately cause such beer or wine to be delivered to the licensed premises, and the licensee shall not thereafter permit such beer to be disposed of in any manner except as authorized by the license.

(ii) Beer and wine sold as provided in this section shall be delivered by the wholesaler or an authorized employee either to the retailer's licensed premises or directly to the retailer at the wholesaler's licensed premises. A wholesaler's prices to retail licensees shall be the same at both such places of delivery.

(3) Beer and wine suppliers' price filings, contracts, and memoranda. (a) Every brewery and winery offering beer and/or wine for sale within the state shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewery or winery may have with any beer or wine wholesaler, which contracts or memoranda shall contain a schedule of prices charged to wholesalers for all items and all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances, and incentive programs; and all commissions, bonuses or gifts, and any and all other discounts or allowances. Whenever changed or modified, such revised contracts or memoranda shall forthwith be filed with the board as provided for by rule. The provisions of this section also apply to certificate of approval holders, beer and/or wine importers, and beer and/or wine wholesalers who sell to other beer and/or wine wholesalers.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages, and containers of beer or

wine offered for sale by such licensed brewery or winery; all additional information required may be filed as a supplement to the price schedule forms.

(b) Prices filed by a brewery or winery shall be uniform prices to all wholesalers on a state-wide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed that is below acquisition/production cost plus ten percent of that cost, except that acquisition cost plus ten percent of acquisition cost does not apply to sales of beer or wine between a beer or wine importer who sells beer or wine to another beer or wine importer or to a beer or wine wholesaler, or to a beer or wine wholesaler who sells beer or wine to another beer or wine wholesaler. However, the board is empowered to review periodically, as it may deem appropriate, the amount of the percentage of acquisition/production cost as a minimum mark-up over cost and to modify such percentage by rule of the board, except such percentage shall be not less than ten percent.

(c) No brewery, winery, certificate of approval holder, wine importer, or wine wholesaler may sell or offer to sell any beer or wine to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(d) No brewery or winery may sell or offer to sell any package or container of beer or wine to any wholesaler at a price differing from the price for such package or container as shown in the schedule of prices filed by the brewer or domestic winery and then in effect, according to rules adopted by the board.

(e) The board may reject any supplier's price filing, contract, or memorandum of oral agreement, or portion thereof that it deems to be in violation of this section or any rule or that would tend to disrupt the orderly sale and distribution of beer or wine. Whenever the board rejects any such price filing, contract, or memorandum, the licensee submitting the price filing, contract, or memorandum may be heard by the board and shall have the burden of showing that the price filing, contract, or memorandum is not in violation of this section or a rule or does not tend to disrupt the orderly sale and distribution of beer or wine. If the price filing, contract, or memorandum is accepted, it shall become effective at a time fixed by the board. If the price filing, contract, or memorandum, or portion thereof, is rejected, the last effective price filing, contract, or memorandum shall remain in effect until such time as an amended price filing, contract, or memorandum is filed and approved, in accordance with the provisions of this section.

(f) All prices, contracts, and memoranda filed as required by this section shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential."

On page 1, line 3 of the title, after "66.24.330," strike "and 66.24.490" and insert "66.24.490, and 66.28.180"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Lisk moved that the House concur in the Senate amendments to House Bill No. 1060 and pass the bill as amended by the Senate.

Representatives Lisk and Romero spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1060 as amended by the Senate.

Representatives Lisk and Romero spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1060 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Chandler, Clements, Cooke and Patterson - 5.

House Bill No. 1060, as amended by the House, having received the constitutional majority, was declared passed.

## RESOLUTION

HOUSE RESOLUTION NO. 95-4672, by Representatives Boldt, Benton, Carlson, Pennington, Morris, Ogden and Robertson

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Evergreen Plainsmen High School boys basketball team has exhibited the highest level of excellence in winning the 1995 Class AAA State Basketball Championship; and

WHEREAS, This level of excellence is built upon an admirable and solid foundation of success in which the Plainsmen crafted a record of 29-0 during the "Season of Perfection," while the team members also attained superior academic performance, with a team cumulative grade point average of 3.786 and with distinctive scholarship by Matt Dymant, Knute Nesland, Derrick Nesland, Paul Jones, Jason Myers, Aaron Carlson, and Sean Janson who all achieved a perfect 4.0 grade point average; and

WHEREAS, Achievement in sports is kindred to the values for achievement in life inasmuch as the setting of the very highest goals and aspirations and the persistence, dedication, sacrifice, commitment, focus, effort, teamwork, skill, and talent to obtain those goals and aspirations all correspond to lifetime and personal achievement; and

WHEREAS, The extraordinary achievements of the Evergreen High School basketball team are due to the outstanding individual efforts of each team member with the additional benefit of the direction and encouragement of cocaptains Matt Dymant and Paul Bustrin; and

WHEREAS, These outstanding accomplishments would not have been possible without the instruction, guidance, and leadership of Head Coach John Triplett, Assistant Coach Ken Nesland, Assistant Coach Jeff Bears, Manager Clayton Lane, and Statistician Charles Simons, nor would these accomplishments have been possible without the unequivocal support and encouragement of the Evergreen High School student body, faculty and staff, alumni, family and friends, community members, and fans;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the excellence in achievement and spirit shown by the Evergreen High School boys basketball team and for the example of inspiration such achievements have set for others; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each member of the Championship Team and Coaching Staff indicated in this Resolution as well as to the Principal of Evergreen High School, in Clark County of the great state of Washington.

Representative Boldt moved adoption of the resolution.

Representatives Boldt, Carlson and Basich spoke in favor of adoption of the resolution.

House Resolution No. 4672 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 70.94.745 and 1991 c 199 s 401 are each amended to read as follows:

(1) It shall be the responsibility and duty of the department of natural resources, department of ecology, department of agriculture, fire districts, and local air pollution control authorities to establish, through regulations, ordinances, or policy, a limited burning permit program ((for the people of this state, consisting of a one permit system, until such time as)).

(2) The permit program shall apply to residential and land clearing burning in the following areas:

(a) In the nonurban areas of any county with an unincorporated population of greater than fifty thousand; and

(b) In any city and urban growth area that is not otherwise prohibited from burning pursuant to RCW 70.94.743.

(3) The permit program shall apply only to land clearing burning in the nonurban areas of any county with an unincorporated population of less than fifty thousand.

(4) The permit program may be limited to a general permit by rule, or by verbal, written, or electronic approval by the permitting entity.

(5) Notwithstanding any other provision of this section, neither a permit nor the payment of a fee shall be required for outdoor burning for the purpose of disposal of tumbleweeds blown by wind. Such burning shall not be conducted during an air pollution episode or any stage of impaired air quality declared under RCW 70.94.714. This subsection (5) shall only apply within counties with a population less than 250,000.

(6) Burning shall be prohibited in an area when an alternate technology or method((s)) of disposing of the organic refuse ((have been developed that are)) is available, reasonably economical, and less harmful to the environment. It is the policy of this state to foster and encourage development of alternate methods or technology for disposing of or reducing the amount of organic refuse.

(7) Incidental agricultural burning must be allowed without applying for any permit and without the payment of any fee if:

(a) The burning is incidental to commercial agricultural activities;

(b) The operator notifies the local fire department within the area where the burning is to be conducted;

(c) The burning does not occur during an air pollution episode or any stage of impaired air quality declared under RCW 70.94.715; and

(d) Only the following items are burned:

(i) Orchard prunings;

(ii) Organic debris along fence lines or irrigation or drainage ditches; or

(iii) Organic debris blown by wind.

(8) As used in this section, "nonurban areas" are unincorporated areas within a county that is not designated as an urban growth area under chapter 36.70A RCW.

(9) Nothing in this section shall require fire districts to enforce air quality requirements related to outdoor burning, unless the fire district enters into an agreement with the department of ecology, department of natural resources, a local air pollution control authority, or other appropriate entity to provide such enforcement."

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 70.94.745."



and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Pennington moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1080 and pass the bill as amended by the Senate.

Representatives Pennington and Mastin spoke in favor of the motion.

Representatives Rust and Basich spoke against the motion.

The motion was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1080 as amended by the Senate.

Representatives Pennington and Honeyford spoke in favor of passage of the bill.

Representative Basich spoke against passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1080 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 76, Nays - 19, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Cody, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria and Mr. Speaker - 76.

Voting nay: Representatives Basich, Brown, Chopp, Cole, Conway, Dellwo, Dickerson, Ebersole, Fisher, R., Mason, Ogden, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle and Wolfe - 19.

Excused: Representatives Benton, Clements and Patterson - 3.

Engrossed Substitute House Bill No. 1080, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

#### RESOLUTION

HOUSE RESOLUTION NO. 95-4680, by Representatives Wolfe, Clements, Patterson, Lisk, Cole, Brumsickle, Valle, Horn, Kremen, Hatfield, Kessler, Sheldon, Tokuda, Cairnes, Mastin, Cody, Morris, Conway, Rust, Grant, Elliot, Dickerson, Thibaudeau, Robertson, Talcott, Chappell, Regala, Ogden, D. Schmidt, Veloria, Mulliken and Lambert

WHEREAS, The legislature recognizes that our children are one of the most cherished parts of our lives, representing our heritage, hopes, values and ideals for the future; and

WHEREAS, The legislature recognizes that each of our earnest efforts and endeavors, whether legislative, professional or personal, seeks to leave a worthwhile legacy and provides a foundation upon which our children can build a prosperous and bright future; and

WHEREAS, The citizens of the great state of Washington recognize the highest importance of our children by preparing them to meet the untold challenges of the future, wherein forty-eight percent of the state general fund budget for kindergarten through twelfth grade is allocated for primary and secondary education and twelve percent of the state general fund is allocated for higher education and wherein the legislature of the great state of Washington declared in 1993, and passed in statute, that the second Sunday of each October of each year as "Children's Day,"; and

WHEREAS, The legislature of the state of Washington hereby recognizes that April 19, 1995, will be recognized as "Bring Your Children to Work Day" in the legislature, wherein children of legislators and staff have the opportunity to observe and learn of the various responsibilities and activities of their parents;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington does hereby recognize our children as one of the most cherished parts of our lives as well as April 19, 1995, being observed as "Bring Your Children to Work Day" in the legislature of the great state of Washington, and also reaffirms the spirit and principles indicated herein and especially honors the spirit of "Children's Day."

Representative Wolfe moved adoption of the resolution.

Representatives Wolfe, Brumsickle, Brown, Johnson, Ebersole, Beeksmas, Elliot, Reams, Mitchell and Dickerson spoke in favor the resolution.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

#### ROLL CALL

The Clerk called the roll on the adoption of House Resolution No. 4680 and the resolution was adopted by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Absent: Representative Talcott - 1.

Excused: Representatives Benton and Clements - 2.

House Resolution No. 4680 was adopted.

#### SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE INITIATIVE NO. 164,

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1547 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.22.072 and 1993 c 177 s 2 are each amended to read as follows:

The committee appointed pursuant to RCW 48.22.071 shall submit a report to the legislature no later than January 1(~~(, 1994 and 1995)~~) of each year, summarizing the activities of the plan adopted under RCW 48.22.070 during its most recent fiscal year and since its inception. (~~(The committee shall in each report examine, based on the experience of the plan or other information made available to it, whether the Washington state industrial insurance fund should participate in the plan adopted pursuant to RCW 48.22.070; whether there are methods that will satisfy the intent of chapter 209, Laws of 1992 that will not involve the Washington state industrial insurance fund; and the feasibility of requiring that this coverage be made directly available through the Washington state industrial insurance fund.)~~)

NEW SECTION. **Sec. 2.** 1993 c 177 s 3 & 1992 c 209 s 6 (uncodified) are each repealed.

NEW SECTION. **Sec. 3.** This act shall expire on July 1, 1997.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 48.22.072; repealing 1993 c 177 s 3 and 1992 c 209 s 6 (uncodified); providing an expiration date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative L. Thomas moved that the House not concur in the Senate amendments to Substitute House Bill No. 1547.

Representatives L. Thomas and Wolfe spoke in favor of the motion and it was carried.

#### SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1560 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.36.010 and 1993 c 54 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle that is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated

upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas or liquid, by whatsoever name such gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state; also every person who acquires motor vehicle fuel, on which the tax has not been paid, and exports it by commercial motor vehicle as defined in RCW 82.37.020 to a location outside the state. For the purposes of liability for a county fuel tax, "distributor" has that meaning defined in the county ordinance imposing the tax;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of licensing;

(6) "Director" means the director of licensing;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

(15) "Alcohol" means alcohol that is produced from renewable resources;

(16) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account;

(17) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement, misrepresentation of fact, or other act of deception; or

(b) An intentional: Omission, failure to file a return or report, or other act of deception.

**Sec. 2.** RCW 82.36.380 and 1961 c 15 s 82.36.380 are each amended to read as follows:

~~((Any person failing to pay the tax as herein provided, or violating any of the other provisions of this chapter, or making any false statement, or concealing any material fact in any report, record, affidavit, or claim provided for herein, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.))~~

(1) It is unlawful for a person or corporation to evade a tax or fee imposed under this chapter.

(2) Evasion of taxes or fees under this chapter is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of fifty percent of the tax evaded, to the general fund of the state.

**Sec. 3.** RCW 82.38.020 and 1994 c 262 s 22 are each amended to read as follows:

As (~~hereinafter~~) used in this chapter:

(1) "Person" means every natural person, fiduciary, association, or corporation. The term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(2) "Department" means the department of licensing.

(3) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

(4) "Motor vehicle" means every self-propelled vehicle designed for operation upon land utilizing special fuel as the means of propulsion.

(5) "Special fuel" means and includes all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor vehicle fuel as defined in chapter 82.36 RCW.

(6) "Bulk storage" means the placing of special fuel by a special fuel dealer into a receptacle other than the fuel supply tank of a motor vehicle.

(7) "Special fuel dealer" means any person engaged in the business of delivering special fuel into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him, or into bulk storage facilities for subsequent use in a motor vehicle. For this purpose the term "fuel supply tank or tanks" does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.

(8) "Special fuel user" means any person purchasing special fuel into bulk storage without payment of the special fuel tax for subsequent use in a motor vehicle, or any person engaged in interstate commercial operation of motor vehicles any part of which is within this state.

(9) "Service station" means any location at which fueling of motor vehicles is offered to the general public.

(10) "Unbonded service station" means any service station at which an unbonded special fuel dealer regularly makes sales of special fuel by means of delivery thereof into the fuel supply tanks of motor vehicles.

(11) "Bond" means: (a) A bond duly executed by such special fuel dealer or special fuel user as principal with a corporate surety qualified under the provisions of chapter 48.28 RCW which bond shall be payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations of such dealer, arising out of this chapter; or (b) a deposit with the state treasurer by the special fuel dealer or special fuel user, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Washington, or any county of said state, of an actual market value not less than the amount so fixed by the department; or (c) such other instruments as the department may determine and prescribe by rule to protect the interests of the state and to insure compliance of the requirements of this chapter.

(12) "Lessor" means any person (a) whose principal business is the bona fide leasing or renting of motor vehicles without drivers for compensation to the general public, and (b) who maintains established places of business and whose lease or rental contracts require such motor vehicles to be returned to the established places of business.

(13) "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form.

(14) "Standard pressure and temperature" means fourteen and seventy-three hundredths pounds of pressure per square inch at sixty degrees Fahrenheit.

(15) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement, misrepresentation of fact, or other act of deception; or

(b) An intentional: Omission, failure to file a return or report, or other act of deception.

**Sec. 4.** RCW 82.38.270 and 1979 c 40 s 19 are each amended to read as follows:

~~((It shall be unlawful for any person to:~~

~~(1) Refuse, or knowingly and intentionally fail to make and file any statement required by this chapter in the manner or within the time required;~~

~~(2) Knowingly and with intent to evade or to aid in the evasion of the tax imposed herein to make any false statement or conceal any material fact in any record, return, or affidavit provided for in this chapter;~~

~~(3) Conduct any activities requiring a license under this chapter without a license or after a license has been suspended, surrendered, canceled, or revoked;~~

~~(4) Fail to keep and maintain the books and records required by this chapter;~~

~~(5) Divert special fuel purchased for a nontaxable use to a use subject to the taxes imposed by this chapter without payment of the taxes as required by this chapter.~~

~~Except as otherwise provided by law, any person violating any of the provisions of this chapter shall be guilty of a gross misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, or imprisonment for not more than one year, or both.~~

~~The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of this chapter.)) (1) It is unlawful for a person or corporation to evade a tax or fee imposed under this chapter.~~

(2) Evasion of taxes or fees under this chapter is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of fifty percent of the tax evaded, to the general fund of the state.

**Sec. 5.** RCW 9A.04.080 and 1993 c 214 s 1 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder;

(ii) Arson if a death results.

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results; or

(iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission; except that if the victim is under fourteen years of age when the rape is committed and the rape is reported to a law enforcement agency within one year of its commission, the violation may be prosecuted up to three years after the victim's eighteenth birthday or up to ten years after the rape's commission, whichever is later. If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted: (A) More than three years after its commission if the violation was committed against a victim fourteen years of age or older; or (B) more than three years after the victim's eighteenth birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under fourteen years of age.

(c) Violations of the following statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, 9A.44.100(1)(b), or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) No other felony may be prosecuted more than three years after its commission.

- (h) No gross misdemeanor may be prosecuted more than two years after its commission.
- (i) No misdemeanor may be prosecuted more than one year after its commission.
- (2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.
- (3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside."

In line 1 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 82.36.010, 82.36.380, 82.38.020, 82.38.270, and 9A.04.080; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### MOTION

Representative K. Schmidt insists on its position regarding the Senate amendments to Substitute House Bill No. 1560. The motion was carried.

### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1630 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 18.27 RCW to read as follows:

The purposes of this chapter are to protect the general welfare of the residents of this state who purchase construction services and the general economic welfare of business in compliance with this chapter, to enhance state revenue collections, and to promote compliance and enforcement of this chapter by providing swift and meaningful penalties for those failing to register as required by this chapter.

This chapter shall be strictly enforced to accomplish these purposes. Therefore, the doctrine of substantial compliance shall not be used by the department in the application and construction of this chapter. Anyone engaged in the activities of a contractor is presumed to know the requirements of this chapter.

**Sec. 2.** RCW 18.27.010 and 1993 c 454 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Contractor" means any person, firm, or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works in connection therewith or who installs or repairs roofing or siding; or, who, to do similar work upon his or her own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein. "Contractor" includes any person, firm, or corporation covered by this subsection, whether or not registered as required under this chapter.

(2) "General contractor" means a contractor whose business operations require the use of more than two unrelated building trades or crafts whose work the contractor shall superintend or do in whole or in part. "General contractor" shall not include an individual who does all work personally without employees or other "specialty contractors" as defined (~~(herein)~~) in this section. The terms "general contractor" and "builder" are synonymous.

(3) "Specialty contractor" means a contractor whose operations (~~(as such)~~) do not fall within the foregoing definition of "general contractor".

(4) "Unregistered contractor" means a person, firm, or corporation doing work as a contractor without being registered in compliance with this chapter. "Unregistered contractor" includes contractors whose registration is expired for more than thirty days beyond the renewal date or has been suspended.

(5) "Department" means the department of labor and industries.

~~((5))~~ (6) "Director" means the director of the department of labor and industries.

~~((6))~~ (7) "Verification" means the receipt and duplication by the city, town, or county of a contractor registration card that is current on its face.

**Sec. 3.** RCW 18.27.020 and 1993 c 454 s 6 are each amended to read as follows:

(1) Every contractor shall register with the department.

(2) It is a misdemeanor for any contractor to:

(a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;

(b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked;

(c) Use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required; (~~(or)~~)

(d) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or

(e) Knowingly subcontract work to a person, firm, or corporation not registered as required under this chapter. However, a contractor does not commit a misdemeanor under this section if a subcontractor becomes unregistered during the course of its work without the knowledge of the contractor.

(3) All misdemeanor actions under this chapter shall be prosecuted in the county where the (~~(infraction)~~) violation occurs.

(4) The director by rule shall establish a two-year audit and monitoring program for a contractor not registered under this chapter who becomes registered after receiving an infraction or conviction under this chapter as an unregistered contractor. The director shall notify the department of revenue and the employment security department of such infractions or convictions and shall cooperate with such departments in determining whether any taxes or registration, license, or other fees or penalties are owed the state.

**Sec. 4.** RCW 18.27.030 and 1992 c 217 s 1 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(a) Employer social security number.

(b) As applicable: (i) The industrial insurance account number covering employees domiciled in Washington; and (ii) evidence of workers' compensation coverage in the applicant's state of domicile for the applicant's employees working in Washington who are not domiciled in Washington.

(c) Employment security department number.

(d) State excise tax registration number.

(e) Unified business identifier (UBI) account number may be substituted for the information required by (b), (c), and (d) of this subsection.

(f) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

(g) The name and address of each partner if the applicant be a firm or partnership, or the name and address of the owner if the applicant be an individual proprietorship, or the name and address of



the corporate officers and statutory agent, if any, if the applicant be a corporation. The information contained in such application shall be a matter of public record and open to public inspection.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(b) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3) The department shall deny an application for registration ((shall be denied)) if the applicant has been previously registered as a sole proprietor, partnership, or corporation((, and was a principal or officer of the corporation,)) and ((if)) the applicant has an unsatisfied final judgment in an action based on RCW 18.27.040((,)) that was incurred during a previous registration under this chapter. The department shall check for unsatisfied judgments under RCW 18.27.040 and a history of violations and misdemeanors when application is made. A history of violations, revoked and suspended registrations or licenses, or misdemeanors relating to the construction business may be grounds for denial.

**Sec. 5.** RCW 18.27.040 and 1988 c 139 s 1 are each amended to read as follows:

(1) Each applicant shall((, at the time of applying for or renewing a certificate of registration, file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department running to the state of Washington if a general contractor, in the sum of six thousand dollars; if a specialty contractor, in the sum of four thousand dollars,)) accompany the application for a certificate of registration with a surety bond or continuation certificate issued by a surety insurer who meets the requirements of chapter 48.28 RCW in the sum of fifteen thousand dollars if the applicant is a general contractor and ten thousand dollars if the applicant is a specialty contractor. The bond shall have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director of its intent to cancel the bond. A cancellation or revocation of the bond or withdrawal of the surety from the bond suspends the registration issued to the registrant until a new bond or reinstatement notice has been filed and approved as provided in this section. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or a portion thereof, at two or more points in time be added together in determining the surety's liability. The bond shall be conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of ((negligent or improper work or)) breach of contract including negligent or improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) Any contractor registered as of ~~((the effective date of this 1983 act))~~ July 1, 1995, who maintains such registration in accordance with this chapter shall be in compliance with this chapter until the next annual renewal of the contractor's certificate of registration. At that time, the contractor shall provide a bond, cash deposit, or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall renew the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon ~~((such))~~ the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond. Action upon ~~((such))~~ the bond or deposit shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed or abandoned. Service of process in an action against the

contractor, the contractor's bond, or the deposit shall be exclusively by service upon the department. Three copies of the summons and complaint and a fee of ten dollars to cover the handling costs shall be served by registered or certified mail upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the ten-dollar fee and three copies of the summons and complaint. ~~((Such))~~ The service shall constitute service on the registrant and the surety for suit upon the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the registrant at the address listed in his or her application and to the surety within forty-eight hours after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety shall not cumulate where the bond has been renewed, continued, reinstated, reissued or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (a) Employee labor, including employee benefits;
- (b) Claims for breach of contract by a party to the construction contract;
- (c) Material and equipment;
- (d) Taxes and contributions due the state of Washington;

(e) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover. The prevailing party in a bond claim action against the contractor and the contractor's bond, as required by this section, for breach of a construction contract is entitled to costs, interest, and reasonable attorneys' fees. In no event, however, may the combined costs, interest, attorneys' fees, and bond loss exceed the penal limit of the bond.

The total amount paid from a bond or deposit to claimants other than those asserting a claim for breach of construction contract shall not exceed in the aggregate six thousand dollars for a general contractor and four thousand dollars for a specialty contractor.

A payment made by the surety in good faith shall exonerate the bond to extent of any payment made by the surety.

(5) ~~((In the event that any))~~ If a final judgment ~~((shall))~~ impairs the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the department shall suspend the registration of ~~((such))~~ the contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims ~~((shall have been))~~ is furnished. If ~~((such))~~ the bond becomes fully impaired, a new bond must be furnished at the ~~((increased))~~ rates prescribed by this section ~~((as now or hereafter amended)).~~

(6) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

(7) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of ~~((such))~~ the certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(8) The director may ~~((promulgate))~~ adopt rules necessary for the proper administration of the security.

**Sec. 6.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each amended to read as follows:

(1) A certificate of registration shall be valid for one year and shall be renewed on or before the expiration date. The department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter.

(2) If the department approves an application, it shall issue a certificate of registration to the applicant. The certificate shall be valid for:

(a) One year;

(b) Until the bond expires; or

(c) Until the insurance expires, whichever comes first. The department shall place the expiration date on the certificate.

(3) A contractor may supply a short-term bond or insurance policy to bring its registration period to the full one year.

(4) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall give notice of the suspension to the contractor by certified and by first class mail within forty-eight hours after suspension.

(5) Renewal of registration shall be considered valid upon the date the department receives the required fee and proof of bond and liability insurance, if sent by certified mail or other means requiring proof of delivery. The receipt or proof of delivery shall serve as the contractor's proof of renewed registration until he or she receives verification from the department.

**Sec. 7.** RCW 18.27.090 and 1987 c 313 s 1 are each amended to read as follows:

This chapter (~~shall~~) does not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the utilities and transportation commission in construction, maintenance, or development work incidental to their own business;

(4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement, or repair of personal property, except this chapter shall apply to all mobile/manufactured housing. A mobile/manufactured home may be installed, set up, or repaired by the registered or legal owner, by a contractor (~~licensed~~) registered under this chapter, or by a mobile/manufactured home retail dealer or manufacturer licensed under chapter 46.70 RCW who shall warranty service and repairs under chapter 46.70 RCW;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than five hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than five hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he or she is a contractor, or that he or she is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor;

(12) Any person working on his or her own property, whether occupied by him or her or not, and any person working on his or her personal residence, whether owned by him or her or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his or her own property with the intention and for the purpose of selling the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his or her professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his or her license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his or her sole compensation or as an employee with wages as his or her sole compensation;

(16) Contractors on highway projects who have been prequalified as required by (~~chapter 13 of the Laws of 1961,~~) RCW 47.28.070, with the department of transportation to perform highway construction, reconstruction, or maintenance work.

**Sec. 8.** RCW 18.27.100 and 1993 c 454 s 3 are each amended to read as follows:

(1) Except as provided in RCW 18.27.065 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity, of a contractor under any other name unless such name also is registered under this chapter.

(2) All advertising and all contracts, correspondence, cards, signs, posters, papers, and documents which show a contractor's name or address shall show the contractor's name or address as registered under this chapter.

(3)(a) (~~The alphabetized listing of contractors appearing in the advertising section of telephone books or other directories and~~) All advertising that shows the contractor's name or address shall show the contractor's current registration number. The registration number may be omitted in an alphabetized listing of registered contractors stating only the name, address, and telephone number: PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on-premise signs shall not constitute advertising as provided in this section. All materials used to directly solicit business from retail customers who are not businesses shall show the contractor's current registration number. A contractor shall not use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required. Advertising by airwave transmission shall not be subject to this subsection (3)(a) ((if the person selling the advertisement obtains the contractor's current registration number from the contractor)).

(b) (~~A person selling advertising should not accept advertisements for which the contractor registration number is required under (a) of this subsection if the contractor fails to provide the contractor registration number.~~) The director may issue a subpoena to any person or entity selling any advertising subject to this section for the name, address, and telephone number provided to the seller of the advertising by the purchaser of the advertising. The subpoena must have enclosed a stamped, self-addressed envelope and blank form to be filled out by the seller of the advertising. If the seller of the advertising has the information on file, the seller shall, within a reasonable time, return the completed form to the department. The subpoena must be issued within forty-eight hours after the expiration of the issue or publication containing the advertising or after the broadcast of the advertising. The good-faith compliance by a seller of advertising with a written request of the department for information concerning the purchaser of advertising shall constitute a complete defense to any civil or criminal action brought against the seller of advertising arising from such compliance. Advertising by airwave or electronic transmission is subject to this subsection (3)(b).

(4) No contractor shall advertise that he or she is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter.

(5) A contractor shall not falsify a registration number and use it, or use an expired registration number, in connection with any solicitation or identification as a contractor. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers, and employees of contractors shall

use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto.

(6) Any advertising by a person, firm, or corporation soliciting work as a contractor when that person, firm, or corporation is not registered pursuant to this chapter is a violation of this chapter.

(7)(a) The finding of a violation of this section by the director at a hearing held in accordance with ~~((the Administrative Procedure Act,))~~ chapter 34.05 RCW~~((,))~~ shall subject the person committing the violation to a penalty of not more than five thousand dollars as determined by the director.

(b) Penalties under this section shall not apply to a violation determined to be an inadvertent error.

**Sec. 9.** RCW 18.27.104 and 1989 c 175 s 61 are each amended to read as follows:

(1) If, upon investigation, the director or the director's designee has probable cause to believe that a person holding a registration, an applicant for registration, or ~~((an unregistered))~~ a person acting in the capacity of a contractor who is not otherwise exempted from this chapter, has violated RCW 18.27.100 by unlawfully advertising for work covered by this chapter ~~((in an alphabetical or classified directory)),~~ the department may issue a citation containing an order of correction. Such order shall require the violator to cease the unlawful advertising.

(2) If the person to whom a citation is issued under subsection (1) of this section notifies the department in writing that he or she contests the citation, the department shall afford an opportunity for an adjudicative proceeding under chapter 34.05 RCW~~((, the Administrative Procedure Act,))~~ within thirty days after receiving the notification.

**Sec. 10.** RCW 18.27.110 and 1993 c 454 s 5 are each amended to read as follows:

(1) No city, town or county shall issue a construction building permit for work which is to be done by any contractor required to be registered under this chapter without verification that such contractor is currently registered as required by law. When such verification is made, nothing contained in this section is intended to be, nor shall be construed to create, or form the basis for any liability under this chapter on the part of any city, town or county, or its officers, employees or agents. However, failure to verify the contractor registration number results in liability to the city, town, or county to a penalty to be imposed according to RCW 18.27.100~~((6))~~ (7)(a).

(2) At the time of issuing the building permit, all cities, towns, or counties are responsible for:

(a) Printing the contractor registration number on the building permit; and

(b) Providing a written notice to the building permit applicant informing them of contractor registration laws and the potential risk and monetary liability to the homeowner for using an unregistered contractor.

(3) If a building permit is obtained by an applicant or contractor who falsifies information to obtain an exemption provided under RCW 18.27.090, the building permit shall be forfeited.

**Sec. 11.** RCW 18.27.114 and 1988 c 182 s 1 are each amended to read as follows:

(1) ~~((Until July 1, 1989, any contractor agreeing to perform any contracting project: (a) For the repair, alteration, or construction of four or fewer residential units or accessory structures on such residential property when the bid or contract price totals one thousand dollars or more; or (b) for the repair, alteration, or construction of a commercial building when the bid or contract price totals one thousand dollars or more but less than sixty thousand dollars, must provide the customer with the following disclosure statement prior to starting work on the project:~~

~~"NOTICE TO CUSTOMER~~

~~This contractor is registered with the state of Washington, registration no. . . . , as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide~~

~~you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries."~~

- ~~(2) On and after July 1, 1989,))~~ Any contractor agreeing to perform any contracting project:
- (a) For the repair, alteration, or construction of four or fewer residential units or accessory structures on such residential property when the bid or contract price totals one thousand dollars or more; or (b) for the repair, alteration, or construction of a commercial building when the bid or contract price totals one thousand dollars or more but less than sixty thousand dollars, must provide the customer with the following disclosure statement prior to starting work on the project:

#### "NOTICE TO CUSTOMER

This contractor is registered with the state of Washington, registration no. . . . ., as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. The expiration date of this contractor's registration is . . . . . This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries."

~~((3) On and after July 1, 1989,))~~ (2) A contractor subject to this section shall notify any consumer to whom notice is required under subsection ~~((2))~~ (1) of this section if the contractor's registration has expired or is revoked or suspended by the department prior to completion or other termination of the contract with the consumer.

~~((4))~~ (3) No contractor subject to this section may bring or maintain any lien claim under chapter 60.04 RCW based on any contract to which this section applies without alleging and proving that the contractor has provided the customer with a copy of the disclosure statement as required in subsection (1) ~~((or (2)))~~ of this section.

~~((5))~~ (4) This section does not apply to contracts authorized under chapter 39.04 RCW or to contractors contracting with other contractors.

~~((6))~~ (5) Failure to comply with this section shall constitute an infraction under the provisions of this chapter.

~~((7))~~ (6) The department shall produce model disclosure statements, and public service announcements detailing the information needed to assist contractors and contractors' customers to comply under this section. As necessary, the department shall periodically update these education materials.

**Sec. 12.** RCW 18.27.117 and 1987 c 313 s 2 are each amended to read as follows:

The legislature finds that setting up and siting mobile/manufactured homes must be done properly for the health, safety, and enjoyment of the occupants. Therefore, when any of the following cause a health and safety risk to the occupants of a mobile/manufactured home, or severely hinder the use and enjoyment of the mobile/ manufactured home, a violation of RCW 19.86.020 shall have occurred:

(1) The mobile/manufactured home has been improperly installed by a contractor ~~((licensed))~~ registered under chapter 18.27 RCW, or a mobile/manufactured dealer or manufacturer licensed under chapter 46.70 RCW;

(2) A warranty given under chapter 18.27 RCW or chapter 46.70 RCW has not been fulfilled by the person or business giving the warranty; and

(3) A bonding company that issues a bond under chapter 18.27 RCW or chapter 46.70 RCW does not reasonably and professionally investigate and resolve claims made by injured parties.

**Sec. 13.** RCW 18.27.200 and 1993 c 454 s 7 are each amended to read as follows:

(1) It is a violation of this chapter and an infraction for any contractor to:

(a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;

(b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked; ~~((or))~~

(c) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or

(d) Knowingly subcontract work to a person not registered as required under this chapter. However, a contractor does not commit an infraction if the subcontractor becomes unregistered during the course of its work without the knowledge of the contractor.

(2) Each day that a contractor works without being registered as required by this chapter, works while the contractor's registration is suspended, or works under a registration issued to another contractor is a separate infraction. Each worksite at which a contractor works without being registered as required by this chapter, works while the contractor's registration is suspended, or works under a registration issued to another contractor is a separate infraction.

**Sec. 14.** RCW 18.27.230 and 1993 c 454 s 9 are each amended to read as follows:

The department may issue a notice of infraction if the department reasonably believes that the contractor ~~((required to be registered by this chapter has failed to do so or))~~ has ~~((otherwise))~~ committed ~~((a violation under RCW 18.27.200))~~ an infraction under this chapter. A notice of infraction issued under this section shall be personally served on the contractor named in the notice by the department's compliance inspectors or service can be made by certified mail directed to the contractor named in the notice of infraction. If the contractor named in the notice of infraction is a firm or corporation, the notice may be personally served on any employee of the firm or corporation. If a notice of infraction is personally served upon an employee of a firm or corporation, the department shall within four days of service send a copy of the notice by certified mail to the contractor if the department is able to obtain the contractor's address.

**Sec. 15.** RCW 18.27.340 and 1986 c 197 s 10 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4) and (5) of this section, a contractor found to have committed an infraction under RCW 18.27.200 shall be assessed a monetary penalty of not less than two hundred dollars and not more than three thousand dollars.

(2) Except as otherwise provided in subsections (4) and (5) of this section, the administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction only upon a showing of good cause that the penalty would be unduly burdensome ~~((to))~~ for the contractor.

(3) The director may waive collection in favor of payment of restitution to a consumer complainant.

(4) A contractor found to have committed an infraction under RCW 18.27.200 for failure to register shall be assessed a fine of not less than one thousand dollars, nor more than five thousand dollars. The penalty for failure to register may be reduced, but in no case below five hundred dollars, if the person becomes registered within ten days of receiving a citation and the citation is for a first offense.

(5) If a contractor who is issued a notice of infraction is an unregistered contractor under this chapter, then the contractor is subject to a penalty in the amount of one thousand dollars per violation. The penalty may be reduced, but in no case below five hundred dollars, if the person registers as a contractor within ten days of the notice of infraction.

(6) Monetary penalties collected under this chapter shall be deposited in the general fund.

**Sec. 16.** RCW 51.12.020 and 1991 c 324 s 18 and 1991 c 246 s 4 are each reenacted and amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, or repair, (~~remodeling, or similar work~~) in or about the private home of the employer. For the purposes of this subsection, "maintenance" means the work of keeping in proper condition, "repair" means to restore to sound condition after damage, and "private home" means a person's place of residence.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners.

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400(~~(19)~~) (20) may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under subsection (8)(a) of this section, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

(d) A corporation may elect to cover officers who are exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper carrier selling or distributing newspapers on the street or from house to house.

(11) Services performed by an insurance agent, insurance broker, or insurance solicitor, as defined in RCW 48.17.010, 48.17.020, and 48.17.030, respectively.

(12) Services performed by a booth renter as defined in RCW 18.16.020. However, a person exempted under this subsection may elect coverage under RCW 51.32.030.

**NEW SECTION. Sec. 17.** RCW 18.27.140 and 1983 1st ex.s. c 2 s 21 & 1973 1st ex.s. c 161 s 2 are each repealed."

On page 1, line 1 of the title, after "contractors;" strike the remainder of the title and insert "amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.060, 18.27.090, 18.27.100, 18.27.104, 18.27.110, 18.27.114, 18.27.117, 18.27.200, 18.27.230, and 18.27.340; reenacting and amending RCW 51.12.020; adding a new section to chapter 18.27 RCW; repealing RCW 18.27.140; and prescribing penalties."



and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### MOTION

Representative Lisk moved that the House not concur in the Senate amendments to Substitute House Bill No. 1630 and ask the Senate for a conference thereon. The motion was carried.

### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cairnes, Hargrove and Conway as Conferees on Substitute House Bill No. 1630.

### SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 50.04.320 and 1986 c 21 s 1 are each amended to read as follows:

(1) For the purpose of payment of contributions, "wages" means the remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in RCW 50.24.010. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in the individual's trade or business an individual who immediately before the acquisition was employed in the trade or business of the predecessor employer, then, for the purposes of determining the amount of remuneration paid by the successor employer to the individual during the calendar year which is subject to contributions, any remuneration paid to the individual by the predecessor employer during that calendar year and before the acquisition shall be considered as having been paid by the successor employer.

(2) For the purpose of payment of benefits, "wages" means the remuneration paid by one or more employers to an individual for employment under this title during his base year: PROVIDED, That at the request of a claimant, wages may be calculated on the basis of remuneration payable. The department shall notify each claimant that wages are calculated on the basis of remuneration paid, but at the claimant's request a redetermination may be performed and based on remuneration payable.

(3) For the purpose of payment of benefits and payment of contributions, the term "wages" includes tips which are received after January 1, 1987, while performing services which constitute employment, and which are reported to the employer for federal income tax purposes.

(4)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner. Remuneration does not include payments to members of a reserve component of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, shall be considered remuneration for the period to which it is assigned.

Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an employment contract with a public agency prior to its expiration date shall be considered remuneration. The proceeds shall be deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Except as provided in (c) of this subsection, the provisions of this ((section)) subsection (4) pertaining to the assignment of previously accrued compensation shall not apply to individuals subject to RCW 50.44.050.

**Sec. 2.** RCW 50.44.050 and 1990 c 33 s 587 are each amended to read as follows:

Except as otherwise provided in subsections (1) through (4) of this section, benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title.

(1) Benefits based on service in an instructional, research or principal administrative capacity for an educational institution shall not be paid to an individual for any week of unemployment which commences during the period between two successive academic years or terms within an academic year (or, when an agreement provides instead for a similar period between two regular but not successive terms within an academic year, during such period) if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms. Any employee of a common school district who is presumed to be reemployed pursuant to RCW 28A.405.210 shall be deemed to have a contract for the ensuing term.

(2) Benefits shall not be paid based on services in any other capacity for an educational institution for any week of unemployment which commences during the period between two successive academic years or terms within an academic year, if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms: **PROVIDED**, That if benefits are denied to any individual under this subsection and that individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.

(3) Benefits shall not be paid based on any services described in subsections (1) and (2) of this section for any week of unemployment which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(4) Benefits shall not be paid (as specified in subsections (1), (2), or (3) of this section) based on any services described in subsections (1) or (2) of this section to any individual who performed such services in an educational institution while in the employ of an educational service district which is established pursuant to chapter 28A.310 RCW and exists to provide services to local school districts.

(5) As used in subsections (1) and (2) of this section, "academic year" includes fall, winter, spring, and summer quarters and comparable semesters unless, based upon objective criteria including enrollment and staffing, the quarter or comparable semester is not in fact a part of the academic year for the particular institution.

**Sec. 3.** RCW 50.44.053 and 1985 ex.s. c 5 s 9 are each amended to read as follows:

The term "reasonable assurance," as used in RCW 50.44.050, means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term as in the first academic year or term, provided that the agreement is not contingent on enrollment, funding, or program changes. A person shall not be deemed to be performing services "in the same capacity" unless those services are rendered under the same terms or conditions of employment in the ensuing year as in the first academic year or term.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 50.04.320, 50.44.050, and 50.44.053; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Lisk moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1821 and ask the Senate for a conference thereon. The motion was carried.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Lisk, Carlson and Kessler as Conferees on Engrossed Substitute House Bill No. 1821.

#### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed HOUSE JOINT MEMORIAL NO. 4030 with the following amendment:

On page 1, after line 8, strike the remainder of the joint memorial and insert the following:

"WHEREAS, The federal government, in an effort to protect the national security of the United States, established the Hanford site in Central Washington in 1943; and

WHEREAS, During the course of the past five decades, many dangerous, toxic, and nuclear wastes were disposed of or stored at the site; and

WHEREAS, Two-thirds of the volume of nuclear waste in the entire United States is stored at Hanford; and

WHEREAS, The Department of Energy has been tasked with overseeing the cleanup of the site; and

WHEREAS, Millions of dollars have been expended at Hanford for environmental cleanup; and

WHEREAS, The United States General Accounting Office estimates that a significant amount of the cleanup funds have been expended on administrative and legal activities; and

WHEREAS, The federal government agreed under the "Tri-Party Agreement" to a series of milestones to clean up the site; and

WHEREAS, Key milestones in this agreement cannot be met if the Department of Energy does not follow through on its proposal to reduce cleanup funding at the Hanford site; and

WHEREAS, The federal government has now announced that four thousand five hundred jobs will be eliminated as a result of these cuts; and

WHEREAS, These cuts will delay the cleanup and increase its cost.

NOW, THEREFORE, Your Memorialists respectfully pray that the federal government work with Washington State and local officials to eliminate duplicative Department of Energy orders, streamline paperwork requirements, and otherwise reduce unnecessary costs so that full and adequate funding may be available for environmental cleanup; that it begin immediately to construct the facilities necessary to implement cleanup of the Hanford site; and that it maintain its commitment to funding and implementing all the key milestones of the "Tri-Party Agreement."

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the Secretary of the Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### MOTION

Representative Chandler moved that the House not concur in the Senate amendments to House Joint Memorial No. 4030 and ask the Senate to recede therefrom.

There being no objection, the House considered the following bills in the following order: Substitute House Bill No. 1017, Second Engrossed House Bill No. 1130, Engrossed Second Substitute House Bill No. 1156, House Bill No. 1176, House Bill No. 1186, House Bill No. 1193 and Substitute House Bill No. 1195.

### SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1017, with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 38.52.005 and 1986 c 266 s 22 are each amended to read as follows:

The department (~~(of community development)~~) shall administer the comprehensive emergency management program of the state of Washington as provided for in this chapter. All local organizations, organized and performing emergency management functions pursuant to RCW 38.52.070, may change their name and be called the . . . . . department/division of emergency management.

**Sec. 2.** RCW 38.52.010 and 1993 c 251 s 5 and 1993 c 206 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person, including but not limited to an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW, who is registered with a local emergency management organization or the department (~~(of community development)~~) and holds an identification card issued by the local emergency management director or the department (~~(of community development)~~) for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the ~~((director of community development))~~ adjutant general.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the state military department ~~((of community development))~~.

(12) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection (6)(b) of this section.

(13) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, fire fighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(14) "Public agency" means the state, and a city, county, municipal corporation, district, or public authority located, in whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services.

**Sec. 3.** RCW 38.52.090 and 1987 c 185 s 6 are each amended to read as follows:

(1) The director of each local organization for emergency management may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management plan and program, and in time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. The ~~((director of community development))~~ adjutant general shall adopt and distribute a standard form of contract for use by local organizations in understanding and carrying out said mutual aid arrangements.

(2) The ~~((director of community development))~~ adjutant general and the director of each local organization for emergency management may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. All such arrangements shall be pursuant to either of the compacts contained in subsection (2) (a) or (b) of this section.

(a) The legislature recognizes that the compact language contained in this subsection is inadequate to meet many forms of emergencies. For this reason, after June 7, 1984, the state may not enter into any additional compacts under this subsection (2)(a).

#### INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense (Emergency Services) of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and

reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10. This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be effected thereby.

Article 15. (a) This Article shall be in effect only as among those states which have enacted it into law or in which the Governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any

supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a State pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

1. Searches for and rescue of person who are lost, marooned, or otherwise in danger.
2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.
3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.
4. The giving and receiving of aid by subdivisions of party States.
5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party State, a subdivision of such State, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a State. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party States.

(d) Nothing in this Article shall be construed to exclude from the coverage of Articles 1-15 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.

(b) The compact language contained in this subsection (2)(b) is intended to deal comprehensively with emergencies requiring assistance from other states.

## INTERSTATE MUTUAL AID COMPACT

### Purpose

The purpose of this Compact is to provide voluntary assistance among participating states in responding to any disaster or imminent disaster, that over extends the ability of local and state governments to reduce, counteract or remove the danger. Assistance may include, but not be limited to, rescue, fire, police, medical, communication, transportation services and facilities to cope with problems which require use of special equipment, trained personnel or personnel in large numbers not locally available.

### Authorization

Article I, Section 10 of the Constitution of the United States permits a state to enter into an agreement or compact with another state, subject to the consent of Congress. Congress, through enactment of Title 50 U.S.C. Sections 2281(g), 2283 and the Executive Department, by issuance of Executive Orders No. 10186 of December 1, 1950, encourages the states to enter into emergency, disaster and civil defense mutual aid agreements or pacts.

### Implementation

It is agreed by participating states that the following conditions will guide implementation of the Compact:

1. Participating states through their designated officials are authorized to request and to receive assistance from a participating state. Requests will be granted only if the requesting state is committed to the mitigation of the emergency, and other resources are not immediately available.
2. Requests for assistance may be verbal or in writing. If the request is made by other than written communication, it shall be confirmed in writing as soon as practical after the request. A written request shall provide an itemization of equipment and operators, types of expertise, personnel or other resources needed. Each request must be signed by an authorized official.



3. Personnel and equipment of the aiding party made available to the requesting party shall, whenever possible, remain under the control and direction of the aiding party. The activities of personnel and equipment of the aiding party must be coordinated by the requesting party.

4. An aiding state shall have the right to withdraw some or all of their personnel and/or equipment whenever the personnel or equipment are needed by that state. Notice of intention to withdraw should be communicated to the requesting party as soon as possible.

#### General Fiscal Provisions

The state government of the requesting party shall reimburse the state government of the aiding party. It is understood that reimbursement shall be made as soon as possible after the receipt by the requesting party of an itemized voucher requesting reimbursement of costs.

1. Any party rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for any damage to, loss of, or expense incurred in the operation of any equipment used in responding to a request for aid, and for the cost incurred in connection with such requests.

2. Any state rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for the cost of payment of compensation and death benefits to injured officers, agents, or employees and their dependents or representatives in the event such officers, agents, or employees sustain injuries or are killed while rendering aid pursuant to this arrangement, provided that such payments are made in the same manner and on the same terms as if the injury or death were sustained within such state.

#### Privileges and Immunities

1. All privileges and immunities from liability, exemptions from law, ordinances, rules, all pension, relief disability, workers' compensation, and other benefits which apply to the activity of officers, agents, or employees when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this Agreement.

2. All privileges and immunities from liability, exemptions from law, ordinances, and rules, workers' compensation and other benefits which apply to duly enrolled or registered volunteers when performing their respective functions at the request of their state and within its territorial limits, shall apply to the same degree and extent while performing their functions extra-territorially under the provisions of this Agreement. Volunteers may include, but not be limited to, physicians, surgeons, nurses, dentists, structural engineers, and trained search and rescue volunteers.

3. The signatory states, their political subdivisions, municipal corporations and other public agencies shall hold harmless the corresponding entities and personnel thereof from the other state with respect to the acts and omissions of its own agents and employees that occur while providing assistance pursuant to the common plan.

4. Nothing in this arrangement shall be construed as repealing or impairing any existing Interstate Mutual Aid Agreements.

5. Upon enactment of this Agreement by two or more states, and by January 1, annually thereafter, the participating states will exchange with each other the names of officials designated to request and/or provide services under this arrangement. In accordance with the cooperative nature of this arrangement, it shall be permissible and desirable for the parties to exchange operational procedures to be followed in requesting assistance and reimbursing expenses.

6. This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

7. This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. An actual withdrawal shall not take effect until the thirtieth consecutive day after the notice provided in the statute has been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal.

**Sec. 4.** RCW 38.52.420 and 1994 c 264 s 11 are each amended to read as follows:

(1) The department (~~(of community, trade, and economic development)~~), in consultation with appropriate federal agencies, the departments of natural resources, fish and wildlife, and ecology, representatives of local government, and any other person the director may deem appropriate, shall develop a model contingency plan, consistent with other plans required for hazardous materials by federal and state law, to serve as a draft plan for local governments which may be incorporated into the state and local emergency management plans.

(2) The model contingency plan shall:

(a) Include specific recommendations for pollution control facilities which are deemed to be most appropriate for the control, collection, storage, treatment, disposal, and recycling of oil and other spilled material and furthering the prevention and mitigation of such pollution;

(b) Include recommendations for the training of local personnel consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(c) Suggest cooperative training exercises between the public and private sector consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(d) Identify federal and state laws requiring contingency or management plans applicable or related to prevention of pollution, emergency response capabilities, and hazardous waste management, together with a list of funding sources that local governments may use in development of their specific plans;

(e) Promote formal agreements between the department (~~(of community, trade, and economic development)~~) and local entities for effective spill response; and

(f) Develop policies and procedures for the augmentation of emergency services and agency spill response personnel through the use of volunteers: PROVIDED, That no contingency plan may require the use of volunteers by a responding responsible party without that party's consent.

**Sec. 5.** RCW 38.54.010 and 1992 c 117 s 9 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "State fire marshal" means the assistant director of the division of fire protection services in the department of community, trade, and economic development.

(4) "Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief's authorized representative. Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.

(5) "Jurisdiction" means state, county, city, fire district, or port district (~~(fire)~~) fire fighting units, or other units covered by this chapter.

(6) "Mobilization" means that fire fighting resources beyond those available through existing agreements will be requested and, when available, sent (~~(to fight a fire)~~) in response to an emergency or disaster situation that has (~~(or soon will exceed)~~) exceeded the capabilities of available local resources. During a large scale (~~(fire)~~) emergency, mobilization includes the redistribution of regional or state-wide fire fighting resources to either direct (~~(fire fighting)~~) emergency incident assignments or to assignment in communities where fire fighting resources are needed.

When mobilization is declared and authorized as provided in this chapter, all fire fighting resources except those of the host fire protection authorities, i.e. incident jurisdiction, shall be deemed as mobilized under this chapter, including those that responded earlier under existing mutual aid or other agreement. All nonhost fire protection authorities providing fire fighting resources in response to a mobilization declaration shall be eligible for expense reimbursement as provided by this chapter from the time of the mobilization declaration.

This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

(7) "Mutual aid" means emergency interagency assistance provided without compensation under (~~(and an)~~) an agreement between jurisdictions under chapter 39.34 RCW.

**Sec. 6.** RCW 38.54.020 and 1992 c 117 s 10 are each amended to read as follows:

Because of the possibility of the occurrence of disastrous fires or other disasters of unprecedented size and destructiveness, the need to insure that the state is adequately prepared to respond to such a fire or disaster, the need to establish a mechanism and a procedure to provide for reimbursement to fire fighting agencies that respond to help others in time of need or to a host fire district that experiences expenses beyond the resources of the fire district, and generally to protect the public peace, health, safety, lives, and property of the people of Washington, it is hereby declared necessary to:

(1) Provide the policy and organizational structure for large scale mobilization of fire fighting resources in the state through creation of the Washington state fire services mobilization plan;

(2) Confer upon the director (~~(of the department of community development)~~) the powers provided herein; ~~(and)~~

(3) Provide a means for reimbursement to fire jurisdictions that incur expenses when mobilized by the director under the Washington state fire services mobilization plan; and

(4) Provide for reimbursement of host district fire fighting resources when the local district has: (a) Exhausted all of its resources; and (b) invoked its local mutual aid network and exhausted those resources. Upon implementation of state fire mobilization, the host district resources shall become state fire mobilization resources consistent with the fire mobilization plan.

It is the intent of the legislature that mutual aid and other interlocal agreements providing for enhanced emergency response be encouraged as essential to the public peace, safety, health, and welfare, and for the protection of the lives and property of the people of the state of Washington. If possible, mutual aid agreements should be without stated limitations as to resources available, time, or area. Nothing in this chapter shall be construed or interpreted to limit the eligibility of any nonhost fire protection authority for reimbursement of expenses incurred in providing fire fighting resources for mobilization.

**Sec. 7.** RCW 38.54.050 and 1992 c 117 s 13 are each amended to read as follows:

The department (~~(of community development)~~) in consultation with the office of financial management shall develop procedures to facilitate reimbursement to jurisdictions from appropriate federal and state funds when jurisdictions are mobilized by the director under the Washington state fire services mobilization plan. The department shall ensure that these procedures provide reimbursement to the host district in as timely a manner as possible.

**Sec. 8.** RCW 46.16.340 and 1986 c 266 s 49 are each amended to read as follows:

The director, from time to time, shall furnish the state military department, the department of community, trade, and economic development, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.

**Sec. 9.** RCW 88.46.100 and 1991 c 200 s 423 are each amended to read as follows:

(1) In order to assist the state in identifying areas of the navigable waters of the state needing special attention, the owner or operator of a covered vessel shall notify the coast guard within one hour:

(a) Of the disability of the covered vessel if the disabled vessel is within twelve miles of the shore of the state; and

(b) Of a collision or a near miss incident within twelve miles of the shore of the state.

(2) The (~~(division of emergency management of the)~~) state military department (~~(of community development)~~) and the office shall request the coast guard to notify the (~~(division of emergency management)~~) state military department as soon as possible after the coast guard receives notice of a disabled covered vessel or of a collision or near miss incident within twelve miles of the shore of the state. The office shall negotiate an agreement with the coast guard governing procedures for coast guard notification to the state regarding disabled covered vessels and collisions and near miss incidents.

(3) The office shall prepare a summary of the information collected under this section and provide the summary to the regional marine safety committees, the coast guard, and others in order to identify problems with the marine transportation system.

(4) For the purposes of this section:

(a) A tank vessel or cargo vessel is considered disabled if any of the following occur:

- (i) Any accidental or intentional grounding;
  - (ii) The total or partial failure of the main propulsion or primary steering or any component or control system that causes a reduction in the maneuvering capabilities of the vessel;
  - (iii) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service, including but not limited to, fire, flooding, or collision with another vessel;
  - (iv) Any other occurrence that creates the serious possibility of an oil spill or an occurrence that may result in such a spill.
- (b) A barge is considered disabled if any of the following occur:
- (i) The towing mechanism becomes disabled;
  - (ii) The towboat towing the barge becomes disabled through occurrences defined in (a) of this subsection.
- (c) A near miss incident is an incident that requires the pilot or master of a covered vessel to take evasive actions or make significant course corrections in order to avoid a collision with another ship or to avoid a grounding as required by the international rules of the road.
- (5) Failure of any person to make a report under this section shall not be used as the basis for the imposition of any fine or penalty.

**NEW SECTION. Sec. 10.** A new section is added to chapter 38.52 RCW to read as follows:

All powers, duties, and functions of the department of community, trade, and economic development pertaining to emergency management are transferred to the state military department. All references to the director or the department of community development or the department of community, trade, and economic development in the Revised Code of Washington shall be construed to mean the adjutant general or the state military department when referring to the functions transferred in this section.

**NEW SECTION. Sec. 11.** All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state military department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of community, trade, and economic development in carrying out the powers, functions, and duties transferred shall be made available to the state military department. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state military department.

Any appropriations made to the department of community, trade, and economic development for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state military department.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION. Sec. 12.** All employees of the department of community, trade, and economic development engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the state military department. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state military department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. All employees of the department of community, trade, and economic development exempted under chapter 41.06 RCW shall retain such exemption after transfer.

**NEW SECTION. Sec. 13.** All rules and all pending business before the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state military department. All existing contracts and obligations shall remain in full force and shall be performed by the state military department.

**NEW SECTION. Sec. 14.** The transfer of the powers, duties, functions, and personnel of the department of community, trade, and economic development shall not affect the validity of any act performed prior to the effective date of this section.

**NEW SECTION. Sec. 15.** If apportionments of budgeted funds are required because of the transfers directed by sections 11 through 14 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION. Sec. 16.** (1) The military department, in cooperation with the Washington state patrol and the emergency management council, shall by December 31, 1995, develop a strategic plan to enhance the coordination and efficiency and decrease the costs of the military department's emergency management programs and services. The plan shall:

- (a) Evaluate all current programs and services;
  - (b) Develop new and innovative techniques for the administration of programs and delivery of services;
  - (c) Strengthen military department linkages with local agencies; and
  - (d) Assess the use of private sector equipment, materials, and services.
- (2) A summary of the strategic plan shall be delivered to the appropriate committees of the legislature no later than July 10, 1996.

**NEW SECTION. Sec. 17.** Nothing contained in sections 10 through 15 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION. Sec. 18.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 38.52.005, 38.52.090, 38.52.420, 38.54.010, 38.54.020, 38.54.050, 46.16.340, and 88.46.100; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating new sections; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Reams moved that the House concur in the Senate amendments to Substitute House Bill No. 1017 and pass the bill as amended by the Senate. The motion was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1017 as amended by the Senate.

Representatives Reams and Rust spoke in favor of passage of the bill.

Representative Mason spoke against passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1017 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 74, Nays - 23, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Conway, Cooke, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Jacobsen, Kessler, Lambert, Lisk, Mastin, Mielke, Mitchell, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 74.

Voting nay: Representatives Brown, Brumsickle, Chappell, Cole, Costa, Crouse, Fuhrman, Goldsmith, Hargrove, Hymes, Johnson, Koster, Kremen, Mason, McMahan, McMorris, Morris, Pennington, Regala, Sheldon, Sherstad, Stevens and Tokuda - 23.

Excused: Representative Benton - 1.

Substitute House Bill No. 1017, as amended by the Senate, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1017.

GRANT PELESKY, 25th District

#### SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed SECOND ENGROSSED HOUSE BILL NO. 1130, with the following amendments:

On page 1, after line 14, insert:

"This section shall not apply to an engineer operating a locomotive within yard limits or when on track, which is not main line track, where crossing speed is restricted by published special instruction or bulletin to ten miles per hour or less."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Second Engrossed House Bill No. 1130 and pass the bill as amended by the Senate.

Representatives Crouse and R. Fisher spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Second Engrossed House Bill No. 1130 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 1130 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representatives Ebersole and Skinner - 2.

Excused: Representative Benton - 1.

Second Engrossed House Bill No. 1130, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1156 with the following amendments:

On page 1, beginning on line 9, after "nonprofit" strike "partnerships between school districts and local communities that" and insert "corporations that are organized to benefit education in school districts and local communities. These foundations"

On page 2, beginning on line 19, strike all material through "1999." on line 23

On page 2, line 27, after "31," strike "1999" and insert "1997"

and the same are herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative Brumsickle moved that the House concur in the Senate amendments to Engrossed Second Substitute House Bill No. 1156 and pass the bill as amended by the Senate.

Representative Brumsickle spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1156 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1156 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Beeksmas, Cairnes, Cooke, Goldsmith, McMahan and Stevens - 6.  
Excused: Representative Benton - 1.

Engrossed Second Substitute House Bill No. 1156, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1176 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 3.34.010 and 1994 c 111 s 1 are each amended to read as follows:

The number of district judges to be elected in each county shall be: Adams, two; Asotin, one; Benton, (~~two~~) three; Chelan, two; Clallam, two; Clark, five; Columbia, one; Cowlitz, two; Douglas, (~~two~~) one; Ferry, one; Franklin, one; Garfield, one; Grant, two; Grays Harbor, two; Island, one; Jefferson, one; King, twenty-six; Kitsap, three; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, two; Pend Oreille, one; Pierce, eleven; San Juan, one; Skagit, two; Skamania, one; Snohomish, seven; Spokane, nine; Stevens, one; Thurston, two; Wahkiakum, one; Walla Walla, two; Whatcom, two; Whitman, one; Yakima, four. This number may be increased only as provided in RCW 3.34.020.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "judges;" strike the remainder of the title and insert "amending RCW 3.34.010; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Delvin moved that the House concur in the Senate amendments to House Bill No. 1176 and pass the bill as amended by the Senate. The motion was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED



The Speaker stated the question before the House to be final passage of House Bill No. 1176 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1176 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

House Bill No. 1176, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 4, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1186 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.18.190 and 1990 1st ex.s. c 2 s 17 are each amended to read as follows:

(1) When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of the injured worker for whom the injured worker owes a duty of child support, the amount of compensation the department or self-insurer pays on behalf of the child or children shall be treated for all purposes as if the injured worker paid the compensation toward satisfaction of the injured worker's child support obligations.

(2) When the social security administration pays social security disability dependency benefits, retirement benefits, or survivors insurance benefits on behalf of or on account of the child or children of ~~((the))~~ a disabled person, a retired person, or a deceased person, the amount of ~~((compensation))~~ benefits paid for the child or children shall be treated for all purposes as if the disabled person, the retired person, or the deceased person paid the ~~((compensation))~~ benefits toward the satisfaction of ~~((the disabled))~~ that person's child support obligation for that period for which benefits are paid.

(3) Under no circumstances shall the person who has the obligation to make the transfer payment have a right to reimbursement of any compensation paid under subsection (1) or (2) of this section."

On page 1, line 1 of the title, after "benefits;" strike the remainder of the title and insert "and amending RCW 26.18.190."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House concur in the Senate amendments to House Bill No. 1186 and pass the bill as amended by the Senate.

Representative Sheahan spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1186 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1186 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

House Bill No. 1186, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1193 with the following amendments:

On page 1 beginning on line 6, strike all material through line 9 and insert: "~~((By July 1, 1991, the department shall set and charge reasonable rental rates for the use of its real property, buildings, or structures. The department shall deposit receipts from the charges in the transportation capital facilities account.))~~"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to House Bill No. 1193 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1193 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1193 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

House Bill No. 1193, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1195 with the following amendments:

On page 6, line 16, after "bond" insert "or provides other evidence of financial responsibility"

On page 6, line 16, after "jurisdiction" insert "to ensure that the site is restored to preexisting conditions"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Substitute House Bill No. 1195 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1195 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1195 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

Substitute House Bill No. 1195, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

April 19, 1995

Mr. Speaker:

The President has signed:

SENATE INITIATIVE NO. 164,

and the same is herewith transmitted.

Marty Brown, Secretary

April 19, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5012,  
 SUBSTITUTE SENATE BILL NO. 5017,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5064,  
 SUBSTITUTE SENATE BILL NO. 5084,  
 SENATE BILL NO. 5287,  
 ENGROSSED SENATE BILL NO. 5397,  
 SENATE BILL NO. 5445,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5503,  
 SENATE BILL NO. 5523,

SUBSTITUTE SENATE BILL NO. 5537,

and the same are herewith transmitted.

Marty Brown, Secretary

#### SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,  
SUBSTITUTE HOUSE BILL NO. 1035,  
SUBSTITUTE HOUSE BILL NO. 1053,  
SECOND SUBSTITUTE HOUSE BILL NO. 1162,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1206,  
HOUSE BILL NO. 1224,  
HOUSE BILL NO. 1249,  
HOUSE BILL NO. 1282,  
SUBSTITUTE HOUSE BILL NO. 1342,  
SUBSTITUTE HOUSE BILL NO. 1348,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,

The Speaker declared the House to be ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: Second Substitute House Bill No. 1027, Substitute House Bill No. 1250, Substitute House Bill No. 1270, Substitute House Bill No. 1273, Engrossed Substitute House Bill No. 1298 and Substitute House Bill No. 1336.

There being no objection, the House resumed consideration of Second Substitute House Bill No. 1027.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1027 as amended by the Senate.

Representatives Brumsickle, Mastin and Robertson spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Brown, Representative Sheldon was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1027 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Sheldon - 2.

Second Substitute House Bill No. 1027, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1270 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.25.050 and 1990 c 56 s 1 are each amended to read as follows:

(1) Drivers of commercial motor vehicles shall obtain a commercial driver's license as required under this chapter by April 1, 1992. The director shall establish a program to convert all qualified commercial motor vehicle drivers by that date. After April 1, 1992, except when driving under a commercial driver's instruction permit and a valid automobile or classified license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds and is in immediate possession of a commercial driver's license and applicable endorsements valid for the vehicle they are driving. However, this requirement does not apply to any person:

(a) Who is the operator of a farm vehicle, and the vehicle is:

(i) Controlled and operated by a farmer;

(ii) Used to transport either agricultural products, which in this section include Christmas trees and wood products harvested from private tree farms and transported by vehicles weighing no more than forty thousand pounds licensed gross vehicle weight, farm machinery, farm supplies, or any combination of those materials to or from a farm;

(iii) Not used in the operations of a common or contract motor carrier; and

(iv) Used within one hundred fifty miles of the person's farm; or

(b) Who is a fire fighter or law enforcement officer operating emergency equipment, and:

(i) The fire fighter or law enforcement officer has successfully completed a driver training course approved by the director; and

(ii) The fire fighter or law enforcement officer carries a certificate attesting to the successful completion of the approved training course; or

(c) Who is operating a recreational vehicle for noncommercial purposes. As used in this section, "recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose.

(2) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, while subject to disqualification, or in violation of an out-of-service order. Violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1)."

In line 2 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 46.25.050."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Substitute House Bill No. 1270 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1270 as amended by the Senate.

Representative Morris spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1270 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Sheldon - 2.

Substitute House Bill No. 1270, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1273 with the following amendments:

On page 2, beginning on line 7, after "in" strike all material through "(2)" on line 8

On page 2, beginning on line 25, after "in" strike all material through "(2)" on line 26  
On page 2, after line 10, strike all of section 3

On page 2, after line 27, strike all of section 5

On page 1, beginning on line 2 of the title, after "tribes;" strike all material through "RCW;" on line 3 and insert "adding a new section to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW;"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Substitute House Bill No. 1273 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1273 as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1273 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

Substitute House Bill No. 1273, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1298 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.96A.400 and 1989 c 270 s 20 are each amended to read as follows:

The state of Washington declares that there is no fundamental right to ~~((methadone))~~ opiate substitution treatment. The state of Washington further declares that while methadone ~~((is an))~~ and other like pharmacological drugs, used in the treatment of opiate dependency are addictive substances, that ~~((it))~~ they nevertheless ~~((has))~~ have several legal, important, and justified uses and that one of ~~((its))~~ their appropriate and legal uses is, in conjunction with other required therapeutic procedures, in the treatment of persons addicted to or habituated to opioids.

Because methadone ~~((is))~~ and other like pharmacological drugs, used in the treatment of opiate dependency are addictive and ~~((is))~~ are listed as a schedule II controlled substance in chapter 69.50 RCW, the state of Washington and authorizing counties on behalf of their citizens have the legal obligation and right to regulate the use of ~~((methadone))~~ opiate substitution treatment. The state of Washington declares its authority to control and regulate carefully, in cooperation with the authorizing counties, all clinical uses of methadone and other pharmacological drugs used in the treatment of ~~((opium))~~ opiate addiction.

Further, the state declares that the primary goal of ((methadone)) opiate substitution treatment is ((drug-free living)) total abstinence from chemical dependency for the individuals who participate in the treatment program. The state recognizes that a small percentage of persons who participate in opiate substitute treatment programs require treatment for an extended period of time. Opiate substitution treatment programs shall provide a comprehensive transition program to eliminate chemical dependency; including opiate and opiate substitute addiction of program participants.



**Sec. 2.** RCW 70.96A.410 and 1989 c 270 s 21 are each amended to read as follows:

(1) A county legislative authority may prohibit ~~((methadone))~~ opiate substitution treatment in that county. The department shall not certify ~~((a-methadone))~~ an opiate substitution treatment program in a county where the county legislative authority has prohibited ~~((methadone))~~ opiate substitution treatment. If a county legislative authority authorizes ~~((methadone))~~ opiate substitution treatment programs, it shall limit by ordinance the number of ~~((methadone))~~ opiate substitution treatment programs operating in that county by limiting the number of licenses granted in that county. If a county has authorized ~~((methadone))~~ opiate substitution treatment programs in that county, it shall only license ~~((methadone))~~ opiate substitution treatment programs that comply with the department's operating and treatment standards under this section and RCW 70.96A.420. A county that authorizes ~~((methadone))~~ opiate substitution treatment may operate the programs directly or through a local health department or health district or it may authorize certified ~~((methadone))~~ opiate substitution treatment programs that the county licenses to provide the services within the county. Counties shall monitor ~~((methadone))~~ opiate substitution treatment programs for compliance with the department's operating and treatment regulations under this section and RCW 70.96A.420.

(2) A county that authorizes ~~((methadone))~~ opiate substitution treatment programs shall develop and enact by ordinance licensing standards, consistent with this chapter and the operating and treatment standards adopted under this chapter, that govern the application for, issuance of, renewal of, and revocation of the licenses. Certified programs existing before May 18, 1987, applying for renewal of licensure in subsequent years, that maintain certification and meet all other requirements for licensure, shall be given preference.

(3) In certifying programs, the department shall not discriminate against ~~((a-methadone))~~ an opiate substitution treatment program on the basis of its corporate structure. In licensing programs, the county shall not discriminate against ~~((a-methadone))~~ an opiate substitution treatment program on the basis of its corporate structure.

(4) A program applying for certification from the department and a program applying for a contract from a state agency that has been denied the certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial. A program applying for a license or a contract from a county that has been denied the license or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(5) A license is effective for one calendar year from the date of issuance. The license shall be renewed in accordance with the provisions of this section for initial approval ~~((and in accordance with))~~; the goals for treatment programs under RCW 70.96A.400; the standards set forth in RCW 70.96A.420; and the rules adopted by the secretary.

(6) For the purpose of this chapter, opiate substitution treatment means dispensing an opiate substitution drug approved by the Federal Drug Administration for the treatment of opiate addiction and providing a comprehensive range of medical and rehabilitative services.

**Sec. 3.** RCW 70.96A.420 and 1989 c 270 s 22 are each amended to read as follows:

(1) The department, in consultation with ~~((methadone))~~ opiate substitution treatment service providers and counties authorizing ~~((methadone))~~ opiate substitution treatment programs, shall establish state-wide treatment standards for ~~((methadone))~~ opiate substitution treatment programs. The department and counties that authorize ~~((methadone))~~ opiate substitution treatment programs shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter ~~((and the treatment standard authorized by this chapter))~~. A ~~((methadone))~~ opiate substitution treatment program shall not have a caseload in excess of three hundred fifty persons.

(2) The department, in consultation with ~~((methadone))~~ opiate substitution treatment programs and counties authorizing ~~((methadone))~~ opiate substitution treatment programs, shall establish state-wide operating standards for ~~((methadone))~~ opiate substitution treatment programs. The department and counties that authorize ~~((methadone))~~ opiate substitution treatment programs shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and authorizing counties to monitor certified and licensed ~~((methadone))~~ opiate substitution treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the ~~((methadone))~~ opiate substitution treatment programs upon the business and residential neighborhoods in which the program is located.

(3) The department shall establish criteria for evaluating the compliance of opiate substitute treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis. The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter. Before January 1 of each year, the department shall submit an annual report to the legislature, including the outcome analysis of each treatment program."

On page 1, line 1 of the title, after "treatment;" strike the remainder of the title and insert "and amending RCW 70.96A.400, 70.96A.410, and 70.96A.420."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Cooke moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1298 and pass the bill as amended by the Senate.

Representatives Cooke and Thibaudeau spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1298 as amended by the Senate.

Representative Cooke spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1298 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Jacobsen, Johnson, Kessler, Koster, Kremen, Lisk, Mason, Mastin, McMorris, Mielke, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 87.

Voting nay: Representatives Beeksma, Dellwo, Goldsmith, Hargrove, Hymes, Lambert, McMahan, Mitchell, Pennington and Sherstad - 10.

Excused: Representative Benton - 1.

Engrossed Substitute House Bill No. 1298, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1336 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

The legislature finds that some college students who have recently graduated from high school must immediately enroll in one or more precollege classes before they can proceed successfully through college. The legislature also finds that these students should have received basic skills in English, reading, spelling, grammar, and mathematics before graduating from high school. It is the intent of the legislature that colleges and universities provide information to school districts about recent graduates who enroll in precollege classes. It is also the intent of the legislature to encourage institutions of higher education and the common schools to work together to solve problems of common concern.

NEW SECTION. Sec. 2. By June 30, 1996, in consultation with the commission on student learning, the superintendent of public instruction, the state board of education, faculty, teachers from institutions of higher education and high schools, and others as appropriate, the higher education coordinating board shall adopt common definitions of remedial and precollege material and course work. The definitions adopted by the board shall be rigorous, challenging students to come to college well prepared to engage in college and university work, and shall be adopted by each institution of higher education as defined in RCW 28B.10.016.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.10 RCW to read as follows:

Beginning in 1997, by September 30th of each year, each state university, regional university, state college, and, for community colleges and technical colleges, the state board for community and technical colleges shall provide a report to the office of the superintendent of public instruction, the state board of education, and the commission on student learning under RCW 28A.630.885. The report shall contain the following information on students who, within three years of graduating from a Washington high school, enrolled the prior year in a state-supported precollege level class at the institution: (1) The number of such students enrolled in a precollege level class in mathematics, reading, grammar, spelling, writing, or English; (2) the types of precollege classes in which each student was enrolled; and (3) the name of the Washington high school from which each student graduated.

For students who enrolled in a precollege class within three years of graduating from a Washington high school, each institution of higher education shall also report to the Washington high school from which the student graduated. The annual report shall include information on the number of students from that high school enrolled in precollege classes, and the types of classes taken by the students."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "adding new sections to chapter 28B.10 RCW; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Carlson moved that the House concur in the Senate amendments to Substitute House Bill No. 1336 and pass the bill as amended by the Senate.

Representatives Jacobsen and Carlson spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1336 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1336 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

Substitute House Bill No. 1336, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: House Bill No. 1296, Engrossed Substitute House Bill No. 1107 and House Bill No. 1425 and continue down the calendar.

#### SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1296 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

(1) Since enactment of chapter 227, Laws of 1984 most employers that participate in state retirement systems have been responsible for ensuring that member retirement contributions are transferred to the retirement trust funds, even in situations where service credit is being established on a retroactive basis for a member who is no longer employed by the employer.

(2) It is the responsibility of employers to accurately report their employees' compensation and service, and to ensure that all required member and employer contributions are transferred to the department of retirement systems. However, in situations where an employer determines that a former employee should have had contributions transferred, it is more reasonable and efficient to bill the employee for the past due member contributions than to make the employer responsible for them.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.50 RCW to read as follows:

(1) If an employer, pursuant to RCW 41.50.140(2), does not transfer member contributions for a former employee's prior period of service, the member shall not receive service credit for the period of service unless the member pays the required member contributions as provided in this section. In such cases the member shall have the option, but shall not be obligated, to pay the member contributions necessary to receive credit for the period of service. As provided by RCW 41.50.140(1), the department shall collect from the employer all employer contributions due for periods of service, regardless of whether the member elects to pay the member contributions necessary to receive credit for the period of service.

(2) The department shall adopt, by rule, a process by which separated and active members may pay member contributions needed to establish service credit for prior periods of service for which their employers did not transmit member contributions.

**Sec. 3.** RCW 41.50.140 and 1982 1st ex.s. c 52 s 33 are each amended to read as follows:

(1) Every employer participating in one or more of the retirement systems listed in RCW 41.50.030 shall fully cooperate in the administration of the systems in which its employees participate, including the distribution of information to employees, and shall accept and carry out all other duties as required by law, regulation, or administrative instruction. Every employer shall transmit to the department all member and employer contributions due for periods of service rendered in the retirement systems, except as provided in subsection (2) of this section.

(2) When the department bills an employer for member and employer contributions owed for a prior period of service, the employer shall transmit the required contributions if the member is still an employee of the employer at the time of the billing. The employer shall have no duty to transfer member contributions for persons who are not employees on the date the department bills the employer but shall transfer the required employer contributions for the prior service.

(3) Members for whom member contributions for a prior period of service are not transferred by the employer pursuant to subsection (2) of this section shall have the option of paying the required member contributions pursuant to section 2 of this act.

~~((2) If an employee is entitled to retroactive service credit which was not previously established through no fault of the employee, or through an employer error which has caused a member's compensation or contributions to be understated or overstated so as to cause a loss to the retirement funds, the director may bill the employer for the loss, to include interest, if applicable. The employer contributions, with interest thereon, will be treated as if in fact the interest was part of the normal employer contribution and no distribution of interest received shall be required.~~

~~(3) Employer paid employee contributions will not be credited to a member's account until the employer notifies the director in writing that the employer has been reimbursed by the employee or beneficiary for the payment. The employer shall have the right to collect from the employee the amount of the employee's obligation. Failure on the part of the employer to collect all or any part of the sums which may be due from the employee or beneficiary shall in no way cause the employer obligation for the total liability to be lessened.))~~

(4) If an employer transfers member contributions which were not paid by the member, the employer shall have the right to collect the amount of the employee's obligation from the employee.

**Sec. 4.** RCW 41.54.020 and 1994 c 197 s 32 are each amended to read as follows:

(1) Those persons who are dual members on or after July 1, 1988, shall not receive a retirement benefit from any prior system while dual members without the loss of all benefits under this chapter. Retroactive retirement in any prior system will cancel membership in any subsequent systems except as allowed under RCW 41.04.270 and will result in the refund of all employee and employer contributions made to such systems.

(2) If a member has withdrawn contributions from a prior system, the member may restore the contributions, together with interest since the date of withdrawal as determined by the system, and recover the service represented by the contributions. Such restoration must be completed within two years of establishing dual membership or prior to retirement, whichever occurs first.

(3) If a member does not meet the time limitation under subsection (2) of this section, the member, prior to retirement, may restore the service credit destroyed by the withdrawn contributions by paying the amount required under RCW 41.50.165(2). However, if a member failed to meet the applicable statutory deadline and filed a petition with the director of the department of retirement systems prior to January 1, 1995, requesting an extension of the applicable period; and if the director's findings in denying the petition affirmatively show that the failure was due to the fact that the department's customary bulletins and other notifications that were furnished to the member's employer for distribution were not furnished to the member by the employer, and that the member did not otherwise receive notice through other channels of communication and was not at fault, the member may elect to restore the required contributions and interest and regain service credit under subsection (2) of this section under the same terms and conditions and without further liability as if the election had been made on a timely basis. The election must be made not later than July 1, 1995, or prior to retirement, whichever comes first. The department shall provide written notice and an application

directly to the affected members, and any further assistance as may be necessary to implement this section.

(4) Any service accrued in one system by the member shall not accrue in any other system.

NEW SECTION. Sec. 5. If specific funding for the purposes of sections 1 through 4 of this act, referencing sections 1 through 4 of this act by bill and section number, is not provided by June 30, 1995, in the omnibus appropriations act, sections 1 through 4 of this act shall be null and void.

NEW SECTION. Sec. 6. This act shall take effect July 1, 1996."

On page 1, line 2 of the title, after "contributions;" strike the remainder of the title and insert "amending RCW 41.50.140 and 41.54.020; adding a new section to chapter 41.50 RCW; creating new sections; and providing an effective date."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Carlson moved that the House insists on its position regarding the Senate amendments to House Bill No. 1296 and ask the Senate to recede therefrom.

Representatives Carlson and Sommers spoke in favor of the motion and it was carried.

#### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107 with the following amendments:

Strike everything after the enacting clause and insert the following:

#### "PART 1 LAW REVISION COMMISSION

NEW SECTION. Sec. 101. The following acts or parts of acts are each repealed:

- (1) RCW 1.30.010 and 1982 c 183 s 1;
- (2) RCW 1.30.020 and 1982 c 183 s 2;
- (3) RCW 1.30.030 and 1982 c 183 s 3;
- (4) RCW 1.30.040 and 1987 c 505 s 2 & 1982 c 183 s 4;
- (5) RCW 1.30.050 and 1982 c 183 s 5; and
- (6) RCW 1.30.060 and 1982 c 183 s 9.

#### PART 2 JUDICIAL COUNCIL

NEW SECTION. Sec. 201. The following acts or parts of acts are each repealed:

- (1) RCW 2.52.010 and 1994 c 32 s 1, 1987 c 322 s 1, 1977 ex.s. c 112 s 1, 1973 c 18 s 1, 1971 c 40 s 1, 1967 c 124 s 1, 1961 c 271 s 1, 1955 c 40 s 1, & 1925 ex.s. c 45 s 1;
- (2) RCW 2.52.020 and 1925 ex.s. c 45 s 2;
- (3) RCW 2.52.030 and 1987 c 322 s 2 & 1925 ex.s. c 45 s 3;
- (4) RCW 2.52.035 and 1987 c 322 s 4;

- (5) RCW 2.52.040 and 1977 ex.s. c 112 s 2 & 1925 ex.s. c 45 s 4; and
- (6) RCW 2.52.050 and 1987 c 322 s 3 & 1981 c 260 s 1.

PART 3  
JUVENILE DISPOSITION STANDARDS COMMISSION

NEW SECTION. **Sec. 301.** A new section is added to chapter 9.94A RCW to read as follows:

(1) The juvenile disposition standards commission is hereby abolished and its powers, duties, and functions are hereby transferred to the sentencing guidelines commission. All references to the director or the juvenile disposition standards commission in the Revised Code of Washington shall be construed to mean the director or the sentencing guidelines commission.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the juvenile disposition standards commission shall be delivered to the custody of the sentencing guidelines commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the juvenile disposition standards commission shall be made available to the sentencing guidelines commission. All funds, credits, or other assets held by the juvenile disposition standards commission shall be assigned to the sentencing guidelines commission.

(b) Any appropriations made to the juvenile disposition standards commission shall, on the effective date of this section, be transferred and credited to the sentencing guidelines commission.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the juvenile disposition standards commission are transferred to the jurisdiction of the sentencing guidelines commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the sentencing guidelines commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the juvenile disposition standards commission shall be continued and acted upon by the sentencing guidelines commission. All existing contracts and obligations shall remain in full force and shall be performed by the sentencing guidelines commission.

(5) The transfer of the powers, duties, functions, and personnel of the juvenile disposition standards commission shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**Sec. 302.** RCW 13.40.025 and 1986 c 288 s 8 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following nine members appointed by the governor, subject to confirmation by the senate: (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in

respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) The commission shall ~~((meet at least once every three months))~~ cease to exist on June 30, 1997, and its powers and duties shall be transferred to the sentencing guidelines commission established under RCW 9.94A.040.

**Sec. 303.** RCW 9.94A.040 and 1994 c 87 s 1 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

(7) The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.



(8) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

(9) The commission may (a) serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local sentencing practices; (b) develop and maintain a computerized sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (c) conduct ongoing research regarding sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the criminal justice system.

(10) The staff and executive officer of the commission may provide staffing and services to the juvenile disposition standards commission, if authorized by RCW 13.40.025 and 13.40.027. The commission may conduct joint meetings with the juvenile disposition standards commission.

(11) The commission shall assume the powers and duties of the juvenile disposition standards commission after June 30, 1997.

(12) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

#### PART 4

#### COSMETOLOGY, BARBERING, ESTHETICS, AND MANICURING ADVISORY BOARD

NEW SECTION. Sec. 401. The legislature finds that the economic opportunities for cosmetologists, barbers, estheticians, and manicurists have deteriorated in this state as a result of the lack of skilled practitioners, inadequate licensing controls, and inadequate enforcement of health standards. To increase the opportunities for individuals to earn viable incomes in these professions and to protect the general health of the public, the state cosmetology, barbering, esthetics, and manicuring advisory board should be reconstituted and given a new charge to develop appropriate responses to this situation, including legislative proposals.

**Sec. 402.** RCW 18.16.050 and 1991 c 324 s 3 are each amended to read as follows:

(1) There is created a state cosmetology, barbering, esthetics, and manicuring advisory board consisting of ~~((five))~~ seven members appointed by the ~~((governor who shall advise the director concerning the administration of this chapter))~~ director. ~~((Four))~~ These seven members of the board shall include ~~((a minimum of two instructors))~~ a representative of a private cosmetology school and a representative of a public vocational technical school involved in cosmetology training, with the balance made up of currently practicing licensees who have been engaged in the practice of manicuring, esthetics, barbering, or cosmetology for at least three years. One member of the board shall be a consumer who is unaffiliated with the cosmetology, barbering, esthetics, or manicuring industry. The term of office for all board members ~~((is three years))~~ serving as of the effective date of this section expires June 30, 1995. On June 30, 1995, the director shall appoint seven new members to the board. These new members shall serve a term of two years, at the conclusion of which the board shall cease to exist. Any members serving on the advisory board as of the effective date of this section are eligible to be reappointed. Any board member may be removed for just cause. The director may appoint a new member to fill any vacancy on the ((committee)) board for the remainder of the unexpired term. ((No board member may serve more than two consecutive terms, whether full or partial.))

(2) The board appointed on June 30, 1995, together with the director or the director's designee, shall conduct a thorough review of educational requirements, licensing requirements, and enforcement and health standards for persons engaged in cosmetology, barbering, esthetics, or manicuring and shall prepare a report to be delivered to the governor, the director, and the chairpersons of the governmental operations committees of the house of representatives and the senate. The report must summarize their findings and make recommendations, including, if appropriate, recommendations for legislation reforming and restructuring the regulation of cosmetology, barbering, esthetics, and manicuring.

(3) Board members shall be entitled to compensation pursuant to RCW 43.03.240 for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

#### PART 5

## SHORTHAND REPORTERS ADVISORY BOARD

**Sec. 501.** RCW 18.145.030 and 1989 c 382 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of licensing.
- (3) "Shorthand reporter" and "court reporter" mean an individual certified under this chapter.
- ~~((4) "Board" means the Washington state shorthand reporter advisory board.))~~

**Sec. 502.** RCW 18.145.050 and 1989 c 382 s 6 are each amended to read as follows:

In addition to any other authority provided by law, the director may:

- (1) Adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter;
- (2) Set all certification examination, renewal, late renewal, duplicate, and verification fees in accordance with RCW 43.24.086;
- (3) Establish the forms and procedures necessary to administer this chapter;
- (4) Issue a certificate to any applicant who has met the requirements for certification;
- (5) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;
- (6) Investigate complaints or reports of unprofessional conduct as defined in this chapter and hold hearings pursuant to chapter 34.05 RCW;
- (7) Issue subpoenas for records and attendance of witnesses, statements of charges, statements of intent to deny certificates, and orders; administer oaths; take or cause depositions to be taken; and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;
- (8) Maintain the official departmental record of all applicants and certificate holders;
- (9) Delegate, in writing to a designee, the authority to issue subpoenas, statements of charges, and statements of intent to deny certification;
- (10) Prepare and administer or approve the preparation and administration of examinations for certification;
- (11) Establish by rule the procedures for an appeal of a failure of an examination;
- (12) Conduct a hearing under chapter 34.05 RCW on an appeal of a denial of a certificate based on the applicant's failure to meet minimum qualifications for certification;
- (13) Establish ad hoc advisory committees whose membership shall include representatives of professional court reporting and stenomasking associations and representatives from accredited schools offering degrees in court reporting or stenomasking to advise the director on testing procedures, professional standards, disciplinary activities, or any other matters deemed necessary.

**Sec. 503.** RCW 18.145.070 and 1989 c 382 s 8 are each amended to read as follows:

The director(~~(, members of the board,))~~ and individuals acting on ~~((their))~~ the director's behalf shall not be civilly liable for any act performed in good faith in the course of their duties.

**Sec. 504.** RCW 18.145.080 and 1989 c 382 s 9 are each amended to read as follows:

- (1) The department shall issue a certificate to any applicant who, as determined by the director ~~((upon advice of the board)),~~ has:
  - (a) Successfully completed an examination approved by the director;
  - (b) Good moral character;
  - (c) Not engaged in unprofessional conduct; and
  - (d) Not been determined to be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.
- (2) A one-year temporary certificate may be issued, at the discretion of the director, to a person holding one of the following: National shorthand reporters association certificate of proficiency, registered professional reporter certificate, or certificate of merit; a current court or shorthand reporter certification, registration, or license of another state; or a certificate of graduation of a court reporting school. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under subsection (1)(a) of this section

within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

(3) The examination required by subsection (1)(a) of this section shall be no more difficult than the examination provided by the court reporter examining committee as authorized by RCW 2.32.180.

NEW SECTION. **Sec. 505.** RCW 18.145.060 and 1989 c 382 s 7 are each repealed.

PART 6  
MARITIME BICENTENNIAL ADVISORY COMMITTEE

NEW SECTION. **Sec. 601.** RCW 27.34.300 and 1989 c 82 s 2 are each repealed.

PART 7  
CENTENNIAL COMMISSION

NEW SECTION. **Sec. 701.** The following acts or parts of acts are each repealed:

- (1) RCW 27.60.010 and 1982 c 90 s 1;
- (2) RCW 27.60.020 and 1985 c 291 s 1, 1984 c 120 s 1, & 1982 c 90 s 2;
- (3) RCW 27.60.030 and 1982 c 90 s 3;
- (4) RCW 27.60.040 and 1987 c 195 s 1, 1985 c 291 s 2, & 1982 c 90 s 4;
- (5) RCW 27.60.050 and 1982 c 90 s 5;
- (6) RCW 27.60.070 and 1985 c 291 s 4;
- (7) RCW 27.60.090 and 1986 c 157 s 2; and
- (8) RCW 27.60.900 and 1989 c 82 s 3, 1985 c 268 s 3, & 1982 c 90 s 6.

PART 8  
STUDENT FINANCIAL AID POLICY STUDY ADVISORY COMMITTEE

**Sec. 801.** RCW 28B.10.804 and 1969 ex.s. c 222 s 10 are each amended to read as follows:

The commission shall be cognizant of the following guidelines in the performance of its duties:

(1) The commission shall be research oriented, not only at its inception but continually through its existence.

(2) The commission shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The commission shall take the initiative and responsibility for coordinating all federal student financial aid programs to insure that the state recognizes the maximum potential effect of these programs, and shall design the state program which complements existing federal, state and institutional programs.

(4) Counseling is a paramount function of student financial aid, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the commission, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) ~~((In the development of any new program, the commission shall seek advice from and consultation with the institutions of higher learning, state agencies, industry, labor, and such other interested groups as may be able to contribute to the effectiveness of program development and implementation.~~

~~(6))~~ The "package" approach of combining loans, grants and employment for student financial aid shall be the conceptual element of the state's involvement.

PART 9  
ADVISORY COMMITTEE ON ACCESS TO EDUCATION  
FOR STUDENTS WITH DISABILITIES

NEW SECTION. **Sec. 901.** The following acts or parts of acts are each repealed:

- (1) RCW 28B.80.550 and 1991 c 228 s 7; and
- (2) RCW 28B.80.555 and 1991 c 228 s 8.

PART 10  
ADVISORY COMMITTEE FOR PROGRAM FOR  
DISLOCATED FOREST PRODUCTS WORKERS

**Sec. 1001.** RCW 28B.80.575 and 1991 c 315 s 19 are each amended to read as follows:

The board shall administer a program designed to provide upper division higher education opportunities to dislocated forest products workers, their spouses, and others in timber impact areas. In administering the program, the board shall have the following powers and duties:

(1) Distribute funding for institutions of higher education to service placebound students in the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average; and

(2) ~~((Appoint an advisory committee to assist the board in program design and future project selection;~~

~~(3)) Monitor the program and report on student progress and outcome((; and~~

~~(4) Report to the legislature by December 1, 1993, on the status of the program)).~~

PART 11  
STATE FIRE DEFENSE BOARD AND  
FIRE PROTECTION POLICY BOARD

**Sec. 1101.** RCW 38.54.030 and 1992 c 117 s 11 are each amended to read as follows:

~~((There is created the state fire defense board consisting of the state fire marshal, a representative from the department of natural resources appointed by the commissioner of public lands, the assistant director of the emergency management division of the department of community development, and one representative selected by each regional fire defense board in the state. Members of the state fire defense board shall select from among themselves a chairperson. Members serving on the board do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses from the state.))~~

The state fire ~~((defense board shall develop and maintain))~~ protection policy board shall review and make recommendations to the director on the refinement and maintenance of the Washington state fire services mobilization plan, which shall include the procedures to be used during fire and other emergencies for coordinating local, regional, and state fire jurisdiction resources. In carrying out this duty, the fire protection policy board shall consult with and solicit recommendations from representatives of state and local fire and emergency management organizations, regional fire defense boards, and the department of natural resources. The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The director shall review the fire services mobilization plan as submitted by the state fire defense board and after consultation with the fire protection policy board, recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.

It is the responsibility of the director to mobilize jurisdictions under the Washington state fire services mobilization plan. The state fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.

PART 12  
EMERGENCY MANAGEMENT COUNCIL AND RELATED BOARDS

**Sec. 1201.** RCW 38.52.030 and 1991 c 322 s 20 and 1991 c 54 s 2 are each reenacted and amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall

maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) ~~((The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee))~~ The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a state-wide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and subordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

- (b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;
- (c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and
- (d) Undertaking other duties in this area that are deemed appropriate by the director.

**Sec. 1202.** RCW 38.52.040 and 1988 c 81 s 18 are each amended to read as follows:

(1) There is hereby created the emergency management council (hereinafter called the council), to consist of not ~~((less than seven nor))~~ more than seventeen members who shall be appointed by the governor. ~~((The council shall advise the governor and the director on all matters pertaining to emergency management and shall advise the chief of the Washington state patrol on safety in the transportation of hazardous materials described in RCW 46.48.170.))~~ The membership of the council shall include, but not be limited to, representatives of city and county governments, sheriffs and police chiefs, the Washington state patrol, the military department, the department of ecology, state and local fire chiefs, seismic safety experts, state and local emergency management directors, search and rescue volunteers, medical professions who have expertise in emergency medical care, building officials, and private industry~~((, and local fire chiefs))~~. The representatives of private industry shall include persons knowledgeable in ~~((the handling and transportation of hazardous materials))~~ emergency and hazardous materials management. The council members shall elect a chairman from within the council membership. The members of the council shall serve without compensation, but may be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The emergency management council shall advise the governor and the director on all matters pertaining to state and local emergency management. The council may appoint such ad hoc committees, subcommittees, and working groups as are required to develop specific recommendations for the improvement of emergency management practices, standards, policies, or procedures. The council shall ensure that the governor receives an annual assessment of state-wide emergency preparedness including, but not limited to, specific progress on hazard mitigation and reduction efforts, implementation of seismic safety improvements, reduction of flood hazards, and coordination of hazardous materials planning and response activities. The council or a subcommittee thereof shall periodically convene in special session and serve during those sessions as the state emergency response commission required by P.L. 99-499, the emergency planning and community right-to-know act. When sitting in session as the state emergency response commission, the council shall confine its deliberations to those items specified in federal statutes and state administrative rules governing the coordination of hazardous materials policy. The council shall review administrative rules governing state and local emergency management practices and recommend necessary revisions to the director.

NEW SECTION. **Sec. 1203.** By July 1, 1995, the director of community, trade, and economic development shall terminate the state emergency response commission, the disaster assistance council, the hazardous materials advisory committee, the hazardous materials transportation act grant review committee, the flood damage reduction committee, and the hazard mitigation grant review committee. The director shall ensure that the responsibilities of these committees are carried out by the emergency management council or subcommittees thereof.

PART 13  
OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES  
ADVISORY COMMITTEE

NEW SECTION. **Sec. 1301.** RCW 39.19.040 and 1985 c 466 s 45 & 1983 c 120 s 4 are each repealed.

NEW SECTION. **Sec. 1302.** A new section is added to chapter 39.19 RCW to read as follows:

The director may establish ad hoc advisory committees, as necessary, to assist in the development of policies to carry out the purposes of this chapter.

PART 14

## SUPPLY MANAGEMENT ADVISORY BOARD

**Sec. 1401.** RCW 43.19.190 and 1994 c 138 s 1 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by the legislature: PROVIDED, That any agency may purchase material, supplies, services, and equipment for which the agency has notified the purchasing and material control director that it is more cost-effective for the agency to make the purchase directly from the vendor: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935: PROVIDED FURTHER, That, except for the authority of the risk manager to purchase insurance and bonds, the director is not required to provide purchasing services for institutions of higher education that choose to exercise independent purchasing authority under RCW 28B.10.029;

~~(3) ((Provide the required staff assistance for the state supply management advisory board through the division of purchasing;~~

~~(4))~~ Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies (~~PROVIDED, That~~). Acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, or from policies established by the director (~~after consultation with the state supply management advisory board: PROVIDED FURTHER, That~~). Also, delegation of such authorization to a state agency, including an educational institution to which this section applies, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

~~((5))~~ (4) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

~~((6))~~ (5) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

~~((7))~~ (6) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

~~((8))~~ (7) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

~~((9))~~ (8) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications (~~after receiving the recommendation of the supply management advisory board~~);

~~((40))~~ (9) Provide for the maintenance of inventory records of supplies, materials, and other property;

~~((41))~~ (10) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

~~((42))~~ (11) Publish procedures and guidelines for compliance by all state agencies, including those educational institutions to which this section applies, which implement overall state purchasing and material control policies;

~~((43))~~ (12) Advise state agencies, including educational institutions, regarding compliance with established purchasing and material control policies under existing statutes.

**Sec. 1402.** RCW 43.19.1905 and 1993 sp.s. c 10 s 3 are each amended to read as follows:

The director of general administration(~~(, after consultation with the supply management advisory board)~~) shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

(2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

(3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

(4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

(5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;

(6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;

(7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions (~~(under the provisions of RCW 43.19.510)~~), including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;

(8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

(16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;



(18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(19) Resolution of all other purchasing and material matters (~~(referred to him by a member of the advisory board)~~) which require the establishment of overall state-wide policy for effective and economical supply management;

(20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002).

**Sec. 1403.** RCW 43.19.19052 and 1986 c 158 s 9 are each amended to read as follows:

Initial policy determinations for the functions described in RCW 43.19.1905 shall be developed and published within the 1975-77 biennium by the director(~~(, after consultation with the supply management advisory board)~~) for guidance and compliance by all state agencies, including educational institutions, involved in purchasing and material control. Modifications to these initial supply management policies established during the 1975-77 biennium shall be instituted by the director(~~(, after consultation with the advisory board,)~~) in future biennia as required to maintain an efficient and up-to-date state supply management system. The director shall transmit to the governor and the legislature in June 1976 and June 1977 a progress report which indicates the degree of accomplishment of each of these assigned duties, and which summarizes specific achievements obtained in increased effectiveness and dollar savings or cost avoidance within the overall state purchasing and material control system. The second progress report in June 1977 shall include a comprehensive supply management plan which includes the recommended organization of a state-wide purchasing and material control system and development of an orderly schedule for implementing such recommendation. In the interim between these annual progress reports, the director shall furnish periodic reports to the office of financial management for review of progress being accomplished in achieving increased efficiencies and dollar savings or cost avoidance.

It is the intention of the legislature that measurable improvements in the effectiveness and economy of supply management in state government shall be achieved during the 1975-77 biennium, and each biennium thereafter. All agencies, departments, offices, divisions, boards, and commissions and educational, correctional, and other types of institutions are required to cooperate with and support the development and implementation of improved efficiency and economy in purchasing and material control. To effectuate this legislative intention, the director, (~~(in consultation with the supply management advisory board, and)~~) through the state purchasing and material control director, shall have the authority to direct and require the submittal of data from all state organizations concerning purchasing and material control matters.

**Sec. 1404.** RCW 43.19.1906 and 1994 c 300 s 1 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full

disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars ((with the approval of at least ten of the members of the state supply management advisory board)), if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

**Sec. 1405.** RCW 43.19.1937 and 1975-'76 2nd ex.s. c 21 s 13 are each amended to read as follows:

No ((member of the state supply management advisory board or)) state employee whose duties performed for the state include:

- (1) Advising on or drawing specifications for supplies, equipment, commodities, or services;
- (2) Suggesting or determining vendors to be placed upon a bid list;
- (3) Drawing requisitions for supplies, equipment, commodities, or services;
- (4) Evaluating specifications or bids and suggesting or determining awards; or
- (5) Accepting the receipt of supplies, equipment, and commodities or approving the performance of services or contracts;

shall accept or receive, directly or indirectly, a personal financial benefit, or accept any gift, token, membership, or service, as a result of a purchase entered into by the state, from any person, firm, or corporation engaged in the sale, lease, or rental of property, material, supplies, equipment, commodities, or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission.

**Sec. 1406.** RCW 43.19A.020 and 1991 c 297 s 3 are each amended to read as follows:

(1) The director shall adopt standards specifying the minimum content of recycled materials in products or product categories. The standards shall:

(a) Be consistent with the USEPA product standards, unless the director finds that a different standard would significantly increase recycled product availability or competition;

(b) Consider the standards of other states, to encourage consistency of manufacturing standards;

(c) Consider regional product manufacturing capability;

(d) Address specific products or classes of products; and

(e) Consider postconsumer waste content and the recyclability of the product.

(2) The director shall consult with the ~~((supply management board and))~~ department of ecology prior to adopting the recycled content standards.

(3) The director shall adopt recycled content standards for at least the following products by the dates indicated:

(a) By July 1, 1992:

(i) Paper and paper products;

(ii) Organic recovered materials; and

(iii) Latex paint products;

(b) By July 1, 1993:

(i) Products for lower value uses containing recycled plastics;

(ii) Retread and remanufactured tires;

(iii) Lubricating oils;

(iv) Automotive batteries; and

(v) Building insulation.

(4) The standards required by this section shall be applied to recycled product purchasing by the department and other state agencies. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

NEW SECTION. **Sec. 1407.** RCW 43.19.1904 and 1979 c 88 s 2, 1975-'76 2nd ex.s. c 21 s 4, 1967 ex.s. c 104 s 4, & 1965 c 8 s 43.19.1904 are each repealed.

#### PART 15 PRESCRIPTION DRUG PROGRAM ADVISORY COMMITTEE

NEW SECTION. **Sec. 1501.** By July 1, 1995, the secretary of the department of social and health services shall abolish the prescription drug program advisory committee.

#### PART 16 TELECOMMUNICATIONS RELAY SERVICE PROGRAM ADVISORY COMMITTEE

NEW SECTION. **Sec. 1601.** RCW 43.20A.730 and 1992 c 144 s 4, 1990 c 89 s 4, & 1987 c 304 s 4 are each repealed.

#### PART 17 LABORATORY ACCREDITATION ADVISORY COMMITTEE

NEW SECTION. **Sec. 1701.** By July 1, 1995, the director of the department of ecology shall abolish the laboratory accreditation advisory committee.

PART 18  
METALS MINING ADVISORY GROUP

NEW SECTION. **Sec. 1801.** 1994 c 232 s 27 (uncodified) is repealed.

PART 19  
HYDRAULIC APPEALS BOARD

**Sec. 1901.** RCW 43.21B.005 and 1990 c 65 s 1 are each amended to read as follows:

There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, and the shorelines hearings board created in RCW 90.58.170(~~(, and the hydraulic appeals board created in RCW 75.20.130)~~). The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board, the forest practices appeals board, and the shorelines hearings board(~~(, and the hydraulic appeals board)~~) shall be as provided by law.

The chief executive officer of the environmental hearings office may appoint an administrative appeals judge who shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, in cases before the boards comprising the office. The administrative appeals judge shall have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. Additional administrative appeals judges may also be appointed by the chief executive officer on the same terms. Administrative appeals judges shall not be subject to chapter 41.06 RCW.

The chief executive officer may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

The chief executive officer may also contract for required services.

**Sec. 1902.** RCW 75.20.103 and 1993 sp.s. c 2 s 32 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, and when such diversion or streambank stabilization will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 (~~(and 75.20.1002)~~), the department shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual

or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. ~~((Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision.))~~ The burden shall be upon the department to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective ~~((unless appealed to the hydraulic appeals board))~~ within thirty days from the notice of the proposed modification. The burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. ~~((A decision by the department may be appealed to the hydraulic appeals board within thirty days of the notice of the decision.))~~ The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.

**Sec. 1903.** RCW 75.20.160 and 1991 c 279 s 1 are each amended to read as follows:

(1) In order to protect the property of marine waterfront shoreline owners it is necessary to facilitate issuance of hydraulic permits for bulkheads or rockwalls under certain conditions.

(2) The department shall issue a hydraulic permit with or without conditions within forty-five days of receipt of a complete and accurate application which authorizes commencement of construction, replacement, or repair of a marine beach front protective bulkhead or rockwall for single-family type residences or property under the following conditions:

(a) The waterward face of a new bulkhead or rockwall shall be located only as far waterward as is necessary to excavate for footings or place base rock for the structure and under no conditions shall be located more than six feet waterward of the ordinary high water line;

(b) Any bulkhead or rockwall to replace or repair an existing bulkhead or rockwall shall be placed along the same alignment as the bulkhead or rockwall it is replacing; however, the replaced or repaired bulkhead or rockwall may be placed waterward of and directly abutting the existing structure only in cases where removal of the existing bulkhead or rockwall would result in environmental degradation or removal problems related to geological, engineering, or safety considerations;

(c) Construction of a new bulkhead or rockwall, or replacement or repair of an existing bulkhead or rockwall waterward of the existing structure shall not result in the permanent loss of critical food fish or shellfish habitats; and

(d) Timing constraints shall be applied on a case-by-case basis for the protection of critical habitats, including but not limited to migration corridors, rearing and feeding areas, and spawning habitats, for the proper protection of fish life.

(3) Any bulkhead or rockwall construction, replacement, or repair not meeting the conditions in this section shall be processed under this chapter in the same manner as any other application.

(4) ~~((Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic permit approval under this section may formally appeal the decision to the hydraulic appeals board pursuant to this chapter.))~~ The director shall establish an advisory committee to develop new and review existing technical provisions for hydraulic project permit conditions that would commonly apply to bulkhead construction. The purpose of the advisory committee shall be to develop recommendations for legislative and rule changes that (a) protect against the loss of property of waterfront shoreline owners; (b) facilitate the timely issuance of hydraulic permits and the prompt completion of projects; (c) reduce subjective project approval decisions by the department; and (d) foster better working relationships between bulkhead contractors, landowners, and the department. These recommendations shall be based on scientific evidence that demonstrates the association of project activities with impacts on fish life. The advisory committee shall be comprised of technical experts in the field of bulkhead construction, civil engineering, hydrology, and fish biology. By January 1, 1996, the committee shall submit recommendations to the director and the natural resources committees of the house of representatives and senate. The advisory committee shall expire on December 31, 1996.

**NEW SECTION. Sec. 1904.** The following acts or parts of acts are each repealed:

(1) RCW 75.20.130 and 1993 sp.s. c 2 s 37, 1989 c 175 s 160, 1988 c 272 s 3, 1988 c 36 s 37, & 1986 c 173 s 4; and

(2) RCW 75.20.140 and 1989 c 175 s 161 & 1986 c 173 s 5.

## PART 20 ECONOMIC RECOVERY COORDINATION BOARD

**Sec. 2001.** RCW 43.20A.750 and 1993 c 280 s 38 are each amended to read as follows:

(1) The department of social and health services shall help families and workers in timber impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency timber task force (~~and in consultation with the economic recovery coordination board,~~) and, where appropriate, under an interagency agreement with the department of community, trade, and economic development, shall provide grants through the office of the secretary for services to the unemployed in timber impact areas, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.

(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the economic recovery coordination board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs. No funds shall be used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Timber impact area" means:

~~((a))~~ A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: ~~((i))~~ (a) A lumber and wood products employment location quotient at or above the state average; ~~((ii))~~ (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or ~~((iii))~~ (c) an annual unemployment rate twenty percent or more above the state average~~(; or~~

~~(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection).~~

NEW SECTION. Sec. 2002. RCW 43.31.631 and 1993 c 316 s 3 & 1991 c 314 s 6 are each repealed.

#### PART 21 JOINT OPERATING AGENCY EXECUTIVE COMMITTEE

NEW SECTION. Sec. 2101. RCW 43.52.373 and 1982 1st ex.s. c 43 s 6 & 1965 c 8 s 43.52.373 are each repealed.

#### PART 22 OFFICE OF CRIME VICTIMS ADVOCACY ADVISORY COMMITTEE

NEW SECTION. Sec. 2201. By July 1, 1995, the director of the department of community, trade, and economic development shall abolish the office of crime victims advocacy advisory committee.

NEW SECTION. Sec. 2202. A new section is added to chapter 43.63A RCW to read as follows:

The director of the department of community, trade, and economic development may establish ad hoc advisory committees, as necessary, to obtain advice and guidance regarding the office of crime victims advocacy program.

#### PART 23 HEALTH CARE ACCESS AND COST CONTROL COUNCIL

**Sec. 2301.** RCW 43.70.010 and 1994 sp.s. c 7 s 206 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Assessment" means the regular collection, analysis, and sharing of information about health conditions, risks, and resources in a community. Assessment activities identify trends in illness, injury, and death and the factors that may cause these events. They also identify environmental risk factors, community concerns, community health resources, and the use of health services. Assessment includes gathering statistical data as well as conducting epidemiologic and other investigations and evaluations of health emergencies and specific ongoing health problems;

(2) "Board" means the state board of health;

~~(3) ("Council" means the health care access and cost control council;~~

~~(4))~~ "Department" means the department of health;

~~((5))~~ (4) "Policy development" means the establishment of social norms, organizational guidelines, operational procedures, rules, ordinances, or statutes that promote health or prevent injury, illness, or death; and

~~((6))~~ (5) "Secretary" means the secretary of health.

**Sec. 2302.** RCW 43.70.070 and 1989 1st ex.s. c 9 s 109 are each amended to read as follows:

The department shall evaluate and analyze readily available data and information to determine the outcome and effectiveness of health services, utilization of services, and payment methods. This section should not be construed as allowing the department access to proprietary information.

(1) The department shall make its evaluations available to the board (~~and the council~~) for use in preparation of the state health report required by RCW 43.20.050, and to consumers, purchasers, and providers of health care.

(2) The department (~~, with advice from the council~~) shall use the information to:

(a) Develop guidelines which may be used by consumers, purchasers, and providers of health care to encourage necessary and cost-effective services; and

(b) Make recommendations to the governor on how state government and private purchasers may be prudent purchasers of cost-effective, adequate health services.

**Sec. 2303.** RCW 70.170.020 and 1989 1st ex.s. c 9 s 502 are each amended to read as follows:

As used in this chapter:

(1) (~~"Council" means the health care access and cost control council created by this chapter.~~

~~(2))~~ "Department" means department of health.

~~((3))~~ (2) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

~~((4))~~ (3) "Secretary" means secretary of health.

~~((5))~~ (4) "Charity care" means necessary hospital health care rendered to indigent persons, to the extent that the persons are unable to pay for the care or to pay deductibles or co-insurance amounts required by a third-party payer, as determined by the department.

~~((6))~~ (5) "Sliding fee schedule" means a hospital-determined, publicly available schedule of discounts to charges for persons deemed eligible for charity care; such schedules shall be established after consideration of guidelines developed by the department.

~~((7))~~ (6) "Special studies" means studies which have not been funded through the department's biennial or other legislative appropriations.

NEW SECTION. **Sec. 2304.** The following acts or parts of acts are each repealed:

(1) RCW 70.170.030 and 1989 1st ex.s. c 9 s 503; and

(2) RCW 70.170.040 and 1989 1st ex.s. c 9 s 504.

#### PART 24

#### COUNCIL ON VOLUNTEERISM AND CITIZEN SERVICE

**Sec. 2401.** RCW 43.150.030 and 1992 c 66 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer" means a person who is willing to work without expectation of salary or financial reward and who chooses where he or she provides services and the type of services he or she provides.

(2) "Center" means the state center for volunteerism and citizen service.

~~((3) "Council" means the Washington state council on volunteerism and citizen service.)~~

NEW SECTION. **Sec. 2402.** RCW 43.150.060 and 1992 c 66 s 6, 1987 c 505 s 39, 1985 c 110 s 1, & 1982 1st ex.s. c 11 s 6 are each repealed.

#### PART 25

#### COMMISSION ON EFFICIENCY AND ACCOUNTABILITY IN GOVERNMENT

NEW SECTION. **Sec. 2501.** The following acts or parts of acts are each repealed:

(1) RCW 43.17.260 and 1987 c 480 s 1;

(2) RCW 43.17.270 and 1987 c 480 s 2;

(3) RCW 43.17.280 and 1987 c 480 s 3;



- (4) RCW 43.17.290 and 1987 c 480 s 4;
- (5) RCW 43.17.300 and 1987 c 480 s 5; and
- (6) 1991 c 53 s 1 & 1987 c 480 s 6 (uncodified).

PART 26  
TECHNICAL ADVISORY COMMITTEE ON PUPIL TRANSPORTATION

**Sec. 2601.** RCW 46.61.380 and 1984 c 7 s 70 are each amended to read as follows:

The state superintendent of public instruction (~~(, by and with the advice of the state department of transportation and the chief of the Washington state patrol,)~~) shall adopt and enforce rules not inconsistent with the law of this state to govern the design, marking, and mode of operation of all school buses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children. Those rules shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district is subject to such rules. It is unlawful for any officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such rules.

PART 27  
TRANSPORTATION IMPROVEMENT BOARD AND  
MULTIMODAL TRANSPORTATION PROGRAMS  
AND PROJECTS SELECTION COMMITTEE

**Sec. 2701.** RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the ~~((department of))~~ transportation improvement board and allocated by the ~~((multimodal transportation programs and projects selection committee created in RCW 47.66.020))~~ transportation improvement board to public transportation projects within the region from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the ~~((department of))~~ transportation improvement board and allocated by the ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;

(e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and

(f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.

**Sec. 2702.** RCW 81.104.090 and 1993 c 393 s 2 are each amended to read as follows:

The department of transportation shall be responsible for distributing amounts appropriated from the high capacity transportation account, which shall be allocated by the ~~((multimodal transportation programs and projects selection committee))~~ department of transportation based on criteria in subsection (2) of this section. The department shall assemble and participate in a committee comprised of transit agencies eligible to receive funds from the high capacity transportation account for the purpose of reviewing fund applications.

(1) State high capacity transportation account funds may provide up to eighty percent matching assistance for high capacity transportation planning efforts.

(2) Authorizations for state funding for high capacity transportation planning projects shall be subject to the following criteria:

(a) Conformance with the designated regional transportation planning organization's regional transportation plan;

(b) Local matching funds;

(c) Demonstration of projected improvement in regional mobility;

(d) Conformance with planning requirements prescribed in RCW 81.104.100, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of RCW 81.104.110; and

(e) Establishment, through interlocal agreements, of a joint regional policy committee as defined in RCW 81.104.030 or 81.104.040.

(3) The department of transportation shall provide general review and monitoring of the system and project planning process prescribed in RCW 81.104.100.

**Sec. 2703.** RCW 47.26.121 and 1994 c 179 s 13 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of ~~((eighteen))~~ twenty-one members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) One representative appointed by the governor who shall be a state employee with responsibility for transportation policy, planning, or funding; (b) ~~((the assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation; (c) the assistant secretary for local programs of))~~ two representatives from the department of transportation; ((d) a) (c) two representatives of ((a)) public transit systems; ((e)) (d) a private sector representative; ((and (f) a public member)) (e) a member representing the ports; (f) a member representing nonmotorized transportation; and (g) a member representing special needs transportation.

(2) Of the county members of the board, one shall be a county engineer or public works director; one shall be the executive director of the county road administration board; one shall be a county planning director or planning manager; one shall be a county executive, councilmember, or commissioner from a county with a population of one hundred twenty-five thousand or more; one shall be a county executive, councilmember, or commissioner of a county who serves on the board of a public transit system; and one shall be a county executive, councilmember, or commissioner from a county with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. No more than two of the three county-elected officials may represent counties located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(3) Of the city members of the board one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city with a population of twenty thousand or more; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; one shall be a city planning director or planning manager; one shall be a mayor, commissioner, or city councilmember of a city with a population of twenty thousand or more; one shall be a mayor, commissioner, or city councilmember of a city who serves on the board of a public transit

system; and one shall be a mayor, commissioner, or councilmember of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city. No more than two of the three city-elected officials may represent cities located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(4) Of the transit members, at least one shall be a general manager, executive director, or transit director of a public transit system in an urban area with a population over two hundred thousand and at least one representative from a rural or small urban transit system in an area with a population less than two hundred thousand.

(5) The private sector member shall be a citizen with business, management, and transportation related experience and shall be active in a business community-based transportation organization.

(6) The public member shall have professional experience in transportation or land use planning, a demonstrated interest in transportation issues, and involvement with community groups or grass roots organizations.

(7) The port member shall be a commissioner or senior staff person of a public port.

(8) The nonmotorized transportation member shall be a citizen with a demonstrated interest and involvement with a nonmotorized transportation group.

(9) The specialized transportation member shall be a citizen with a demonstrated interest and involvement with a state-wide specialized needs transportation group.

(10) Appointments of county, city, Washington department of transportation, transit, port, nonmotorized transportation, special needs transportation, private sector, and public representatives shall be made by the secretary of the department of transportation. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members, the association of Washington cities for city members, ~~((and))~~ the Washington state transit association for the transit members, and the Washington public ports association for the port member. The private sector ~~((and))~~, public, nonmotorized transportation, and special needs members shall be sought through classified advertisements in selected newspapers collectively serving all urban areas of the state, and other appropriate means. Persons applying for the private sector, nonmotorized transportation, special needs transportation, or the public member position must provide a letter of interest and a resume to the secretary of the department of transportation. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason or when a private sector, nonmotorized transportation, special needs transportation, or public member resigns or is unable or unwilling to serve.

~~((8))~~ (11) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years. The initial term of appointed members may be for less than four years. No appointed member may serve more than two consecutive four-year terms.

~~((9))~~ (12) The board shall elect a chair from among its members for a two-year term.

~~((10))~~ (13) Expenses of the board shall be paid in accordance with RCW 47.26.140.

~~((11))~~ (14) For purposes of this section, "public transit system" means a city-owned transit system, county transportation authority, metropolitan municipal corporation, public transportation benefit area, or regional transit authority.

**Sec. 2704.** RCW 47.66.030 and 1993 c 393 s 5 are each amended to read as follows:

(1)(a) The ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board is authorized and responsible for the final selection of programs and projects funded from the central Puget Sound public transportation account; public transportation systems account; high capacity transportation account; and the intermodal surface transportation and efficiency act of 1991, surface transportation program, state-wide competitive.

(b) The ~~((committee))~~ board may establish subcommittees ~~((of the full committee))~~ as well as technical advisory committees to carry out the mandates of this chapter.

(2)~~((a))~~ Expenses of the ~~((committee))~~ board, including administrative expenses for managing the program, shall be paid ~~((from the transportation fund))~~ in accordance with RCW 47.26.140.

~~((b))~~ Members of the committee shall receive no compensation for their services on the committee, but shall be reimbursed for travel expenses incurred while attending meetings of the

~~committee or while engaged on other business of the committee when authorized by the committee in accordance with RCW 43.03.050 and 43.03.060.)~~

**Sec. 2705.** RCW 47.26.140 and 1994 c 179 s 14 are each amended to read as follows:

The transportation improvement board shall appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board, and may employ additional staff as it deems appropriate. All costs associated with staff, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060, shall be paid from the urban arterial trust account, small city account, city hardship assistance account, transportation fund, and the transportation improvement account in the motor vehicle fund as determined by the biennial appropriation.

**Sec. 2706.** RCW 47.66.040 and 1993 c 393 s 6 are each amended to read as follows:

(1) The ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board shall select programs and projects based on a competitive process consistent with the mandates governing each account or source of funds. The competition shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the ~~((committee))~~ board in selecting programs and projects:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with disabilities act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by this ~~((committee))~~ board, and safety and security issues.

(3) The ~~((committee))~~ board shall determine the appropriate level of local match required for each program and project based on the source of funds.

**Sec. 2707.** RCW 47.26.160 and 1994 c 179 s 15 are each amended to read as follows:

The transportation improvement board shall:

(1) Adopt rules necessary to implement the provisions of chapter 47.66 RCW and this chapter relating to the allocation of funds;

(2) Adopt reasonably uniform design standards for city and county arterials.

**NEW SECTION. Sec. 2708.** The following acts or parts of acts are each repealed:

- (1) RCW 47.66.020 and 1993 c 393 s 4;
- (2) RCW 47.66.050 and 1993 c 393 s 7; and
- (3) RCW 47.66.060 and 1993 c 393 s 8.

#### PART 28 OVERSIGHT COMMITTEE ON LONGSHOREMAN'S AND HARBOR WORKER'S COMPENSATION COVERAGE

**NEW SECTION. Sec. 2801.** The following acts or parts of acts are each repealed:

- (1) RCW 48.22.071 and 1992 c 209 s 3; and
- (2) RCW 48.22.072 and 1993 c 177 s 2 & 1992 c 209 s 4.

#### PART 29 BOARD OF ADVISORS FOR SOLID WASTE INCINERATOR AND LANDFILL OPERATOR CERTIFICATION

**Sec. 2901.** RCW 70.95D.010 and 1989 c 431 s 65 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) (~~"Board" means the board of advisors for solid waste incinerator and landfill operator certification established by RCW 70.95D.050.~~

~~(2))~~ "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ (2) "Department" means the department of ecology.

~~((4))~~ (3) "Director" means the director of ecology.

~~((5))~~ (4) "Incinerator" means a facility which has the primary purpose of burning or which is designed with the primary purpose of burning solid waste or solid waste derived fuel, but excludes facilities that have the primary purpose of burning hog fuel.

~~((6))~~ (5) "Landfill" means a landfill as defined under RCW 70.95.030.

~~((7))~~ (6) "Owner" means, in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee; in the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee; in the case of a privately owned landfill or incinerator, the legal owner.

~~((8))~~ (7) "Solid waste" means solid waste as defined under RCW 70.95.030.

**Sec. 2902.** RCW 70.95D.060 and 1989 c 431 s 70 are each amended to read as follows:

(1) The director may (~~(, with the recommendation of the board and after a hearing before the board,)~~) revoke a certificate:

(a) If it were found to have been obtained by fraud or deceit;

(b) For gross negligence in the operation of a solid waste incinerator or landfill;

(c) For violating the requirements of this chapter or any lawful rule or order of the department;

or

(d) If the facility operated by the certified employee is operated in violation of state or federal environmental laws.

(2) A person whose certificate is revoked under this section shall not be eligible to apply for a certificate for one year from the effective date of the final order (~~(or of)~~) of revocation.

NEW SECTION. **Sec. 2903.** RCW 70.95D.050 and 1989 c 431 s 69 are each repealed.

NEW SECTION. **Sec. 2904.** A new section is added to chapter 70.95D RCW to read as follows:

The director may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance on the certification of solid waste incinerator and landfill operators.

PART 30  
WATER AND WASTEWATER OPERATOR CERTIFICATION  
BOARD OF EXAMINERS

**Sec. 3001.** RCW 70.95B.020 and 1987 c 357 s 1 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) (~~"Board" means the water and wastewater operator certification board of examiners established by RCW 70.95B.070.~~

~~(4))~~ "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((5))~~ (4) "Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems.

~~((6))~~ (5) "Operator in responsible charge" means an individual who is designated by the owner as the person on-site in responsible charge of the routine operation of a wastewater treatment plant.

~~((7))~~ (6) "Nationally recognized association of certification authorities" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((8))~~ (7) "Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used for the purpose of collecting and transporting wastewater.

~~((9))~~ (8) "Operating experience" means routine performance of duties, on-site in a wastewater treatment plant, that affects plant performance or effluent quality.

~~((10))~~ (9) "Owner" means in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chairman of the county legislative authority or the chairman's designee; in the case of a sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee; in the case of a privately owned wastewater treatment plant, the legal owner.

~~((11))~~ (10) "Wastewater certification program coordinator" means an employee of the department (~~who is appointed by the director to serve on the board and~~) who administers the wastewater treatment plant operators' certification program.

**Sec. 3002.** RCW 70.95B.040 and 1987 c 357 s 3 are each amended to read as follows:

The director(~~, with the approval of the board,~~) shall adopt and enforce such rules and regulations as may be necessary for the administration of this chapter. The rules and regulations shall include, but not be limited to, provisions for the qualification and certification of operators for different classifications of wastewater treatment plants.

**Sec. 3003.** RCW 70.95B.100 and 1973 c 139 s 10 are each amended to read as follows:

The director may, (~~with the recommendation of the board and after a hearing before the same~~) after conducting a hearing, revoke a certificate found to have been obtained by fraud or deceit, or for gross negligence in the operation of a waste treatment plant, or for violating the requirements of this chapter or any lawful rule, order or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of this final order or revocation.

**Sec. 3004.** RCW 70.119.020 and 1991 c 305 s 2 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) (~~"Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.~~

~~(2))~~ "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ (2) "Certified operator" means an individual holding a valid certificate and employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington and who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

~~((4))~~ (3) "Department" means the department of health.

~~((5))~~ (4) "Distribution system" means that portion of a public water system which stores, transmits, pumps and distributes water to consumers.

~~((6))~~ (5) "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:

(a) Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as giardia lamblia; or

(b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

~~((7))~~ (6) "Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections. Group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people.

~~((8))~~ (7) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((9))~~ (8) "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

~~((10))~~ (9) "Purification plant" means that portion of a public water system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

~~((11))~~ (10) "Secretary" means the secretary of the department of health.

~~((12))~~ (11) "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations, three persons will be considered equivalent to one service.

~~((13))~~ (12) "Surface water" means all water open to the atmosphere and subject to surface runoff.

**Sec. 3005.** RCW 70.119.050 and 1983 c 292 s 4 are each amended to read as follows:

The secretary shall adopt~~(, with the approval of the board,)~~ such rules and regulations as may be necessary for the administration of this chapter and shall enforce such rules and regulations. The rules and regulations shall include provisions establishing minimum qualifications and procedures for the certification of operators, criteria for determining the kind and nature of continuing educational requirements for renewal of certification under RCW 70.119.100(2), and provisions for classifying water purification plants and distribution systems.

Rules and regulations adopted under the provisions of this section shall be adopted in accordance with the provisions of chapter 34.05 RCW.

**Sec. 3006.** RCW 70.119.110 and 1991 c 305 s 7 are each amended to read as follows:

The secretary may~~(, with the recommendation of the board and after hearing before the same,)~~ after conducting a hearing revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for an intentional violation of the requirements of this chapter or any lawful rules, order, or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of the final order of revocation.

NEW SECTION. **Sec. 3007.** The following acts or parts of acts are each repealed:

(1) RCW 70.95B.070 and 1984 c 287 s 106, 1975-'76 2nd ex.s. c 34 s 161, & 1973 c 139 s 7;  
and

(2) RCW 70.119.080 and 1983 c 292 s 6 & 1977 ex.s. c 99 s 8.

NEW SECTION. **Sec. 3008.** A new section is added to chapter 70.95B RCW to read as follows:

The director, in cooperation with the secretary of health, may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance regarding the examination and certification of operators of wastewater treatment plants.

NEW SECTION. **Sec. 3009.** A new section is added to chapter 70.119 RCW to read as follows:

The secretary, in cooperation with the director of ecology, may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance regarding the development of rules implementing this chapter and on the examination and certification of operators of water systems.

TWIN RIVERS CORRECTIONS CENTER  
VOLUNTEER ADVISORY COMMITTEE

NEW SECTION. **Sec. 3101.** By July 1, 1995, the secretary of the department of corrections shall abolish the twin rivers corrections center volunteer advisory committee.

PART 32  
SEA URCHIN AND SEA CUCUMBER ADVISORY REVIEW BOARDS

**Sec. 3201.** RCW 75.30.050 and 1994 sp.s. c 9 s 807 and 1994 c 260 s 18 are each reenacted and amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

(a) The commercial crab fishing industry in cases involving Dungeness crab—Puget Sound fishery licenses;

(b) The commercial herring fishery in cases involving herring fishery licenses;

(c) The commercial sea urchin and sea cucumber fishery in cases involving sea urchin and sea cucumber dive fishery licenses;

~~(d) ((The commercial sea cucumber fishery in cases involving sea cucumber dive fishery licenses;~~

~~(e))~~ (e)) The commercial ocean pink shrimp industry (*Pandalus jordani*) in cases involving ocean pink shrimp delivery licenses; and

~~((f))~~ (e) The commercial coastal crab fishery in cases involving Dungeness crab—coastal fishery licenses and Dungeness crab—coastal class B fishery licenses. The members shall include one person from the commercial crab processors, one Dungeness crab—coastal fishery license holder, and one citizen representative of a coastal community.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

PART 33  
ADVISORY BOARD FOR THE PURCHASE OF  
FISHING VESSELS AND LICENSES

**Sec. 3301.** RCW 75.44.140 and 1983 1st ex.s. c 46 s 159 are each amended to read as follows:

The director shall adopt rules for the administration of the program. To assist the department in the administration of the program, the director may contract with persons not employed by the state and may enlist the aid of other state agencies.

~~((The director shall appoint an advisory board composed of five individuals who are knowledgeable of the commercial fishing industry to advise the director concerning the values of licenses and permits. Advisory board members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.))~~

PART 34  
RAIL DEVELOPMENT COMMISSION

NEW SECTION. **Sec. 3401.** The following acts or parts of acts are each repealed:

- (1) RCW 81.62.010 and 1987 c 429 s 1;
- (2) RCW 81.62.020 and 1987 c 429 s 2;
- (3) RCW 81.62.030 and 1987 c 429 s 3;
- (4) RCW 81.62.040 and 1987 c 429 s 4;
- (5) RCW 81.62.050 and 1987 c 429 s 5;
- (6) RCW 81.62.060 and 1987 c 429 s 6;
- (7) RCW 81.62.900 and 1987 c 429 s 7; and
- (8) RCW 81.62.901 and 1987 c 429 s 8.

PART 35



## MARINE OVERSIGHT BOARD

NEW SECTION. **Sec. 3501.** RCW 90.56.450 and 1992 c 73 s 40 & 1991 c 200 s 501 are each repealed.

### PART 36 INTERAGENCY COORDINATING COMMITTEE FOR PUGET SOUND AMBIENT MONITORING PROGRAM

**Sec. 3601.** RCW 90.70.065 and 1994 c 264 s 98 are each amended to read as follows:

(1) In addition to other powers and duties specified in this chapter, the authority shall ensure implementation and coordination of the Puget Sound ambient monitoring program established in the plan under RCW 90.70.060(12). The program shall:

(a) Develop a baseline and examine differences among areas of Puget Sound, for environmental conditions, natural resources, and contaminants in seafood, against which future changes can be measured;

(b) Take measurements relating to specific program elements identified in the plan;

(c) Measure the progress of the ambient monitoring programs implemented under the plan;

(d) Provide a permanent record of significant natural and human-caused changes in key environmental indicators in Puget Sound; and

(e) Help support research on Puget Sound.

(2) ~~((To ensure proper coordination of the ambient monitoring program, the authority may establish an interagency coordinating committee consisting of representatives from the departments of ecology, fish and wildlife, natural resources, and health, and such federal, local, tribal, and other organizations as are necessary to implement the program.~~

(3)) Each state agency with responsibilities for implementing the Puget Sound ambient monitoring program, as specified in the plan, shall participate in the program.

### PART 37 PUGET SOUND WATER QUALITY AUTHORITY

**Sec. 3701.** RCW 43.131.369 and 1990 c 115 s 11 are each amended to read as follows:

The Puget Sound water quality authority and its powers and duties shall be terminated on June 30, ~~((1995))~~ 2002, as provided in RCW 43.131.370.

**Sec. 3702.** RCW 43.131.370 and 1990 c 115 s 12 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1996))~~ 2003:

(1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;

(2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;

(3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115, Laws of 1990 and RCW 90.70.011;

(4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;

(5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;

(6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36, Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;

(7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115, Laws of 1990 and RCW 90.70.055;

(8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11, Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;

(9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115, Laws of 1990 and RCW 90.70.070;

(10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115, Laws of 1990 and RCW 90.70.080; and

(11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

### PART 38

## MISCELLANEOUS

**Sec. 3801.** RCW 9.94A.060 and 1993 c 11 s 1 are each amended to read as follows:

(1) The commission consists of sixteen voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor(~~(, subject to confirmation by the senate)~~).

(2) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management or designee, as an ex officio member;

(c) Until June 30, 1998, the chair of the indeterminate sentence review board, as an ex officio member;

(d) The chair of the clemency and pardons board, as an ex officio member;

(e) Two prosecuting attorneys;

(f) Two attorneys with particular expertise in defense work;

(g) Four persons who are superior court judges;

(h) One person who is the chief law enforcement officer of a county or city;

(i) Three members of the public who are not and have never been prosecutors, attorneys, judges, or law enforcement officers.

In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the attorney members, of the association of superior court judges in respect to the members who are judges, and of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer.

(3) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed (~~(and confirmed)~~). However, the governor shall stagger the terms by appointing four of the initial members for terms of one year, four for terms of two years, and four for terms of three years.

(4) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120(~~(, as now existing or hereafter amended)~~). Members shall be compensated in accordance with RCW 43.03.250.

**Sec. 3802.** RCW 9.94A.250 and 1981 c 137 s 25 are each amended to read as follows:

(1) The clemency and pardons board is established as a board within the office of the governor. The board consists of five members appointed by the governor(~~(, subject to confirmation by the senate)~~).

(2) Members of the board shall serve terms of four years and until their successors are appointed (~~(and confirmed)~~). However, the governor shall stagger the terms by appointing one of the initial members for a term of one year, one for a term of two years, one for a term of three years, and two for terms of four years.

(3) The board shall elect a chairman from among its members and shall adopt bylaws governing the operation of the board.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 (~~(as now existing or hereafter amended)~~).

(5) The attorney general shall provide a staff as needed for the operation of the board.

**Sec. 3803.** RCW 9.95.003 and 1986 c 224 s 3 are each amended to read as follows:

The board shall consist of a chairman and six other members, each of whom shall be appointed by the governor (~~(with the consent of the senate)~~). Each member shall hold office for a term of five years, and until his or her successor is appointed and qualified. The terms shall expire on April 15th of the expiration year. Vacancies in the membership of the board shall be filled by appointment by the governor (~~(with the consent of the senate)~~). In the event of the inability of any member to act, the

governor shall appoint some competent person to act in his or her stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate one of them to serve as chairman at the governor's pleasure.

The members of the board and its officers and employees shall not engage in any other business or profession or hold any other public office; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board shall each severally receive salaries fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition shall receive travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a secretary and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment.

**Sec. 3804.** RCW 13.40.025 and 1986 c 288 s 8 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following nine members appointed by the governor(~~(, subject to confirmation by the senate)~~): (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) The commission shall meet at least once every three months.

**Sec. 3805.** RCW 18.64.001 and 1984 c 153 s 1 are each amended to read as follows:

There shall be a state board of pharmacy consisting of seven members, to be appointed by the governor (~~(by and with the advice and consent of the senate)~~). Five of the members shall be designated as pharmacist members and two of the members shall be designated a public member.

Each pharmacist member shall be a citizen of the United States and a resident of this state, and at the time of his or her appointment shall have been a duly registered pharmacist under the laws of this state for a period of at least five consecutive years immediately preceding his or her appointment and shall at all times during his or her incumbency continue to be a duly licensed pharmacist: PROVIDED, That subject to the availability of qualified candidates the governor shall appoint pharmacist members representative of the areas of practice and geographically representative of the state of Washington.

The public member shall be a citizen of the United States and a resident of this state. The public member shall be appointed from the public at large, but shall not be affiliated with any aspect of pharmacy.

Members of the board shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

No person who has been appointed to and served for two four year terms shall be eligible for appointment to the board.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his or her appointment and until his or her successor is appointed and qualified.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.

**Sec. 3806.** RCW 28B.07.030 and 1985 c 370 s 48 are each amended to read as follows:

(1) The Washington higher education facilities authority is hereby established as a public body corporate and politic, with perpetual corporate succession, constituting an agency of the state of Washington exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010.

(2) The authority shall consist of seven members as follows: The governor, lieutenant governor, executive director of the higher education coordinating board, and four public members, one of whom shall be the president of a higher education institution at the time of appointment. The public members shall be residents of the state and appointed by the governor(~~(, subject to confirmation by the senate,)~~) on the basis of their interest or expertise in the provision of higher education and the financing of higher education. The public members of the authority shall serve for terms of four years. The initial terms of the public members shall be staggered in a manner determined by the governor. In the event of a vacancy on the authority due to death, resignation, or removal of one of the public members, and upon the expiration of the term of any public member, the governor shall appoint a successor for a term expiring on the fourth anniversary of the successor's date of the appointment. If any of the state offices are abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office. Any public member of the authority may be removed by the governor for misfeasance, malfeasance, wilful neglect of duty, or any other cause after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing.

(3) The governor shall serve as chairperson of the authority. The authority shall elect annually one of its members as secretary. If the governor shall be absent from a meeting of the authority, the secretary shall preside. However, the governor may designate an employee of the governor's office to act on the governor's behalf in all other respects during the absence of the governor at any meeting of the authority. If the designation is in writing and is presented to the person presiding at the meetings of the authority who is included in the designation, the vote of the designee has the same effect as if cast by the governor.

(4) Any person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute book or a journal of the authority, and the authority's official seal, if any. The person may cause copies to be made of all minutes and other records and documents of the authority, and may give certificates to the effect that such copies are true copies. All persons dealing with the authority may rely upon the certificates.

(5) Four members of the authority constitute a quorum. The authority may act on the basis of a motion except when authorizing the issuance and sale of bonds, in which case the authority shall act by resolution. Bond resolutions and other resolutions shall be adopted upon the affirmative vote of four members of the authority, and shall be signed by those members voting yes. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the authority. All actions taken by the authority shall take effect immediately without need for publication or other public notice. A vacancy in the membership of the authority does not impair the power of the authority to act under this chapter.

(6) The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses as determined by the authority incurred in the discharge of their duties under this chapter.

**Sec. 3807.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read as follows:

(1) There is hereby created the work force training and education coordinating board as a state agency and as the successor agency to the state board for vocational education. Once the coordinating board has convened, all references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the work force training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community and technical colleges.

(2)(a) The board shall consist of nine voting members appointed by the governor (~~((with the consent of the senate,))~~) as follows: Three representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, and the commissioner of the employment security department. The chair of the board shall be a nonvoting member selected by the governor (~~((with the consent of the senate))~~), and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting those needs. Each voting member of the board may appoint a designee to function in his or her place with the right to vote. In making appointments to the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by the appointment of persons with disabilities.

(b) The business representatives shall be selected from among nominations provided by a state-wide business organization representing a cross-section of industries. However, the governor may request, and the organization shall provide, an additional list or lists from which the governor shall select the business representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities, and diversity in sizes of businesses.

(c) The labor representatives shall be selected from among nominations provided by state-wide labor organizations. However, the governor may request, and the organizations shall provide, an additional list or lists from which the governor shall select the labor representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities.

(d) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

(e) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

(f) The chair shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member appointed by the chair shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.

(g) The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(h) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(i) Any vacancies among board members representing business or labor shall be filled by the governor with nominations provided by state-wide organizations representing business or labor, respectively.

(j) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the voting members.

(k) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(l) The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.

(m) The director of the board shall be appointed by the governor from a list of three names submitted by a committee made up of the business and labor members of the board. However, the governor may request, and the committee shall provide, an additional list or lists from which the governor shall select the director. The lists compiled by the committee shall not be subject to public disclosure. The governor may dismiss the director only with the approval of a majority vote of the board. The board, by a majority vote, may dismiss the director with the approval of the governor.

(3) The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the work force training and education coordinating board. All references to the director or the state board for vocational education in the Revised Code of Washington shall be construed to mean the director or the work force training and education coordinating board.

**Sec. 3808.** RCW 41.64.010 and 1981 c 311 s 1 are each amended to read as follows:

(1) There is hereby created a "personnel appeals board," hereinafter in this chapter referred to as the "board," which shall consist of three members to be appointed by the governor (~~(, subject to confirmation by the senate)~~). The first board shall be appointed within thirty days after May 19, 1981, for terms of two, four, and six years. Thereafter, appointments shall be made for six-year terms. A vacancy shall be filled by appointment by the governor for the unexpired term in which the vacancy exists. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Members may be reappointed to the board for successive terms. Persons appointed to the board shall be qualified by experience and training in the field of administrative procedures and merit principles. Such members:

(a) May not hold any other employment with the state;

(b) May not during the terms to which they are appointed be or become candidates for public office, hold any other public office or trust, engage in any occupation or business which interferes, or is inconsistent, with their duties as members of the board, serve on or under any committee of any political party, and may not have been officers of a political party for a period of one year immediately prior to their appointment; and

(c) May not for a period of one year after the termination of their membership on the board, act in a representative capacity before the board on any matter.

(2) Unless the context clearly indicates otherwise, the following definitions apply to this chapter:

(a) "Agency" means any agency as defined in RCW 41.06.020;

(b) For appeals filed on or after July 1, 1981, under RCW 41.64.090, "board" or "personnel appeals board" means the personnel appeals board created by subsection (1) of this section;

(c) For purposes of RCW 41.64.080 through 41.64.140 for appeals filed before July 1, 1981, under RCW 41.06.170, as it existed prior to or after May 19, 1981, "board" or "personnel appeals board" means the state personnel board created by RCW 41.06.110.

**Sec. 3809.** RCW 43.97.025 and 1987 c 499 s 2 are each amended to read as follows:

(1) The governor, the Columbia River Gorge commission, and all state agencies and counties are hereby directed and provided authority to carry out their respective functions and responsibilities in accordance with the compact executed pursuant to RCW 43.97.015, the Columbia River Gorge National Scenic Area Act, and the provisions of this chapter.

(2) The governor shall appoint three members of the Columbia River Gorge commission who reside in the state of Washington, at least one of whom shall be a resident of the scenic area as defined in the act.

(3)(a) The governing bodies of Clark, Klickitat, and Skamania counties shall each appoint one member of the Columbia River Gorge commission.

(b) In the event the governing body of a county fails to make the appointments prescribed in section 5(a)(c)(1) of that act and (a) of this subsection, the governor shall appoint any such member.

(4) Each member appointed by the governor (~~(shall be subject to confirmation by the Washington state senate and)~~) shall serve at the pleasure of the governor until their term shall expire or until a disqualifying change in residence.

(5) Of those members appointed to the Columbia River Gorge commission by the governing body of the counties of Clark, Klickitat, and Skamania, the governor shall designate one member to serve for a term of five years and one to serve for six years. Of those members appointed directly by

the governor pursuant to RCW 43.97.015, the governor shall designate one to serve a term of five years and one to serve a term of six years. All other members shall serve a period of four years.

Neither the governor nor governing body of any of the counties may appoint federal, state, or local elected or appointed officials as members to the Columbia River Gorge commission.

Vacancies shall be filled in accordance with the appointing procedure for the commission member occupying the seat before its vacancy.

**Sec. 3810.** RCW 43.99.110 and 1994 c 264 s 31 are each amended to read as follows:

There is created the interagency committee for outdoor recreation consisting of the commissioner of public lands, the director of parks and recreation, and the director of fish and wildlife, or their designees, and, by appointment of the governor (~~with the advice and consent of the senate~~), five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation in the state. The terms of members appointed from the public at large shall commence on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term; provided the first such members shall be appointed for terms as follows: One member for one year, two members for two years, and two members for three years. The governor shall appoint one of the members from the public at large to serve as chairman of the committee for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 3811.** RCW 43.180.040 and 1985 c 6 s 14 are each amended to read as follows:

(1) There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington state housing finance commission. The commission is an instrumentality of the state exercising essential government functions and, for purposes of the code, acts as a constituted authority on behalf of the state when it issues bonds pursuant to this chapter. The commission is a "public body" within the meaning of RCW 39.53.010.

(2) The commission shall consist of the following voting members:

- (a) The state treasurer, ex officio;
- (b) The director of community, trade, and economic development, ex officio;
- (c) An elected local government official, ex officio, with experience in local housing programs, who shall be appointed by the governor (~~with the consent of the senate~~);
- (d) A representative of housing consumer interests, appointed by the governor (~~with the consent of the senate~~);
- (e) A representative of labor interests, appointed by the governor, (~~with the consent of the senate~~) after consultation with representatives of organized labor;
- (f) A representative of low-income persons, appointed by the governor (~~with the consent of the senate~~);

(g) Five members of the public appointed by the governor (~~with the consent of the senate~~) on the basis of geographic distribution and their expertise in housing, real estate, finance, energy efficiency, or construction, one of whom shall be appointed by the governor as chair of the commission and who shall serve on the commission and as chair of the commission at the pleasure of the governor.

The term of the persons appointed by the governor, other than the chair, shall be four years from the date of their appointment, except that the terms of three of the initial appointees shall be for two years from the date of their appointment. The governor shall designate the appointees who will serve the two-year terms. An appointee may be removed by the governor for cause pursuant to RCW 43.06.070 and 43.06.080. The governor shall fill any vacancy in an appointed position by appointment for the remainder of the unexpired term. If the department of community, trade, and economic development is abolished, the resulting vacancy shall be filled by a state official who shall be appointed to the commission by the governor. (~~If this official occupies an office or position for which senate confirmation is not required, then his appointment to the commission shall be subject to the consent of the senate.~~) The members of the commission shall be compensated in accordance with RCW 43.03.240 and may be reimbursed, solely from the funds of the commission, for expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and

43.03.060. A majority of the commission constitutes a quorum. Designees shall be appointed in such manner and shall exercise such powers as are specified by the rules of the commission.

(3) The commission may adopt an official seal and may select from its membership a vice chair, a secretary, and a treasurer. The commission shall establish rules concerning its exercise of the powers authorized by this chapter. The rules shall be adopted in conformance with chapter 34.05 RCW.

**Sec. 3812.** RCW 43.210.030 and 1991 c 314 s 15 are each amended to read as follows:

The small business export finance assistance center and its branches shall be governed and managed by a board of nineteen directors appointed by the governor (~~and confirmed by the senate~~). The directors shall serve terms of six years except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses. The directors shall include a representative of a not-for-profit corporation formed for the purpose of facilitating economic development, at least two representatives of state financial institutions engaged in the financing of export transactions, a representative of a port district, and a representative of organized labor. Of the remaining board members, there shall be one representative of business from the area west of Puget Sound, one representative of business from the area east of Puget Sound and west of the Cascade range, one representative of business from the area east of the Cascade range and west of the Columbia river, one representative of business from the area east of the Columbia river, the director of the department of community, trade, and economic development, and the director of the department of agriculture. One of the directors shall be a representative of the public selected from the area in the state west of the Cascade mountain range and one director shall be a representative of the public selected from that area of the state east of the Cascade mountain range. One director shall be a representative of the public at large. The directors shall be broadly representative of geographic areas of the state, and the representatives of businesses shall represent at least four different industries in different sized businesses as follows: (a) One representative of a company employing fewer than one hundred persons; (b) one representative of a company employing between one hundred and five hundred persons; (c) one representative of a company employing more than five hundred persons; (d) one representative from an export management company; and (e) one representative from an agricultural or food processing company. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

**Sec. 3813.** RCW 49.04.010 and 1984 c 287 s 97 are each amended to read as follows:

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. The governor shall appoint a public member to the apprenticeship council for a three-year term. (~~The appointment of the public member is subject to confirmation by the senate.~~) Each member shall hold office until his or her successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the commission for vocational education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of (~~said~~) the council, without vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated in accordance with RCW 43.03.240. The apprenticeship council with the consent of employee and employer groups shall: (1) Establish standards for apprenticeship agreements in conformity with the provisions of this chapter; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter, including a procedure to resolve an impasse should a tie vote of the council occur; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report to the director of labor and industries of its activities and findings which shall be available to the public.

**Sec. 3814.** RCW 70.37.030 and 1989 1st ex.s. c 9 s 261 are each amended to read as follows:



There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington health care facilities authority. The authority shall constitute a political subdivision of the state established as an instrumentality exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010(~~as now or hereafter amended~~). The authority shall consist of the governor who shall serve as chairman, the lieutenant governor, the insurance commissioner, the secretary of health, and one member of the public who shall be appointed by the governor(~~, subject to confirmation by the senate,~~) on the basis of the member's interest or expertise in health care delivery, for a term expiring on the fourth anniversary of the date of appointment. In the event that any of the offices referred to shall be abolished the resulting vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof. The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority shall constitute a quorum.

The governor may designate an employee of the governor's office to act on behalf of the governor during the absence of the governor at one or more of the meetings of the authority. The vote of the designee shall have the same effect as if cast by the governor if the designation is in writing and is presented to the person presiding at the meetings included within the designation.

The governor may designate a member to preside during the governor's absence.

**Sec. 3815.** RCW 72.23.025 and 1992 c 230 s 1 are each amended to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. Over the next six years, their involvement in providing short-term, acute care, and less complicated long-term care shall be diminished in accordance with the revised responsibilities for mental health care under chapter 71.24 RCW. To this end, the legislature intends that funds appropriated for mental health programs, including funds for regional support networks and the state hospitals be used for persons with primary diagnosis of mental disorder. The legislature finds that establishment of the eastern state hospital board, the western state hospital board, and institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor (~~with the consent of the senate~~). Each board shall include:

(i) The director of the institute for the study and treatment of mental disorders established at the hospital;

(ii) One family member of a current or recent hospital resident;

(iii) One consumer of services;

(iv) One community mental health service provider;

(v) Two citizens with no financial or professional interest in mental health services;

(vi) One representative of the regional support network in which the hospital is located;

(vii) One representative from the staff who is a physician;

(viii) One representative from the nursing staff;

(ix) One representative from the other professional staff;

(x) One representative from the nonprofessional staff; and

(xi) One representative of a minority community.

(b) At least one representative listed in (a) (viii), (ix), or (x) of this subsection shall be a union member.

(c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.

(3) The boards established under this section shall:

(a) Monitor the operation and activities of the hospital;

(b) Review and advise on the hospital budget;

(c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;

(d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section;

(e) Report periodically to the governor and the legislature on the implementation of the legislative intent set forth in this section; and

(f) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.

(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to conduct training, research, and clinical program development activities that will directly benefit mentally ill persons receiving treatment in Washington state by performing the following activities:

(i) Promote recruitment and retention of highly qualified professionals at the state hospitals and community mental health programs;

(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;

(iii) Provide expanded training opportunities for existing staff at the state hospitals and community mental health programs;

(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals and community mental health programs;

(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;

(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;

(iv) Establish a student loan forgiveness and conditional scholarship program to retain qualified professionals at the state hospitals and community mental health providers when the secretary has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

**Sec. 3816.** RCW 75.40.040 and 1983 1st ex.s. c 46 s 152 are each amended to read as follows:

The director, ex officio, and two appointees of the governor representing the fishing industry shall act as the representatives of this state on the Pacific Marine Fisheries Commission. ~~((The appointees of the governor are subject to confirmation by the state senate.))~~

**Sec. 3817.** RCW 80.50.030 and 1994 c 264 s 75 and 1994 c 154 s 315 are each reenacted and amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2)(a) The chairman of the council shall be appointed by the governor ~~((with the advice and consent of the senate)),~~ shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The chairman is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending

meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.240.

(b) The chairman or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington state energy office shall provide all administrative and staff support for the council. The director of the energy office has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (a) Department of ecology;
- (b) Department of fish and wildlife;
- (c) Parks and recreation commission;
- (d) Department of health;
- (e) State energy office;
- (f) Department of community, trade, and economic development;
- (g) Utilities and transportation commission;
- (h) Office of financial management;
- (i) Department of natural resources;
- (j) Department of agriculture;
- (k) Department of transportation.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

**Sec. 3818.** RCW 88.16.010 and 1991 c 200 s 1001 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the assistant secretary of marine transportation of the department of transportation of the state of Washington, or the assistant secretary's designee who shall be an employee of the marine division, who shall be chairperson, the administrator of the office of marine safety, or the administrator's designee, and seven members appointed by the governor (~~and confirmed by the senate~~). Each of the appointed commissioners shall be appointed for a term of four years from the date of the member's commission. No person shall be eligible for appointment to the board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of the appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of appointment and while serving on the board. One pilot shall be from the Puget Sound pilotage district and one shall be from the Grays Harbor pilotage district. Two of the appointed commissioners shall be actively engaged in the ownership, operation, or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of appointment and while serving on the board~~(-), with one (of said shipping commissioners shall be a representative of)~~ representing American and one ~~(of)~~ representing foreign shipping. One of the commissioners shall be a representative from a recognized environmental organization concerned with marine waters. The remaining commissioners shall be persons interested in and concerned with

pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Any vacancy in an appointed position on the board shall be filled by the governor for the remainder of the unfilled term(~~(, subject to confirmation by the senate)~~).

(3) Five members of the board shall constitute a quorum. At least one pilot, one shipping representative, and one public member must be present at every meeting. All commissioners and the chairperson shall have a vote.

NEW SECTION. Sec. 3819. Part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 3820. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 3821. Section 301 of this act shall take effect June 30, 1997.

NEW SECTION. Sec. 3822. Sections 3701 and 3702 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 3823. Sections 101, 201, 302, 303, 401, 402, 501 through 505, 601, 701, 801, 901, 1001, 1101, 1201 through 1203, 1301, 1302, 1401 through 1407, 1501, 1601, 1701, 1801, 1901 through 1904, 2001, 2002, 2101, 2201, 2202, 2301 through 2304, 2401, 2402, 2501, 2601, 2701 through 2708, 2801, 2901 through 2904, 3001 through 3009, 3101, 3201, 3301, 3401, 3501, and 3601 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 2 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 13.40.025, 9.94A.040, 18.16.050, 18.145.030, 18.145.050, 18.145.070, 18.145.080, 28B.10.804, 28B.80.575, 38.54.030, 38.52.040, 43.19.190, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1937, 43.19A.020, 43.21B.005, 75.20.103, 75.20.160, 43.20A.750, 43.70.010, 43.70.070, 70.170.020, 43.150.030, 46.61.380, 81.104.090, 47.26.121, 47.66.030, 47.26.140, 47.66.040, 47.26.160, 70.95D.010, 70.95D.060, 70.95B.020, 70.95B.040, 70.95B.100, 70.119.020, 70.119.050, 70.119.110, 75.44.140, 90.70.065, 43.131.369, 43.131.370, 9.94A.060, 9.94A.250, 9.95.003, 13.40.025, 18.64.001, 28B.07.030, 28C.18.020, 41.64.010, 43.97.025, 43.99.110, 43.180.040, 43.210.030, 49.04.010, 70.37.030, 72.23.025, 75.40.040, and 88.16.010; reenacting and amending RCW 38.52.030, 82.44.180, 75.30.050, and 80.50.030; adding a new section to chapter 9.94A RCW; adding a new section to chapter 39.19 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 70.95D RCW; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.119 RCW; creating new sections; repealing RCW 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050, 1.30.060, 2.52.010, 2.52.020, 2.52.030, 2.52.035, 2.52.040, 2.52.050, 18.145.060, 27.34.300, 27.60.010, 27.60.020, 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.090, 27.60.900, 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904, 43.20A.730, 75.20.130, 75.20.140, 43.31.631, 43.52.373, 70.170.030, 70.170.040, 43.150.060, 43.17.260, 43.17.270, 43.17.280, 43.17.290, 43.17.300, 47.66.020, 47.66.050, 47.66.060, 48.22.071, 48.22.072, 70.95D.050, 70.95B.070, 70.119.080, 81.62.010, 81.62.020, 81.62.030, 81.62.040, 81.62.050, 81.62.060, 81.62.900, 81.62.901, and 90.56.450; repealing 1994 c 232 s 27 (uncodified); repealing 1991 c 53 s 1 and 1987 c 480 s 6 (uncodified); providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1107 and pass the bill as amended by the Senate.

#### POINT OF ORDER

Representative Chandler: Thank you Mr. Speaker. I would request a ruling on the scope and object on the Senate amendments to Engrossed Substitute House Bill No. 1107.

#### SPEAKER'S RULING

Representative Chandler, the Speaker is prepared to Rule on your Point of Order which challenges the Senate Amendment to Engrossed Substitute House Bill No. 1107 as being beyond the Scope and Object of the bill.

The title of Engrossed Substitute House Bill No. 1107 is "AN ACT Relating to the elimination and consolidation of boards and commissions.

The title is narrow.

The title clearly limits the scope of the bill to the elimination and consolidation of various boards and commissions.

The Senate Amendment would:

(1) Direct the Department of Fish and Wildlife to establish an advisory committee to develop new provisions for hydraulic project permit conditions; and

(2) Continue the Puget Sound Water Quality Authority for seven more years; and

(3) Remove 128 gubernatorial appointments from existing senate confirmation requirements.

The Amendment creates rather than eliminates another board or commission, continues rather than eliminates an agency that will sunset under existing law on June 30, 1995, and removes current Senate oversight responsibility from various appointments made by the Governor. The Amendment clearly goes beyond the scope of the title to Engrossed Substitute House Bill No. 1107.

The Speaker finds that the Senate Amendment is beyond the scope and object of the bill.

Representative Chandler, Your Point of Order is well taken.

#### MOTION

Representative Reams moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1107 and ask the Senate to recede therefrom. The motion was carried.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1425 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 5.60.060 and 1989 c 271 s 301 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of

a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer making the communication, be compelled to testify about any communication made to the counselor by the officer while receiving counseling. The counselor must be designated as such by the sheriff, police chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity."

On page 1, line 1 of the title, after "communications;" strike the remainder of the title and insert "and amending RCW 5.60.060."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Sheahan moved that the House concur in the Senate amendments to House Bill No. 1425 and pass the bill as amended by the Senate.

Representatives Sheahan and Costa spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1425 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1425, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

House Bill No. 1425, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1429 with the following amendments:

On page 4, beginning on line 13, after "make" strike "or direct a third-party recreational vehicle inspection firm to make"

On page 4, beginning on line 34, after "make" strike "or have a third-party recreational vehicle inspection firm make"

On page 5, beginning on line 3, after "(5)" strike "The department may authorize use of a recognized third-party recreational vehicle inspection firm."

On page 5, line 7, after "to" strike "direct" and insert "perform"

On page 5, after line 7, insert the following:

"(6) The department shall conduct a performance audit of additional industry association quality control programs utilized by self-certified manufacturers at least once every two years."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Lisk moved that the House concur in the Senate amendments to Substitute House Bill No. 1429 and pass the bill as amended by the Senate.

Representative Lisk spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1429 as amended by the Senate.

Representative Lisk spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1429 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

Substitute House Bill No. 1429, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 41.50.255 and 1993 sp.s. c 24 s 916 are each amended to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the public employees' retirement system, the teachers' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, the judges' retirement system, or the law enforcement officers' and fire fighters' retirement system lawful obligations of the appropriate system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the appropriate trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

~~((During the period from July 1, 1993, until June 30, 1995,))~~ The director may also pay from the interest earnings of the trust funds specified in this section costs incurred in investigating fraud and collecting overpayments, including expenses incurred to review and investigate cases of possible fraud against the trust funds and collection agency fees and other costs incurred in recovering overpayments. Recovered funds must be returned to the appropriate trust funds.



NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

In line 2 of the title, beginning with "amending" strike the remainder of the title and insert "amending RCW 41.50.255; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Silver moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1431 and pass the bill as amended by the Senate.

Representative Silver spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1431 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1431 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

Engrossed Substitute House Bill No. 1431, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1430 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.40.010 and 1994 c 298 s 2, 1994 c 247 s 5, 1994 c 197 s 23, and 1994 c 177 s 8 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4)(a) "Employer" for plan I members, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for plan II members, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.023. RCW 41.26.045 does not prohibit a person otherwise eligible for membership in the retirement system from establishing such membership effective when he or she first entered an eligible position.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8)(a) "Compensation earnable" for plan I members, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer. Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2).

(A) "Compensation earnable" for plan I members also includes the following actual or imputed payments, which are not paid for personal services:

(I) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned

during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit;

(II) If a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(III) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(IV) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038; and

(V) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670.

(B) "Compensation earnable" does not include:

(I) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(II) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Compensation earnable" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2).

"Compensation earnable" for plan II members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit;

(B) In any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(I) The compensation earnable the member would have received had such member not served in the legislature; or

(II) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(B)(II) of this subsection is greater than compensation earnable under (b)(ii)(B)(I) of this subsection shall be paid by the member for both member and employer contributions;

(C) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(D) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038; and

(E) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670.

(9)(a) "Service" for plan I members, except as provided in RCW 41.40.088, means periods of employment in an eligible position or positions for one or more employers rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Compensation earnable earned in full time work for seventy hours or more in any given calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service except as provided in RCW 41.40.088. Only service credit months and one-quarter service credit months shall be counted in the computation of any retirement

allowance or other benefit provided for in this chapter. Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits. Time spent in standby status, whether compensated or not, is not service.

(i) Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(ii) An individual shall receive no more than a total of twelve service credit months of service during any calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for seventy or more hours is rendered.

(iii) A school district employee may count up to forty-five days of sick leave as creditable service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan I "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than twenty-two days equals one-quarter service credit month;

(B) Twenty-two days equals one service credit month;

(C) More than twenty-two days but less than forty-five days equals one and one-quarter service credit month.

(b) "Service" for plan II members, means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service. Time spent in standby status, whether compensated or not, is not service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

(i) Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

(ii) A member shall receive a total of not more than twelve service credit months of service for such calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(iii) Up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan II "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(10) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(11) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(12) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(13) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system(~~(: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his or her employer, except as qualified by RCW 41.40.023: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option))~~ for which member and employer contributions, plus interest as required by RCW 41.50.125, have been paid under section 2 or 3 of this act;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(14)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(15) "Regular interest" means such rate as the director may determine.

(16) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(17)(a) "Average final compensation" for plan I members, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service credit months for which service credit is allowed; or if the member has less than two years of service credit months then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for plan II members, means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.40.710(2).

(18) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(19) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(20) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(21) "Retirement allowance" means the sum of the annuity and the pension.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.023.

(23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(24) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(25) "Eligible position" means:

(a) Any position that, as defined by the employer, normally requires five or more months of service a year for which regular compensation for at least seventy hours is earned by the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(26) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (25) of this section.

(27) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(28) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(29) "Retiree" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member. A person is in receipt of a retirement allowance as defined in subsection (21) of this section or other benefit as provided by this chapter when the department mails, causes to be mailed, or otherwise transmits the retirement allowance warrant.

(30) "Director" means the director of the department.

(31) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "Plan I" means the public employees' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(34) "Plan II" means the public employees' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(35) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(36) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(37) "Index B" means the index for the year prior to index A.

(38) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(39) "Adjustment ratio" means the value of index A divided by index B.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.40 RCW under the subchapter heading "PROVISIONS APPLICABLE TO PLAN I AND PLAN II" to read as follows:

Except as qualified by RCW 41.40.023, for employers that were admitted into the retirement system before the effective date of this act, membership service may be established for the employer's former employees who are active members of the system if the member or member's former employer pays an amount equal to the employer and member contributions which would have been paid to the retirement system on account of such service to the retirement system. Payment shall be made prior to the retirement of such member.

Payments submitted by the member under this section shall be placed in the member's individual account in the members' savings fund and be treated as any other contribution made by the member, with the exception that the contributions submitted by the member in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.40 RCW under the subchapter heading "PROVISIONS APPLICABLE TO PLAN I AND PLAN II" to read as follows:

(1) This section applies to the establishment of membership service with employers admitted to the retirement system after the effective date of this act.

(2) For current employees, membership service may be established for periods of employment with an employer prior to the employer's admission into the retirement system by making the payments required by this section.

The employer must select one of the options in this subsection and apply it uniformly, except as provided in subsection (3) of this section. The required payment shall include the total member and employer contributions that would have been required from the date of each current member's hire.

(a) Option A: The employer makes all the required payments within fifteen years from the date of the employer's admission.

(b) Option B: The employer makes a portion of the required payments and the member pays the balance. The employer shall not be required to make its payments until the member has made his or her payments. Each member shall have the option to purchase the membership service.

(c) Option C: The member makes all of the required payments. Each member shall have the option to purchase the membership service.

All payments under options B and C of this subsection must be completed within five years from the date of the employer's admission, or prior to the retirement of the member, whichever occurs sooner. A member may not receive membership service credit under option B or C of this subsection until all required payments have been made.

(3) An employer shall not be required to purchase membership service under option A or B for periods of employment for which the employer made contributions to a qualified retirement plan as defined by 26 U.S.C. Sec. 401(a), if the contributions plus interest accrued cannot be transferred to the retirement system. If the employer does not purchase the membership credit under this subsection, the member may purchase the membership service under subsection (2)(c) of this section.

(4) A former employee who is an active member of the system and is not covered by subsection (2) of this section may establish membership service by making the required payments under subsection (2)(c) of this section prior to the retirement of the member.

(5) All payments made by the member under this section shall be placed in the member's individual account in the members' savings fund.

**Sec. 4.** RCW 41.40.062 and 1991 c 35 s 93 are each amended to read as follows:

(1) The members and appointive and elective officials of any political subdivision or association of political subdivisions of the state may become members of the retirement system by the approval of the local legislative authority.

(2) On and after September 1, 1965, every school district of the state of Washington shall be an employer under this chapter. Every member of each school district who is eligible for membership under RCW 41.40.023 shall be a member of the retirement system and participate on the same basis as a person who first becomes a member through the admission of any employer into the retirement system on and after April 1, 1949.

~~((3) Each political subdivision becoming an employer under the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.50.250, 41.40.045, and 41.40.048 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. In addition to the foregoing requirement, where the political subdivision becoming an employer under this section has its own retirement plan, any of the employee members thereof who may elect to transfer to this retirement system may, if permitted by the plan, withdraw all or any part of their employees' contributions to the former plan and transfer the funds to the employees' savings fund at the time of their transfer of membership. Any portion of the employees' savings fund not withdrawn shall be transferred by the employer to the retirement system over a period not to exceed fifteen years. The length of the transfer period and the method of payment to be utilized during that period shall be established by agreement between the department and the political subdivision. Employers making deferred payments of employee funds under this section shall transfer an additional amount equal to the interest that would have been credited to each employee's savings fund had his or her contributions been transferred to the state retirement system's employee savings fund on the date the political subdivision became an employer under this section. Any funds remaining in the employer's former retirement plan after all obligations of the plan have been provided for, as evidenced by appropriate actuarial study, shall be disposed of by the governing body of the political subdivision in such manner as it deems appropriate. For the purpose of administering and interpreting this chapter the department may substitute the names of political subdivisions of the state for the "state" and employees of the subdivisions for "state employees" wherever those terms appear in~~

~~this chapter. The department may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The department shall keep accounts as are necessary to show the contributions of each political subdivision to the benefit account fund and shall have the power to debit and credit the various accounts in accordance with the transfer of the members from one employer to another.~~

~~(4) Employees of a political subdivision, maintaining its own retirement system, who have been transferred to a health district formed pursuant to chapter 70.46 RCW, but who have been allowed to remain members of the political subdivision's retirement system may be transferred as a group to the Washington public employees' retirement system. This transfer may be made by the action of the legislative authority of the political subdivision maintaining its own retirement system. This transfer shall include employer's and member's funds in the transferring municipalities' retirement system.~~

~~(5) Employees of a political subdivision, maintaining its own retirement system, heretofore transferred to a joint airport operation of two municipalities pursuant to chapter 14.08 RCW, may be transferred as a group to the Washington public employees' retirement system. This transfer may be made by the action of the legislative authority of the political subdivision maintaining its own retirement system. This transfer shall include employer's and member's funds in the transferring municipalities' retirement system.-))~~

**Sec. 5.** RCW 41.40.160 and 1991 c 35 s 77 are each amended to read as follows:

(1) Subject to the provisions of RCW 41.40.150, at retirement the total service credited to a member shall consist of all membership service and, if he or she is an original member, all of the certified prior service.

(2) Employees of a public utility or other private enterprise all or any portion of which has been heretofore or may be hereafter acquired by a public agency as a matter of public convenience and necessity, where it is in the public interest to retain the trained personnel of such enterprise, all service to that enterprise shall, upon the acquiring public agency becoming an employer as defined in RCW 41.40.010(4) be credited on the same basis as if rendered to the said employer: PROVIDED, That this shall apply only to those employees who were in the service of the enterprise at or prior to the time of acquisition by the public agency and who remain in the service of the acquiring agency until they attain membership in the state employees' retirement system; and to those employees who were in the service of the enterprise at the time of acquisition by the public agency and subsequently attain membership through employment with any participating agency: PROVIDED FURTHER, In the event that the acquiring agency is an employer at the time of the acquisition, employer's contributions in connection with members achieving service credit hereunder shall be made on the same basis as set forth in RCW 41.40.045 and 41.40.048 for an employer admitted after April 1, 1949, and before the effective date of this act, and on the same basis as set forth in section 3 of this act for an employer admitted after the effective date of this act.

NEW SECTION. **Sec. 6.** RCW 41.40.045 and 1989 c 273 s 22, 1986 c 268 s 4, 1973 1st ex.s. c 190 s 13, 1972 ex.s. c 151 s 14, 1971 ex.s. c 271 s 11, 1963 c 174 s 15, 1961 c 291 s 11, & 1957 c 231 s 4 are each repealed."

On page 1, line 2 of the title, after "contributions;" strike the remainder of the title and insert "amending RCW 41.40.062 and 41.40.160; reenacting and amending RCW 41.40.010; adding new sections to chapter 41.40 RCW; and repealing RCW 41.40.045."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Carlson moved that the House concur in the Senate amendments to Substitute House Bill No. 1430 and pass the bill as amended by the Senate.



Representative Carlson spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1430 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1430 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

Substitute House Bill No. 1430, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker called on Representative Horn to preside.

#### RESOLUTION

HOUSE RESOLUTION NO. 95-4681, by Representatives Costa, Ballasiotes, Appelwick, Lambert, Cody, Ebersole, Veloria, Chappell, Kessler, Mason, Morris, Tokuda, Conway, Cole, Ogden, Sheldon, G. Fisher, Romero, Wolfe, Chopp, Ballard, Patterson, Basich, Rust, Hickel, K. Schmidt, Sommers, Robertson, R. Fisher, Sherstad, Mitchell, Hymes, Hankins, Delvin, Campbell, Smith, Skinner, Radcliff, Scott, Sheahan, Jacobsen, Dickerson, Regala, Hatfield and Kremen

WHEREAS, One violent crime is committed in America every sixteen seconds; and

WHEREAS, With thirty-five million Americans victimized in the United States each year, crime victims are rapidly becoming a majority; and

WHEREAS, Crime victims play an indispensable role in bringing offenders to justice, thus preventing further violence; and

WHEREAS, As a nation devoted to liberty and justice for all, America must plant the seeds of justice to restore and protect crime victims' rights; and

WHEREAS, Harvesting justice over the last two decades has been accomplished in part by the millions of survivors of crime, their families, and advocates whose commitment and spirit has persevered while confronting an increasingly violent nation; and

WHEREAS, The Washington Coalition of Crime Victim Advocates, Office of Crime Victims Advocacy, and the Crime Victims Compensation Program are joining forces with victim service providers, criminal justice officials, and concerned citizens throughout Washington and America to observe National Crime Victims' Rights Week;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives designate the week of April 23 to April 29, 1995, as Washington Crime Victims' Rights Week; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives reaffirm a commitment to address victims' rights and criminal justice issues during 1995 Washington Victims' Rights Week and throughout the year; and

BE IT FURTHER RESOLVED, That this official Resolution be presented to The Washington Coalition of Crime Victim Advocates on April 19, 1995.

Representative Costa moved adoption of the resolution.

Representatives Costa, Ballasiotes and Conway spoke in favor of adoption of the resolution.

House Resolution No. 4681 was adopted.

#### SENATE AMENDMENTS TO HOUSE BILL

April 4, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1517 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The purpose of this act is to assist community and economic development by clarifying the authority of all cities, towns, counties, and public corporations to engage in federally guaranteed "conduit financings" and to specify procedures that may be used for such conduit financings. Generally, in such a conduit financing a municipality borrows funds from the federal government or from private sources with the help of federal guarantees, without pledging the credit or tax revenues of the municipality, and then lends the proceeds for private projects that both fulfill public purposes, such as community and economic development, and provide the revenues to retire the municipal borrowings. Such conduit financings include issuance by municipalities of federally guaranteed notes under section 108 of the housing and community development act of 1974, as amended, to finance projects eligible under federal community development block grant regulations.

**Sec. 2.** RCW 35.21.735 and 1985 c 332 s 3 are each amended to read as follows:

(1) The legislature hereby declares that carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for ~~((such))~~ a city, town, county, or public corporation. The provisions of RCW 35.21.730 through 35.21.755 and RCW 35.21.660 and 35.21.670 and the enabling authority herein conferred to implement these provisions shall be construed to accomplish the purposes of RCW 35.21.730 through 35.21.755.

(2) All cities, towns ~~((and))~~, counties, and public corporations shall have the power and authority to enter into agreements with the United States or any agency or department thereof, or any agency of the state government or its political subdivisions, and pursuant to such agreements may receive and expend, or cause to be received and expended by a custodian or trustee, federal or private funds for any lawful public purpose. Pursuant to any such agreement, a city, town, county, or public corporation may issue bonds, notes, or other evidences of indebtedness that are guaranteed or otherwise secured by funds or other instruments provided by or through the federal government or by the federal government or an agency or instrumentality thereof under section 108 of the housing and community development act of 1974 (42 U.S.C. Sec. 5308), as amended, or its successor, and may agree to repay and reimburse for any liability thereon any guarantor of any such bonds, notes, or other evidences of indebtedness issued by such jurisdiction or public corporation, or issued by any other public entity. For purposes of this subsection federal housing mortgage insurance shall not constitute a federal guarantee or security.

(3) A city, town, county, or public corporation may pledge, as security for any such bonds, notes, or other evidences of indebtedness or for its obligations to repay or reimburse any guarantor thereof, its right, title, and interest in and to any or all of the following: (a) Any federal grants or payments received or that may be received in the future; (b) any of the following that may be obtained directly or indirectly from the use of any federal or private funds received as authorized in this section: (i) Property and interests therein, and (ii) revenues; (c) any payments received or owing from any person resulting from the lending of any federal or private funds received as authorized in this

section; (d) any proceeds under (a), (b), or (c) of this subsection and any securities or investments in which (a), (b), or (c) of this subsection or proceeds thereof may be invested; (e) any interest or other earnings on (a), (b), (c), or (d) of this subsection.

(4) A city, town, county, or public corporation may establish one or more special funds relating to any or all of the sources listed in subsection (3)(a) through (e) of this section and pay or cause to be paid from such fund the principal, interest, premium if any, and other amounts payable on any bonds, notes, or other evidences of indebtedness authorized under this section, and pay or cause to be paid any amounts owing on any obligations for repayment or reimbursement of guarantors of any such bonds, notes, or other evidences of indebtedness. A city, town, county, or public corporation may contract with a financial institution either to act as trustee or custodian to receive, administer, and expend any federal or private funds, or to collect, administer, and make payments from any special fund as authorized under this section, or both, and to perform other duties and functions in connection with the transactions authorized under this section. If the bonds, notes, or other evidences of indebtedness and related agreements comply with subsection (6) of this section, then any such funds held by any such trustee or custodian, or by a public corporation, shall not constitute public moneys or funds of any city, town, or county and at all times shall be kept segregated and set apart from other funds.

(5) For purposes of this section, "lawful public purpose" includes, without limitation, any use of funds, including loans thereof to public or private parties, authorized by the agreements with the United States or any department or agency thereof under which federal or private funds are obtained, or authorized under the federal laws and regulations pertinent to such agreements.

(6) If any such federal or private funds are loaned or granted to any private party or used to guarantee any obligations of any private party, then any bonds, notes, other evidences of indebtedness issued or entered into for the purpose of receiving or causing the receipt of such federal or private funds, and any agreements to repay or reimburse guarantors, shall not be obligations of any city, town, or county and shall be payable only from a special fund as authorized in this section or from any of the security pledged pursuant to the authority of this section, or both. Any bonds, notes, or other evidences of indebtedness to which this subsection applies shall contain a recital to the effect that they are not obligations of the city, town, or county or the state of Washington and that neither the faith and credit nor the taxing power of the state or any municipal corporation or subdivision of the state or any agency of any of the foregoing, is pledged to the payment of principal, interest, or premium, if any, thereon. Any bonds, notes, other evidences of indebtedness, or other obligations to which this subsection applies shall not be included in any computation for purposes of limitations on indebtedness. To the extent expressly agreed in writing by a city, town, county, or public corporation, this subsection shall not apply to bonds, notes, or other evidences of indebtedness issued for, or obligations incurred for, the necessary support of the poor and infirm by that city, town, county, or public corporation.

(7) Any bonds, notes, or other evidences of indebtedness issued by, or reimbursement obligations incurred by, a city, town, county, or public corporation consistent with the provisions of this section but prior to the effective date of this section, and any loans or pledges made by a city, town, or county in connection therewith substantially consistent with the provisions of this section but prior to the effective date of this section, are deemed authorized and shall not be held void, voidable, or invalid due to any lack of authority under the laws of this state.

**NEW SECTION. Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 4.** The authority granted by this act is additional and supplemental to any other authority of any city, town, county, or public corporation. Nothing in this act may be construed to imply that any of the power or authority granted hereby was not available to any city, town, county, or public corporation under prior law. Any previous actions consistent with the provisions of this act are ratified and confirmed.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "governments;" strike the remainder of the title and insert "amending RCW 35.21.735; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Sehlin moved that the House concur in the Senate amendments to Substitute House Bill No. 1517 and pass the bill as amended by the Senate.

Representatives Sehlin and Ogden spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1517 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1517 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Honeyford and Lisk - 2.

Excused: Representatives Benton and Fisher, G. - 2.

Substitute House Bill No. 1517, as amended by the Senate, having received the constitutional majority, was declared passed.

#### STATEMENTS FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1517.

JIM HONEYFORD, 15th District

I intended to vote NAY on Substitute House Bill No. 1517.

STEVE HARGROVE, 23rd District

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that if students are to succeed in an increasingly competitive economy, they will need to be taught by teachers who are aware of the technological innovations and changes that are occurring throughout business, industry, and government. Having teachers who are more aware of these changes will lead to improvements in curriculum and instruction, thereby making public schools more relevant to the future career and personal needs of our students.

**Sec. 2.** RCW 28A.415.020 and 1990 c 33 s 415 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the state board of education, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the state board of education in accordance with section 3 of this act, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the state board of education, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education, or both.

~~((4))~~ (5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.415 RCW to read as follows:

The state board of education shall establish rules for awarding clock hours for participation of certificated personnel in internships with business, industry, or government. To receive clock hours for an internship, the individual must demonstrate that the internship will provide beneficial skills and knowledge in an area directly related to his or her current assignment, or to his or her assignment for the following school year. An individual may not receive more than the equivalent of two college quarter credits for internships during a calendar-year period. The total number of credits for internships that an individual may earn to advance on the salary schedule developed by the legislative evaluation and accountability program committee or its successor agency is limited to the equivalent of fifteen college quarter credits.

**NEW SECTION. Sec. 4.** The legislative office on performance audit and fiscal analysis shall conduct an evaluation, by December 15, 1997, of internship credits granted to teachers to advance on the salary schedule as provided in section 2 of this act. This evaluation shall compare the efficacy of internship, in-service, and academic credits as recognized in the state salary allocation schedule in the omnibus appropriations act, in improving teacher effectiveness and productivity."

On page 1, line 1 of the title, after "teachers;" strike the remainder of the title and insert "amending RCW 28A.415.020; adding a new section to chapter 28A.415 RCW; and creating new sections."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Brumsickle moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1518 and pass the bill as amended by the Senate.

Representatives Brumsickle and Cole spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1518 as amended by the Senate.

Representative Thompson spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1518 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Fisher, G. - 2.

Engrossed Substitute House Bill No. 1518, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1557, with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the business of insurance is one affected by the public interest, requiring that all persons be actuated by good faith, abstain from deception, and practice honesty and equity in all insurance matters. The payment of kickbacks, bribes, or rebates for

referrals to service providers, as has been occurring with increasing regularity in this state, results in inflated or fraudulent insurance claims, results in greater insurance costs for all citizens, and is contrary to the public interest. In particular, the process whereby "cappers" buy and sell insurance claims without the controls of professional licensing and discipline creates a fertile ground for illegal activity and has, in this state, resulted in frauds committed against injured claimants, insurance companies, and the public. Operations that engage in this practice have some or all of the following characteristics: Cappers, acting under an agreement or understanding that they will receive a pecuniary benefit, refer claimants with real or imaginary claims, injuries, or property damage to service providers. This sets off a chain of events that corrupts both the provision of services and casualty or property insurance for all citizens. This chain of events includes false claims for services through the use of false estimates of repair; false prescriptions of care or rehabilitative therapy; services that either do not occur or are provided by persons unqualified to provide the services; submission of false claims; submission of and demands for fraudulent costs, lost wages, pain and suffering, and the like; and other devices meant to result in false claims under casualty or property insurance policies or contracts, whether insured or self-insured, and either directly or through subrogation.

The legislature finds that combatting these practices requires laws carefully fashioned to identify practices that mimic customary business practices. The legislature does not intend this law to be used against medical and other business referral practices that are otherwise legal, customary, and unrelated to the furtherance of some or all of the corrupt practices identified in this chapter.

**NEW SECTION. Sec. 2.** The definitions set forth in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Casualty or property insurance" includes both the insurance under which a claim is filed and insurance that receives a claim through subrogation, and means insurance as defined in RCW 48.11.040 and 48.11.070 and includes self-insurance arrangements.

(2) "Claimant" means a person who has or is believed by an actor to have an insurance claim.

(3) "Group-buying arrangement" means an arrangement made by a membership organization having one hundred or more members in which the organization asks for or receives valuable consideration in exchange for referring its members to a service provider; the consideration asked for or received will be or is used to benefit the entire organization, not just one or more individuals in positions of power or influence in the organization; and reasonable efforts are made to disclose to affected members of the organization the nature of the referral relationship, including the nature, extent, amount, and use of the consideration.

(4) "Health care services" means a service provided to a claimant for treatment of physical or mental illness or injury arising in whole or substantial part from trauma.

(5) "Insurance claim" means a claim for payment, benefits, or damages under a contract, plan, or policy of casualty or property insurance.

(6) "Legal provider" means an active member in good standing of the Washington state bar association, and any other person authorized by the Washington state supreme court to engage in full or limited practice of law.

(7) "Service provider" means a person who directly or indirectly provides, advertises, or otherwise claims to provide services.

(8) "Services" means health care services, motor vehicle body or other motor vehicle repair, and preparing, processing, presenting, or negotiating an insurance claim.

(9) "Trauma" means a physical injury or wound caused by external force or violence.

**NEW SECTION. Sec. 3.** (1) It is unlawful for a person:

(a) Knowing that the payment is for the referral of a claimant to a service provider, either to accept payment from a service provider or, being a service provider, to pay another; or

(b) To provide or claim or represent to have provided services to a claimant, knowing the claimant was referred in violation of (a) of this subsection.

(2) It is unlawful for a service provider to engage in a regular practice of waiving, rebating, giving, paying, or offering to waive, rebate, give, or pay all or any part of a claimant's casualty or property insurance deductible.

**NEW SECTION. Sec. 4.** In a proceeding under this chapter, it is a defense if proven by the defendant by a preponderance of the evidence that, at the time of the offense:

(1) The conduct alleged was authorized by the Rules of Professional Conduct or the Admission to Practice Rules for lawyers as adopted by the state supreme court, Washington business and professions licensing statutes, or rules adopted by the secretary of health or the director of licensing;

(2) The payment was an incidental nonmonetary gift or gratuity, or was purely social in nature;

(3) The conduct alleged was an exercise of a group-buying arrangement;

(4) The conduct alleged was a legal provider paying a service provider's bills from the proceeds of an insurance claim that included the bills;

(5) The conduct alleged was a legal provider paying for services of an expert witness, including reports, consultation, and testimony; or

(6) The conduct alleged was a service provider's purchase of advertising from an unrelated business that provides referrals from advertising for groups of ten or more service providers that are not related to the advertising business and not related to each other.

**NEW SECTION. Sec. 5.** A violation of section 3 of this act constitutes trafficking in insurance claims. A single violation is a gross misdemeanor. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony.

**NEW SECTION. Sec. 6.** Independent of authority granted to the attorney general, the prosecuting attorney may petition the superior court for an injunction against a person who has violated this chapter. Remedies in an injunctive action brought by a prosecuting attorney are limited to an order enjoining, restraining, or preventing the doing of any act or practice that constitutes a violation of this chapter and imposing a civil penalty of up to five thousand dollars for each violation. The prevailing party in the action may, in the discretion of the court, recover its reasonable investigative costs and the costs of the action including a reasonable attorney's fee. The degree of proof required in an action brought under this section is a preponderance of the evidence. An action under this section must be brought within three years after the violation of this chapter occurred.

**NEW SECTION. Sec. 7.** Whenever a service provider or a person licensed by the state in a business or profession is convicted, enjoined, or found liable for damages or a civil penalty or other equitable relief under section 6 of this act, the attorney general or the prosecuting attorney shall provide written notification of the judgment to the appropriate regulatory or disciplinary body or agency.

**NEW SECTION. Sec. 8.** A violation of this chapter is cause for discipline and constitutes unprofessional conduct that could result in any regulatory penalty provided by law, including refusal, revocation, or suspension of a business or professional license, or right or admission to practice. Conduct that constitutes a violation of this chapter is unprofessional conduct in violation of RCW 18.130.180.

**NEW SECTION. Sec. 9.** Each insurer licensed to write direct insurance in this state shall institute and maintain an insurance antifraud plan. An insurer licensed on the effective date of this act shall file its antifraud plan with the insurance commissioner no later than December 31, 1995. An insurer licensed after the effective date of this act shall file its antifraud plan within six months of licensure. An insurer shall file any change to the antifraud plan with the insurance commissioner within thirty days after the plan has been modified.

**NEW SECTION. Sec. 10.** An insurer's antifraud plan must establish specific procedures to:

(1) Prevent insurance fraud, including internal fraud involving employees or company representatives, fraud resulting from misrepresentation on applications for insurance coverage, and claims fraud;

(2) Review claims in order to detect evidence of possible insurance fraud and to investigate claims where fraud is suspected;

(3) Report fraud to appropriate law enforcement agencies and cooperate with those agencies in their prosecution of fraud cases;

(4) Undertake civil actions against persons who have engaged in fraudulent activities;

(5) Train company employees and agents in the detection and prevention of fraud.



**NEW SECTION. Sec. 11.** If after review of an insurer's antifraud plan, the commissioner finds that the plan does not comply with section 10 of this act, the commissioner may disapprove the antifraud plan. Notice of disapproval must include a statement of the specific reasons for disapproval. The insurer shall refile a plan disapproved by the commissioner within sixty days of the date of the notice of disapproval. The commissioner may audit insurers to ensure compliance with antifraud plans.

**NEW SECTION. Sec. 12.** Each insurer shall annually provide to the insurance commissioner a summary report on actions taken under its antifraud plan to prevent and combat insurance fraud. The report must also include, but not be limited to, measures taken to protect and ensure the integrity of electronic data-processing-generated data and manually compiled data, statistical data on the amount of resources committed to combating fraud, and the amount of fraud identified and recovered during the reporting period. The antifraud plans and summary of the insurer's antifraud activities are not public records and are exempt from chapter 42.17 RCW, are proprietary, are not subject to public examination, and are not discoverable or admissible in civil litigation.

**NEW SECTION. Sec. 13.** An insurer that fails to file a timely antifraud plan or who does not make a good faith attempt to file an antifraud plan that complies with section 10 of this act, is subject to the penalty provisions of RCW 48.01.080, but no penalty may be imposed for the first filing made by an insurer under this chapter. An insurer that fails to follow the antifraud plan is subject to a civil penalty not to exceed ten thousand dollars for each violation, at the discretion of the commissioner after consideration of all relevant factors, including the willfulness of the violation.

**NEW SECTION. Sec. 14.** It is the duty of all peace officers, law enforcement officers, and law enforcement agencies within this state to investigate, enforce, and prosecute all violations of this chapter.

**NEW SECTION. Sec. 15.** A new section is added to chapter 42.17 RCW to read as follows: Information provided under sections 9 through 12 of this act are exempt from disclosure under this chapter.

**Sec. 16.** RCW 48.01.030 and 1947 c 79 s .01.03 are each amended to read as follows:

The business of insurance is one affected by the public interest, requiring that all persons be actuated by good faith, abstain from deception, and practice honesty and equity in all insurance matters. Upon the insurer, the insured, their providers, and their representatives rests the duty of preserving inviolate the integrity of insurance.

**Sec. 17.** RCW 48.18.460 and 1949 c 190 s 26 are each amended to read as follows:

An insurer shall furnish, upon ~~((written))~~ request of any person claiming to have a loss under any insurance contract, forms of proof of loss for completion by such person. But such insurer shall not, by reason of the requirement so to furnish forms, have any responsibility for or with reference to the completion of such proof or the manner of any such completion or attempted completion. If a person makes a claim under a policy of insurance, the insurer may require that the person be examined under an oath administered by a person authorized by state or federal law to administer oaths.

**Sec. 18.** RCW 48.30.210 and 1990 1st ex.s. c 3 s 10 are each amended to read as follows:

~~((Any agent, solicitor, broker, examining physician or other))~~ A person who knowingly makes a false or ~~((fraudulent))~~ misleading statement or ~~((representation))~~ impersonation, or who willfully fails to reveal a material fact, in or relative to an application for insurance ~~((in))~~ to an insurer ~~((transacting insurance under the provisions of this code, shall be))~~, is guilty of a gross misdemeanor, and the license of any such ~~((agent, solicitor, or broker who makes such a statement or representation))~~ person may be revoked.

**Sec. 19.** RCW 48.30.220 and 1965 ex.s. c 70 s 25 are each amended to read as follows:

Any person, who, with intent to defraud or prejudice the insurer thereof, ~~((willfully))~~ burns or in any manner injures, destroys, secretes, abandons, or disposes of any property which is insured at the time against loss or damage by fire, theft, ~~((or))~~ embezzlement, or ~~((by))~~ any other casualty, whether

the same be the property of or in the possession of such person or any other person, under ~~((such))~~ circumstances not making the offense arson in the first degree, is guilty of a class C felony.

**Sec. 20.** RCW 48.50.010 and 1979 ex.s. c 80 s 1 are each amended to read as follows:

This chapter shall be known and may be cited as the ~~((Arson))~~ Insurance Fraud Reporting Immunity Act.

**Sec. 21.** RCW 48.50.020 and 1986 c 266 s 77 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Authorized agency" means a public agency or its official representative having legal authority to investigate criminal activity or the cause of a fire ~~((and))~~ or to initiate criminal proceedings ~~((or further investigations if the cause was not accidental))~~, including the following persons and agencies:

(a) The ~~((director))~~ department of community, trade, and economic development and the director of fire protection;

(b) The prosecuting attorney of the county where the ~~((fire))~~ criminal activity occurred;

(c) State, county, and local law enforcement agencies;

~~((d))~~ (d) The state attorney general ~~((when engaged in a prosecution which is or may be connected with the fire))~~;

~~((and~~ ((d)) (e) The Federal Bureau of Investigation, or any other federal law enforcement agency;

~~((and~~ (e)) (f) The United States attorney's office ~~((when authorized or charged with investigation or prosecution concerning the fire))~~; and

(g) The office of the insurance commissioner.

(2) "Insurer" means any insurer, as defined in RCW 48.01.050 ~~((which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan))~~ and any self-insurer.

(3) "Relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of criminal activity or the cause of any fire more probable or less probable than it would be without the information.

**Sec. 22.** RCW 48.50.030 and 1979 ex.s. c 80 s 3 are each amended to read as follows:

(1) Any authorized agency may request, in writing, that an insurer release to the agency any or all relevant information or evidence which the insurer may have in its possession relating to ~~((a particular fire loss))~~ criminal activity, if such information or evidence is deemed important by the agency in its discretion.

(2) An insurer who has reason to believe that a person participated or is participating in criminal activity relating to a contract of insurance may report relevant information to an authorized agency.

(3) The information ~~((requested))~~ provided to an authorized agency under this section may include, without limitation:

(a) Pertinent insurance policy information relating to a ~~((fire loss))~~ claim under investigation and any application for such a policy;

(b) Policy premium payment records which are available;

(c) History of previous claims ~~((made by the insured))~~ in which the person was involved; and

(d) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other evidence found in the investigation.

~~((2- An))~~ (4) The insurer receiving a request under subsection (1) of this section shall furnish all relevant information requested to the agency within a reasonable time, orally or in writing ~~((all relevant information requested))~~.

**Sec. 23.** RCW 48.50.040 and 1986 c 266 s 91 are each amended to read as follows:

(1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the ~~((director))~~ department of community, trade, and economic development, through the director of fire protection, in the manner prescribed under RCW 48.05.320 concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the ~~((director))~~ department of community, trade, and economic development, through the director of fire protection, under subsection (1) of this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency and does not bar an insurer from other reporting under RCW 48.50.030(2).

**Sec. 24.** RCW 48.50.075 and 1981 c 320 s 2 are each amended to read as follows:

In denying a claim ~~((resulting from a fire))~~, an insurer who relies upon a written opinion from an authorized agency specifically enumerated in ~~((a) through (e) of))~~ RCW 48.50.020(1) (a) through (g) that ((the fire was caused by arson)) criminal activity that is related to that claim is being investigated, or a crime has been charged, and that the ((insured was responsible for the fire, shall not be)) claimant is a target of the investigation or has been charged with a crime, is not liable for bad faith or other noncontractual theory of damages as a result of this reliance.

Immunity under this section shall exist only so long as the incident for which the ~~((insured))~~ claimant may be responsible is under active investigation or prosecution, or the authorized agency states its position that the claim includes or is a result of ((arson for)) criminal activity in which the ((insured)) claimant was ((responsible)) a participant.

**Sec. 25.** RCW 48.80.020 and 1986 c 243 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Claim" means any attempt to cause a health care payer to make a health care payment.

(2) "Deceptive" means presenting a claim to a health care payer that contains a statement of fact or fails to reveal a material fact, leading the health care payer to believe that the represented or suggested state of affairs is other than it actually is. For the purposes of this chapter, the determination of what constitutes a material fact is a question of law to be resolved by the court.

(3) "False" means wholly or partially untrue or deceptive.

(4) "Health care payment" means a payment for health care services or the right under a contract, certificate, or policy of insurance to have a payment made by a health care payer for a specified health care service.

(5) "Health care payer" means any insurance company authorized to provide health insurance in this state, any health care service contractor authorized under chapter 48.44 RCW, any health maintenance organization authorized under chapter 48.46 RCW, any legal entity which is self-insured and providing health care benefits to its employees, ~~((or))~~ and any insurer or other person responsible for paying for health care services.

(6) "Person" means an individual, corporation, partnership, association, or other legal entity.

(7) "Provider" means any person lawfully licensed or authorized to render any health service.

**Sec. 26.** RCW 2.48.180 and 1989 c 117 s 13 are each amended to read as follows:

~~((Any person who, not being an active member of the state bar, or who after he has been disbarred or while suspended from membership in the state bar, as by this chapter provided, shall))~~

(1) As used in this section:

(a) "Legal provider" means an active member in good standing of the state bar, and any other person authorized by the Washington state supreme court to engage in full or limited practice of law;

(b) "Nonlawyer" means a person to whom the Washington supreme court has granted a limited authorization to practice law but who practices law outside that authorization, and a person who is not an active member in good standing of the state bar, including persons who are disbarred or suspended from membership;

(c) "Ownership interest" means the right to control the affairs of a business, or the right to share in the profits of a business, and includes a loan to the business when the interest on the loan is based upon the income of the business or the loan carries more than a commercially reasonable rate of interest.

(2) The following constitutes unlawful practice of law:

(a) A nonlawyer practices law, or holds himself or herself out as entitled to practice law ~~((; shall, except as provided in RCW 19.154.100, be guilty of a misdemeanor: PROVIDED, HOWEVER, Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive relief or to punish as for contempt));~~

(b) A legal provider holds an investment or ownership interest in a business primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business;

(c) A nonlawyer knowingly holds an investment or ownership interest in a business primarily engaged in the practice of law;

(d) A legal provider works for a business that is primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business; or

(e) A nonlawyer shares legal fees with a legal provider.

(3) Unlawful practice of law is a crime. A single violation of this section is a gross misdemeanor. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony.

(4) Nothing contained in this section affects the power of the courts to grant injunctive or other equitable relief or to punish as for contempt.

(5) Whenever a legal provider or a person licensed by the state in a business or profession is convicted, enjoined, or found liable for damages or a civil penalty or other equitable relief under this section, the plaintiff's attorney shall provide written notification of the judgment to the appropriate regulatory or disciplinary body or agency.

(6) A violation of this section is cause for discipline and constitutes unprofessional conduct that could result in any regulatory penalty provided by law, including refusal, revocation, or suspension of a business or professional license, or right or admission to practice. Conduct that constitutes a violation of this section is unprofessional conduct in violation of RCW 18.130.180.

(7) In a proceeding under this section it is a defense if proven by the defendant by a preponderance of the evidence that, at the time of the offense, the conduct alleged was authorized by the Rules of Professional Conduct or the Admission to Practice Rules, or Washington business and professions licensing statutes or rules.

(8) Independent of authority granted to the attorney general, the prosecuting attorney may petition the superior court for an injunction against a person who has violated this chapter. Remedies in an injunctive action brought by a prosecuting attorney are limited to an order enjoining, restraining, or preventing the doing of any act or practice that constitutes a violation of this chapter and imposing a civil penalty of up to five thousand dollars for each violation. The prevailing party in the action may, in the discretion of the court, recover its reasonable investigative costs and the costs of the action including a reasonable attorney's fee. The degree of proof required in an action brought under this subsection is a preponderance of the evidence. An action under this subsection must be brought within three years after the violation of this chapter occurred.

**Sec. 27.** RCW 9.12.010 and 1915 c 165 s 1 are each amended to read as follows:

Every person who ~~((shall))~~ brings on his or her own behalf, or instigates, incites, or encourages another to bring, any false suit at law or in equity in any court of this state, with intent thereby to distress or harass a defendant ~~((therein; and every person, being an attorney or counselor at law, who shall personally, or through the agency of another, solicit employment as such attorney, in any suit pending or prospective, or, with intent to obtain such employment shall, directly or indirectly, loan any money or give or promise to give any money, property or other consideration to the person from whom such employment is sought; and every person who shall))~~ in the suit, or who serves or sends any paper or document purporting to be or resembling a judicial process, ~~that is~~ not in fact a judicial process ~~((shall be)),~~ is guilty of a misdemeanor; and in case the person offending is an attorney, he or she may, in addition thereto be disbarred from practicing law within this state.

**Sec. 28.** RCW 9.94A.320 and 1994 sp.s. c 7 s 510, 1994 c 275 s 20, and 1994 c 53 s 2 are each reenacted and amended to read as follows:

TABLE 2  
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)

XIV Murder 1 (RCW 9A.32.030)  
Homicide by abuse (RCW 9A.32.055)

- XIII Murder 2 (RCW 9A.32.050)
- XII Assault 1 (RCW 9A.36.011)
  - Assault of a Child 1 (RCW 9A.36.120)
- XI Rape 1 (RCW 9A.44.040)
  - Rape of a Child 1 (RCW 9A.44.073)
- X Kidnapping 1 (RCW 9A.40.020)
  - Rape 2 (RCW 9A.44.050)
  - Rape of a Child 2 (RCW 9A.44.076)
  - Child Molestation 1 (RCW 9A.44.083)
  - Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
  - Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
  - Leading Organized Crime (RCW 9A.82.060(1)(a))
- IX Assault of a Child 2 (RCW 9A.36.130)
  - Robbery 1 (RCW 9A.56.200)
  - Manslaughter 1 (RCW 9A.32.060)
  - Explosive devices prohibited (RCW 70.74.180)
  - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
  - Endangering life and property by explosives with threat to human being (RCW 70.74.270)
  - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
  - Controlled Substance Homicide (RCW 69.50.415)
  - Sexual Exploitation (RCW 9.68A.040)
  - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
  - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
  - Promoting Prostitution 1 (RCW 9A.88.070)
  - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
  - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
  - Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
  - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
  - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
  - Introducing Contraband 1 (RCW 9A.76.140)
  - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
  - Child Molestation 2 (RCW 9A.44.086)
  - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
  - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Involving a minor in drug dealing (RCW 69.50.401(f))

VI Bribery (RCW 9A.68.010)

Manslaughter 2 (RCW 9A.32.070)  
Rape of a Child 3 (RCW 9A.44.079)  
Intimidating a Juror/Witness (RCW 9A.72.110,  
9A.72.130)  
Damaging building, etc., by explosion with no threat to  
human being (RCW 70.74.280(2))  
Endangering life and property by explosives with no  
threat to human being (RCW 70.74.270)  
Incest 1 (RCW 9A.64.020(1))  
Manufacture, deliver, or possess with intent to deliver  
narcotics from Schedule I or II (except heroin or  
cocaine) (RCW 69.50.401(a)(1)(i))  
Intimidating a Judge (RCW 9A.72.160)  
Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

V Criminal Mistreatment 1 (RCW 9A.42.020)

Theft of a Firearm (RCW 9A.56.300)  
Reckless Endangerment 1 (RCW 9A.36.045)  
Rape 3 (RCW 9A.44.060)  
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)  
Child Molestation 3 (RCW 9A.44.089)  
Kidnapping 2 (RCW 9A.40.030)  
Extortion 1 (RCW 9A.56.120)  
Incest 2 (RCW 9A.64.020(2))  
Perjury 1 (RCW 9A.72.020)  
Extortionate Extension of Credit (RCW 9A.82.020)  
Advancing money or property for extortionate  
extension of credit (RCW 9A.82.030)  
Extortionate Means to Collect Extensions of Credit  
(RCW 9A.82.040)  
Rendering Criminal Assistance 1 (RCW 9A.76.070)  
Bail Jumping with class A Felony (RCW  
9A.76.170(2)(b))  
Sexually Violating Human Remains (RCW 9A.44.105)  
Delivery of imitation controlled substance by person  
eighteen or over to person under eighteen (RCW  
69.52.030(2))

IV Residential Burglary (RCW 9A.52.025)

Theft of Livestock 1 (RCW 9A.56.080)  
Robbery 2 (RCW 9A.56.210)  
Assault 2 (RCW 9A.36.021)  
Escape 1 (RCW 9A.76.110)  
Arson 2 (RCW 9A.48.030)  
Commercial Bribery (section 29 of this act)  
Bribing a Witness/Bribe Received by Witness (RCW  
9A.72.090, 9A.72.100)  
Malicious Harassment (RCW 9A.36.080)  
Threats to Bomb (RCW 9.61.160)  
Willful Failure to Return from Furlough (RCW  
72.66.060)  
Hit and Run — Injury Accident (RCW 46.52.020(4))  
Vehicular Assault (RCW 46.61.522)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))  
Influencing Outcome of Sporting Event (RCW 9A.82.070)  
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))  
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

III Criminal Mistreatment 2 (RCW 9A.42.030)

Extortion 2 (RCW 9A.56.130)  
Unlawful Imprisonment (RCW 9A.40.040)  
Assault 3 (RCW 9A.36.031)  
Assault of a Child 3 (RCW 9A.36.140)  
Custodial Assault (RCW 9A.36.100)  
Unlawful possession of firearm or pistol by felon (RCW 9.41.040)  
Harassment (RCW 9A.46.020)  
Promoting Prostitution 2 (RCW 9A.88.080)  
Willful Failure to Return from Work Release (RCW 72.65.070)  
Burglary 2 (RCW 9A.52.030)  
Introducing Contraband 2 (RCW 9A.76.150)  
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
Escape 2 (RCW 9A.76.120)  
Perjury 2 (RCW 9A.72.030)  
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))  
Intimidating a Public Servant (RCW 9A.76.180)  
Tampering with a Witness (RCW 9A.72.120)  
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))  
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))  
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
Theft of livestock 2 (RCW 9A.56.080)  
Securities Act violation (RCW 21.20.400)

II Unlawful Practice of Law (RCW 2.48.180)

Malicious Mischief 1 (RCW 9A.48.070)  
Possession of Stolen Property 1 (RCW 9A.56.150)  
Theft 1 (RCW 9A.56.030)  
Trafficking in Insurance Claims (section 3 of this act)  
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))  
Health Care False Claims (RCW 48.80.030)  
Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))  
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))  
Computer Trespass 1 (RCW 9A.52.110)  
Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)

Possession of Stolen Property 2 (RCW 9A.56.160)  
Forgery (RCW 9A.60.020)  
Taking Motor Vehicle Without Permission (RCW 9A.56.070)  
Vehicle Prowl 1 (RCW 9A.52.095)  
Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
Malicious Mischief 2 (RCW 9A.48.080)  
Reckless Burning 1 (RCW 9A.48.040)  
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))  
False Verification for Welfare (RCW 74.08.055)  
Forged Prescription (RCW 69.41.020)  
Forged Prescription for a Controlled Substance (RCW 69.50.403)  
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

**NEW SECTION. Sec. 29.** A new section is added to chapter 9A.68 RCW to read as follows:

(1) For purposes of this section:

(a) "Claimant" means a person who has or is believed by an actor to have an insurance claim.

(b) "Service provider" means a person who directly or indirectly provides, advertises, or otherwise claims to provide services.

(c) "Services" means health care services, motor vehicle body or other motor vehicle repair, and preparing, processing, presenting, or negotiating an insurance claim.

(d) "Trusted person" means:

(i) An agent, employee, or partner of another;

(ii) An administrator, executor, conservator, guardian, receiver, or trustee of a person or an estate, or any other person acting in a fiduciary capacity;

(iii) An accountant, appraiser, attorney, physician, or other professional adviser;

(iv) An officer or director of a corporation, or any other person who participates in the affairs of a corporation, partnership, or unincorporated association; or

(v) An arbitrator, mediator, or other purportedly disinterested adjudicator or referee.

(2) A person is guilty of commercial bribery if:

(a) He or she offers, confers, or agrees to confer a pecuniary benefit directly or indirectly upon a trusted person under a request, agreement, or understanding that the trusted person will violate a duty of fidelity or trust arising from his or her position as a trusted person;

(b) Being a trusted person, he or she requests, accepts, or agrees to accept a pecuniary benefit for himself, herself, or another under a request, agreement, or understanding that he or she will violate a duty of fidelity or trust arising from his or her position as a trusted person; or

(c) Being an employee or agent of an insurer, he or she requests, accepts, or agrees to accept a pecuniary benefit for himself or herself, or a person other than the insurer, under a request, agreement, or understanding that he or she will or a threat that he or she will not refer or induce claimants to have services performed by a service provider.



(3) It is not a defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because the person had not yet assumed his or her position, lacked authority, or for any other reason.

(4) Commercial bribery is a class B felony.

**Sec. 30.** RCW 9A.72.010 and 1981 c 187 s 1 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Materially false statement" means any false statement oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the proceeding; whether a false statement is material shall be determined by the court as a matter of law;

(2) "Oath" includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated; in this chapter, written statements shall be treated as if made under oath if:

(a) The statement was made on or pursuant to instructions on an official form bearing notice, authorized by law, to the effect that false statements made therein are punishable;

(b) The statement recites that it was made under oath, the declarant was aware of such recitation at the time he or she made the statement, intended that the statement should be represented as a sworn statement, and the statement was in fact so represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto; or

(c) It is a statement, declaration, verification, or certificate, made within or outside the state of Washington, which is certified or declared to be true under penalty of perjury as provided in RCW 9A.72.085.

(3) An oath is "required or authorized by law" when the use of the oath is specifically provided for by statute or regulatory provision or when the oath is administered by a person authorized by state or federal law to administer oaths;

(4) "Official proceeding" means a proceeding heard before any legislative, judicial, administrative, or other government agency or official authorized to hear evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or depositions;

(5) "Juror" means any person who is a member of any jury, including a grand jury, impaneled by any court of this state or by any public servant authorized by law to impanel a jury; the term juror also includes any person who has been drawn or summoned to attend as a prospective juror;

(6) "Testimony" includes oral or written statements, documents, or any other material that may be offered by a witness in an official proceeding.

**Sec. 31.** RCW 9A.72.030 and 1975 1st ex.s. c 260 s 9A.72.030 are each amended to read as follows:

(1) A person is guilty of perjury in the second degree if, in an examination under oath under the terms of a contract of insurance, or with intent to mislead a public servant in the performance of his or her duty, he or she makes a materially false statement, which he or she knows to be false under an oath required or authorized by law.

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

**NEW SECTION. Sec. 32.** A new section is added to chapter 9A.76 RCW to read as follows:

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

**Sec. 33.** RCW 9A.76.020 and 1994 c 196 s 1 are each amended to read as follows:

(1) A person is guilty of obstructing a law enforcement officer if the person((

~~(a) Willfully makes a false or misleading statement to a law enforcement officer who has detained the person during the course of a lawful investigation or lawful arrest; or~~

~~(b)) willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.~~

(2) "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW 10.93.020, and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.

(3) Obstructing a law enforcement officer is a gross misdemeanor.

**Sec. 34.** RCW 9A.82.010 and 1994 c 218 s 17 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(8) "Dealer in property" means a person who buys and sells property as a business.

(9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(11) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(12) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(13) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(14) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;

(f) Child selling or child buying, as defined in RCW 9A.64.030;

(g) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(h) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

(i) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(j) Extortionate extension of credit, as defined in RCW 9A.82.020;

(k) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

- (l) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;
- (m) Collection of an unlawful debt, as defined in RCW 9A.82.045;
- (n) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;
- (o) Trafficking in stolen property, as defined in RCW 9A.82.050;
- (p) Leading organized crime, as defined in RCW 9A.82.060;
- (q) Money laundering, as defined in RCW 9A.83.020;
- (r) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;
- (s) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;
- (t) Promoting pornography, as defined in RCW 9.68.140;
- (u) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;
- (v) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;
- (w) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
- (x) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
- (y) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
- (z) A pattern of equity skimming, as defined in RCW 61.34.020; ((~~o~~))
- (aa) Commercial telephone solicitation in violation of RCW 19.158.040(1);
- (bb) Trafficking in insurance claims, as defined in section 3 of this act;
- (cc) Unlawful practice of law, as defined in RCW 2.48.180;
- (dd) Commercial bribery, as defined in section 29 of this act;
- (ee) Health care false claims, as defined in RCW 48.80.030; or
- (ff) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7).

(15) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(16) "Records" means any book, paper, writing, record, computer program, or other material.

(17) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(18) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

- (a) In violation of any one of the following:
  - (i) Chapter 67.16 RCW relating to horse racing;
  - (ii) Chapter 9.46 RCW relating to gambling;
- (b) In a gambling activity in violation of federal law; or
- (c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

(19)(a) "Beneficial interest" means:

- (i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;
- (ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or
- (iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.

(20) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(21)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under subsection (21)(a) (i) or (ii) of this section.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

**Sec. 35.** RCW 18.130.190 and 1993 c 367 s 19 are each amended to read as follows:

(1) The secretary shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. In the investigation of the complaints, the secretary shall have the same authority as provided the secretary under RCW 18.130.050.

(2) The secretary may issue a notice of intention to issue a cease and desist order to any person whom the secretary has reason to believe is engaged in the unlicensed practice of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. The person to whom such notice is issued may request an adjudicative proceeding to contest the charges. The request for hearing must be filed within twenty days after service of the notice of intention to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the secretary may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(3) If the secretary makes a final determination that a person has engaged or is engaging in unlicensed practice, the secretary may issue a cease and desist order. In addition, the secretary may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in unlicensed practice of a business or profession for which a license is required by one or more of the chapters specified in RCW 18.130.040. The proceeds of such fines shall be deposited to the health professions account.

(4) If the secretary makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the secretary may issue a temporary cease and desist order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. The temporary cease and desist order shall remain in effect until further order of the secretary. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the secretary may enter a permanent cease and desist order, which may include a civil fine.

(5) Neither the issuance of a cease and desist order nor payment of a civil fine shall relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order or civil fine shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(6) The attorney general, a county prosecuting attorney, the secretary, a board, or any person may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by the chapters specified in RCW 18.130.040 without a license from engaging in such practice or operating such business until the required license is secured. However, the injunction shall not relieve the person

so practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(7) Unlicensed practice of a profession or operating a business for which a license is required by the chapters specified in RCW 18.130.040, unless otherwise exempted by law, constitutes a gross misdemeanor for a single violation. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.

NEW SECTION. Sec. 36. The Washington State Bar Association is requested to submit to the appropriate committees of the state senate and house of representatives by November 1995, a report on the recommendations of its task force on nonlawyer practice, including any recommendations for legislation or proposed court rules.

NEW SECTION. Sec. 37. The following acts or parts of acts are each repealed:

- (1) RCW 9.91.090 and 1992 c 7 s 17, 1981 c 203 s 4, & 1909 c 249 s 384;
- (2) RCW 9A.82.903 and 1985 c 455 s 22;
- (3) RCW 48.50.060 and 1979 ex.s. c 80 s 6;
- (4) RCW 48.50.080 and 1979 ex.s. c 80 s 8; and
- (5) RCW 49.44.070 and 1909 c 249 s 427.

NEW SECTION. Sec. 38. Sections 1 through 14 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 39. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

In line 1 of the title, after "fraud;" strike the remainder of the title and insert "amending RCW 48.01.030, 48.18.460, 48.30.210, 48.30.220, 48.50.010, 48.50.020, 48.50.030, 48.50.040, 48.50.075, 48.80.020, 2.48.180, 9.12.010, 9A.72.010, 9A.72.030, 9A.76.020, 9A.82.010, and 18.130.190; reenacting and amending RCW 9.94A.320; adding a new section to chapter 42.17 RCW; adding a new section to chapter 9A.68 RCW; adding a new section to chapter 9A.76 RCW; adding a new chapter to Title 48 RCW; creating a new section; repealing RCW 9.91.090, 9A.82.903, 48.50.060, 48.50.080, and 49.44.070; prescribing penalties; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative L. Thomas moved that the House concur in the Senate amendments to Engrossed Second Substitute House Bill No. 1557 and pass the bill as amended by the Senate.

Representatives L. Thomas and Campbell spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1557 as amended by the Senate..

Representative Wolfe spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Brown, Representatives Tokuda and G. Fisher were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1557 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Dyer and Robertson - 2.

Excused: Representatives Benton, Fisher, G. and Tokuda - 3.

Engrossed Second Substitute House Bill No. 1557, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1583 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.41.030 and 1992 c 44 s 3 are each amended to read as follows:

(1) Every local government employee has the right to report to the appropriate person or persons information concerning an alleged improper governmental action.

(2) The governing body or chief administrative officer of each local government shall adopt a policy on the appropriate procedures to follow for reporting such information and shall provide information to their employees on the policy. Local governments are encouraged to consult with their employees on the policy.

(3) The policy shall describe the appropriate person or persons within the local government to whom to report information and a list of appropriate person or persons outside the local government to whom to report. The list shall include the county prosecuting attorney.

(4) Each local government shall permanently post a summary of the procedures for reporting information on an alleged improper governmental action and the procedures for protection against retaliatory actions described in RCW 42.41.040 in a place where all employees will have reasonable access to it. A copy of the summary shall be made available to any employee upon request.

(5) A local government may require as part of its policy that, except in the case of an emergency, before an employee provides information of an improper governmental action to a person or an entity who is not a public official or a person listed pursuant to subsection (3) of this section, the employee shall submit a written report to the local government. Where a local government has adopted such a policy under this section, an employee who fails to make a good faith attempt to follow the policy shall not receive the protections of this chapter. (6) If a local government has failed to adopt a policy as required by subsection (2) of this section, an employee may report alleged improper government action directly to the county prosecuting attorney or, if the prosecuting attorney or an employee of the prosecuting attorney participated in the alleged improper government action, to the

state auditor. The cost incurred by the state auditor in such investigations shall be paid by the local government through the municipal revolving account authorized in RCW 43.09.282.

(7) The identity of a reporting employee shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing."

On page 1, line 1 of the title, after "reporting;" strike the remainder of the title and insert "and amending RCW 42.41.030."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative L. Thomas moved that the House concur in the Senate amendments to House Bill No. 1583 and pass the bill as amended by the Senate.

Representatives L. Thomas and Rust spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1583 as amended by the Senate.

#### MOTION

On motion of Representative Talcott, Representatives Mielke and Cooke were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1583 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

House Bill No. 1583, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1610 with the following amendments:

On page 2, line 22, after "standards." strike all material through "standards." on line 26.

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Delvin moved that the House concur in the Senate amendments to Substitute House Bill No. 1610 and pass the bill as amended by the Senate.

Representatives Delvin and Costa spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1610 and pass the bill as amended by the Senate..

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1610 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Substitute House Bill No. 1610, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1611 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales to health or social welfare organizations, as defined in RCW 82.04.431, of items necessary for new construction of alternative housing for youth in crisis, so long as the facility will be a licensed agency under chapter 74.15 RCW, upon completion. This section shall expire July 1, 1997.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.12 RCW to read as follows:



The provisions of this chapter shall not apply in respect to the use of any item acquired by a health or social welfare organization, as defined in RCW 82.04.431, of items necessary for new construction of alternative housing for youth in crisis, so long as the facility will be a licensed agency under chapter 74.15 RCW, upon completion. This section shall expire July 1, 1997.

**NEW SECTION. Sec. 3.** For the purposes of sections 1 and 2 of this act, "youth in crisis" means any youth under eighteen years of age who is either: Homeless; a runaway from the home of a parent, guardian, or legal custodian; abused; neglected; abandoned by a parent, guardian, or legal custodian; or suffering from a substance abuse or mental disorder.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "crisis;" strike the remainder of the title and insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Carrell moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1611 and pass the bill as amended by the Senate.

Representative Costa spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1611 as amended by the Senate.

Representative Costa spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1611 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Engrossed Substitute House Bill No. 1611, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 6, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1632 with the following amendments:

On page 1, beginning on line 13, after "areas" strike ", waterways, or other bedlands" and insert "or waterways"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### MOTION

Representative Basich moved that the House concur in the Senate amendments to Substitute House Bill No. 1632 and pass the bill as amended by the Senate.

Representative Basich spoke in favor of the motion and it was carried.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1632 as amended by the Senate.

Representative Basich spoke in favor of passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1632 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Substitute House Bill No. 1632, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1527 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to remember the thousands of men and women from Washington state who served in World War II. This year, nineteen hundred and ninety-five, marks the fiftieth anniversary of the end of World War II and yet there is no monument on the state capitol campus to specifically recognize the dedication of the men and women of this state who served or were wounded, killed, or missing in action during World War II. These brave people should be recognized for their dedication to freedom and bravery that brought a victorious end to the war. The legislature pledges strong support for a war memorial on the state capitol campus to honor all those who served in the armed forces during World War II.

**NEW SECTION. Sec. 2.** (1) The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the state general fund to the department of veterans affairs for the purpose of erecting a monument on the state capitol campus to honor and thank all who served during World War II.

(2) Prior to expending the appropriation the department of veterans affairs shall convene an advisory committee to make recommendations to the department on the type, size, and cost of the memorial and recommend a site on the capitol campus, subject to approval of the state capitol committee, for the memorial. The advisory committee shall consist of eleven members: Two from the house of representatives, one from each caucus; two from the senate, one from each caucus; one member appointed by the governor; and six public members representing veterans or veteran organizations. Members of the advisory committee shall not be compensated or reimbursed for any expenses incurred by attending advisory committee meetings."

On page 1, line 1 of the title, after "veterans;" strike the remainder of the title and insert "creating a new section; and making an appropriation."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Sehlin moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1527 and pass the bill as amended by the Senate.

Representative Sehlin spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1527 as amended by the Senate.

Representatives Sehlin, Conway, Huff and Basich spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1527 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole,

Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Engrossed Substitute House Bill No. 1527, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1680 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 3.02.045 and 1994 c 301 s 1 are each amended to read as follows:

(1) Courts of limited jurisdiction may use collection agencies under chapter 19.16 RCW for purposes of collecting unpaid penalties on infractions, criminal fines, costs, assessments, civil judgments, or forfeitures that have been imposed by the courts. Courts of limited jurisdiction may enter into agreements with one or more attorneys or collection agencies for collection of outstanding penalties, fines, costs, assessments, and forfeitures. These agreements may specify the scope of work, remuneration for services, and other charges deemed appropriate. Such agreements may authorize collection agencies to retain all or any portion of the interest collected on these accounts.

(2) Courts of limited jurisdiction may use credit cards or debit cards for purposes of billing and collecting unpaid penalties, fines, costs, assessments, and forfeitures so imposed. Courts of limited jurisdiction may enter into agreements with one or more financial institutions for the purpose of the collection of penalties, fines, costs, assessments, and forfeitures. The agreements may specify conditions, remuneration for services, and other charges deemed appropriate.

(3) Servicing of delinquencies by collection agencies or by collecting attorneys in which the court retains control of its delinquencies shall not constitute assignment of debt.

(4) For purposes of this section, the term debt shall include penalties, fines, costs, assessments, or forfeitures imposed by the courts.

(5) The court may assess as court costs the moneys paid for remuneration for services or charges paid to collecting attorneys, to collection agencies, or, in the case of credit cards, to financial institutions.

**Sec. 2.** RCW 3.46.120 and 1988 c 169 s 1 are each amended to read as follows:

(1) All money received by the clerk of a municipal department including penalties, fines, bail forfeitures, fees and costs shall be paid by the clerk to the city treasurer.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 3.** RCW 3.50.100 and 1988 c 169 s 2 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 4.** RCW 35.20.220 and 1988 c 169 s 6 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all money received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel.

Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 5.** RCW 3.62.020 and 1988 c 169 s 3 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the division of municipal corporations, noting the information necessary for crediting of such funds as required by law.

(2) The county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

**Sec. 6.** RCW 3.62.040 and 1988 c 169 s 4 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 7.** RCW 10.82.090 and 1989 c 276 s 3 are each amended to read as follows:

Financial obligations imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

**Sec. 8.** RCW 36.18.190 and 1994 c 185 s 9 are each amended to read as follows:

Superior court clerks may contract with collection agencies or may use county collection services for the collection of unpaid court obligations. The costs for the agencies or county services shall be paid by the debtor. By agreement, clerks may authorize collection agencies to retain all or any portion of the interest collected on these accounts. Collection may not be initiated with respect to a criminal offender who is under the supervision of the department of corrections without the prior agreement of the department.

Any contract with a collection agency shall be awarded only after competitive bidding. Factors that a court clerk shall consider in awarding a collection contract include but are not limited to: (1) A collection agency's history and reputation in the community; and (2) the agency's access to a local data base that may increase the efficiency of its collections.

The servicing of an unpaid court obligation does not constitute assignment of a debt, and no contract with a collection agency may remove the court's control over unpaid obligations owed to the court."

On page 1, line of the title, after "fines;" strike the remainder of the title and insert "and amending RCW 3.02.045, 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, 10.82.090, and 36.18.190."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Hickel moved that the House concur in the Senate amendments to Substitute House Bill No. 1680 and pass the bill as amended by the Senate.

Representative Hickel spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1680 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1680 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Substitute House Bill No. 1680, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1692 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 5.28.010 and 1987 c 202 s 124 are each amended to read as follows:

~~((That))~~ Every court, judge, clerk of a court, or notary public, is authorized to take testimony in any action, suit or proceeding, and such other persons in particular cases as authorized by law. Every such court or officer is authorized to collect fees established under RCW 36.18.020 and sections 12 through 15 of this act and to administer oaths and affirmations generally((r)) and to every such other person in such particular case as authorized.

**Sec. 2.** RCW 10.14.040 and 1987 c 280 s 4 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of unlawful harassment.

(1) A petition for relief shall allege the existence of harassment and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) All court clerks' offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Filing fees are set in RCW 36.18.020, but no filing fee may be charged for a petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

**Sec. 3.** RCW 10.82.070 and 1988 c 169 s 5 are each amended to read as follows:

(1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.



(2) The county treasurer shall remit monthly thirty-two percent of the money received under this section except for certain costs to the state treasurer for deposit as provided under RCW 43.08.250 and shall deposit the remainder as provided by law. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Costs or assessments awarded to dedicated accounts, state or local, are not subject to this state allocation or to RCW 7.68.035.

(3) All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

**Sec. 4.** RCW 11.86.031 and 1989 c 34 s 3 are each amended to read as follows:

(1) The disclaimer shall:

- (a) Be in writing;
- (b) Be signed by the disclaimant;
- (c) Identify the interest to be disclaimed; and
- (d) State the disclaimer and the extent thereof.

(2) The disclaimer shall be delivered or mailed as provided in subsection (3) of this section at any time after the creation of the interest, but in all events by nine months after the latest of:

- (a) The date the beneficiary attains the age of twenty-one years;
- (b) The date of the transfer; or

(c) The date that the beneficiary is finally ascertained and the beneficiary's interest is indefeasibly vested.

(3) The disclaimer shall be mailed by first-class mail, or otherwise delivered, to the creator of the interest, the creator's legal representative, or the holder of the legal title to the property to which the interest relates or, if the creator is dead and there is no legal representative or holder of legal title, to the person having possession of the property.

(4) If the date of the transfer is the date of the death of the creator of the interest, a copy of the disclaimer may be filed with the clerk of the probate court in which the estate of the creator is, or has been, administered, or, if no probate administration has been commenced, then with the clerk of the court of any county provided by law as the place for probate administration of such person, where it shall be indexed under the name of the decedent in the probate index upon the payment of a fee (~~of two dollars~~) established under section 14 of this act.

(5) The disclaimer of an interest in real property may be recorded, but shall constitute notice to all persons only from and after the date of recording. If recorded, a copy of the disclaimer shall be recorded in the office of the auditor in the county or counties where the real property is situated.

**Sec. 5.** RCW 12.40.105 and 1983 c 254 s 2 are each amended to read as follows:

If the losing party fails to pay the judgment within twenty days or within the period otherwise ordered by the court, the judgment shall be increased by: (1) An amount sufficient to cover costs of certification of the judgment under RCW 12.40.110; and (2) the amount specified in (~~RCW 36.18.020(3))~~ section 12(2) of this act, without regard to the jurisdictional limits on the small claims department.

**Sec. 6.** RCW 12.40.110 and 1984 c 258 s 68 are each amended to read as follows:

(1) If the losing party fails to pay the judgment according to the terms and conditions thereof within twenty days or is in arrears on any payment plan, and the prevailing party so notifies the court, the judge before whom such hearing was had shall certify the judgment in substantially the following form:

In the District Court of . . . . . County.

Washington.

Plaintiff,  
vs.  
Defendant.

In the Small Claims Department.

This is to certify that: (1) In a certain action before me, the undersigned, had on this the . . . . day of . . . . . 19. . . . , wherein . . . . . was plaintiff and . . . . . defendant, jurisdiction of said defendant having been had by personal service (or otherwise) as provided by law, I then and there entered judgment against . . . . . in the sum of . . . . . Dollars; (2) the judgment has not been paid within twenty days or the period otherwise ordered by the court; and (3) pursuant to RCW 12.40.105, the amount of the judgment is hereby increased by any costs of certification under this section and the amount specified in ~~((RCW 36.18.020(3)))~~ section 12(2) of this act.

Witness my hand this . . . . day of . . . . ., 19. . . .

District Judge sitting in the  
Small Claims Department.

(2) The judge shall forthwith enter the judgment transcript on the judgment docket of the district court; and thereafter garnishment, execution, and other process on execution provided by law may issue thereon, as in other judgments of district courts.

(3) Transcripts of such judgments may be filed and entered in judgment lien dockets in superior courts with like effect as in other cases.

**Sec. 7.** RCW 13.64.020 and 1993 c 294 s 2 are each amended to read as follows:

(1) A petition for emancipation shall be signed and verified by the petitioner, and shall include the following information: (a) The full name of the petitioner, the petitioner's birthdate, and the state and county of birth; (b) a certified copy of the petitioner's birth certificate; (c) the name and last known address of the petitioner's parent or parents, guardian, or custodian; (d) the petitioner's present address, and length of residence at that address; (e) a declaration by the petitioner indicating that he or she has the ability to manage his or her financial affairs, including any supporting information; and (f) a declaration by the petitioner indicating that he or she has the ability to manage his or her personal, social, educational, and nonfinancial affairs, including any supporting information.

(2) ~~((A reasonable filing fee not to exceed fifty dollars shall be set by the court.))~~ Fees for this section are set under section 13 of this act.

**Sec. 8.** RCW 26.50.030 and 1992 c 111 s 2 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of domestic violence.

(1) A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties except in cases where the court realigns petitioner and respondent in accordance with RCW 26.50.060~~((3))~~ (4).

(3) Within ninety days of receipt of the master copy from the administrator for the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW 26.50.035 and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) ~~((A))~~ No filing fee ~~((of twenty dollars shall))~~ may be charged for proceedings under this section. ~~((No filing fee may be charged for: (a) A petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought; or (b) the transfer of a case from district or municipal court to superior court under RCW 26.50.020(2).))~~ Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

**Sec. 9.** RCW 34.05.514 and 1994 c 257 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section (~~and RCW 36.70A.300(3)~~), proceedings for review under this chapter shall be instituted by paying the fee required under RCW 36.18.020 and filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

**Sec. 10.** RCW 36.18.020 and 1993 c 435 s 1 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state public safety and education account under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070.

(2) Clerks of superior courts shall collect the following fees for their official services:

~~((4))~~ (a) The party filing the first or initial paper in any civil action, including, but not limited to an action for restitution, ~~((or))~~ adoption, or change of name, shall pay, at the time ~~((said))~~ the paper is filed, a fee of one hundred ten dollars except, in ~~((proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or))~~ an unlawful detainer action under chapter 59.18 or 59.20 RCW ~~((where))~~ for which the plaintiff shall pay a case initiating filing fee of thirty dollars. ~~((If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional eighty dollars which shall be considered part of the filing fee.))~~ The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

~~((2))~~ (b) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of one hundred ten dollars.

~~((3))~~ The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

~~(4)~~ For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

~~(5)~~ For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

~~(6)~~ The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of fifty dollars; if the demand is for a jury of twelve the fee shall be one hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional fifty dollar fee will be required of the party demanding the increased number of jurors.

~~(7)~~ For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect twenty dollars.

~~(8)~~ For preparing, transcribing or certifying any instrument on file or of record in the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

~~(9)~~ For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

~~(10)~~ For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of twenty dollars shall be charged.

~~(11)~~ For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

~~(12))~~ (c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of one hundred ten dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of one hundred ten dollars.

(e) For filing of a petition for determination of water rights under RCW 90.03.180 a filing fee of twenty-five dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of one hundred ten dollars(~~(: PROVIDED, HOWEVER, A fee of twenty dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170)~~).

~~((13)) (g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of one hundred ten dollars.~~

~~((14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.~~

~~(15) For the preparation of a passport application the clerk may collect an execution fee as authorized by the federal government.~~

~~(16) For clerks' special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.~~

~~(17) For duplicated recordings of court's proceedings there shall be a fee of ten dollars for each audio tape and twenty five dollars for each video tape.~~

~~(18)) (h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of one hundred ten dollars.~~

~~((19)) (i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.~~

~~((20)) (3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.~~

**Sec. 11.** RCW 36.18.010 and 1991 c 26 s 2 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

For recording instruments, for the first page, legal size (eight and one-half by fourteen inches or less), five dollars; for each additional legal size page, one dollar; the fee for recording multiple transactions contained in one instrument will be calculated individually for each transaction requiring separate indexing as required under RCW 65.04.050;

For preparing and certifying copies, for the first legal size page, three dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund, ~~((which five dollar fee shall expire June 30, 1995,))~~ plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records, not listed above, for first legal size page, five dollars; for each additional legal size page, one dollar;

For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170.

**NEW SECTION. Sec. 12.** A new section is added to chapter 36.18 RCW to read as follows:

(1) Revenue collected under this section is subject to division with the state for deposit in the public safety and education account under RCW 36.18.025.

(2) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing a fee of fifteen dollars.

(3) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars must be paid.

(4) The clerk shall collect a fee of twenty dollars for: Filing a paper not related to or a part of a proceeding, civil or criminal, or a probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law; or filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(5) If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay before proceeding with the unlawful detainer action eighty dollars.

(6) For a restrictive covenant for filing a petition to strike discriminatory provisions in real estate under RCW 49.60.227 a fee of twenty dollars must be charged.

(7) A fee of twenty dollars must be charged for filing a will only, when no probate of the will is contemplated.

(8) A fee of two dollars must be charged for filing a petition, written agreement, or written memorandum in a nonjudicial probate dispute under RCW 11.96.170.

(9) For certification of delinquent taxes by a county treasurer under RCW 84.64.190, a fee of five dollars must be charged.

**NEW SECTION. Sec. 13.** A new section is added to chapter 36.18 RCW to read as follows:

(1) Revenue collected under this section is subject to division with the county law library under RCW 27.24.070.

(2) For filing a petition for emancipation for minors as required under RCW 13.64.020 a fee up to fifty dollars must be collected.

**NEW SECTION. Sec. 14.** A new section is added to chapter 36.18 RCW to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, a fee of twenty dollars must be paid.

(3) The party making a demand for jury of six in a civil action shall pay, at the time, a fee of fifty dollars; if the demand is for a jury of twelve, a fee of one hundred dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional fifty-dollar fee will be required of the party demanding the increased number of jurors. Upon conviction in criminal cases a jury demand charge may be imposed as costs under RCW 10.46.190.

(4) For preparing, transcribing, or certifying an instrument on file or of record in the clerk's office, with or without seal, for the first page or portion of the first page, a fee of two dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of one dollar for each additional seal affixed must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(8) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

(9) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(10) For clerk's special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(11) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

(12) For the filing of oaths and affirmations under chapter 5.28 RCW, a fee of twenty dollars must be charged.

(13) For filing a disclaimer of interest under RCW 11.86.031(4), a fee of two dollars must be charged.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of five dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of one hundred ten dollars must be charged.

(16) A facilitator surcharge of ten dollars must be charged as authorized under RCW 26.12.240.

(17) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(18) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(19) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(20) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(21) Investment service charge and earnings under RCW 36.48.090 must be charged.

(22) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

**NEW SECTION. Sec. 15.** A new section is added to chapter 36.18 RCW to read as follows:

(1) State revenue collected by county clerks under subsection (2) of this section must be transmitted to the appropriate state court. The office of the state administrator for the courts shall retain fees collected under subsection (3) of this section.

(2) For appellate review under RAP 5.1(b), two hundred fifty dollars must be charged.

(3) For all copies and reports produced by the administrator for the courts as permitted under RCW 2.68.020 and supreme court policy, a variable fee must be charged.

**Sec. 16.** RCW 36.18.022 and 1992 c 54 s 5 are each amended to read as follows:

The court may waive the filing fees provided for under RCW 36.18.020 (~~((1) and~~) (2) (a) and (b) upon affidavit by a party that the party is unable to pay the fee due to financial hardship.

**Sec. 17.** RCW 40.14.027 and 1994 c 193 s 2 are each amended to read as follows:

State agencies shall collect a surcharge of twenty dollars from the judgment debtor upon the satisfaction of a warrant filed in superior court for unpaid taxes or liabilities. The surcharge is imposed on the judgment debtor in the form of a penalty in addition to the filing fee provided in (~~RCW 36.18.020(4))~~ section 12(3) of this act. The surcharge revenue shall be transmitted to the state treasurer for deposit in the archives and records management account, or procedures for the collection and transmittal of surcharge revenue to the archives and records management account shall be established cooperatively between the filing agencies and clerks of superior court.

Surcharge revenue deposited in the archives and records management account shall be expended by the secretary of state exclusively for the payment of costs and expenses incurred in the provision of public archives and records management services to local government agencies by the division of archives and records management. The secretary of state shall work with local government representatives to establish a committee to advise the state archivist on the local government archives and records management program. Surcharge revenue shall be allocated exclusively to:

(1) Appraise, process, store, preserve, and provide public research access to original records designated by the state archivist as archival which are no longer required to be kept by the agencies which originally made or filed them;

(2) Protect essential records, as provided by chapters 40.10 and 40.20 RCW. Permanent facsimiles of essential records shall be produced and placed in security storage with the state archivist;

(3) Coordinate records retention and disposition management and provide support for the following functions under RCW 40.14.070:

(a) Advise and assist individual agencies on public records management requirements and practices; and

(b) Compile, maintain, and regularly update general records retention schedules and destruction authorizations; and

(4) Develop and maintain standards for the application of recording media and records storage technologies.

**Sec. 18.** RCW 49.60.227 and 1993 c 69 s 10 are each amended to read as follows:

If a written instrument contains a provision that is void by reason of RCW 49.60.224, the owner, occupant, or tenant of the property which is subject to the provision may cause the provision to be stricken from the public records by bringing an action in the superior court in the county in which the property is located. The action shall be an in rem, declaratory judgment action whose title shall be the description of the property. The necessary party to the action shall be the owner, occupant, or tenant of the property or any portion thereof. The person bringing the action shall pay a fee set under section 12 of this act.

If the court finds that any provisions of the written instrument are void under RCW 49.60.224, it shall enter an order striking the void provisions from the public records and eliminating the void provisions from the title or lease of the property described in the complaint.

**Sec. 19.** RCW 65.12.780 and 1907 c 250 s 94 are each amended to read as follows:

On the filing of any application for registration, the applicant shall pay to the clerk of the court ~~((, in counties having more than forty thousand population, the sum of three dollars; and in all other counties, the sum of five dollars, which shall be in full of all clerk's fees and charges in such proceeding in behalf of the applicant. Any defendant, on entering his appearance, shall pay to the clerk of the court, the sum of three dollars, which shall be in full of all clerk's fees in behalf of such defendant))~~ filing fees as set in section 14 of this act. When any number of defendants enter their appearance at the same time, before default, but one fee shall be paid. Every publication in a newspaper required by this chapter shall be paid for by the party on whose application the order of publication is made, in addition to the fees above prescribed. The party at whose request any notice is issued, shall pay for the service of the same, except when sent by mail by the clerk of court, or the registrar of titles.

**Sec. 20.** RCW 70.02.070 and 1991 c 335 s 206 are each amended to read as follows:

Upon the request of the person requesting the record, the health care provider or facility shall certify the record furnished and may charge for such certification in accordance with ~~((RCW 36.18.020(9)))~~ section 14(5) of this act. No record need be certified until the fee is paid. The certification shall be affixed to the record and disclose:

- (1) The identity of the patient;
- (2) The kind of health care information involved;
- (3) The identity of the person to whom the information is being furnished;
- (4) The identity of the health care provider or facility furnishing the information;
- (5) The number of pages of the health care information;
- (6) The date on which the health care information is furnished; and
- (7) That the certification is to fulfill and meet the requirements of this section.

**Sec. 21.** RCW 90.03.180 and 1982 c 15 s 2 are each amended to read as follows:

At the time of filing the statement as provided in RCW 90.03.140, each defendant shall pay to the clerk of the superior court a fee ~~((of twenty five dollars))~~ as set under RCW 36.18.020.

NEW SECTION. **Sec. 22.** RCW 2.32.075 and 1961 c 304 s 5 are each repealed."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 5.28.010, 10.14.040, 10.82.070, 11.86.031, 12.40.105, 12.40.110, 13.64.020, 26.50.030,

34.05.514, 36.18.010, 36.18.020, 36.18.022, 40.14.027, 49.60.227, 65.12.780, 70.02.070, and 90.03.180; adding new sections to chapter 36.18 RCW; and repealing RCW 2.32.075."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Substitute House Bill No. 1692 and pass the bill as amended by the Senate.

Representative Sheahan spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1692 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1692 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Substitute House Bill No. 1692, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1756 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.110 and 1993 c 412 s 7 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the



guardian ad litem, and court-appointed special advocates, if any, are all in agreement. The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care ((or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court may allow)), the child's foster parent ((or relative care provider)), to attend ((dependency review)) all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

**Sec. 2.** RCW 13.34.130 and 1994 c 288 s 4 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family

because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court

orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(5) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "and amending RCW 13.34.110 and 13.34.130."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Veloria moved that the House concur in the Senate amendments to Substitute House Bill No. 1756 and pass the bill as amended by the Senate.

Representatives Thibaudeau and Veloria spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1756 as amended by the Senate.

Representative Stevens spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1756 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Substitute House Bill No. 1756, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 46.37 RCW to read as follows:

(1) "Safety chains" means flexible tension members connected from the front portion of the towed vehicle to the rear portion of the towing vehicle for the purpose of retaining connection between towed and towing vehicle in the event of failure of the connection provided by the primary connecting system, as prescribed by rule of the Washington state patrol.

(2) The term "safety chains" includes chains, cables, or wire ropes, or an equivalent flexible member meeting the strength requirements prescribed by rule of the Washington state patrol.

(3) A tow truck towing a vehicle and a vehicle towing a trailer must use safety chains. Failure to comply with this section is a class 1 civil infraction punishable under RCW 7.80.120.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.55 RCW to read as follows:

A vehicle engaging in the business of recovery of disabled vehicles for monetary compensation, from or on a public road or highway must either be operated by a registered tow truck operator, or someone who at a minimum has insurance in a like manner and amount as prescribed in RCW 46.55.030(3), and have had their tow trucks inspected in a like manner as prescribed by RCW 46.55.040(1). The department shall adopt rules to enforce this section. Failure to comply with this section is a class 1 civil infraction punishable under RCW 7.80.120.

**Sec. 3.** RCW 46.55.063 and 1989 c 111 s 7 are each amended to read as follows:

(1) An operator shall file a fee schedule with the department. All filed fees must be adequate to cover the costs of service provided. No fees may exceed those filed with the department. At least ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(2) Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize the impounds, and the present charge of a private impound for the classes of tow trucks to be used in the impound, and must be retained in the files of the registered tow truck operator for three years.

(3) A fee that is charged for tow truck service must be calculated on an hourly basis, and after the first hour must be charged to the nearest quarter hour.

(4) ~~((A)) Fees that ((is))~~ are charged for the storage of a vehicle, or for other items of personal property registered or titled with the department, must be calculated on a twenty-four hour basis and must be charged to the nearest half day from the time the vehicle arrived at the secure storage area. However, items of personal property registered or titled with the department that are wholly contained within an impounded vehicle are not subject to additional storage fees; they are, however, subject to satisfying the underlying lien for towing and storage of the vehicle in which they are contained.

(5) All billing invoices that are provided to the redeemer of the vehicle, or other items of personal property registered or titled with the department, must be itemized so that the individual fees are clearly discernable.

**Sec. 4.** RCW 46.55.090 and 1989 c 178 s 25 are each amended to read as follows:

(1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the department.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle, with the exception of those items of personal property that are registered or titled with the department, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings, with the exception of those items of personal property that are registered or titled with the department, shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings, with the exception of those items of personal property that are registered or titled with the department, not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.32 or 63.40 RCW.

(5) Tow truck drivers shall have a Washington state driver's license endorsed for the appropriate classification under chapter 46.25 RCW or the equivalent issued by another state.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours.

**Sec. 5.** RCW 46.55.100 and 1991 c 20 s 1 are each amended to read as follows:

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports. A law enforcement agency, or a private communication center acting on behalf of a law enforcement agency, shall within six to twelve hours of the impoundment, provide to a requesting operator the name and address of the legal and registered owners of the vehicle, and the registered owner of any personal property registered or titled with the department that is attached to or contained in or on the impounded vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written or electronic facsimile notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle, and for any items of personal property registered or titled with the department, that are in the operator's possession after the ninety-six hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fifteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned

vehicle and any other items of personal property registered or titled with the department to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle and any other items of personal property registered or titled with the department to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle and any other items of personal property registered or titled with the department for the vehicle identification number or other appropriate identification numbers and check the necessary records to determine the vehicle's or other property's owners.

**Sec. 6.** RCW 46.55.110 and 1989 c 111 s 10 are each amended to read as follows:

(1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In the case of an abandoned vehicle, or other item of personal property registered or titled with the department, within twenty-four hours after receiving information on the ((vehicle)) owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

(3) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled with the department, if the vehicle or personal property has been redeemed.

**Sec. 7.** RCW 46.55.120 and 1993 c 121 s 3 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department.

(b) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this

section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: . . . . .  
YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the  
. . . . . Court located at . . . . . in the sum of \$. . . . ., in an action entitled  
. . . . ., Case No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and  
costs will be awarded against you under RCW . . . if the judgment is not paid within  
15 days of the date of this notice.

DATED this . . . . day of . . . . ., 19. . .

Signature

Typed name and address

of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

**Sec. 8.** RCW 46.55.140 and 1992 c 200 s 1 are each amended to read as follows:

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle except for items of personal property registered or titled with the department. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of ~~((three))~~ five hundred dollars ~~((less))~~ after deduction of the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars ~~((less))~~ after deduction of the amount bid at auction, unless the impound is determined to be invalid. The limitation on towing and storage deficiency claims does not apply to an impound directed by a law enforcement officer. In no case may the cost of the auction or a buyer's fee be added to the amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the seller's report as provided for by RCW 46.12.101 and has timely and properly filed the seller's report is relieved of liability under this section. The person named as the new owner of the vehicle on the timely and properly filed seller's report shall assume liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter.

**Sec. 9.** RCW 46.20.435 and 1985 c 391 s 1 are each amended to read as follows:

(1) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.021 or with a license that has been expired for ninety days or more, or with a suspended or revoked license in violation of RCW 46.20.342 or 46.20.420, a law enforcement officer may immediately impound the vehicle that the person is operating.

(2) ~~((If the driver of the vehicle is the owner of the vehicle,))~~ The officer shall not release the vehicle impounded under subsection (1) of this section until the owner of the vehicle:

(a) Establishes that any penalties, fines, or forfeitures owed by the ~~((person driving))~~ registered owner of the vehicle ~~((when it))~~ that was impounded have been satisfied; and

(b) Pays the reasonable costs of such impoundment and storage.

(3) ~~((If the driver of the vehicle is not the owner of the vehicle, the driver shall be responsible for any penalties, fines, or forfeitures owed or due and for the costs of impoundment and storage. The vehicle shall be released to the owner immediately upon proof of such ownership.~~

~~((4))~~ Whenever a vehicle has been impounded by a law enforcement officer, the officer shall immediately serve upon the driver of the impounded vehicle a notice informing the recipient of his or her right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing or the amount of towing and storage charges. A request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date of the impound. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the driver is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

~~((5))~~ (4)(a) The district court, within five days after the request for a hearing, shall notify the driver in writing of the hearing date and time.



(b) At the hearing, the person requesting the hearing may produce any relevant evidence to show that the impoundment was not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the driver was responsible for any penalties, fines, or forfeitures owed or due at the time of the impoundment, and whether they have been satisfied.

(d) A certified transcript or abstract of the driving record of the driver, as maintained by the department, is admissible in evidence in any hearing and is prima facie evidence of the status of the driving privilege of the person named in it at the time of the impoundment and whether there were penalties, fines, or forfeitures due and owing by the person named in it at the time the impoundment occurred.

**Sec. 10.** RCW 46.61.625 and 1965 ex.s. c 155 s 73 are each amended to read as follows:

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) No person or persons may occupy a vehicle while it is being towed by a tow truck as defined in RCW 46.55.010(8)."

In line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.55.063, 46.55.090, 46.55.100, 46.55.110, 46.55.120, 46.55.140, 46.20.435, and 46.61.625; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.55 RCW; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1820 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1820 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1820 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 5, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Beeksmma, Goldsmith, Hargrove, Pennington and Sherstad - 5.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Engrossed Substitute House Bill No. 1820, as amended by the Senate, having received the constitutional majority, was declared passed.

#### STATEMENTS FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1820.

STEVE HARGROVE, 23rd District

I intended to vote NAY on Engrossed Substitute House Bill No. 1820.

LOIS MCMAHAN, 26th District

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

#### SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1858 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.280 RCW to read as follows:  
The office of crime victims advocacy is established in the department of community, trade, and economic development. The office shall assist communities in planning and implementing services for crime victims, advocate on behalf of crime victims in obtaining needed services and resources, and advise local and state governments on practices, policies, and priorities that impact crime victims. In addition, the office shall administer grant programs for sexual assault treatment and prevention services, as authorized in this chapter."

On page 1, line 1 of the title, after "advocacy;" strike the remainder of the title and insert "and adding a new section to chapter 43.280 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Ballasiotes moved that the House concur in the Senate amendments to House Bill No. 1858 and pass the bill as amended by the Senate.

Representatives Ballasiotes and Costa spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1858 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1858 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Benton, Cooke and Mielke - 3.

House Bill No. 1858, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1871 with the following amendments:

On page 4, line 6, after "municipality" insert "whose governing body implements a tax change" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Substitute House Bill No. 1871 and pass the bill as amended by the Senate.

Representative Sheahan spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1871 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1871 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky,

Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Benton, Cooke and Mielke - 3.

Substitute House Bill No. 1871, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1879 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 13.40.220 and 1994 sp.s. c 7 s 529 are each amended to read as follows:

(1) Whenever legal custody of a child is vested in someone other than his or her parents, under this chapter, and not vested in the department of social and health services, after due notice to the parents or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum representing in whole or in part the costs of support, treatment, and confinement of the child after the decree is entered.

(2) If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against such person for contempt.

(3) Whenever legal custody of a child is vested in the department under this chapter, the parents or other persons legally obligated to care for and support the child shall be liable for the costs of support, treatment, and confinement of the child, in accordance with the department's reimbursement of cost schedule. The department shall adopt a reimbursement of cost schedule based on the costs of providing such services, and shall determine an obligation based on the responsible parents' or other legally obligated person's ability to pay. The department is authorized to adopt additional rules as appropriate to enforce this section.

(4) To enforce subsection (3) of this section, the department shall serve on the parents or other person legally obligated to care for and support the child a notice and finding of financial responsibility requiring the parents or other legally obligated person to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect and should not be ordered. This notice and finding shall relate to the costs of support, treatment, and confinement of the child in accordance with the department's reimbursement of cost schedule adopted under this section, including periodic payments to be made in the future. The hearing shall be held pursuant to chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department.

(5) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the parent or legally obligated person by certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

(6) If the parents or other legally obligated person objects to the notice and finding of financial responsibility, then an application for an adjudicative hearing may be filed within twenty days of the date of service of the notice. If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the parents or other legally obligated person and shall also determine the amount of periodic payments to be made in the future. If the parents or other legally responsible person fails to file an application within twenty days, the notice and finding of financial responsibility shall become a final administrative order.

(7) Debts determined pursuant to this section are subject to collection action without further necessity of action by a presiding or reviewing officer. The department may collect the debt in accordance with RCW 43.20B.635, 43.20B.640, 74.20A.060, and 74.20A.070. The department shall

exempt from payment parents receiving adoption support under RCW 74.13.100 through 74.13.145, ~~((and))~~ parents eligible to receive adoption support under RCW 74.13.150, and a parent or other legally obligated person when the parent or other legally obligated person, or such person's child, spouse, or spouse's child, was the victim of the offense for which the child was committed.

(8) An administrative order entered pursuant to this section shall supersede any court order entered prior to June 13, 1994.

(9) The department shall be subrogated to the right of the child and his or her parents or other legally responsible person to receive support payments for the benefit of the child from any parent or legally obligated person pursuant to a support order established by a superior court or pursuant to RCW 74.20A.055. The department's right of subrogation under this section is limited to the liability established in accordance with its cost schedule for support, treatment, and confinement, except as addressed in subsection (10) of this section.

(10) Nothing in this section precludes the department from recouping such additional support payments from the child's parents or other legally obligated person as required to qualify for receipt of federal funds. The department may adopt such rules dealing with liability for recoupment of support, treatment, or confinement costs as may become necessary to entitle the state to participate in federal funds unless such rules would be expressly prohibited by law. If any law dealing with liability for recoupment of support, treatment, or confinement costs is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds, such conflicting law is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 13.40.220; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Sheahan moved that the House concur in the Senate amendments to House Bill No. 1879 and pass the bill as amended by the Senate.

Representative Radcliff spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1879 as amended by the Senate.

Representative Quall spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1879 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky,

Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representative Sherstad - 1.

Excused: Representatives Benton, Cooke and Mielke - 3.

House Bill No. 1879, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1906 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature declares that the state of Washington has a compelling interest in protecting and promoting the health, welfare, and safety of children, including those who receive care away from their own homes. The legislature further declares that no person or agency has a right to be licensed under this chapter to provide care for children. The health, safety, and well-being of children must be the paramount concern in determining whether to issue a license to an applicant, whether to suspend or revoke a license, and whether to take other licensing action. The legislature intends, through the provisions of this act, to provide the department of social and health services with additional enforcement authority to carry out the purpose and provisions of this act. Furthermore, administrative law judges should receive specialized training so that they have the specialized expertise required to appropriately review licensing decisions of the department.

Children placed in foster care are particularly vulnerable and have a special need for placement in an environment that is stable, safe, and nurturing. For this reason, foster homes should be held to a high standard of care, and department decisions regarding denial, suspension, or revocation of foster care licenses should be upheld on review if there are reasonable grounds for such action.

**Sec. 2.** RCW 74.15.010 and 1983 c 3 s 192 are each amended to read as follows:

The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

(1) To safeguard the health, safety, and well-being of children, expectant mothers and developmentally disabled persons receiving care away from their own homes, which is paramount over the right of any person to provide care;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate child-care and maternity-care facilities, both public and private, through the cooperative efforts of public and voluntary agencies and related groups((-);

(4) To provide consultation to agencies caring for children, expectant mothers or developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and developmentally disabled persons.

**Sec. 3.** RCW 74.15.020 and 1994 c 273 s 21 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of social and health services;  
(2) "Secretary" means the secretary of social and health services;  
(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(e) "Family day-care provider" means a ~~((licensed))~~ child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(g) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.

(4) "Agency" shall not include the following:

(a) ~~Persons related ((by blood or marriage to the child, expectant mother, or persons with developmental disabilities in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin)) to the child, expectant mother, or person with developmental disability in the following ways:~~

~~(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;~~

~~(ii) Stepfather, stepmother, stepbrother, and stepsister;~~

~~(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;~~

~~(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (4)(a), even after the marriage is terminated; or~~

~~(v) "Extended family members," as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);~~

~~(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;~~

~~(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not ~~((engage in))~~ conduct such activity on ~~((a regular basis, or where))~~ an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four hour basis have agreed to the placement in writing and the state is not providing any payment for the care;~~

~~(d)~~ Parents on a mutually cooperative basis exchange care of one another's children ~~(, or persons who have the care of an exchange student in their own home));~~

~~((d))~~ (e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

~~((e))~~ (f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

~~((f))~~ (g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

~~((g))~~ (h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

~~((h))~~ (i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

~~((i))~~ (j) Licensed physicians or lawyers;

~~((j))~~ (k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

~~((k))~~ (l) Facilities approved and certified under chapter 71A.22 RCW;

~~((l))~~ (m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

~~((m))~~ (n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

~~((n))~~ (o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

~~((o))~~ (p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(5) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

**Sec. 4.** RCW 74.15.030 and 1988 c 189 s 3 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have



unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.060 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child care coordinating committee and other affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

**Sec. 5.** RCW 74.15.130 and 1989 c 175 s 149 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205

governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed seventy-five dollars per violation for a family day-care home and two hundred fifty dollars per violation for group homes, child day-care centers, and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

NEW SECTION. Sec. 6. A new section is added to chapter 74.15 RCW to read as follows:

(1) The office of administrative hearings shall not assign nor allow an administrative law judge to preside over an adjudicative hearing regarding denial, modification, suspension, or revocation of any license to provide child care, including foster care, under this chapter, unless such judge has received training related to state and federal laws and department policies and procedures regarding:

- (a) Child abuse, neglect, and maltreatment;
- (b) Child protective services investigations and standards;
- (c) Licensing activities and standards;
- (d) Child development; and
- (e) Parenting skills.

(2) The office of administrative hearings shall develop and implement a training program that carries out the requirements of this section. The office of administrative hearings shall consult and coordinate with the department in developing the training program. The department may assist the office of administrative hearings in developing and providing training to administrative law judges.

NEW SECTION. Sec. 7. A new section is added to chapter 74.15 RCW to read as follows:

(1) The department may issue a probationary license to a licensee who has had a license but is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance if:

- (a) The noncompliance does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue; and
- (b) The licensee has a plan approved by the department to correct the area of noncompliance within the probationary period.

(2) A probationary license may be issued for up to six months, and at the discretion of the department it may be extended for an additional six months. The department shall immediately terminate the probationary license, if at any time the noncompliance for which the probationary license was issued presents an immediate threat to the health or well-being of the children.

(3) The department may, at any time, issue a probationary license for due cause that states the conditions of probation.

(4) An existing license is invalidated when a probationary license is issued.

(5) At the expiration of the probationary license, the department shall reinstate the original license for the remainder of its term, issue a new license, or revoke the original license.

(6) A right to an adjudicative proceeding shall not accrue to the licensee whose license has been placed on probationary status unless the licensee does not agree with the placement on probationary status and the department then suspends, revokes, or modifies the license.

**Sec. 8.** RCW 74.15.100 and 1982 c 118 s 11 are each amended to read as follows:

Each agency shall make application for a license or renewal of license to the department of social and health services on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that ~~((a-provisional))~~ an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed foster-family and family day-care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move, except that for the foster-family home this will apply only if the family remains intact.

**Sec. 9.** RCW 74.15.120 and 1979 c 141 s 361 are each amended to read as follows:

The secretary of social and health services may, at his or her discretion, issue ~~((a-provisional))~~ an initial license instead of a full license to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license ~~(, except that a provisional)~~. An initial license shall not be granted to any foster-family home except as provided in rules adopted by the department."

On page 1, line 1 of the title, after "licensing;" strike the remainder of the title and insert "amending RCW 74.15.010, 74.15.020, 74.15.030, 74.15.130, 74.15.100, and 74.15.120; adding new sections to chapter 74.15 RCW; creating a new section; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Lambert moved that the House concur in the Senate amendments to Substitute House Bill No. 1906 and pass the bill as amended by the Senate.

Representatives Lambert and Thibaudeau spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1906 as amended by the Senate.

Representative Lambert spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1906 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 72, Nays - 23, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Mastin, McMahan, McMorris, Morris, Mulliken, Ogden, Pelesky, Pennington, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 72.

Voting nay: Representatives Ballasiotes, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Fisher, R., Jacobsen, Kessler, Lisk, Mason, Mitchell, Patterson, Poulsen, Quall, Regala, Rust, Scott, Tokuda, Veloria and Wolfe - 23.

Excused: Representatives Benton, Cooke and Mielke - 3.

Substitute House Bill No. 1906, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 81.84 RCW to read as follows:

As used in this chapter:

(1) "Excursion service" means the carriage or conveyance of persons for compensation over the waters of this state from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.

(2) "Charter service" means the hiring of a vessel, with captain and crew, by a person or group for carriage or conveyance of persons or property.

**NEW SECTION. Sec. 2.** A new section is added to chapter 81.84 RCW to read as follows:

(1) Unless expressly exempted in section 3 of this act, no vessel may provide excursion service over the waters of this state without first having obtained a certificate of public convenience and necessity as provided in RCW 81.84.010.

(2) Vessels providing excursion service must comply with all provisions of this chapter and rules of the commission adopted under this chapter.

**NEW SECTION. Sec. 3.** A new section is added to chapter 81.84 RCW to read as follows:

This chapter does not apply to the following vessels or operations:

(1) Charter services;

(2) Vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel;

(3) Vessels operated by not-for-profit or governmental entities that are replicas of historic vessels or that are recognized by the United States department of the interior as national historical landmarks;

(4) Excursion services that:

(a) Originate and primarily operate at least six months per year in San Juan county waters and use vessels less than sixty-five feet in length with a United States Coast Guard certificate that limits them to forty-nine passengers or less;

(b) Do not depart from the point of origin on a regular published schedule;

(c) Do not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen times during any twelve-month period;

(d) Use vessels that do not return to the point of origin on the day of departure; or

(e) Operate vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington.

NEW SECTION. **Sec. 4.** Effective January 1, 2001, the following acts or parts of acts are each repealed:

(1) Section 1 of this act;

(2) Section 2 of this act; and

(3) Section 3 of this act."

In line 1 of the title, after "services;" strike the remainder of the title and insert "adding new sections to chapter 81.84 RCW; and repealing sections 1, 2, and 3 of this act."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1922 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1922 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1922 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogdan, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Benton, Cooke and Mielke - 3.

Engrossed Substitute House Bill No. 1922, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2067 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.060 and 1981 c 141 s 1 are each amended to read as follows:

The following property shall be exempt from taxation:

(1) All art, scientific, or historical collections of associations maintaining and exhibiting such collections for the benefit of the general public and not for profit, together with all real and personal property of such associations used exclusively for the safekeeping, maintaining and exhibiting of such collections; and all the real and personal property owned by or leased to associations engaged in the production and performance of musical, dance, artistic, dramatic, or literary works for the benefit of the general public and not for profit, which real and personal property is used exclusively for this production or performance(~~(: PROVIDED, That to qualify for)~~).

(a) To receive this exemption an organization must be organized and operated exclusively for artistic, scientific, historical, literary, musical, dance, dramatic, or educational purposes and receive a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its purpose or function) from the United States or any state or any political subdivision thereof or from direct or indirect contributions from the general public(~~(:)~~).

(b) If the property is not currently being used for an exempt purpose but will be used for an exempt purpose within a reasonable period of time, the nonprofit organization, association, or corporation claiming the exemption must submit proof that a reasonably specific and active program is being carried out to construct, remodel, or otherwise enable the property to be used for an exempt purpose. The property does not qualify for an exemption during this interim period if the property is used by, loaned to, or rented to a for-profit organization or business enterprise. Proof of a specific and active program to build or remodel the property so it may be used for an exempt purpose may include, but is not limited to:

(i) Affirmative action by the board of directors, trustees, or governing body of the nonprofit organization, association, or corporation toward an active program of construction or remodeling;

(ii) Itemized reasons for the proposed construction or remodeling;

(iii) Clearly established plans for financing the construction or remodeling; or

(iv) Building permits.

(c) Notwithstanding (b) of this subsection, a for-profit limited partnership created to provide facilities for the use of nonprofit art, scientific, or historical organizations qualifies for the exemption under (b) of this subsection through 1997 if the for-profit limited partnership otherwise qualifies under (b) of this subsection.

(2) All fire engines and other implements used for the extinguishment of fire, with the buildings used exclusively for the safekeeping thereof, and for meetings of fire companies, provided such properties belong to any city or town or to a fire company therein(~~(:)~~).

(3) Property owned by humane societies in this state in actual use by such societies.

NEW SECTION. **Sec. 2.** The act is effective for taxes levied for collection in 1995 and thereafter.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 84.36.060; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative B. Thomas moved that the House concur in the Senate amendments to Substitute House Bill No. 2067 and pass the bill as amended by the Senate.

Representative B. Thomas spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 2067 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2067 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Benton, Cooke and Mielke - 3.

Substitute House Bill No. 2067, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1110 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.30 RCW to read as follows:

The legislature hereby establishes its oversight authority regarding long-range commitments made by the department of natural resources in the department's management of state forest lands, with respect to commitments made with the federal government pursuant to the federal endangered species act. The legislature shall set overall policy for the management of the lands of the state.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.30 RCW to read as follows:

The department of natural resources shall report to the standing committees on natural resources of the legislature before entering into any agreement or making any commitment intended to induce the issuance of a permit from the federal government which, individually or together with any other agreement or commitment, affects more than ten thousand acres of public and/or state forest land for five or more years. Agreements and commitments to which this section applies include but are not limited to conservation plans and incidental take permits under 16 U.S.C. Sec. 1539, and all other agreements, management plans, and "no-take" or similar letters relating to the federal endangered species act. The department shall provide the standing committees with copies of all proposed plans, agreements, and commitments, together with an analysis demonstrating that the proposed agreement or commitment is in the best interests of the trust beneficiaries.

The department shall submit the following with each biennial budget request:

- (1) An analysis of the impacts of any agreement or contract on state lands;
- (2) Detailed funding requirements to implement the agreement or contract in the next biennium;

and

(3) An accounting of expenditures during the current biennium with respect to any agreement or contract.

The legislature shall review the department's funding request and funds appropriated shall be separate budget items. The legislature shall ensure that the appropriations made to implement any agreements or contracts are in conformity with Article 8, section 4 of the state Constitution and chapter 43.88 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.88 RCW to read as follows:

The biennial budget request of the department of natural resources must comply with section 2 of this act."

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "adding new sections to chapter 43.30 RCW; and adding a new section to chapter 43.88 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Fuhrman moved that the House concur in the Senate amendments to Substitute House Bill No. 1110 and pass the bill as amended by the Senate.

Representatives Fuhrman and Basich spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1110 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1110 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 82, Nays - 13, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith,



Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven and Mr. Speaker - 82.

Voting nay: Representatives Chopp, Cody, Cole, Conway, Dellwo, Mason, Ogden, Patterson, Romero, Rust, Thibaudeau, Veloria and Wolfe - 13.

Excused: Representatives Benton, Cooke and Mielke - 3.

Substitute House Bill No. 1110, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

## SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1129 with the following amendments:

On page strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.365 and 1979 ex.s. c 196 s 7 are each amended to read as follows:

(1) This chapter does not apply to amounts derived by a nonprofit organization as a result of conducting or participating in a bazaar or rummage sale if:

(a) The organization does not conduct or participate in more than two bazaars or rummage sales per year; and

(b) Each bazaar or rummage sale does not extend over a period of more than two days; and

(c) The gross income received by each organization from each bazaar or rummage sale does not exceed ~~((one))~~ ten thousand dollars.

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales made by a nonprofit organization if the gross income from the sales is exempt under RCW 82.04.365.

NEW SECTION. **Sec. 3.** A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to nonprofit organizations in respect to amounts derived from the provision of child care resource and referral services.

NEW SECTION. **Sec. 4.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "nonprofits;" strike the remainder of the title and insert "amending RCW 82.04.365; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### MOTION

Representative B. Thomas moved that the House not concur in the Senate amendments to Substitute House Bill No. 1129 and ask the Senate for a conference thereon.

Representative B. Thomas spoke in favor of the motion and it was carried.

### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Schoesler, Pennington and Quall as Conferees on Substitute House Bill No. 1129.

There being no objection, the House considered the following bills in the following order: Engrossed Substitute House Bill No. 1070 and Engrossed Substitute House Bill No. 2080.

### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1997, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"Aquatic Lands Acct" means the Aquatic Lands Enhancement Account;  
"Cap Bldg Constr Acct" means Capitol Building Construction Account;  
"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;  
"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;  
"Common School Constr Fund" means Common School Construction Fund;  
"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;  
"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;  
"Data Proc Rev Acct" means Data Processing Revolving Account;  
"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;  
"For Dev Acct" means Forest Development Account;  
"Res Mgmt Cost Acct" means Resource Management Cost Account;  
"Game Spec Wildlife Acct" means Game Special Wildlife Account;  
"H Ed Constr Acct" means Higher Education Construction Account 1979;  
"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;  
"LIRA" means State and Local Improvement Revolving Account;  
"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;

"NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account;

"ORA" means Outdoor Recreation Account;

"Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account;

"Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account;

"St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;

"St Bldg Constr Acct" means State Building Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"Thoroughbred Racing Acct" means Washington Thoroughbred Racing Account;

"Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account;

"UW Bldg Acct" means University of Washington Building Account;

"WA Housing Trust Acct" means Washington Housing Trust Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

PART 1  
GENERAL GOVERNMENT

**NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Northwest Washington Regional Archives: Construction (90-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,970**

Prior Biennia (Expenditures) \$ 128,341

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 132,311

**NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE**

**001) Central Washington Regional Archives--Central Washington University Campus (93-2-**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 434,000**

Prior Biennia (Expenditures) \$ 3,500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,934,000

**NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Essential Records Storage Site--Asbestos survey and abatement (94-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000 -----

**NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Eastern Washington Branch Archives: Design (94-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,200**

Prior Biennia (Expenditures) \$ 52,000

Future Biennia (Projected Costs) \$ 4,540,612

TOTAL \$ 4,598,812 -----

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Puget Sound Branch Archives--Building design (94-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 670,000**

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 6,030,125

TOTAL \$ 6,740,125 -----

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Puget Sound Branch--Building "C" asbestos abatement and demolition (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 125,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 125,000 -----

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Community economic revitalization (86-1-001)**

**Reappropriation:**

**Public Works Assistance Acct--State \$ 3,321,298**  
**Pub Fac Constr Loan Rev Acct--State \$ 3,862,729**  
**St Bldg Constr Acct--State \$ 2,106,034**

Subtotal Reappropriation \$ 9,290,061 -----

**Appropriation:**

**Pub Fac Constr Loan Rev Acct--State \$ 1,500,000**  
**Public Works Assistance Acct--State \$ 4,000,000**

Subtotal Appropriation \$ 5,500,000 -----

Prior Biennia (Expenditures) \$ 7,026,937  
Future Biennia (Projected Costs) \$ 24,000,000

TOTAL \$ 45,816,998 -----

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Development loan fund (88-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,000,000**  
**Wa St Dev Loan Acct--Federal \$ 186,654**

Subtotal Reappropriation \$ 2,186,654 -----

**Appropriation:**

**Wa St Dev Loan Acct--Federal \$ 3,500,000**

Prior Biennia (Expenditures) \$ 5,932,935  
Future Biennia (Projected Costs) \$ 20,000,000

TOTAL \$ 31,619,589 -----

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Grays Harbor dredging (88-3-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this reappropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not

to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,788,144**

Prior Biennia (Expenditures) \$ 4,211,856

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000 -----

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Housing assistance, weatherization, and affordable housing program (88-5-015)**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the reappropriation from the state building and construction account, \$2,000,000 of the reappropriation from the charitable, educational, penal, and reformatory institutions account, and \$2,000,000 of the appropriation from the state building and construction account are provided solely for development of at least 367 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall implement this initiative in coordination with the managed care initiative developed by the division of developmental disabilities in accordance with the 1995-97 operating budget.

(2) \$3,000,000 of the appropriation from the state building and construction account is provided solely to assist nursing homes convert at least 200 existing beds to assisted living units to be operated under contract with the department of social and health services.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 33,214,000**

**CEP & RI Acct--State \$ 2,830,959**

Subtotal Reappropriation \$ 36,044,959 -----

**Appropriation:**

**St Bldg Constr Acct--State \$ 50,000,000**

Prior Biennia (Expenditures) \$ 77,601,500

Future Biennia (Projected Costs) \$ 100,000,000

TOTAL \$ 263,646,459 -----

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**A Contemporary Theatre (ACT)--Seattle (90-1-006)**

This reappropriation is provided solely for the construction or renovation of a new theater in Seattle. If the project funded from the reappropriation in this section is not substantially complete by December 31, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 914,696**

Prior Biennia (Expenditures) \$ 85,031

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 999,727 -----

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Seattle Center redevelopment:** For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing (92-1-019)

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,735,637**

Prior Biennia (Expenditures) \$ 5,764,364

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,500,001 -----

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Yakima criminal justice facility:** For a grant to the city of Yakima for the construction of a new criminal justice facility (92-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

(3) If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,991,000**

Prior Biennia (Expenditures) \$ 9,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000 -----

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**7th Street Theatre (90-2-008)**

The reappropriation in this section is subject to the following conditions and limitations: The appropriation shall be matched by at least \$400,000 from nonstate sources. The match may include cash or in-kind contributions. If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 550,000 -----

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Minor works: Emergency Management Building (92-2-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 62,263**

Prior Biennia (Expenditures) \$ 223,737

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 286,000 -----

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Snohomish County drainage:** To purchase land in drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 348,950**

Prior Biennia (Expenditures) \$ 1,050

Future Biennia (Projected Costs) \$ 0



TOTAL \$ 350,000 -----

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Resource Center for the Handicapped:** To acquire and improve the facilities in which the center currently operates (92-5-000)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources expended for the same purposes. The matching money may include lease-purchase payments made by the center prior to May 28, 1993.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 407,203**

Prior Biennia (Expenditures) \$ 792,797

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000 -----

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Washington Technology Center laboratories (92-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,262,945**

Prior Biennia (Expenditures) \$ 1,419,658

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,682,603 -----

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Columbia River dredging feasibility:** For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose. If the project funded from the reappropriation in this section is not substantially complete by December 1, 1995, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 598,200**

Prior Biennia (Expenditures) \$ 1,800

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000 -----

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Building for the arts:** For grants to local performing arts and art museum organizations for facility improvements or additions **(92-5-100)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

**Phase 1 Estimated Total**

Capital Cost

Seattle Children's Theatre \$ 8,000,000  
Admiral Theatre (Bremerton) \$ 4,261,000  
Pacific Northwest Ballet \$ 7,500,000  
Seattle Symphony \$ 54,000,000  
Seattle Repertory Theatre (Phase 1) \$ 4,000,000  
Broadway Theatre District (Tacoma) \$ 11,800,000  
Allied Arts of Yakima \$ 500,000  
Spokane Art School \$ 454,000  
Seattle Art Museum \$ 4,862,500

Total \$ 95,377,500

**Phase 2 Estimated Total**

Capital Cost

Bainbridge Performing Arts Center \$ 1,200,000  
The Children's Museum \$ 2,850,000  
Everett Community Theatre \$ 12,119,063  
Kirkland Center for the Performing Arts \$ 2,500,000  
Makah Cultural and Research Center \$ 1,600,000  
Mount Baker Theatre Center \$ 1,581,000  
Seattle Group Theatre \$ 334,751  
Seattle Opera Association \$ 985,000  
Seattle Repertory Theatre (Phase 2) \$ 4,000,000  
Valley Museum of Northwest Art \$ 1,100,000  
Village Theatre \$ 6,000,000  
The Washington Center for the Performing Arts \$ 400,000  
Whidbey Island Center for the Arts \$ 1,200,000

Total \$ 35,869,814

**Phase 3 Estimated Total**

Capital Cost

ACT Theatre \$ 28,100,000  
Corbin Art Theater (Spokane) \$ 69,055  
Cutter Theater \$ 725,511  
Depot Arts Center (Anacortes) \$ 68,000  
Little Theater (Walla Walla) \$ 100,000

Meadow for the Arts (Gig Harbor) \$ 2,550,000  
 New City Theater \$ 281,000  
 Northwest Puppet Theater \$ 413,300  
 Paramount Theater \$ 14,705,262  
 Rainier Valley Cultural Center \$ 600,000  
 Seattle Children's Theater \$ 3,200,000  
 Steilacoom Cultural Center \$ 65,000  
 Meyendenbauer Theater \$ 2,400,000  
 Tu-Ha-Buts Cultural Center \$ 777,405  
 Vancouver Arts School \$ 8,549,313  
 World Kite Museum \$ 900,000  
 Clallam County Gallery \$ 174,314  
 Columbia Theater \$ 500,000

Total \$ 64,178,160

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon: Uniform criteria for the selection of projects and awarding of grants for up to fifteen percent of the total project cost; local community support for the project; a requirement that the sites for the projects are secured or optioned for purchase; and a state-wide geographic distribution of projects.

(5) By December 15, 1995, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

**Reappropriation:**

St Bldg Constr Acct--State \$ 8,000,000

**Appropriation:**

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 9,209,986

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,209,986

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Columbia Gorge Interpretive Center (92-5-101)**

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

**Reappropriation:**

St Bldg Constr Acct--State \$ 1,000,886

Prior Biennia (Expenditures) \$ 3,999,114  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Tri-Cities Trade Center (93-5-003)**

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. These appropriations shall be matched by at least \$2,800,000 provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,527,385**

Prior Biennia (Expenditures) \$ 272,615  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,800,000

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Martin Luther King Jr. Memorial (93-5-005)**

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 95,450**

Prior Biennia (Expenditures) \$ 4,550  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Challenger Learning Center (93-5-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 322,908**

Prior Biennia (Expenditures) \$ 477,092  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000 -----

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Fire Training Academy: Preservation (94-1-016)**

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 142 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,221,018**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 128,982

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 4,050,000 -----

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Emergency Management Building: Preservation (94-1-018)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 71,759**

Prior Biennia (Expenditures) \$ 13,325

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 85,084 -----

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Public works trust fund loans (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations:  
Up to \$20,000,000 of the new appropriation may be used for preconstruction activity loans under House Bill No. 2063.

**Reappropriation:**

**Public Works Assistance Acct--State \$ 105,699,689**

**Appropriation:**

**Public Works Assistance Acct--State \$ 148,900,000**

Prior Biennia (Expenditures) \$ 151,561,725

Future Biennia (Projected Costs) \$ 695,900,000

TOTAL \$ 1,102,061,414 -----

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Washington Technology Center: Equipment (94-2-002)**

The reappropriation in this section is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 947,785**

Prior Biennia (Expenditures) \$ 32,215

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 980,000 -----

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Bigelow House:** For restoration and renovation of this historic home to accommodate public visitors (94-2-004)

The reappropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 298,923**

Prior Biennia (Expenditures) \$ 9,077

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 308,000 -----

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Olympic Peninsula Natural History Museum (94-2-005)**

The appropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Thorp Grist Mill:** To develop the ice pond park and provide facilities to accommodate public access (94-2-007)

The reappropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 30,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000 -----

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Camp North Bend Environmental Center:** For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center (94-2-008)

The reappropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Boren Field repairs:** To provide financial assistance to the Seattle school district for repairs to Boren Field (94-2-011)

The appropriation in this section shall be matched by at least \$50,000 from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 275,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,000 -----

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Camelot community flooding assistance:** To provide financial assistance to King county to relieve flooding in the Camelot community (94-2-012)

The appropriation in this section is subject to the following conditions and limitations: Each dollar expended from the appropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 75,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000 -----

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Daybreak Star Center: Remodel (94-2-100)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 88,484**

Prior Biennia (Expenditures) \$ 138,516

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 227,000 -----

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Timber ports capital asset improvements:** To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities (94-2-102)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this reappropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

Port Amount

Port of Grays Harbor \$ 2564,000

Port of Port Angeles \$ 1,500,000

Port of Longview \$ 1,855,000

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,281,019**

Prior Biennia (Expenditures) \$ 618,981

Future Biennia (Projected Costs) \$ 0



TOTAL \$ 3,900,000 -----

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Fire Training Academy Portable Building improvements (96-2-016)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 99,410**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 99,410 -----

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Sand Point state use studies (96-2-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 50,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000 -----

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Community Action Agencies:** For grants to nonprofit community action agencies to assist in acquiring, developing, or rehabilitating buildings for the purpose of providing community-based family services under RCW 43.63A.115

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value, and other in-kind contributions;

(2) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met; and

(3) The following projects are eligible for funding:

Estimated Total State  
Capital Cost Grant

Benton Franklin Community			
Action Committee	\$1,200,000	\$ 300,000	
Central Area Motivation Project	\$1,000,000	\$ 250,000	
Community Action Center of Whitman County	\$ 390,000	\$ 90,000	

Community Action Council of Lewis, Mason, and Thurston Counties	\$ 700,000	\$ 175,000
El Centro de la Raza	\$1,250,000	\$ 300,000
Fremont Public Association	\$3,000,000	\$ 600,000
Kitsap Community Action Program	\$ 465,000	\$ 110,000
Kittitas Community Action Council	\$ 600,000	\$ 150,000
Lower Columbia Community Action Council	\$1,331,625	\$ 300,000
Metropolitan Development Council	\$ 880,000	\$ 220,000
Multi-Service Centers of North and East King County	\$1,600,000	\$ 350,000
Northeast Washington Rural Resources Development Association	\$1,200,000	\$ 350,000
Okanogan County Community Action Council	\$ 350,000	\$ 80,000
South King County Multi-Service Center	\$ 800,000	\$ 200,000
Spokane Neighborhood Action Programs	\$1,500,000	\$ 375,000
Yakima Valley Farmworker Clinic	\$ 605,000	\$ 150,000
<hr/>		
Total	\$16,871,625	\$4,000,000

**Appropriation:**

**St Bldg Constr Acct--State \$ 4,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Pacific Science Center (96-1-900)**

The appropriation in this section is provided for capital facilities improvements.

**Appropriation:**

**State Bldg Constr Acct--State \$ 4,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

**NEW SECTION. Sec. 141. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Collocated Cascadia Community College and University of Washington Branch Campus  
(94-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided to acquire property, design, and construct a new branch campus to meet the higher education needs of the north King and south Snohomish county area;

(2) The location of the property to be acquired for the new collocated campus shall be determined by the higher education coordinating board. The higher education coordinating board shall acquire a site contingent upon a satisfactory site selection environmental impact statement, any necessary environmental permits, and fiscal approval by the office of financial management;

(3) The moneys provided in this section may be allocated to the appropriate institution or institutions or fiscal agency as specified in the joint-operating agreement as approved by the higher education coordinating board; and

(4) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 14,500,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,000,000**

Prior Biennia (Expenditures) \$ 10,710,000

Future Biennia (Projected Costs) \$ 75,000,000

TOTAL \$ 105,210,000 -----

**NEW SECTION. Sec. 142. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Underground storage tank: Pool (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above-ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

**Reappropriation:**

**CEP & RI Acct--State \$ 105,000**

**St Bldg Constr Acct--State \$ 345,000**

Subtotal Reappropriation \$ 450,000 -----

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 4,568,146

Future Biennia (Projected Costs) \$ 7,000,000

TOTAL \$ 15,018,146 -----

**NEW SECTION. Sec. 143. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Asbestos abatement and associated minor demolition: Pool (96-1-002)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,500,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 6,358,088

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 27,858,088 -----

**NEW SECTION. Sec. 144. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Americans with Disabilities Act: Pool (96-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. The office of financial management shall implement an agency request and evaluation procedure similar to the one adopted in the 1993-95 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,000,000**

Prior Biennia (Expenditures) \$ 8,360,000

Future Biennia (Projected Costs) \$ 33,000,000

TOTAL \$ 48,360,000 -----

**NEW SECTION. Sec. 145. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Seismic retrofit: Pool (96-1-004)**

**Appropriation:**

**General Fund--Federal \$ 2,250,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,250,000 -----

**NEW SECTION. Sec. 146. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Capital budget system improvements (96-1-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,900,000 -----

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Lake repairs:** To repair dam gates and shoreline areas damaged by erosion (92-1-015)

**Reappropriation:**

**St Bldg Constr Acct--State \$ 985,000**

Prior Biennia (Expenditures) \$ 140,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000 -----

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Campus geotechnical and hydrologic survey (92-2-108)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 75,000**

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**CFC/Halon fire control systems (94-1-009)**

**Reappropriation:**

**Cap Bldg Constr Acct--State \$ 325,000**

Prior Biennia (Expenditures) \$ 139,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 464,000 -----

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Campus preservation (94-1-010)**

**Reappropriation:**

**Cap Bldg Constr Acct--State \$ 910,000**

Prior Biennia (Expenditures) \$ 2,748,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,658,000 -----

**NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Lake dredging:** To develop a dredging plan and to dredge Capitol Lake (92-1-019)

\$200,000 of the reappropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fish and wildlife, and transportation, and with affected local governments and Indian tribes.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,430,000**

Prior Biennia (Expenditures) \$ 570,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000 -----

**NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Legislative Building: Preservation:** To make critical repairs to the Legislative Building (96-1-001)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000 -----

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Plaza--Department of Transportation Garage renovation:** Design and construction (96-1-002)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 2,200,000**

**St Bldg Constr Acct--State \$ 5,312,000**

**Thurston County Cap Fac**  
**Acct--State \$ 1,809,000**

Subtotal Appropriation \$ 9,321,200 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 11,158,500

TOTAL \$ 20,479,700 -----

**NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**General Administration Building--Preservation:** To make critical repairs to the electrical service of the General Administration Building (96-1-003)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,950,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,950,000 -----

**NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol campus controls systems phase 4 (96-1-004)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 868,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 868,000 -----

**NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Heritage Park--Phased development:** To provide for a public access trail linking the campus to Capitol Lake, slope stabilization, environmental review, and design and permitting for future phases (92-5-105)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,035,000**

Prior Biennia (Expenditures) \$ 7,030,000  
Future Biennia (Projected Costs) \$ 11,492,000

TOTAL \$ 19,557,000 -----

**NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Emergency and small repairs (96-1-007)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 300,000**  
**Thurston County Cap Fac Acct--State \$ 200,000**  
**St Bldg Constr Acct--State \$ 200,000**

Subtotal Appropriation \$ 700,000 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 4,900,000 -----

TOTAL \$ 5,600,000

**NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Electrical improvements:** To make critical electrical improvements to the 600 S. Franklin Building (96-1-009)

**Appropriation:**

**Thurston County Cap Fac Acct--State \$ 12,000**  
**St Bldg Constr Acct--State \$ 300,000**

Subtotal Appropriation \$ 312,000 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,800,000 -----

TOTAL \$ 2,112,000

**NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Roof repairs and replacement (96-1-010)**

**Appropriation:**

**Thurston County Cap Fac Acct--State \$ 775,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 3,200,000 -----

TOTAL \$ 3,975,000

**NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**CFC/Halon fire control systems: Removal and replacement (96-1-011)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,000,000



TOTAL \$ 1,500,000 -----

NEW SECTION.    **Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Archives Building heating, ventilation, and air conditioning: Repairs (96-1-012)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,700,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000 -----

NEW SECTION.    **Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Thurston County buildings: Preservation:** To make mechanical and heating, ventilation, and air conditioning improvements to the 600 S. Franklin Building, to replace and repair plumbing in the Capitol Park Building, to repair the Employment Security Building, the IBM Building, the Governor's Mansion, and the Institutions Building, and to improve the heating, ventilation, and air conditioning system at the Old Capitol Building **(96-1-013)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 378,000**

**St Bldg Constr Acct--State \$ 1,462,000**

Subtotal Appropriation \$ 1,840,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,200,000

TOTAL \$ 6,040,000 -----

NEW SECTION.    **Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Thurston County infrastructure: Preservation:** To repair the Columbia Street Garage, to repair the General Administration Garage, and to repair the Deschutes Parkway **(96-1-015)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 230,000**

**St Bldg Constr Acct--State \$ 200,000**

Subtotal Appropriation \$ 430,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,800,000

TOTAL \$ 6,230,000 -----

NEW SECTION.    **Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Training and Conference Center--Preservation (96-1-016)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 620,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 620,000 -----

NEW SECTION.    **Sec. 165. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Monumental buildings--Preservation:** To replace stone, repair and patch cracked stones, miscellaneous stone consolidation, water and chemical cleaning, and sealing the stone surface of campus monumental buildings (96-1-017)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,700,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,800,000

TOTAL \$ 8,500,000 -----

NEW SECTION.    **Sec. 166. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**State Library: Preservation (96-1-018)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 800,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000 -----

NEW SECTION.    **Sec. 167. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**  
**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

**NEW SECTION. Sec. 168. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**General Administration engineering and architectural services: Project management (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or those that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize a project management cost allocation procedure approved by the office of financial management to allocate costs under the appropriation, and costs under any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall allocate costs at the project level for projects valued over \$500,000.

**Appropriation:**  
**St Bldg Constr Acct--State \$ 7,500,000**

Prior Biennia (Expenditures) \$ 8,000,000  
Future Biennia (Projected Costs) \$ 30,000,000

TOTAL \$ 45,500,000 -----

**NEW SECTION. Sec. 169. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**Campus transport system phase I: Design and construct (95-2-002)**

In the 1997-99 biennium the department will start charging the benefiting agencies, through their rate structure, amounts sufficient to recover the costs (principal and interest) for the entire transport system over a fifteen year period.

**Appropriation:**  
**Data Proc Rev Acct--State \$ 3,450,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,650,000

TOTAL \$ 5,100,000 -----

**NEW SECTION. Sec. 170. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**Washington Information Network Kiosks (95-2-003)**

Funding is provided solely for the acquisition and installation of up to 30 multimedia kiosks for the Washington Information Network.

**Appropriation:**

**Data Proc Rev Acct--State \$ 1,300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000 -----

**NEW SECTION. Sec. 171. FOR THE WASHINGTON HORSE RACING COMMISSION**

**Horse Racing Commission (94-5-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;

(2) Expenditures from this appropriation shall only be made to construct horse race or related facilities after the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;

(3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

**Reappropriation:**

**Thoroughbred Racing**

**Acct--State \$ 8,200,000**

**Appropriation:**

**Thoroughbred Racing**

**Acct--State \$ 168,065**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,368,065 -----

**NEW SECTION. Sec. 172. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center: Security fence replacement (94-1-003)**

**Reappropriation:**

**Liquor Revolving Acct--State \$ 28,800**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 28,800 -----

**NEW SECTION. Sec. 173. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center--Predesign:** To complete predesign for a new warehouse in accordance with the predesign manual published by the office of financial management (96-2-001)

**Appropriation:**

**Liquor Revolving Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000 -----

NEW SECTION. **Sec. 174. FOR THE MILITARY DEPARTMENT**

**001) Yakima Armory demolition:** To reimburse the city of Yakima for demolition costs (94-2-

**Appropriation:**

**General Fund--Federal \$ 155,000**

Prior Biennia (Expenditures) \$ 52,000

Future Biennia (Projected Costs) \$ 6,143,069

TOTAL \$ 6,350,069 -----

NEW SECTION. **Sec. 175. FOR THE MILITARY DEPARTMENT**

**State-wide: Preservation (93-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 850,000**

Prior Biennia (Expenditures) \$ 2,518,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,368,400 -----

NEW SECTION. **Sec. 176. FOR THE MILITARY DEPARTMENT**

**Camp Murray buildings: Preservation (96-1-002)**

**Appropriation:**

**General Fund--Federal \$ 1,050,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 658,000

TOTAL \$ 1,708,000 -----

NEW SECTION. **Sec. 177. FOR THE MILITARY DEPARTMENT**

**Everett Armory: Preservation (96-1-003)**

**Appropriation:**

**General Fund--Federal \$ 500,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

**NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT**

**Camp Murray infrastructure: Preservation (96-1-006)**

**Appropriation:**

**General Fund--Federal \$ 500,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,500,000

**NEW SECTION. Sec. 179. FOR THE MILITARY DEPARTMENT**

**Minor works: To provide support of federal construction projects (96-1-007)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**General Fund--Federal \$ 3,855,000**  
**St Bldg Constr Acct--State \$ 448,000**

Subtotal Appropriation \$ 4,303,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 19,553,700

TOTAL \$ 23,856,700

**NEW SECTION. Sec. 180. FOR THE MILITARY DEPARTMENT**

**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 181. FOR THE MILITARY DEPARTMENT**

**Emergency Coordination Center:** For design and construction of an emergency coordination center and remodeling of associated facilities at Camp Murray

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) The appropriation in this section represents the maximum amount of funding available for this project. To the extent moneys in this appropriation are not needed to complete the project, as mutually determined by the military department and the office of financial management, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund; and

(3) If Substitute House Bill No. 1017, or substantially similar legislation transferring emergency management responsibilities to the state military department, is not enacted by June 30, 1995, the appropriation in this section shall be transferred to the department of community, trade, and economic development, subject to the conditions and limitations in this section.

**Appropriation:**

**General Fund--Federal \$ 9,066,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,066,000 -----

**NEW SECTION. Sec. 182. FOR THE STATE CONVENTION AND TRADE CENTER**

**Minor works (93-2-001) (89-5-002) (89-5-003)**

If the projects funded from the reappropriation in this section are not substantially complete by January 1, 1997, the reappropriation shall lapse.

**Reappropriation:**

**St Conv & Trade Ctr Acct--State \$ 1,300,000**

Prior Biennia (Expenditures) \$ 333,926

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,633,926 -----

PART 2  
HUMAN SERVICES

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Sanitary sewer (88-1-400)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 179,908**

Prior Biennia (Expenditures) \$ 10,092  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 190,000

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Echo Glen--Perimeter fence (90-5-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 48,233**

Prior Biennia (Expenditures) \$ 426,777  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 475,000

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital--Ward renovation phase 3 (92-1-340)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 818,536**

Prior Biennia (Expenditures) \$ 5,429,786  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,248,322

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maple Lane--Level 2 security units (92-2-230)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,718**

Prior Biennia (Expenditures) \$ 746,781  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 758,499

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Child Study--Education Center 1 (92-2-319)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 896,907**

Prior Biennia (Expenditures) \$ 2,928,093  
Future Biennia (Projected Costs) \$ 0



TOTAL \$ 3,825,000 -----

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Energy conservation management and planning (94-1-006)**

**Reappropriation:**

**CEP & RI Acct \$ 127,559**

Prior Biennia (Expenditures) \$ 102,917

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 230,476 -----

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Underground Storage Tanks (94-1-060)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 142,641**

Prior Biennia (Expenditures) \$ 81,359

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 224,000 -----

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Ward renovation Phase 5 (92-1-314)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,042,000**

Prior Biennia (Expenditures) \$ 10,009,327

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,051,327 -----

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Level 1 Security Units--Maple Lane School (92-2-225)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,895,110**

Prior Biennia (Expenditures) \$ 3,017,906

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,913,016 -----

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Child care facilities (92-4-050)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 829,715**

Prior Biennia (Expenditures) \$ 170,285

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Fire safety and sewer improvements--Maple Lane School (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 427,281**

Prior Biennia (Expenditures) \$ 42,719

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 470,000 -----

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Administration Building renovation--Maple Lane School (94-1-127)**

The reappropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,768,842**

Prior Biennia (Expenditures) \$ 154,658

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,923,500 -----

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Renovate apartment--Fircrest School (94-1-142)**

**Reappropriation:**

**CEP & RI Acct--State \$ 2,119,168**

Prior Biennia (Expenditures) \$ 13,944

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,133,112 -----

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Wastewater Treatment Plant--Maple Lane School (94-1-201)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 764,277**

Prior Biennia (Expenditures) \$ 8,223

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500 -----

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Water system improvements--Naselle Youth Camp (94-1-202)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,165,694**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,165,694 -----

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Replace Eagle Lodge--Naselle Youth Camp (94-1-204)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 954,831**

Prior Biennia (Expenditures) \$ 1,145,169

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000 -----

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Clinic--Echo Glen Children's Center (94-1-207)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,025,262**

Prior Biennia (Expenditures) \$ 61,352

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,086,614 -----

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eagle Lodge rehabilitation--Naselle Youth Camp (94-1-210)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 224,455**

Prior Biennia (Expenditures) \$ 57,545

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 282,000 -----

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Child Study and Treatment Center--Administration Building renovation (94-1-306)**

**Reappropriation:**

**CEP & RI Acct--State \$ 766,205**

Prior Biennia (Expenditures) \$ 11,395

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,600 -----

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital: Security improvements (94-1-310)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000 -----

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Ward renovation phase 6 (94-1-316)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,905,826**

Prior Biennia (Expenditures) \$ 245,174

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,151,000 -----

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Frances Haddon Morgan Center--Remodel (94-1-402)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,707,781**

Prior Biennia (Expenditures) \$ 13,519

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,721,300 -----

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Green Hill School: Repairs (94-1-510)**

The reappropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 108,337**

Prior Biennia (Expenditures) \$ 131,663

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 240,000 -----

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital: Psychiatric Triage Unit grant (94-2-005)**

The reappropriation is provided to develop secure beds in Spokane county for persons in need of emergency short-term evaluation, treatment, and stabilization as a result of a psychiatric crisis. The department shall assure that: (1) Funding for the project shall be contingent upon a plan approved by the department of social and health services and upon an agreement by the participating regional support networks to reduce their utilization of eastern state hospital by at least 30 beds early in the 1995-97 biennium; and (2) the state's investment shall be promptly repaid if the facility is converted to use other than psychiatric care for publicly assisted individuals before the useful life of the project funded by this appropriation has expired.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Asbestos abatement (96-1-002)**

**Reappropriation:**

CEP & RI Acct--State \$ 349,260

**Appropriation:**

CEP & RI Acct--State \$ 755,000

Prior Biennia (Expenditures) \$ 367,764

Future Biennia (Projected Costs) \$ 3,253,650

TOTAL \$ 4,725,674

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Minor capital renewal (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

CEP & RI Acct--State \$ 1,739,331

St Bldg Constr Acct--State \$ 397,207

Subtotal Reappropriation \$ 2,136,538

**Appropriation:**

CEP & RI Acct--State \$ 5,650,000

St Bldg Constr Acct--State \$ 9,450,000

Subtotal Appropriation \$ 15,100,000

Prior Biennia (Expenditures) \$ 6,131,034

Future Biennia (Projected Costs) \$ 68,000,000

TOTAL \$ 91,367,572

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Agency capital project management (96-1-005)**

**Appropriation:**

CEP & RI Acct--State \$ 1,237,496

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,800,000

TOTAL \$ 6,037,496

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Resource conservation: Fircrest heating study (96-1-006)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996

**Appropriation:**

**CEP & RI Acct--State \$ 132,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 132,000 -----

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Emergency projects (96-1-007)**

**Reappropriation:**

**CEP & RI Acct--State \$ 107,460**

**Appropriation:**

**CEP & RI Acct--State \$ 250,000**

Prior Biennia (Expenditures) \$ 321,454

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,678,914 -----

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Northern State Douglas Building: Mechanical, heating, ventilation, and air conditioning (96-1-070)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 170,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 170,000 -----

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Chlorofluorocarbon abatement (96-1-008)**

**Reappropriation:**

**CEP & RI Acct--State \$ 100,000**

**Appropriation:**

**CEP & RI Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 150,000

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TOTAL \$ 400,000

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Rainier School infrastructure: Predesign (96-1-009)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 192,078**

Prior Biennia (Expenditures) \$ 157,923

Future Biennia (Projected Costs) \$ 30,300,000

TOTAL \$ 30,650,001 -----

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Juvenile facilities preservation and rehabilitation (96-1-020)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,595,275**

Prior Biennia (Expenditures) \$ 374,325

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,969,600 -----

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Minor projects--Mental health (96-1-030)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,412,297**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,950,000**

Prior Biennia (Expenditures) \$ 433,004

Future Biennia (Projected Costs) \$ 14,000,000

TOTAL \$ 17,795,301 -----

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**



**Minor projects--Division of Developmental Disabilities (96-1-040)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

CEP & RI Acct--State \$ 864,813

**Appropriation:**

St Bldg Constr Acct--State \$ 539,000

Prior Biennia (Expenditures) \$ 1,658,687

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 9,062,500 -----

**NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Underground storage tanks removal and replacement (96-1-060)**

**Reappropriation:**

CEP & RI Acct--State \$ 159,286

**Appropriation:**

CEP & RI Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 832,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,191,286 -----

**NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maintenance management and planning (96-1-150)**

**Reappropriation:**

CEP & RI Acct--State \$ 140,323

**Appropriation:**

CEP & RI Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 279,124

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 544,447 -----

**NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Medical Lake wastewater treatment facility: Design (96-1-301)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 699,903

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,264,000**

Prior Biennia (Expenditures) \$ 2,014,097

Future Biennia (Projected Costs) \$ 750,000

TOTAL \$ 4,728,000 -----

**NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Ward renovation Phase 7 (96-1-316)**

Phase 7 will be split into a client support area and shell development of ward space for future needs. The project shall move forward on the client support area only. Funds for design and construction shall be released for this project by phase subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 150,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,493,518**

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 15,276,500

TOTAL \$ 17,470,018 -----

**NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital Legal Offenders Unit: Predesign (96-1-318)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 22,300,000

TOTAL \$ 23,000,000 -----

**NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital Legal Offenders Unit: Predesign (96-1-901)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 28,624

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 178,624 -----

**NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital: Replace Boiler #1 (96-1-322)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,440,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,440,000 -----

**NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Echo Glen new beds and infrastructure (96-2-229)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,484,300**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,484,300 -----

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Green Hill redevelopment (96-2-230)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) \$380,000 of the appropriation in this section is provided for a facility and site master plan and environmental impact statement. Moneys for design and construction shall not be expended until the facility and site master plan is approved by the office of financial management; and

(3) New residential units constructed with this appropriation shall be designed to accommodate a sustained operating capacity of at least forty-two residents, except for intake units, mental health units, and units housing sex offenders.

**Appropriation:**

**St Bldg Constr Acct--State \$ 34,374,536**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 34,374,536 -----

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maple Lane School support services renovation and infrastructure improvements (96-2-231)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,335,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,335,000 -----

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Naselle Youth Camp sewer and infrastructure improvements (96-2-232)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,125,500**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,125,500 -----

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Mission Creek preservation projects (96-2-233)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 414,800**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 414,800 -----

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Indian Ridge utility upgrade projects (96-2-234)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,521,500**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,521,500 -----

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Minor works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 344,400**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 344,400 -----

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Crisis Residential Centers (96-1-900)**

The appropriation in this section is provided to the department of social and health services for crisis residential centers.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH**

**Referendum 38--Water bonds (86-2-099)**

**Reappropriation:**

**LIRA, Water Sup Fac--State \$ 1,900,000**

Prior Biennia (Expenditures) \$ 7,208,954

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,108,954

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF HEALTH**

**Health Laboratory: Repairs and improvements (96-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 800,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 364,000**

Prior Biennia (Expenditures) \$ 118,204

Future Biennia (Projected Costs) \$ 2,478,536

TOTAL \$ 3,760,740

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF HEALTH**

**Emergency power system (96-1-009)**

**Appropriation:**

**CEP & RI Acct--State \$ 596,790**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 596,790

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Underground storage tank: Replacement (94-1-019)**

**Reappropriation:**

**CEP & RI Acct--State \$ 52,000**

Prior Biennia (Expenditures) \$ 103,902

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 155,902

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Main kitchen upgrade, Washington Soldiers' Home (95-1-001)**

**Appropriation:**

**CEP & RI Acct--State \$ 1,096,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,096,000

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Roof repair and replacement, Washington Veterans' Home (95-1-002)**

**Reappropriation:**

**CEP & RI Acct--State \$ 50,000**

**Appropriation:**

**CEP & RI Acct--State \$ 402,000**

Prior Biennia (Expenditures) \$ 327,895

Future Biennia (Projected Costs) \$ 775,000

TOTAL \$ 1,554,895

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, and heating, ventilation, and air conditioning improvements, Washington Veterans' Home (95-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 600,000**

**Appropriation:**

**CEP & RI Acct--State \$ 360,000**

Prior Biennia (Expenditures) \$ 1,346,611

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 3,906,611

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Building connection and automatic doors, Washington Soldiers' Home (95-1-005)**

**Appropriation:**

**CEP & RI Acct--State \$ 511,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 511,000

NEW SECTION. **Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, heating, ventilation and air conditioning projects, Washington Soldiers' Home (95-1-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 250,000**

**Appropriation:**

**CEP & RI Acct--State \$ 235,000**

Prior Biennia (Expenditures) \$ 587,057

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 2,672,057 -----

NEW SECTION. **Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Replace failing sewer line, Washington Soldiers' Home (95-1-011)**

**Appropriation:**

**CEP & RI Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 275,595

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 375,595 -----

NEW SECTION. **Sec. 262. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Roof maintenance and demolition, Washington Soldiers' Home (95-1-012)**

**Reappropriation:**

**CEP & RI Acct--State \$ 30,000**

**Appropriation:**

**CEP & RI Acct--State \$ 120,000**

Prior Biennia (Expenditures) \$ 511,570

Future Biennia (Projected Costs) \$ 525,000

TOTAL \$ 1,186,570 -----

NEW SECTION. **Sec. 263. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Emergency projects (95-1-013)**

**Appropriation:**

**CEP & RI Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 1,900,000 -----



NEW SECTION. **Sec. 264. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Occupational Therapy and Physical Therapy Room addition in Building 10, Washington Veterans' Home (95-2-009)**

**Appropriation:**

**CEP & RI Acct--State \$ 110,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 110,000 -----

NEW SECTION. **Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**

**McNeil Island master plan development (94-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,519,000**

Prior Biennia (Expenditures) \$ 11,359,689

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,878,689 -----

NEW SECTION. **Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**

**Airway Heights Correctional Center improvements and infrastructure for 512-bed expansion (94-2-016)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,355,000**

Prior Biennia (Expenditures) \$ 12,248,062

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,603,062 -----

NEW SECTION. **Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**

**State-wide preservation projects (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management;

(2) Moneys from the appropriation may be spent for critical repairs at the western Washington prerelease facility and to evaluate options for continued utilization and possible expansion of the facility on the western state hospital campus. The department shall report such options to the legislature by December 1, 1995; and

(3) Moneys from the appropriation may be used for repairs to the creamery facility necessary to continue the operation of the dairy and creamery at the Monroe honor farm until a new dairy facility is built.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 17,000,000**  
**Appropriation:**  
**St Bldg Constr Acct--State \$ 10,000,000**

Prior Biennia (Expenditures) \$ 54,525,756  
Future Biennia (Projected Costs) \$ 94,000,000

TOTAL \$ 175,525,756 -----

**NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS**

**Underground storage tank and above-ground storage tank program (96-1-002)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 142 of this act.

**Appropriation:**  
**St Bldg Constr Acct--State \$ 794,729**

Prior Biennia (Expenditures) \$ 940,348  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,735,077 -----

**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS**  
**Emergency projects (96-1-015)**

**Reappropriation:**  
**CEP & RI Acct--State \$ 106,000**

**Appropriation:**  
**CEP & RI Acct--State \$ 1,602,750**  
**St Bldg Constr Acct--State \$ 200,000**

Subtotal Appropriation \$ 1,802,750 -----

Prior Biennia (Expenditures) \$ 2,376,811  
Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 10,179,561 -----

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington State Penitentiary steam system replacement (96-1-016)**

**Appropriation:**  
**St Bldg Constr Acct--State \$ 4,411,252**

Prior Biennia (Expenditures) \$ 2,482,811  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,894,063 -----

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington Corrections Center for Women: Replace "G" Units with 256-bed unit (96-2-001)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,611,187**

**Appropriation:**

**St Bldg Constr Acct--State \$ 8,317,839**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,929,026 -----

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS**

**400-bed minimum facility for Washington State Reformatory (96-2-002)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 18,733,120**

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,783,120 -----

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS**

**Airway Heights Correctional Center 512-bed expansion (96-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,055,776**

**Appropriation:**

**St Bldg Constr Acct--State \$ 17,155,382**

Prior Biennia (Expenditures) \$ 4,439,774

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 23,650,932 -----

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS**

**Convert medium to close custody at the Washington State Reformatory (96-2-004)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,236,266**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,236,266

**NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS**

**1936-bed multicustody facility design and acquisition (96-2-007)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 19,263,733**

Prior Biennia (Expenditures) \$ 900,000  
Future Biennia (Projected Costs) \$ 166,190,016

TOTAL \$ 186,453,749

**NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS**

**Yakima Prerelease: Design and construction (96-2-008)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,527,900**

Prior Biennia (Expenditures) \$ 240,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,767,900

**NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS**

**Larch and Cedar Creek expansion to 400-bed camps (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The design and construction phase of this appropriation shall not be expended until the facility predesign documents developed in accordance with the predesign manual published by the office of financial management have been reviewed and approved. The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) If the appropriation in this section is in excess of the amount required to complete the expansion of the Larch and Cedar Creek camps, the office of financial management may authorize the transfer of excess appropriation authority to match federal grant funds received by the department to expand inmate capacity at the work ethic camp on McNeil Island. The office of financial management may also authorize the transfer of excess appropriation authority to expand the inmate capacity of the Olympic corrections center. The office of financial management shall notify the appropriate committees of the house of representatives and senate within ten days of any such transfer.

(3) It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project cost savings may be realized.

**Appropriation:**

**St Bldg Constr Acct--State \$ 22,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,000,000 -----

**NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS**

**State-wide program projects (96-2-012)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,428,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,000,000**

Prior Biennia (Expenditures) \$ 45,659,492

Future Biennia (Projected Costs) \$ 70,000,000

TOTAL \$ 128,087,492 -----

PART 3  
NATURAL RESOURCES

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 26 waste disposal facilities (74-2-004)**

**Reappropriation:**

**LIRA--State \$ 6,216,000**

Prior Biennia (Expenditures) \$ 2,711,028

Future Biennia (Projected Costs) \$ 863,680

TOTAL \$ 9,790,708 -----

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 38 water supply facilities (74-2-006)**

\$2,500,000 of the state and local improvements revolving account reappropriation is provided solely for funding the state's cost share in the water conservation demonstration project--Yakima river reregulation reservoir.

It is the intent of the legislature that \$17,500,000 of the state and local improvements revolving account bond authorization will be earmarked for use in funding the state's cost share to match future

federal and local contributions to implement provisions of United States Public Law 103-434, Title XII affecting water resources enhancement in the Yakima river basin.

**Reappropriation:**

**LIRA, Water Sup Fac--State \$ 9,374,371**

**Appropriation:**

**LIRA, Water Sup Fac--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 5,738,929

Future Biennia (Projected Costs) \$ 20,712,800

TOTAL \$ 36,826,100 -----

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

**State emergency water projects revolving account (76-2-003)**

**Reappropriation:**

**St Emerg Water Proj Rev--State \$ 7,749,052**

Prior Biennia (Expenditures) \$ 1,187,225

Future Biennia (Projected Costs) \$ 236,956

TOTAL \$ 9,173,233 -----

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 39 waste disposal facilities (82-2-005)**

No expenditure from the appropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

**Reappropriation:**

**LIRA, Waste Fac 1980--State \$ 20,652,360**

**Appropriation:**

**LIRA, Waste Fac 1980--State \$ 638,273**

Prior Biennia (Expenditures) \$ 32,125,342

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 53,415,975 -----

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY**

**Centennial clean water fund (86-2-007)**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the water quality account appropriation is provided solely for the extended grant payment to Metro/King county;

(2) \$10,000,000 of the water quality account appropriation is provided solely for a grant payment to Spokane for the Spokane-Rathdrum Prairie Aquifer;

(3) \$16,536,000 of the water quality account appropriation shall be awarded by the department of ecology for grants on a competitive basis.

(4) Eighty percent of grants awarded must be for implementation projects including facility design and parcel-specific planning and twenty percent grants awarded must be for planning projects.

**Reappropriation:**

**Water Quality Acct--State \$ 72,995,194**

**Appropriation:**

**Water Quality Acct--State \$ 51,536,000**

Prior Biennia (Expenditures) \$ 156,707,408

Future Biennia (Projected Costs) \$ 300,000,000

TOTAL \$ 587,238,602 -----

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**

**Local toxics control account (88-2-008)**

**Reappropriation:**

**Local Toxics Control Acct--  
State \$ 29,538,197**

**Appropriation:**

**Local Toxics Control Acct--  
State \$ 42,467,860**

Prior Biennia (Expenditures) \$ 81,326,814

Future Biennia (Projected Costs) \$ 201,245,135

TOTAL \$ 354,578,006 -----

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**

**Water pollution control revolving account (90-2-002)**

**Reappropriation:**

**Water Pollution Cont Rev  
Fund--State \$ 12,000,000**

**Water Pollution Cont Rev  
Fund--Federal \$ 77,857,990**

Subtotal Reappropriation \$ 89,857,990 -----

**Appropriation:**

**Water Pollution Cont Rev Fund--  
State \$ 13,000,000**

**Water Pollution Cont Rev Fund--  
Federal \$ 62,000,000**

**Water Pollution Cont Rev Fund--**

**Private/Local \$ 4,265,272**

Subtotal Appropriation \$ 79,265,272 -----

Prior Biennia (Expenditures) \$ 111,343,108

Future Biennia (Projected Costs) \$ 175,000,000 -----

TOTAL \$ 455,466,370

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**

**Methow Basin water conservation (92-2-009)**

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 171,000**

Prior Biennia (Expenditures) \$ 229,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 400,000

**NEW SECTION. Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Spokane Centennial Trail (89-5-112)**

**Reappropriation:**

**General Fund--Federal \$ 432,618**

Prior Biennia (Expenditures) \$ 7,000,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 7,432,618

**NEW SECTION. Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Doug's Beach development (90-1-171)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**

Prior Biennia (Expenditures) \$ 12,206

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 62,206

**NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION**



**Deception Pass State Park: Sewer development (91-2-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 925,000**

Prior Biennia (Expenditures) \$ 37,433

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 962,433 -----

**NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Triton Cove State Park: Phase 1 (91-2-008)**

**Reappropriation:**

**ORA--State \$ 400,000**

Prior Biennia (Expenditures) \$ 228,140

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 628,140 -----

**NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Omnibus boating facilities (91-2-009)**

**Reappropriation:**

**ORA--State \$ 200,000**

Prior Biennia (Expenditures) \$ 54,780

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 254,780 -----

**NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION**

**St. Edwards State Park--Gym renovation and parking expansion (92-2-501)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 152,137

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 552,137 -----

**NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Sewer facility improvements (93-2-001)**

**Reappropriation:**

**LIRA, Waste Fac 1980--State \$ 650,000**

Prior Biennia (Expenditures) \$ 935,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,585,820 -----

**NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION  
COMMISSION**

**Boating facility preservation (94-1-057)**

**Reappropriation:**

**ORA--State \$ 2,400,000**

**General Fund--Federal \$ 150,000**

Subtotal Reappropriation \$ 2,550,000 -----

**Appropriation:**

**General Fund--Federal \$ 700,000**

Prior Biennia (Expenditures) \$ 570,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,820,000 -----

**NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION  
COMMISSION**

**Asbestos abatement projects: State-wide (95-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 650,000**

Prior Biennia (Expenditures) \$ 350,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

**NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION  
COMMISSION**

**Iron Horse Trail State Park: Acquisition (95-2-000)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 70,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000 -----

NEW SECTION. **Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Emergency projects (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 850,000

Future Biennia (Projected Costs) \$ 2,450,000

TOTAL \$ 3,800,000 -----

NEW SECTION. **Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Underground storage tanks: Phase 3 (96-1-002)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 142 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 600,000**

Prior Biennia (Expenditures) \$ 2,600,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,300,000 -----

NEW SECTION. **Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: General (96-1-003)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 932,200**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 291,300

Future Biennia (Projected Costs) \$ 21,000,000

TOTAL \$ 22,723,500 -----

NEW SECTION. **Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: Buildings (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,801,500**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 598,500

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 16,400,000 -----

**NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: Utilities (96-1-005)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,995,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 1,505,000

Future Biennia (Projected Costs) \$ 13,000,000

TOTAL \$ 19,000,000 -----

**NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION**

**State park program projects (96-2-007)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,730,400**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 11,730,400 -----

**NEW SECTION. Sec. 325. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Boating facilities (I-215) (96-2-001)**

**Reappropriation:**  
ORA--State \$ 7,398,959  
**Appropriation:**  
Recreation Resources Acct--State \$ 7,500,000

Prior Biennia (Expenditures) \$ 5,108,690  
Future Biennia (Projected Costs) \$ 35,584,384

TOTAL \$ 55,592,033 -----

**NEW SECTION. Sec. 326. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Nonhighway road and off-road vehicle activities (NOVA) (96-2-002)**

**Reappropriation:**  
ORA--State \$ 7,651,387  
**Appropriation:**  
NOVA--State \$ 5,120,000

Prior Biennia (Expenditures) \$ 6,346,803  
Future Biennia (Projected Costs) \$ 20,912,228

TOTAL \$ 40,030,418 -----

**NEW SECTION. Sec. 327. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Washington wildlife and recreation program (96-2-003)**

The appropriations in this section for the Washington wildlife and recreation program under chapter 43.98A RCW are subject to the following conditions and limitations:

(1) The reappropriations and new appropriations in this section are provided solely for the approved list of projects included in the legislatively approved Washington wildlife and recreation program project list as developed on April 9, 1995.

(2) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(3) Acquisitions occurring pursuant to the new appropriation provided in this section shall be deemed public improvements for the purposes of RCW 8.26.180. This subsection shall not be deemed to prevent any state agency from accepting a gift of real property or from purchasing any property at less than fair market value.

**Reappropriation:**  
ORA--State \$ 13,699,052  
Habitat Conservation Acct--State \$ 9,134,101  
Aquatic Lands Acct--State \$ 33,335  
St Bldg Constr Acct--State \$ 48,691,974

Subtotal Reappropriation \$ 71,558,462 -----

**Appropriation:**  
St Bldg Constr Acct--State \$ 40,000,000

Prior Biennia (Expenditures) \$ 118,234,493

Future Biennia (Projected Costs) \$ 200,000,000

TOTAL \$ 429,792,955

**NEW SECTION. Sec. 328. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Firearms range program (96-2-004)**

**Reappropriation:**

**Firearms Range Acct--State \$ 487,382**

**Appropriations:**

**Firearms Range Acct--State \$ 900,000**

Prior Biennia (Expenditures) \$ 554,621

Future Biennia (Projected Costs) \$ 2,249,798

TOTAL \$ 4,191,801

**NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Land and water conservation fund (96-2-005)**

**Reappropriation:**

**ORA--Federal \$ 2,180,812**

**Appropriation:**

**Recreation Resources Acct--Federal \$ 1,050,000**

Prior Biennia (Expenditures) \$ 1,341,684

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 8,572,496

**NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**National Recreation Trails Act (96-2-006)**

**Reappropriation:**

**ORA--Federal \$ 125,000**

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

**NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Recreational facility acquisition and development projects (96-2-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 195,090**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 195,090

**NEW SECTION. Sec. 332. FOR THE STATE CONSERVATION COMMISSION**

**Water quality account projects (90-2-001)**

The appropriation in this section is subject to the following conditions and limitations:  
\$2,253,101 of the reappropriation is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

**Reappropriation:**

**Water Quality Acct--State \$ 3,360,475**

**Appropriation:**

**Water Quality Acct--State \$ 2,250,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 15,610,475

**NEW SECTION. Sec. 333. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Devils creek acclimation pond (87-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 370,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,000

**NEW SECTION. Sec. 334. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Luhrs Landing Access Interpretive Building (92-5-017)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 345,000**

Prior Biennia (Expenditures) \$ 105,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

**NEW SECTION. Sec. 335. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Grandy Creek Hatchery (92-5-024)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,006,000**

Prior Biennia (Expenditures) \$ 494,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,500,000

**NEW SECTION. Sec. 336. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Towhead Island public access renovation (86-3-028)**

**Reappropriation:**

**ORA--State \$ 190,000**

Prior Biennia (Expenditures) \$ 21,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 211,000

**NEW SECTION. Sec. 337. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Warm water fish facility:** To purchase and develop property in eastern or central Washington for a warm water fish facility (92-5-025)

The appropriation in this section is subject to the following conditions and limitations:

The appropriations in this section shall not be expended for the purchase of property until the department of wildlife has made a determination that:

- (1) The water rights to the property being transferred to the department of wildlife, as part of the purchase agreement, are sufficient to operate the hatchery; and
- (2) The operation of a warm water fish hatchery on the property is feasible.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,134,622**

Prior Biennia (Expenditures) \$ 127,378  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,262,000

**NEW SECTION. Sec. 338. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Tideland acquisitions (94-2-003)**

**Reappropriation:**

**General Fund--Federal \$ 1,664,600**

Prior Biennia (Expenditures) \$ 3,335,400  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

**NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Sprague Lake Access Area development (94-2-008)**

**Reappropriation:**



**Wildlife Acct--Federal \$ 48,000**  
**ORA--State \$ 101,000**

Subtotal Reappropriation \$ 149,000 -----

Prior Biennia (Expenditures) \$ 24,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 173,000 -----

**NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Minor works: Preservation (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 624,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,000,000**

**General Fund--Federal \$ 300,000**

Subtotal Appropriation \$ 2,300,000 -----

Prior Biennia (Expenditures) \$ 4,934,887  
Future Biennia (Projected Costs) \$ 7,000,000

TOTAL \$ 14,858,887 -----

**NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Underground storage tank (UST) removal and replacement (96-1-002)**

The appropriations in this section are subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 142 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 1,299,000  
Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 1,799,000 -----

**NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Emergency repair (96-1-003)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 650,000**

Prior Biennia (Expenditures) \$ 1,200,000

Future Biennia (Projected Costs) \$ 2,750,000

TOTAL \$ 4,600,000

**NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Facilities renovation (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:

(1) No funds will be provided to increase residential capacity at any state hatchery facility.

(2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 130,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 800,000**

**Wildlife Acct--State \$ 200,000**

Subtotal Appropriation \$ 1,000,000

Prior Biennia (Expenditures) \$ 3,056,300

Future Biennia (Projected Costs) \$ 4,700,000

TOTAL \$ 8,886,300

**NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Hatchery renovation (96-1-005)**

The appropriation in this section is subject to the following conditions and limitations:

(1) No funds will be provided to increase residential capacity at any state hatchery facility.

(2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,880,000**

**Wildlife Acct--Federal \$ 120,000**

Subtotal Reappropriation \$ 3,000,000

**Appropriation:**

**Wildlife Acct--State \$ 300,000**

**St Bldg Constr Acct--State \$ 2,900,000**

Subtotal Appropriation \$ 3,200,000

Prior Biennia (Expenditures) \$ 4,626,155

Future Biennia (Projected Costs) \$ 15,000,000

TOTAL \$ 25,826,155

NEW SECTION. **Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Recreational access redevelopment (96-1-007)**

**Reappropriation:**

**Wildlife Acct--Federal \$ 75,000**

**ORA--State \$ 172,903**

Subtotal Reappropriation \$ 247,903 -----

**Appropriation:**

**General Fund--Federal \$ 500,000**

**St Bldg Constr Acct--State \$ 250,000**

Subtotal Appropriation \$ 750,000 -----

Prior Biennia (Expenditures) \$ 2,741,629

Future Biennia (Projected Costs) \$ 3,250,000 -----

**TOTAL \$ 6,989,532**

NEW SECTION. **Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Shellfish laboratory and hatchery upgrades (96-1-009)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

**TOTAL \$ 300,000**

NEW SECTION. **Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Wildlife area renovation (96-1-010)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 275,000**

**Appropriation:**

**General Fund--Federal \$ 400,000**

**Wildlife Acct--State \$ 625,000**

Subtotal Appropriation \$ 1,300,000 -----

Prior Biennia (Expenditures) \$ 764,000

Future Biennia (Projected Costs) \$ 2,950,000 -----

**TOTAL \$ 5,014,000**

NEW SECTION. **Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Issaquah Hatchery utilization study and improvements:** To prepare a facilities master plan for the hatchery and for improvements to the hatchery, water supply system, and in-stream fish passage facilities (96-1-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$300,000 may be spent to expedite in-stream improvements which meet the following criteria: Improvements will be designed and constructed which: (a) Have the minimal impact on future operating expenses of the hatchery; (b) facilitate passage for utilization of upstream habitat; and (c) provide for flexible management strategies for a variety of fish stocks including small runs, threatened or endangered species, and game fish.

(2) \$150,000 of the state building construction account appropriation is provided solely for the master plan for the improvements to the hatchery. The master plan shall incorporate participation and recommendations from the Issaquah fishery management task force.

(3) The remainder of the funds may be spent for hatchery improvements following approval of the master plan by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 650,000**  
**General Fund--Private Local \$ 500,000**

Subtotal Appropriation \$ 1,150,000 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,150,000 -----

**NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Coast and Puget Sound salmon enhancement and wildstock restoration habitat (96-2-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,100,000**

**Appropriation:**

**General Fund--Federal \$ 800,000**  
**St Bldg Constr Acct--State \$ 3,645,000**  
**General Fund--Private/Local \$ 800,000**

Subtotal Appropriation \$ 5,245,000 -----

Prior Biennia (Expenditures) \$ 6,770,000  
Future Biennia (Projected Costs) \$ 15,500,000

TOTAL \$ 28,615,000 -----

**NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Coast and Puget Sound wildstock restoration: Hatchery improvements (96-2-013)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**  
**General Fund--Federal \$ 500,000**

Subtotal Appropriation \$ 1,500,000 -----

Prior Biennia (Expenditures) \$ 3,280,000  
Future Biennia (Projected Costs) \$ 4,000,000 -----

TOTAL \$ 9,180,000

**NEW SECTION. Sec. 351. DEPARTMENT OF FISH AND WILDLIFE**

**Nemah Hatchery Building and incubation system replacement (96-1-006)**

**Appropriation:**

**General Fund--Federal \$ 1,700,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,700,000

**NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Fish protection facilities (96-2-014)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**

**Appropriation:**

**General Fund--Federal \$ 2,075,000**  
**General Fund--Private/Local \$ 200,000**

Subtotal Appropriation \$ 2,275,000 -----

Prior Biennia (Expenditures) \$ 2,656,000  
Future Biennia (Projected Costs) \$ 10,830,000 -----

TOTAL \$ 15,811,000

**NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Game farm renovation (96-2-015)**

**Appropriation:**

**Wildlife Acct--State \$ 700,000**

Prior Biennia (Expenditures) \$ 1,125,000  
Future Biennia (Projected Costs) \$ 600,000 -----

TOTAL \$ 2,425,000

**NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Minter Creek Hatchery phase 2 (96-2-019)**

Funding from this appropriation shall not be used to construct agency residential structures at the hatchery.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 10,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 800,000**

Prior Biennia (Expenditures) \$ 4,329,000

Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 5,339,000

NEW SECTION. **Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**State-wide fencing renovation and construction (96-2-020)**

**Appropriation:**

**General Fund--Federal \$ 750,000**

Prior Biennia (Expenditures) \$ 1,875,000

Future Biennia (Projected Costs) \$ 2,650,000

TOTAL \$ 5,300,000

NEW SECTION. **Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Clam and oyster beach enhancement (96-2-021)**

**Appropriation:**

**Aquatic Lands Acct--State \$ 500,000**

**General Fund--Federal \$ 400,000**

Subtotal Appropriation \$ 900,000

Prior Biennia (Expenditures) \$ 2,716,201

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 5,616,201

NEW SECTION. **Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Mitigation projects (96-2-025)**

**Reappropriation:**

**Special Wildlife Acct--Private/Local \$ 871,000**

**Appropriation:**

**Special Wildlife Acct--State \$ 50,000**

**General Fund--Federal \$ 6,000,000**

**General Fund--Private/Local \$ 5,000,000**

Subtotal Appropriation \$ 11,050,000

Prior Biennia (Expenditures) \$ 54,000

Future Biennia (Projected Costs) \$ 64,250,000

TOTAL \$ 76,225,000

NEW SECTION. **Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Water access and development (96-2-027)**

**Reappropriation:**

**ORA--State \$ 1,170,000**

Prior Biennia (Expenditures) \$ 694,600

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,864,600 -----

NEW SECTION. **Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Recreational fish enhancement (96-2-028)**

**Reappropriation:**

**Rec Fisheries Enh Acct--State \$ 150,000**

**Appropriation:**

**Rec Fisheries Enh Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 9,300,000 -----

NEW SECTION. **Sec. 360. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Migratory waterfowl habitat and acquisition and development (96-2-024)**

**Appropriation:**

**Wildlife Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 1,299,335

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 3,799,335 -----

NEW SECTION. **Sec. 361. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Habitat restoration (96-2-023)**

The appropriation in this section is provided solely for habitat restoration accomplished by the jobs and the environment program and shall not be used to acquire additional lands.

**Appropriation:**

**Wildlife Acct--State \$ 1,350,000**

Prior Biennia (Expenditures) \$ 1,503,804

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,853,804 -----

NEW SECTION. **Sec. 362. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Emergency repairs--Recreation sites (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 120,000**

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 480,000

TOTAL \$ 700,000 -----

**NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Recreation health and safety improvements (96-1-003)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,800,000 -----

**NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Natural area preserve and natural resource conservation area Management (96-1-004)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 350,000**

Prior Biennia (Expenditures) \$ 350,000

Future Biennia (Projected Costs) \$ 1,400,000

TOTAL \$ 2,100,000 -----

**NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Emergency repairs (96-1-006)**

**Appropriation:**

**For Dev Acct--State \$ 53,000**

**Res Mgmt Cost Acct--State \$ 195,100**

**St Bldg Constr Acct--State \$ 30,000**

Subtotal Appropriation \$ 278,100 -----

Prior Biennia (Expenditures) \$ 147,700

Future Biennia (Projected Costs) \$ 1,112,400

TOTAL \$ 1,538,200 -----

**NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Minor works: Preservation (96-1-112)**



The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**For Dev Acct--State \$ 165,200**  
**Res Mgmt Cost Acct--State \$ 611,100**  
**St Bldg Constr Acct--State \$ 250,000**

Subtotal Appropriation \$ 1,026,300 -----

Prior Biennia (Expenditures) \$ 494,800  
Future Biennia (Projected Costs) \$ 4,105,200 -----

TOTAL \$ 5,626,300

**NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Small repairs and improvement (96-1-113)**

**Appropriation:**

**For Dev Acct--State \$ 14,500**  
**Res Mgmt Cost Acct--State \$ 54,500**

Subtotal Appropriation \$ 69,000 -----

Prior Biennia (Expenditures) \$ 69,000  
Future Biennia (Projected Costs) \$ 276,000 -----

TOTAL \$ 414,000

**NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Hazardous waste cleanup (96-1-114)**

**Appropriation:**

**For Dev Acct--State \$ 100,000**  
**Res Mgmt Cost Acct--State \$ 200,000**

Subtotal Appropriation \$ 300,000 -----

Prior Biennia (Expenditures) \$ 450,000  
Future Biennia (Projected Costs) \$ 1,200,000 -----

TOTAL \$ 1,950,000

**NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Irrigation repairs and replacements (96-1-115)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 235,000**

Prior Biennia (Expenditures) \$ 730,000

Future Biennia (Projected Costs) \$ 2,375,000

TOTAL \$ 3,340,000

**NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Repair, maintenance, and tenant improvements on state trust lease properties (96-1-117)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 600,000**

Prior Biennia (Expenditures) \$ 862,000

Future Biennia (Projected Costs) \$ 2,700,000

TOTAL \$ 4,162,000

**NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Communication site repair (96-1-119)**

**Appropriation:**

**For Dev Acct--State \$ 25,000**

**Res Mgmt Cost Acct--State \$ 25,000**

Subtotal Appropriation \$ 50,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 700,000

TOTAL \$ 1,050,000

**NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Road and bridge construction (96-2-001)**

**Appropriation:**

**For Dev Acct--State \$ 241,750**

**Res Mgmt Cost Acct--State \$ 678,450**

Subtotal Appropriation \$ 920,200

Prior Biennia (Expenditures) \$ 1,655,500

Future Biennia (Projected Costs) \$ 3,835,000

TOTAL \$ 6,410,700

**NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Region administrative facilities expansion (96-2-002)**

**Appropriation:**

**For Dev Acct--State \$ 294,488**

**Res Mgmt Cost Acct--State \$ 390,584**

**General Fund--Federal \$ 400,000**

Subtotal Appropriation \$ 1,085,072 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 5,890,400

TOTAL \$ 6,975,472 -----

**NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Minor works: Program (96-2-004)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**For Dev Acct--State \$ 152,900**  
**Res Mgmt Cost Acct--State \$ 574,800**

Subtotal Appropriation \$ 727,700 -----

Prior Biennia (Expenditures) \$ 99,500  
Future Biennia (Projected Costs) \$ 4,110,800

TOTAL \$ 4,938,000 -----

**NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Land bank program to enhance trust land holdings (96-2-005)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 15,000,000**

Prior Biennia (Expenditures) \$ 19,698,000  
Future Biennia (Projected Costs) \$ 60,000,000

TOTAL \$ 94,698,000 -----

**NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Right of way acquisition (96-2-006)**

**Appropriation:**

**For Dev Acct--State \$ 500,000**  
**Res Mgmt Cost Acct--State \$ 500,000**

Subtotal Appropriation \$ 1,000,000 -----

Prior Biennia (Expenditures) \$ 1,498,000  
Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,898,000 -----

NEW SECTION. **Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Irrigation development (96-2-007)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 336,000

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 4,736,000 -----

NEW SECTION. **Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Communication site construction--Various (96-2-008)**

**Appropriation:**

**For Dev Acct--State \$ 460,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,310,000

TOTAL \$ 1,770,000 -----

NEW SECTION. **Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Mineral resource testing (96-2-009)**

**Reappropriation:**

**For Dev Acct--State \$ 10,000**

**Res Mgmt Cost Acct--State \$ 10,000**

Subtotal Reappropriation \$ 20,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 80,000

TOTAL \$ 100,000 -----

NEW SECTION. **Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Commercial development: Local improvement districts (96-2-010)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 470,000**

Prior Biennia (Expenditures) \$ 860,000

Future Biennia (Projected Costs) \$ 2,420,000

TOTAL \$ 3,750,000 -----

NEW SECTION. **Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Aquatic lands enhancement grants (96-2-012)**

**Reappropriation:**

**Aquatic Lands Acct--State \$ 2,500,000**

**Appropriation:**

**Aquatic Lands Acct--State \$ 3,575,000**

Prior Biennia (Expenditures) \$ 276,000

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 18,351,000 -----

**NEW SECTION. Sec. 382. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Natural resources real property replacement account (96-2-013)**

**Appropriation:**

**Nat Res Prop Repl Acct--State \$ 25,000,000**

Prior Biennia (Expenditures) \$ 30,826,750

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 55,826,750 -----

**NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Seattle waterfront phase 2 development (96-2-014)**

**Reappropriation:**

**ORA--State \$ 1,562,835**

Prior Biennia (Expenditures) \$ 84,765

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,647,600 -----

PART 4  
TRANSPORTATION

**NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE PATROL**

**To construct a new crime laboratory in Tacoma (92-2-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 172,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 172,000 -----

PART 5  
EDUCATION

**NEW SECTION. Sec. 501. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (85-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 335,780**

Prior Biennia (Expenditures) \$ 656,119

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 991,899 -----

**NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (87-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,473,203**

Prior Biennia (Expenditures) \$ 2,193,257

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,666,460 -----

**NEW SECTION. Sec. 503. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,573,705**

Prior Biennia (Expenditures) \$ 24,362,530

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 25,936,235 -----

**NEW SECTION. Sec. 504. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-002)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,730,000**

Prior Biennia (Expenditures) \$ 17,521,803

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 19,251,803 -----

**NEW SECTION. Sec. 505. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-003)**

**Reappropriation:**

**Common School Constr Fund--State \$ 4,211,005**

Prior Biennia (Expenditures) \$ 41,637,585

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 45,848,590 -----

NEW SECTION. Sec. 506. FOR THE STATE BOARD OF EDUCATION

**Public school building construction (91-2-001)**

**Reappropriation:**

**Common School Reimb Constr Acct--**

**State \$ 5,443,735**

**Common School Constr Fund--State \$ 6,115,606**

Subtotal Reappropriation \$ 11,559,341 -----

Prior Biennia (Expenditures) \$ 78,816,301

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,375,642 -----

NEW SECTION. Sec. 507. FOR THE STATE BOARD OF EDUCATION

**Public school building construction (94-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 82,250,900**

**St Bldg Constr Acct--State \$ 11,770,000**

Subtotal Reappropriation \$ 94,020,900 -----

Prior Biennia (Expenditures) \$ 60,102,660

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 154,123,560 -----

NEW SECTION. Sec. 508. FOR THE STATE BOARD OF EDUCATION

**Clover Park School District transportation facilities (96-1-101)**

The appropriation in this section is provided for design of a renovation project for a transportation-maintenance complex as described in the memorandum of understanding between the Clover Park technical college and the Clover Park school district. Future state appropriations for this project shall be matched by an equal amount from local funds.

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,200,000

TOTAL \$ 7,500,000 -----

NEW SECTION. Sec. 509. FOR THE STATE BOARD OF EDUCATION

**Public school building construction (96-2-001)**

The appropriations in this subsection are subject to the following conditions and limitations:

(1) Not more than \$155,000,000 from this appropriation may be obligated in fiscal year 1996 for school district project design and construction.

(2) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction and architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.

(3) \$250,000 of the appropriation in this section may be expended for the office of the superintendent of public instruction and the office of financial management to jointly contract with qualified specially trained teams to conduct a value engineering and a constructability review on at least five pilot school facility construction projects. The purpose of the pilot program is to determine the potential advantages and savings of value engineering and constructability review processes on school facility construction. The pilot projects shall be wholly paid from this appropriation without a requirement for local matching, and project sites shall be selected jointly by the superintendent of public instruction and the office of financial management on the basis of size, geographical area, and grade level. The results of the pilot program and recommendations on the use of value engineering and constructability reviews and how the current value engineering process can be improved shall be reported to the state board of education and the legislature by January 1997.

**Appropriation:**

**Common School Constr Fund--State \$ 175,600,000**

**St Bldg Constr Acct--State \$ 162,000,000**

Subtotal Appropriation \$ 337,000,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 337,600,000

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**School facilities staff:** To fund the direct costs of state administration of school construction funding (96-2-001)

The appropriation in this subsection is subject to the following conditions and limitations: Up to \$100,000 of the common school construction fund appropriation is provided to complete the facility condition management database begun in the 1993-95 biennium.

**Appropriation:**

**Common School Constr Fund--State \$ 1,361,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,444,000 -----

TOTAL \$ 6,805,000

**NEW SECTION. Sec. 511. FOR THE STATE SCHOOL FOR THE BLIND**

**Old Main: Seismic stabilization (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 850,000**



Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. Sec. 512. FOR THE STATE SCHOOL FOR THE BLIND

**Minor works: Preservation (96-1-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 2,340,000

TOTAL \$ 2,740,000

NEW SECTION. Sec. 513. FOR THE STATE SCHOOL FOR THE DEAF

**Minor works: Preservation (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 570,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 2,925,000

TOTAL \$ 3,495,000

NEW SECTION. Sec. 514. FOR THE STATE SCHOOL FOR THE DEAF

**MacDonald and Deer Halls: Elevators (96-2-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 550,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 550,000

NEW SECTION. Sec. 515. FOR THE UNIVERSITY OF WASHINGTON

**Power plant boiler (88-2-022)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,400,000**

Prior Biennia (Expenditures) \$ 9,805,653  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,205,653

NEW SECTION. **Sec. 516. FOR THE UNIVERSITY OF WASHINGTON**

**Power generation, chiller, data communications, electrical distribution (90-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,175,700**

Prior Biennia (Expenditures) \$ 3,703,053

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,878,753 -----

NEW SECTION. **Sec. 517. FOR THE UNIVERSITY OF WASHINGTON**

**Chemistry Building: Construction (90-2-011)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 38,952,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,152,000 -----

NEW SECTION. **Sec. 518. FOR THE UNIVERSITY OF WASHINGTON**

**Electrical Engineering and Computer Sciences Engineering Building: Construction (90-2-013)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 80,000,000**

Prior Biennia (Expenditures) \$ 14,869,028

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 94,869,028 -----

NEW SECTION. **Sec. 519. FOR THE UNIVERSITY OF WASHINGTON**

**Physics/Astronomy building construction (90-2-009)**

**Reappropriation:**

**H Ed Reimb Constr Acct \$ 2,200,000**

Prior Biennia (Expenditures) \$ 71,364,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 73,564,000 -----

NEW SECTION. **Sec. 520. FOR THE UNIVERSITY OF WASHINGTON**

**Old Physics Hall: Design and construction (92-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

UW Bldg Acct--State \$ 1,650,000  
St Bldg Constr Acct--State \$ 32,544,400

Subtotal Reappropriation \$ 34,194,400 -----

Prior Biennia (Expenditures) \$ 912,600  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,107,000 -----

NEW SECTION. **Sec. 521. FOR THE UNIVERSITY OF WASHINGTON**

**Ocean and Fishery Sciences II: Predesign (92-2-027)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 1,065,300

Prior Biennia (Expenditures) \$ 784,700  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,850,000 -----

NEW SECTION. **Sec. 522. FOR THE UNIVERSITY OF WASHINGTON**

**Harborview Medical Center research (94-2-013)**

**Appropriation:**

Health Services Acct--State \$ 23,400,000

Prior Biennia (Expenditures) \$ 520,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 23,920,000 -----

NEW SECTION. **Sec. 523. FOR THE UNIVERSITY OF WASHINGTON**

**Parrington Hall: Exterior and seismic repair (92-3-018)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**UW Bldg Acct--State \$ 5,008,499**

Prior Biennia (Expenditures) \$ 264,001

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,272,500 -----

**NEW SECTION. Sec. 524. FOR THE UNIVERSITY OF WASHINGTON**

**Henry Gallery: Addition (93-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$4,050,000 in cash provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,504,300**

Prior Biennia (Expenditures) \$ 811,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,316,000 -----

**NEW SECTION. Sec. 525. FOR THE UNIVERSITY OF WASHINGTON**

**Burke Museum:** To study the museum's space needs, long-term physical facilities needs, and options for future expansion (93-2-002) and for exhibit renovation (94-1-002)

\$1,846,500 of the reappropriation in this section is for the exhibit renovation and shall be matched by at least \$615,000 from other sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,031,000**

Prior Biennia (Expenditures) \$ 369,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,400,000 -----

**NEW SECTION. Sec. 526. FOR THE UNIVERSITY OF WASHINGTON**

**Business Administration: Expansion (93-2-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,600,000**

Prior Biennia (Expenditures) \$ 900,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,500,000

NEW SECTION. Sec. 527. FOR THE UNIVERSITY OF WASHINGTON

**Minor repairs: Preservation (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 8,400,000**  
**UW Bldg Acct--State \$ 276,400**

Subtotal Reappropriation \$ 8,676,400

Prior Biennia (Expenditures) \$ 6,960,076  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,636,476

NEW SECTION. Sec. 528. FOR THE UNIVERSITY OF WASHINGTON

**Minor repairs (94-1-004)**

**Reappropriation:**

**UW Bldg Acct--State \$ 6,850,000**

Prior Biennia (Expenditures) \$ 5,757,630  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,607,630

NEW SECTION. Sec. 529. FOR THE UNIVERSITY OF WASHINGTON

**Americans with Disabilities Act (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 1,325,150  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,525,150

NEW SECTION. Sec. 530. FOR THE UNIVERSITY OF WASHINGTON

**Utilities projects (94-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 800,000**

Prior Biennia (Expenditures) \$ 1,396,009  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,196,009

NEW SECTION. Sec. 531. FOR THE UNIVERSITY OF WASHINGTON

**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 532. FOR THE UNIVERSITY OF WASHINGTON

**Suzzallo Library renovation--Phase I design:** To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (94-1-015)

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 717,600**

**St Bldg Constr Acct--State \$ 2,142,275**

Subtotal Appropriation \$ 2,859,875 -----

Prior Biennia (Expenditures) \$ 517,750

Future Biennia (Projected Costs) \$ 29,076,925 -----

TOTAL \$ 32,454,550

NEW SECTION. Sec. 533. FOR THE UNIVERSITY OF WASHINGTON

**Minor repairs (94-2-005)**

**Reappropriation:**

**UW Bldg Acct--State \$ 5,200,000**

Prior Biennia (Expenditures) \$ 1,871,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 7,071,000

NEW SECTION. **Sec. 534. FOR THE UNIVERSITY OF WASHINGTON**

**Tacoma Branch Campus--Phase II: Predesign (94-2-500)**

The appropriation in this section is subject to the following conditions and limitations:  
No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 33,098,120**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,700,000**

Prior Biennia (Expenditures) \$ 17,738,913

Future Biennia (Projected Costs) \$ 35,520,000

TOTAL \$ 92,057,033 -----

NEW SECTION. **Sec. 535. FOR THE UNIVERSITY OF WASHINGTON**

**Minor safety repairs: Preservation (96-1-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 4,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 20,000,000 -----

NEW SECTION. **Sec. 536. FOR THE UNIVERSITY OF WASHINGTON**

**Minor works: Building renewal (96-1-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**UW Bldg Acct--State \$ 6,375,000**

**St Bldg Constr Acct--State \$ 5,000,000**

Subtotal Appropriation \$ 11,375,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 53,000,000

TOTAL \$ 64,375,000 -----

NEW SECTION. **Sec. 537. FOR THE UNIVERSITY OF WASHINGTON**

**Minor works: Utility infrastructure (96-1-004)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 26,000,000

TOTAL \$ 32,300,000 -----

**NEW SECTION. Sec. 538. FOR THE UNIVERSITY OF WASHINGTON**

**Health Sciences Center BB Tower Elevators--Design and construction:** To design and construct the addition of one elevator and upgrading of the existing elevators in the health sciences center BB-wing and tower (96-1-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 210,700**  
**St Bldg Constr Acct--State \$ 4,981,900**

Subtotal Appropriation \$ 5,192,600  
Prior Biennia (Expenditures) \$ 117,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,309,600 -----

**NEW SECTION. Sec. 539. FOR THE UNIVERSITY OF WASHINGTON**

**Health Sciences Center D-Wing Dent Student Lab: Design and construction (96-1-016)**

**Appropriation:**

**UW Bldg Acct--State \$ 112,100**  
**St Bldg Constr Acct--State \$ 2,905,000**

Subtotal Appropriation \$ 3,017,100  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,017,100 -----

**NEW SECTION. Sec. 540. FOR THE UNIVERSITY OF WASHINGTON**

**Hogness/Health Sciences Center Lobby: Americans with Disabilities Act improvements (96-1-022)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,300,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

-----



TOTAL \$ 1,300,000

NEW SECTION. Sec. 541. FOR THE UNIVERSITY OF WASHINGTON

**Ocean and Fisheries Science Buildings II & III: Design and site preparation:** To design the 125,673 gross square foot OFS II (Fisheries) and 106,000 gross square foot OFS III (Oceanography) buildings and clear and prepare sites for future construction (96-2-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$991,000 of the amount reappropriated in section 521 of this act for predesign of this project shall be used for design.

(2) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct--State \$ 1,548,150  
St Bldg Constr Acct--State \$ 5,932,025

Subtotal Appropriation \$ 7,480,175 -----

Prior Biennia (Expenditures) \$ 558,400  
Future Biennia (Projected Costs) \$ 65,758,625 -----

TOTAL \$ 73,797,200

NEW SECTION. Sec. 542. FOR THE UNIVERSITY OF WASHINGTON

**West Electrical Power Station:** To design and construct the installation of three new transformers, switch gear facilities, and primary distribution feeders at the west receiving station (96-2-011)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct--State \$ 204,000  
St Bldg Constr Acct--State \$ 6,600,000

Subtotal Appropriation \$ 6,804,000 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 6,804,000

NEW SECTION. Sec. 543. FOR THE UNIVERSITY OF WASHINGTON

**Power Plant Boiler #7--Design and construction:** To design and construct an addition to the south end of the Power Plant to house a new Boiler #7 (96-2-020)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct--State \$ 288,703

**St Bldg Constr Acct--State \$ 9,623,297**

Subtotal Appropriation \$ 9,912,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,912,000

**NEW SECTION. Sec. 544. FOR THE UNIVERSITY OF WASHINGTON**

**Southwest Campus utilities phase I--Design and construction:** To design and construct the extension of utilities to serve the southwest campus development (96-2-027)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 285,600**  
**St Bldg Constr Acct--State \$ 9,023,900**

Subtotal Appropriation \$ 9,309,500  
Prior Biennia (Expenditures) \$ 152,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,461,500

**NEW SECTION. Sec. 545. FOR THE UNIVERSITY OF WASHINGTON**

**Law School Building--Design and development:** To design a new law school and law library facility

In addition to any state appropriation for this project, at least one-third of the cost of this project, including the costs of design, construction and consulting services, shall be derived from private matching funds. The appropriation in this section shall not be expended on design documents until the University of Washington has secured \$10,000,000 in private matching funds. Such funds, in the form of cash or written pledges, must be secured by no later than July 1, 1997. In the event \$10,000,000 is not secured by that date, the appropriation in this section shall be null and void.

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 1,140,000**  
Prior Biennia (Expenditures) \$ 128,000  
Future Biennia (Projected Costs) \$ 33,860,000

TOTAL \$ 35,128,000

**NEW SECTION. Sec. 546. FOR THE UNIVERSITY OF WASHINGTON**

**Social Work third floor addition--Design and construction:** To design and construct a 12,000 gross square foot partial third floor addition to the Social Work and Speech and Hearing Sciences Building (96-2-010)

**Appropriation:**

**UW Bldg Acct--State \$ 126,400**  
**St Bldg Constr Acct--State \$ 2,789,200**

Subtotal Appropriation \$ 2,915,600 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 2,915,600

NEW SECTION. Sec. 547. It is the intention of the legislature that the state dispose of its interest in the Wellington Hills property for consideration at fair market value and that the net proceeds of the sale be deposited into the state building construction account in the state treasury.

NEW SECTION. Sec. 548. FOR WASHINGTON STATE UNIVERSITY

**Branch campus acquisition (90-5-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 42,000**

Prior Biennia (Expenditures) \$ 735,424  
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 777,424

NEW SECTION. Sec. 549. FOR WASHINGTON STATE UNIVERSITY

**Hazardous, pathological, and radioactive waste handling facilities:** To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

**Reappropriation:**

**St Bldg Constr Acct--State \$ 991,640**

Prior Biennia (Expenditures) \$ 197,714  
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,189,354

NEW SECTION. Sec. 550. FOR WASHINGTON STATE UNIVERSITY

**Todd Hall renovation:** To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurnishing of classrooms and offices (92-1-021)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Acct--State \$ 3,478,000**  
**St Bldg Constr Acct--State \$ 2,626,444**

Subtotal Reappropriation \$ 6,104,444 -----

Prior Biennia (Expenditures) \$ 8,577,065  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,681,509

NEW SECTION. Sec. 551. FOR WASHINGTON STATE UNIVERSITY

**Veterinary Teaching Hospital--Construction:** To construct, equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**H Ed Reimb Constr Acct--State \$ 10,214,399**  
**St Bldg Constr Acct--State \$ 2,200,000**

Subtotal Reappropriation \$ 12,414,399

Prior Biennia (Expenditures) \$ 19,643,672  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 32,058,071

NEW SECTION. Sec. 552. FOR WASHINGTON STATE UNIVERSITY

**Fulmer Hall--Fulmer Annex renovation:** To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 12,212,322**

Prior Biennia (Expenditures) \$ 908,367  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,120,689

NEW SECTION. Sec. 553. FOR WASHINGTON STATE UNIVERSITY

**Student services addition:** To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 10,173,300**

Prior Biennia (Expenditures) \$ 4,826,700  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,000,000 -----

NEW SECTION. Sec. 554. FOR WASHINGTON STATE UNIVERSITY

**Records and maintenance materials:** To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

**Reappropriation:**

WSU Bldg Acct--State \$ 1,250,000

Prior Biennia (Expenditures) \$ 395,826

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,645,826 -----

NEW SECTION. Sec. 555. FOR WASHINGTON STATE UNIVERSITY

**Minor capital renewal (94-1-004)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 2,784,260

Prior Biennia (Expenditures) \$ 3,215,740

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,000,000 -----

NEW SECTION. Sec. 556. FOR WASHINGTON STATE UNIVERSITY

**Bohler Gym renovation--Design:** To design the renovation of the existing Bohler Gym (94-1-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

WSU Bldg Acct--State \$ 391,500

St Bldg Constr Acct--State \$ 1,496,600

Subtotal Appropriation \$ 1,888,100 -----

Prior Biennia (Expenditures) \$ 49,000

Future Biennia (Projected Costs) \$ 14,462,500

TOTAL \$ 16,399,600 -----

NEW SECTION. Sec. 557. FOR WASHINGTON STATE UNIVERSITY

**Prosser: Septic system (94-1-500)**

**Reappropriation:**

WSU Bldg Acct--State \$ 757,192

Prior Biennia (Expenditures) \$ 492,808  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,250,000

**NEW SECTION. Sec. 558. FOR WASHINGTON STATE UNIVERSITY**

**Infrastructure savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 559. FOR WASHINGTON STATE UNIVERSITY**

**Minor works (94-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,192,401**

Prior Biennia (Expenditures) \$ 1,807,599  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 560. FOR WASHINGTON STATE UNIVERSITY**

**Minor capital improvements (94-2-002)**

**Reappropriation:**

**WSU Bldg Acct--State \$ 2,430,690**

Prior Biennia (Expenditures) \$ 3,569,310  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,000,000

**NEW SECTION. Sec. 561. FOR WASHINGTON STATE UNIVERSITY**

**Hazardous waste facilities (94-2-006)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**WSU Bldg Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 211,000

Future Biennia (Projected Costs) \$ 12,037,774

TOTAL \$ 13,748,774

**NEW SECTION. Sec. 562. FOR WASHINGTON STATE UNIVERSITY**

**Pathological and biomedical incinerator: Design and construction (94-2-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,443,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,443,000

**NEW SECTION. Sec. 563. FOR WASHINGTON STATE UNIVERSITY**

**Communication infrastructure renewal (94-2-013)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Constr Acct--State \$ 5,000,000**

**St Bldg Constr Acct--State \$ 4,203,432**

Subtotal Reappropriation \$ 9,203,432

**Appropriation:**

**WSU Bldg Acct--State \$ 4,159,625**

Prior Biennia (Expenditures) \$ 12,796,568

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 26,159,625

**NEW SECTION. Sec. 564. FOR WASHINGTON STATE UNIVERSITY**

**Engineering Teaching and Research Laboratory Building: Construction (94-2-014)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Acct--State \$ 226,379**

**Appropriation:**

**General Fund--Federal \$ 8,000,000**  
**St Bldg Constr Acct--State \$ 17,140,300**

Subtotal Appropriation \$ 25,140,300 -----

Prior Biennia (Expenditures) \$ 1,143,621  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 26,510,300 -----

**NEW SECTION. Sec. 565. FOR WASHINGTON STATE UNIVERSITY**

**Chemical waste collection facilities: Design and construction (94-2-016)**

**Reappropriation:**

**WSU Bldg Acct--State \$ 2,084,274**

**Appropriation:**

**WSU Bldg Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 252,726  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,337,000 -----

**NEW SECTION. Sec. 566. FOR WASHINGTON STATE UNIVERSITY**

**Bohler Gym Addition--Design and construction:** To construct a 45,800 gross square foot addition to Bohler Gym (94-2-017)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 477,000**

**Appropriation:**

**WSU Bldg Acct--State \$ 399,800**

**St Bldg Constr Acct--State \$ 8,960,400**

Subtotal Appropriation \$ 9,360,200 -----

Prior Biennia (Expenditures) \$ 517,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,354,200 -----

**NEW SECTION. Sec. 567. FOR WASHINGTON STATE UNIVERSITY**

**Animal Science Laboratory Building--Design and Construction:** To construct a 20,200 gross square foot animal science lab (94-4-018)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**



**WSU Bldg Acct--State \$ 143,532**  
**Appropriation:**  
**St Bldg Constr Acct--State \$ 6,587,300**

Prior Biennia (Expenditures) \$ 451,468  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,182,300 -----

**NEW SECTION. Sec. 568. FOR WASHINGTON STATE UNIVERSITY**

**Intercollegiate Center for Nursing Education:** To construct and equip a new nursing education facility in Yakima (94-2-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

**Reappropriation:**  
**St Bldg Constr Acct--State \$ 2,525,202**

Prior Biennia (Expenditures) \$ 974,798  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000 -----

**NEW SECTION. Sec. 569. FOR WASHINGTON STATE UNIVERSITY**

**Washington State University--Vancouver:** New campus construction (94-2-902)

The appropriations in this section are subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**  
**St Bldg Constr Acct--State \$ 23,580,000**

**Appropriation:**  
**St Bldg Constr Acct--State \$ 9,066,000**

Prior Biennia (Expenditures) \$ 10,994,362  
Future Biennia (Projected Costs) \$ 35,000,000

TOTAL \$ 78,640,362 -----

**NEW SECTION. Sec. 570. FOR WASHINGTON STATE UNIVERSITY**

**Puyallup:** Greenhouse replacements (94-2-027)

**Reappropriation:**  
**St Bldg Constr Acct--State \$ 2,126,945**

Prior Biennia (Expenditures) \$ 114,055  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,241,000 -----

**NEW SECTION. Sec. 571. FOR WASHINGTON STATE UNIVERSITY**

**Washington State University Tri-Cities: Consolidated Information Center (94-2-905)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 730,500**

**Appropriation:**

**St Bldg Constr Acct--State \$ 9,709,000**

**General Fund--Federal \$ 7,500,000**

Subtotal Appropriation \$ 17,209,000 -----

Prior Biennia (Expenditures) \$ 679,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,619,000 -----

**NEW SECTION. Sec. 572. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Preservation (96-1-004)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,250,000**

**WSU Bldg Acct--State \$ 750,000**

Subtotal Appropriation \$ 6,000,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 33,942,000

TOTAL \$ 39,942,000 -----

**NEW SECTION. Sec. 573. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Safety and environmental (96-2-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 17,500,000

TOTAL \$ 20,500,000

**NEW SECTION. Sec. 574. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Program (96-2-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**WSU Bldg Acct--State \$ 6,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 41,016,000

TOTAL \$ 47,016,000

**NEW SECTION. Sec. 575. FOR WASHINGTON STATE UNIVERSITY**

**Plant growth--Wheat Research Center: Construction (96-2-047)**

The appropriations in this section are subject to the review and allotment procedures under section 813 of this act and shall not be expended until the university has received the federal matching money. If federal funding is not secured by June 30, 1996, the appropriations in this section are null and void.

**Appropriation:**

**General Fund--Private \$ 1,000,000**

**General Fund--Federal \$ 3,000,000**

**St Bldg Constr Acct--State \$ 3,745,400**

**WSU Bldg Acct--State \$ 254,600**

Subtotal Appropriation \$ 8,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,000,000

**NEW SECTION. Sec. 576. FOR WASHINGTON STATE UNIVERSITY**

**Intercollegiate Center for Nursing Education--Spokane, Yakima, and Wenatchee Washington higher education telecommunication system classrooms, cabling, and connection (96-2-915)**

**Appropriation:**

**WSU Bldg Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000

NEW SECTION. **Sec. 577. FOR EASTERN WASHINGTON UNIVERSITY**

**Sutton Hall remodel:** To complete the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,730,092**

Prior Biennia (Expenditures) \$ 526,494

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,256,586 -----

NEW SECTION. **Sec. 578. FOR EASTERN WASHINGTON UNIVERSITY**

**Science Building addition and remodel:** To complete the remodeling of the existing science building (83-1-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,100,480**

Prior Biennia (Expenditures) \$ 18,934,987

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,467 -----

NEW SECTION. **Sec. 579. FOR EASTERN WASHINGTON UNIVERSITY**

**Minor works preservation, repair, and renewal of campus facilities (86-1-002) (90-3-002) (92-1-001) (92-1-002) (92-3-004) (94-1-001) (94-1-006) (94-1-010) (94-1-014) (94-1-015) (94-2-012)**

**Reappropriation:**

**EWU Cap Proj Acct--State \$ 4,300,000**

**St Bldg Constr Acct--State \$ 1,700,000**

Subtotal Reappropriation \$ 6,000,000 -----

Prior Biennia (Expenditures) \$ 7,685,782

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,685,782 -----

NEW SECTION. **Sec. 580. FOR EASTERN WASHINGTON UNIVERSITY**

**Telecommunications network and cable replacement (90-2-004)**

**Appropriation:**

**EWU Cap Proj Acct--State \$ 1,593,800**

Prior Biennia (Expenditures) \$ 4,080,000  
Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 7,673,800 -----

**NEW SECTION. Sec. 581. FOR EASTERN WASHINGTON UNIVERSITY**

**JFK Library addition and remodel--Construction:** To construct the 73,500 gross square foot addition and remodeling of the JFK Library (90-5-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 1,678,756

**Appropriation:**

EWU Cap Proj Acct--State \$ 300,000

St Bldg Constr Acct--State \$ 19,544,304

Subtotal Appropriation \$ 19,844,304 -----

Prior Biennia (Expenditures) \$ 536,244

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,059,304 -----

**NEW SECTION. Sec. 582. FOR EASTERN WASHINGTON UNIVERSITY**

**Removal of underground storage tanks (92-1-003)**

**Reappropriation:**

EWU Cap Proj Acct--State \$ 193,438

Prior Biennia (Expenditures) \$ 56,110

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 249,548 -----

**NEW SECTION. Sec. 583. FOR EASTERN WASHINGTON UNIVERSITY**

**Spokane Center remodel and fire egress (92-5-008)**

**Reappropriation:**

EWU Cap Proj Acct--State \$ 43,686

Prior Biennia (Expenditures) \$ 1,756,314

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000 -----

**NEW SECTION. Sec. 584. FOR EASTERN WASHINGTON UNIVERSITY**

**Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,318,877**  
**Appropriation:**  
**St Bldg Constr Acct--State \$ 3,787,000**  
**EWU Cap Proj Acct--State \$ 213,000**

-----

Subtotal Appropriation \$ 4,000,000

Prior Biennia (Expenditures) \$ 91,123  
 Future Biennia (Projected Costs) \$ 3,275,000

-----

TOTAL \$ 9,685,000

**NEW SECTION. Sec. 585. FOR EASTERN WASHINGTON UNIVERSITY**

**Infrastructure project: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house or representatives by the office of financial management.

**Reappropriation:**  
**St Bldg Constr Acct--State \$ 1**  
  
 Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0

-----

TOTAL \$ 1

**NEW SECTION. Sec. 586. FOR EASTERN WASHINGTON UNIVERSITY**

**Showalter Hall Auditorium: Preservation (96-1-001)**

**Appropriation:**  
**EWU Cap Proj Acct--State \$ 977,800**  
  
 Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0

-----

TOTAL \$ 977,800

**NEW SECTION. Sec. 587. FOR EASTERN WASHINGTON UNIVERSITY**

**Campus classrooms--Renewal:** To renovate and upgrade classrooms and lab in various buildings on campus (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**  
**EWU Cap Proj Acct--State \$ 3,988,400**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 14,925,000

TOTAL \$ 18,913,400

NEW SECTION. **Sec. 588. FOR EASTERN WASHINGTON UNIVERSITY**

**Americans with Disabilities Act projects (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 193,089**

Prior Biennia (Expenditures) \$ 132,711  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 325,800

NEW SECTION. **Sec. 589. FOR CENTRAL WASHINGTON UNIVERSITY**

**Life and safety improvements (92-1-030)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 125,000**

Prior Biennia (Expenditures) \$ 208,267  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 333,267

NEW SECTION. **Sec. 590. FOR CENTRAL WASHINGTON UNIVERSITY**

**Barge Hall renovation (92-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 263,000**

Prior Biennia (Expenditures) \$ 11,318,970  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,581,970

NEW SECTION. **Sec. 591. FOR CENTRAL WASHINGTON UNIVERSITY**

**Shaw/Smyser Hall renovation (90-2-005)**

**Reappropriation:**

**H Ed Reimb Constr Acct \$ 302,000**

Prior Biennia (Expenditures) \$ 12,983,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,285,000

NEW SECTION. **Sec. 592. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor capital projects (92-2-050)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 600,000**

Prior Biennia (Expenditures) \$ 1,623,120

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,223,120 -----

**NEW SECTION. Sec. 593. FOR CENTRAL WASHINGTON UNIVERSITY**

**Boullion asbestos: Construction (94-1-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,160,000**

Prior Biennia (Expenditures) \$ 1,163,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,323,000 -----

**NEW SECTION. Sec. 594. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Preservation (94-1-005)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 2,000,000**

Prior Biennia (Expenditures) \$ 1,562,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,562,000 -----

**NEW SECTION. Sec. 595. FOR CENTRAL WASHINGTON UNIVERSITY**

**Underground tank replacement (94-1-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 176,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 276,000 -----

**NEW SECTION. Sec. 596. FOR CENTRAL WASHINGTON UNIVERSITY**

**Electrical cable replacement (94-1-008)**

**Reappropriation:**



**St Bldg Constr Acct--State \$ 50,000**

Prior Biennia (Expenditures) \$ 1,700,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,750,000 -----

**NEW SECTION. Sec. 597. FOR CENTRAL WASHINGTON UNIVERSITY**

**Streamline replacement (94-1-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 790,000**

Prior Biennia (Expenditures) \$ 60,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000 -----

**NEW SECTION. Sec. 598. FOR CENTRAL WASHINGTON UNIVERSITY**

**Infrastructure savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

**NEW SECTION. Sec. 599. FOR CENTRAL WASHINGTON UNIVERSITY**

**Science Facility design and construction (94-2-002)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 4,000,000**

**St Bldg Constr Acct--State \$ 53,590,000**

Subtotal Reappropriation \$ 57,590,000 -----

Prior Biennia (Expenditures) \$ 610,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 58,200,000

NEW SECTION. Sec. 600. FOR CENTRAL WASHINGTON UNIVERSITY

**Minor works: Program (94-2-006)**

**Reappropriation:**

**CWU Cap Proj Acct \$ 815,000**

Prior Biennia (Expenditures) \$ 1,692,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,507,000 -----

NEW SECTION. Sec. 601. FOR CENTRAL WASHINGTON UNIVERSITY

**Black Hall--Design and construction:** To design and construct a 66,200 gross square foot addition to and complete remodel of the Black Hall (94-2-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 15,000**

**Appropriation:**

**CWU Cap Proj Acct--State \$ 799,100**

**St Bldg Constr Acct--State \$ 26,445,300**

Subtotal Appropriation \$ 27,244,400 -----

Prior Biennia (Expenditures) \$ 144,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 27,403,400 -----

NEW SECTION. Sec. 602. FOR CENTRAL WASHINGTON UNIVERSITY

**Minor works: Infrastructure preservation (96-1-040)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,898,000**

**CWU Cap Proj Acct--State \$ 602,000**

Subtotal Appropriation \$ 2,500,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 8,500,000 -----

NEW SECTION. Sec. 603. FOR CENTRAL WASHINGTON UNIVERSITY

**Minor works: Preservation (96-1-120)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) A maximum of \$85,000 from this appropriation may be expended for remodeling the president's residence.

**Appropriation:**

**CWU Cap Proj Acct--State \$ 3,712,900**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,850,000

TOTAL \$ 19,950,000 -----

NEW SECTION. Sec. 604. FOR CENTRAL WASHINGTON UNIVERSITY

**Hertz Hall addition (96-2-050)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 125,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 13,350,000

TOTAL \$ 13,475,000 -----

NEW SECTION. Sec. 605. FOR CENTRAL WASHINGTON UNIVERSITY

**Minor works: Program (96-2-130)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

**Appropriation:**

**CWU Cap Proj Acct--State \$ 2,500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 11,110,000

TOTAL \$ 13,610,000 -----

NEW SECTION. Sec. 606. FOR THE EVERGREEN STATE COLLEGE

**Campus: Air quality improvement (96-1-001)**

**Appropriation:**

**TESC Cap Proj Acct--State \$ 492,425**  
**St Bldg Constr Acct--State \$ 528,896**

Subtotal Appropriation \$ 1,021,321 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,021,321

**NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE**

**Minor works: Preservation (96-1-002)**

**Appropriation:**

**TESC Cap Proj Acct--State \$ 970,245**  
**St Bldg Constr Acct--State \$ 2,154,876**

Subtotal Appropriations \$ 3,125,121 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 20,488,124 -----

TOTAL \$ 23,613,245

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

**Campus: Preservation (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 1,599,000  
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,749,000

**NEW SECTION. Sec. 609. FOR THE EVERGREEN STATE COLLEGE**

**Classroom Facility: Longhouse design and construction (94-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 1,800,000  
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 2,200,000

NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE

**Emergency repairs (96-1-003)**

**Appropriation:**

**TESC Cap Proj Acct--State \$ 238,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,076,000

TOTAL \$ 1,314,000 -----

NEW SECTION. Sec. 611. FOR THE EVERGREEN STATE COLLEGE

**Computer Network phase III (96-2-006)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 162,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 162,000 -----

NEW SECTION. Sec. 612. FOR THE EVERGREEN STATE COLLEGE

**Communications Building: Retrofit (96-2-007)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,726,300**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,726,300 -----

NEW SECTION. Sec. 613. FOR THE EVERGREEN STATE COLLEGE

**Library Building renovation (96-2-009)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 772,500**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500 -----

NEW SECTION. Sec. 614. FOR THE JOINT CENTER FOR HIGHER EDUCATION

**Riverpoint Campus: Design and construction (94-2-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 9,000,000**

Prior Biennia (Expenditures) \$ 8,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,000,000 -----

**NEW SECTION. Sec. 615. FOR THE JOINT CENTER FOR HIGHER EDUCATION**

**Riverpoint Campus phase II: Predesign (96-2-001)**

To predesign, design, and make infrastructure improvements to the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements by July 1, 1996. The appropriation in this section is subject to the review and allotment requirements under sections 813 and 815 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,310,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,000,000

TOTAL \$ 28,310,000 -----

**NEW SECTION. Sec. 616. FOR WESTERN WASHINGTON UNIVERSITY**

**Science facility phase II: Construction (92-1-007)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,400,000**

Prior Biennia (Expenditures) \$ 17,650,533

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,050,553 -----

**NEW SECTION. Sec. 617. FOR WESTERN WASHINGTON UNIVERSITY**

**Fire detection systems (94-1-030)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 643,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 743,000 -----

**NEW SECTION. Sec. 618. FOR WESTERN WASHINGTON UNIVERSITY**

**Underground storage tank removal (94-1-032)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 58,200**

Prior Biennia (Expenditures) \$ 1,800

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 60,000 -----

**NEW SECTION. Sec. 619. FOR WESTERN WASHINGTON UNIVERSITY**

**Pool chlorine gas system (94-1-033)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 10,300**

Prior Biennia (Expenditures) \$ 24,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,000 -----

**NEW SECTION. Sec. 620. FOR WESTERN WASHINGTON UNIVERSITY**

**Exterior and roofing renewal (94-1-034)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 309,000**

Prior Biennia (Expenditures) \$ 292,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 601,000 -----

**NEW SECTION. Sec. 621. FOR WESTERN WASHINGTON UNIVERSITY**

**Boiler system (94-1-035)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 859,884**

Prior Biennia (Expenditures) \$ 40,116

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000 -----

**NEW SECTION. Sec. 622. FOR WESTERN WASHINGTON UNIVERSITY**

**Utility upgrade (94-1-037)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 103,000**

Prior Biennia (Expenditures) \$ 302,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 405,000

**NEW SECTION. Sec. 623. FOR WESTERN WASHINGTON UNIVERSITY**

**Interior renewal (94-1-038)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 74,000**

Prior Biennia (Expenditures) \$ 24,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 98,000

**NEW SECTION. Sec. 624. FOR WESTERN WASHINGTON UNIVERSITY**

**Interior painting (94-1-041)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 272,000**

Prior Biennia (Expenditures) \$ 129,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 401,000

**NEW SECTION. Sec. 625. FOR WESTERN WASHINGTON UNIVERSITY**

**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 626. FOR WESTERN WASHINGTON UNIVERSITY**

**Science facility phase III: Construction (94-2-014)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.



**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,473,119**

Prior Biennia (Expenditures) \$ 96,988

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,570,107 -----

**NEW SECTION. Sec. 627. FOR WESTERN WASHINGTON UNIVERSITY**

**Haggard Hall renovation and abatement: Construction (94-2-015)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 950,000**

**Appropriation:**

**WWU Cap Proj Acct--State \$ 635,420**

**St Bldg Constr Acct--State \$ 20,452,985**

Subtotal Appropriation \$ 21,088,405 -----

Prior Biennia (Expenditures) \$ 166,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,204,405 -----

**NEW SECTION. Sec. 628. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Program (94-2-028)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 3,200,000**

Prior Biennia (Expenditures) \$ 2,900,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,100,000 -----

**NEW SECTION. Sec. 629. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Preservation (96-1-030)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,350,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 9,200,000

TOTAL \$ 10,550,000 -----

NEW SECTION. **Sec. 630. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Infrastructure preservation (96-1-061)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,650,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,050,000 -----

NEW SECTION. **Sec. 631. FOR WESTERN WASHINGTON UNIVERSITY**

**Campus Services Facility (96-2-025)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,883,400

TOTAL \$ 7,983,400 -----

NEW SECTION. **Sec. 632. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Program (96-2-028)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**WWU Cap Proj Acct--State \$ 6,385,810**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,500,000

TOTAL \$ 31,885,810 -----

NEW SECTION. **Sec. 633. FOR WESTERN WASHINGTON UNIVERSITY**

**Integrated signal distribution--Design: To design a campus network system (96-2-056)**

**Appropriation:**

**WWU Cap Proj Acct--State \$ 229,650**

**St Bldg Constr Acct--State \$ 985,750**

Subtotal Appropriation \$ 1,215,400 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 9,339,400

TOTAL \$ 10,554,800 -----

NEW SECTION. Sec. 634. FOR WESTERN WASHINGTON UNIVERSITY

**Wilson Library renovation (96-2-057)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 105,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,331,900

TOTAL \$ 8,436,900 -----

NEW SECTION. Sec. 635. FOR WESTERN WASHINGTON UNIVERSITY

**Recreation and physical education fields phase I (96-2-051)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,535,200**

**WWU Cap Proj Acct--State \$ 131,000**

Subtotal Appropriation \$ 2,666,200 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,666,200 -----

NEW SECTION. Sec. 636. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

**Complete construction of Washington state History Museum (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) \$50,000 of the \$250,000 new appropriation in this section is provided solely as a grant to a local nonprofit organization to purchase land and provide exhibit space for the display of fossils.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,859,978**

**Appropriation:**

**St Bldg Constr Acct--State \$ 250,000**

Prior Biennia (Expenditures) \$ 35,592,643

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 42,702,621 -----

NEW SECTION. **Sec. 637. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Stadium Way facility: Preservation (96-1-102)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 60,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 487,500**

Prior Biennia (Expenditures) \$ 1,254,500

Future Biennia (Projected Costs) \$ 335,469

TOTAL \$ 2,137,469 -----

NEW SECTION. **Sec. 638. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**State Capital Museum: Preservation (96-1-105)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 122,592**

Prior Biennia (Expenditures) \$ 107,500

Future Biennia (Projected Costs) \$ 199,628

TOTAL \$ 429,720 -----

NEW SECTION. **Sec. 639. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Stadium Way facility: Collection storage and access (96-2-204)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 230,600**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,420,000

TOTAL \$ 1,650,600 -----

NEW SECTION. **Sec. 640. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**Campbell House restoration (86-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 30,000**

Prior Biennia (Expenditures) \$ 100,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,500 -----

NEW SECTION. **Sec. 641. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**Cheney Cowles Museum: Parking lot grading and resurfacing (96-1-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

**NEW SECTION. Sec. 642. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**Cheney Cowles Museum: Preservation (96-1-004)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 175,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 700,000

TOTAL \$ 875,000 -----

**NEW SECTION. Sec. 643. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Learning Resource Center--Skagit Valley College Whidbey Campus (88-5-020)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,408**

Prior Biennia (Expenditures) \$ 2,117,591

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,122,999 -----

**NEW SECTION. Sec. 644. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Science, Fine Art, and Physical Education Building--South Puget Sound Community College (88-5-021)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 21,933**

Prior Biennia (Expenditures) \$ 5,976,066

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,997,999 -----

**NEW SECTION. Sec. 645. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Library addition and remodel--Columbia Basin College (88-5-023)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 21,573**

Prior Biennia (Expenditures) \$ 1,961,132

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,982,705 -----

**NEW SECTION. Sec. 646. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Vocational Shop Building--Centralia College (88-5-024)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 36,519**

Prior Biennia (Expenditures) \$ 2,035,306

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,071,825 -----

**NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Art Commission carryover (88-5-026)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 9,378**

Prior Biennia (Expenditures) \$ 2,984,655

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,994,033 -----

**NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Business Education Building--Spokane Community College (88-5-027)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 20,846**

Prior Biennia (Expenditures) \$ 6,291,122

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,311,968 -----

**NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Student Activity Center and Physical Education Building--Seattle Central (88-5-028)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,681,465**

Prior Biennia (Expenditures) \$ 9,519,434

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,200,899 -----

**NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Fire and security system repairs (90-1-004)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 134,433**

Prior Biennia (Expenditures) \$ 236,508

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,941 -----

**NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor asbestos removal (90-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 323,914**

Prior Biennia (Expenditures) \$ 992,167

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,316,081 -----

**NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Roof and structural repairs (90-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 8,779**

Prior Biennia (Expenditures) \$ 706,514

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 715,293 -----

**NEW SECTION. Sec. 653. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Heating, ventilation, and air conditioning and mechanical repairs (90-2-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,944**

Prior Biennia (Expenditures) \$ 947,439  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 998,383 -----

**NEW SECTION. Sec. 654. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Facility repairs (90-3-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 24,471**

Prior Biennia (Expenditures) \$ 503,545  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 528,016 -----

**NEW SECTION. Sec. 655. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (90-5-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 120,737**

Prior Biennia (Expenditures) \$ 2,904,787  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,025,524 -----

**NEW SECTION. Sec. 656. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Physical Education Facility--North Seattle Community College (90-5-011))**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,883,057**

Prior Biennia (Expenditures) \$ 1,671,143  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,554,200 -----

**NEW SECTION. Sec. 657. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Applied Arts Facility--Spokane Falls Community College (90-5-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,848,249**

Prior Biennia (Expenditures) \$ 2,643,840  
Future Biennia (Projected Costs) \$ 0



TOTAL \$ 5,492,089 -----

**NEW SECTION. Sec. 658. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Industrial Tech Building--Spokane Community College (90-5-013)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,016,150**

Prior Biennia (Expenditures) \$ 3,915,945

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,932,095 -----

**NEW SECTION. Sec. 659. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Vocational Art Facility--Shoreline Community College (90-5-014)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,885,749**

Prior Biennia (Expenditures) \$ 179,656

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,065,405 -----

**NEW SECTION. Sec. 660. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Business Education Building--Clark College (90-5-015)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,439,646**

Prior Biennia (Expenditures) \$ 3,851,620

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,291,266 -----

**NEW SECTION. Sec. 661. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Student Center Building--South Seattle Community College (90-5-016)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,188,316**

Prior Biennia (Expenditures) \$ 1,193,777

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,382,093 -----

**NEW SECTION. Sec. 662. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Library addition--Skagit Valley College (90-5-017)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 602,270**

Prior Biennia (Expenditures) \$ 1,403,729

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,005,999 -----

**NEW SECTION. Sec. 663. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Business Complex renovation--Clover Park Technical College (91-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 26,062**

Prior Biennia (Expenditures) \$ 2,473,938

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000 -----

**NEW SECTION. Sec. 664. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Administration Office renovation--Bellingham Technical College (91-3-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 155,844**

Prior Biennia (Expenditures) \$ 1,456,156

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,612,000 -----

**NEW SECTION. Sec. 665. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Acquisition: Auto Shop--Olympic College (92-1-604)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 575,155**

Prior Biennia (Expenditures) \$ 124,845

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000 -----

**NEW SECTION. Sec. 666. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Underground storage tank removal (92-2-102)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 96,033**

Prior Biennia (Expenditures) \$ 1,300,819

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,396,852 -----

**NEW SECTION. Sec. 667. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Legal and code requirement--Repairs (92-2-103)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 340,786**

Prior Biennia (Expenditures) \$ 831,214

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,172,000 -----

**NEW SECTION. Sec. 668. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Roof repairs (92-2-104)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 373,515**

Prior Biennia (Expenditures) \$ 7,083,485

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,457,000 -----

**NEW SECTION. Sec. 669. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Exterior and structure repairs (92-2-105)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 138,431**

Prior Biennia (Expenditures) \$ 678,569

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 817,000 -----

**NEW SECTION. Sec. 670. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Heating, ventilation, and air conditioning repairs (92-2-106)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,913,684**  
Prior Biennia (Expenditures) \$ 1,160,315  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,073,999 -----

**NEW SECTION. Sec. 671. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Electrical repair (92-2-107)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 174,538**

Prior Biennia (Expenditures) \$ 2,132,462  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,307,000 -----

**NEW SECTION. Sec. 672. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Mechanical repairs (92-2-108)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 824,457**

Prior Biennia (Expenditures) \$ 1,683,543  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,508,000 -----

**NEW SECTION. Sec. 673. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Fire and security repairs (92-2-109)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 418,730**

Prior Biennia (Expenditures) \$ 273,269  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 691,999 -----

**NEW SECTION. Sec. 674. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Interior repairs (92-2-110)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 427,638**

Prior Biennia (Expenditures) \$ 1,012,361  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,439,999

**NEW SECTION. Sec. 675. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Site repairs (92-2-111)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 98,377**

Prior Biennia (Expenditures) \$ 1,230,622  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,328,999

**NEW SECTION. Sec. 676. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Pool repairs (92-2-112)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,133**

Prior Biennia (Expenditures) \$ 594,867  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000

**NEW SECTION. Sec. 677. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Administration addition--Lake Washington Technical College (92-5-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,498,016**

Prior Biennia (Expenditures) \$ 6,644,183  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,142,199

**NEW SECTION. Sec. 678. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvements (92-5-200)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,979,165**

Prior Biennia (Expenditures) \$ 14,950,834  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,929,999 -----

**NEW SECTION. Sec. 679. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Roof repair--Clover Park Technical College (93-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,130**

Prior Biennia (Expenditures) \$ 183,869

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 188,999 -----

**NEW SECTION. Sec. 680. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repairs and minor improvements (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 28,290,145**

Prior Biennia (Expenditures) \$ 8,709,855

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 37,000,000 -----

**NEW SECTION. Sec. 681. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Asbestos abatement (94-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 112,447**

Prior Biennia (Expenditures) \$ 441,786

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 554,233 -----

**NEW SECTION. Sec. 682. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Underground storage tank removal and remediation (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 158,727**

Prior Biennia (Expenditures) \$ 765,990

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 924,717 -----

**NEW SECTION. Sec. 683. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Underground storage tank removal (94-1-370)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 197,830**

Prior Biennia (Expenditures) \$ 4,170

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 202,000 -----

**NEW SECTION. Sec. 684. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Asbestos abatement (94-1-390)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 326,887**

Prior Biennia (Expenditures) \$ 124,440

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 451,327 -----

**NEW SECTION. Sec. 685. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Renovate Seattle Vocational Institute facility:** Top design and begin remodel on the first phase of improvements to Seattle Vocational Institute (94-1-733)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,523,494**

Prior Biennia (Expenditures) \$ 59,506

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,583,000 -----

**NEW SECTION. Sec. 686. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (94-2-400)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,640,466**

Prior Biennia (Expenditures) \$ 3,837,534

Future Biennia (Projected Costs) \$ 0

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TOTAL \$ 11,478,000

**NEW SECTION. Sec. 687. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (94-2-500)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 590,517**

Prior Biennia (Expenditures) \$ 38,483

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 629,000 -----

**NEW SECTION. Sec. 688. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Pierce College--Puyallup phase II (94-2-601)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 862,234**

**Appropriation:**

**St Bldg Constr Acct--State \$ 12,852,618**

Prior Biennia (Expenditures) \$ 164,686

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,879,538 -----

**NEW SECTION. Sec. 689. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Skagit Valley College Vocational Building (94-2-602)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 152,981**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,320,000**

Prior Biennia (Expenditures) \$ 16,063

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,489,044 -----

**NEW SECTION. Sec. 690. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**



**Construct Whatcom Community College Learning Resource Center, Fine Arts, Student Center (94-2-603)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 342,967**

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,930,000**

Prior Biennia (Expenditures) \$ 262,669

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,535,636 -----

**NEW SECTION. Sec. 691. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Edmonds Community College Classroom and Laboratory Building (94-2-604)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 728,058**

**Appropriation:**

**St Bldg Constr Acct--State \$ 12,343,480**

Prior Biennia (Expenditures) \$ 138,578

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,210,116 -----

**NEW SECTION. Sec. 692. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct South Puget Sound Community College Technical Education Building (94-2-605)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 512,534**

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,430,000**

Prior Biennia (Expenditures) \$ 135,533

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,078,067 -----

**NEW SECTION. Sec. 693. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Green River Community College Center for Information Technology (94-2-606)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,069,426**

Prior Biennia (Expenditures) \$ 324,303

Future Biennia (Projected Costs) \$ 16,800,000

TOTAL \$ 18,193,729 -----

**NEW SECTION. Sec. 694. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Predesign (94-2-650)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 43,379**

Prior Biennia (Expenditures) \$ 206,621

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000 -----

**NEW SECTION. Sec. 695. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Acquisitions (94-2-700)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 28,591**

Prior Biennia (Expenditures) \$ 480,409

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 509,000 -----

**NEW SECTION. Sec. 696. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Americans with Disabilities Act projects (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,190,091**

Prior Biennia (Expenditures) \$ 231,807

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,421,898 -----

**NEW SECTION. Sec. 697. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair and minor improvement (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 10,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 40,000,000

TOTAL \$ 50,000,000 -----

**NEW SECTION. Sec. 698. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair roofs (96-1-010)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,406,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 21,406,000 -----

**NEW SECTION. Sec. 699. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair heating, ventilation, and air conditioning (96-1-030)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,588,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 32,000,000

TOTAL \$ 39,588,000 -----

**NEW SECTION. Sec. 700. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair mechanical (96-1-060)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,262,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 7,262,000 -----

**NEW SECTION. Sec. 701. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair electrical (96-1-080)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,192,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,192,000 -----

**NEW SECTION. Sec. 702. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair exterior (96-1-100)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,419,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,419,000 -----

**NEW SECTION. Sec. 703. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair interiors (96-1-120)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,254,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 7,254,000 -----

**NEW SECTION. Sec. 704. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Site improvements (96-1-140)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,465,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,465,000 -----

**NEW SECTION. Sec. 705. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Infrastructure project savings (96-1-500)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the

following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

**NEW SECTION. Sec. 706. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor program remodel and improvements (96-2-199)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 10,119,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 56,000,000

TOTAL \$ 70,002,000 -----

**NEW SECTION. Sec. 707. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Project artwork consolidation account (96-2-400)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

**NEW SECTION. Sec. 708. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**North Seattle Community College:** To design a Vocational Technical Center Building and a separate Child Care Center (96-2-651)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 895,712**

Prior Biennia (Expenditures) \$ 43,512

Future Biennia (Projected Costs) \$ 12,047,538

TOTAL \$ 12,986,762 -----

**NEW SECTION. Sec. 709. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Everett Community College:** To procure land for a new access to the college and for a new Instruction Technology Center (96-2-652)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,558,440**

Prior Biennia (Expenditures) \$ 25,140

Future Biennia (Projected Costs) \$ 12,251,270

TOTAL \$ 15,834,850 -----

**NEW SECTION. Sec. 710. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**South Seattle Community College:** To design the Integrated Learning Assistance Resource Center (ILARC) (96-2-653)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 592,266**

Prior Biennia (Expenditures) \$ 21,466

Future Biennia (Projected Costs) \$ 7,064,600

TOTAL \$ 7,678,332 -----

**NEW SECTION. Sec. 711. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Olympic College Satellite--Poulsbo: Design (96-2-654)**

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 755,000**

Prior Biennia (Expenditures) \$ 26,359

Future Biennia (Projected Costs) \$ 10,248,000

TOTAL \$ 11,029,359 -----

**NEW SECTION. Sec. 712. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Clover Park Technical College: Aviation trades complex, site acquisition, and related costs**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,100,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000 -----

**PART 6  
MISCELLANEOUS**

**NEW SECTION. Sec. 801.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$14,992,000 during the 1995-97 fiscal period; \$88,459,000 during the 1997-99 fiscal period; \$125,937,000 during the 1999-2001 fiscal period; \$125,876,000 during the 2001-03 fiscal period; and \$125,800,000 during the 2003-05 fiscal period.

**NEW SECTION. Sec. 802.** ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts. Prior to the finalization of a financing contract authorized under this act there shall be placed on file with the office of financial management an amortization statement which provides a schedule of contracted payments by source of fund. In addition, the contracting agency shall provide to the office of financial management a condition statement regarding any existing facility which is acquired listing the expected renovation or improvement costs which shall be incurred within five years of occupancy. The office of financial management shall provide annual reports to the appropriate legislative committees summarizing the information regarding the payment schedule and facility condition.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

(a) Lease-develop with an option to purchase or lease-purchase an approximately 125,000 square foot office building. This facility is the first phase of an office complex in Spokane at the metropolitan summit office center project. This facility will collocate several state agencies. Alternatively, the project may be financed by entering into a financing contract on behalf of the department of general administration in the amount of \$17,000,000 and reserves pursuant to chapter 39.94 RCW. A financial plan identifying facility occupants, all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be

provided to the senate ways and means committee and the house of representatives capital budget committee; and

(b) Long-term lease with an option to purchase or lease-purchase for office space and associated parking in downtown Tacoma. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(2) Liquor control board:

Lease-develop with an option to purchase a new liquor distribution center and materials handling center costing approximately \$30,000,000 to replace the current Seattle facility. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(3) Department of corrections:

(a) Lease-purchase property from the department of natural resources on which Cedar Creek, Larch, and Olympic correctional centers are located for up to \$1,000,000;

(b) Lease-develop with the option to purchase or lease-purchase 240 work release beds in facilities throughout the state for \$10,080,000; and

(c) Enter into a financing agreement on behalf of the department of corrections in the amount of \$10,000,000 and reserves pursuant to chapter 39.94 RCW, to construct a new correctional industries dairy and creamery. It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project costs savings may be realized. The department shall reevaluate costs using inmate labor and submit new estimates to the office of financial management before entering into any agreements. Milk and other products of the dairy shall be sold exclusively to correctional facilities and jails.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Clark College in the amount of \$4,200,000 and reserves pursuant to chapter 39.94 RCW, to purchase 12 acres and a 60,000 square foot building as an expansion site for the main campus;

(b) Purchase from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3.3 acres and a 67,000 square foot building to house classrooms, office facilities, and physical plant activities;

(c) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$1,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.2 acres and a 10,923 square foot building to house international programs and adult basic education and English as a second language instruction and student and faculty services;

(d) Purchase in a lump sum from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.1 acres and a 32,000 square foot building to house the extended learning center. This facility is currently being leased and maintained by the college;

(e) Enter into a financing contract on behalf of Green River Community College in the amount of \$4,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase a 28,000 square foot building, site and associated parking to house extension and business related programs;

(f) Enter into a financing contract on behalf of Highline Community College in the amount of \$300,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.45 acres and a 1,500 square foot building;

(g) Lease-purchase or enter into a financing contract on behalf of South Puget Sound Community College in the amount of \$1,400,000 and reserves pursuant to chapter 39.94 RCW, to purchase 6.69 acres contiguous to the main campus;



(h) Lease-purchase or enter into a financing contract on behalf of Walla Community College in the amount of \$1,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 18 acres of land and 27,500 square feet of improvements contiguous to the site;

(i) Lease-purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$250,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3 acres of land and erect a 7,500 square foot metal building to house physical plant shops;

(j) Lease-develop with option to purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 2 acres of land and construct additional parking for college faculty, staff, and students. This project is required by the City of Omak for the Wenatchee Valley College - North Campus;

(k) Lease-purchase or enter into a financing contract on behalf of Tacoma Community College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.275 acres contiguous to the campus;

(l) Enter into a financing contract on behalf of Skagit Valley Community College in the amount of \$800,000 and reserves pursuant to chapter 39.94 RCW for the purchase and development of a 5,000 square foot educational and support services facility to provide instructional and meeting space for Skagit Valley Community College on San Juan Island;

(m) Lease-purchase or enter into a financing contract on behalf of Yakima Valley College in the amount of \$115,000 and reserves pursuant to chapter 39.94 RCW, to purchase two undeveloped lots adjacent to the campus for use as parking areas;

(n) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$2,880,000 and reserves pursuant to chapter 39.94 RCW, to purchase the Gig Harbor extension center and site;

(o) Enter into a financing contract on behalf of South Seattle Community College in the amount of \$5,350,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 11.08 acres of land to accommodate expansion of the Duwamish industrial education center;

(p) Enter into a long-term lease in a 11,097 square foot former bank building in Enumclaw by Green River Community College extension program for approximately \$90,000;

(q) Enter into a financing contract on behalf of Bellingham Technical College in the amount of \$1,100,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 8.5 acres of land to accommodate expansion of the Bellingham Technical College;

(r) Lease-develop with option to purchase or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000, subject to the approval of the office of financial management;

(s) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;

(t) Lease-develop or lease-purchase property for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$350,000;

(u) Acquire a residence that abuts the Bellevue Community College campus, valued at \$200,000, for use as an English language center and long term campus expansion;

(v) Enter into a financing contract on behalf of Columbia Basin College in the amount of \$3,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$4,000,000 work force and vocational training facility. Columbia Basin College shall provide the balance of project cost in local funds;

(w) Enter into a financing contract on behalf of Shoreline Community College in the amount of \$400,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$3,500,000 vocational art facility. The balance of construction funds are appropriated in the capital budget; and

(x) Enter into a long-term lease or lease-purchase contract for Clover Park Technical College in the amount of \$7,700,000 for off-campus aircraft training programs.

(5) State parks and recreation:

Enter into a financing contract on behalf of state parks and recreation in the amount of \$600,000 and reserves pursuant to chapter 39.94 RCW, to develop new campsite electrical hookups and expand group camp facilities statewide.

(6) Washington State University:

Enter into a financing contract for \$8,600,000 plus financing costs to construct a facility on the Vancouver Branch Campus. The facility will be leased to the federal general services administration to house the Cascades Volcano Observatory and the lease payments shall reimburse Washington State University for the cost of the financing contract.

(7) Western Washington State University:

Lease-purchase property adjacent or near to the campus for future expansion for \$2,000,000.

(8) Washington state fruit commission:

Enter into a financing contract for the purpose of completing its new headquarters and visitor center facility in the principal amount of \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(9) The office of the state treasurer is authorized to enter into a financing contract pursuant to chapter 39.94 RCW for \$4,000,000 plus issuance expenses and required reserves to assist a consortium of Washington counties in the lease/purchase of leasehold improvements to Martin Hall, on the campus of eastern state hospital, in Medical Lake, and the renovation of the hall for use as a juvenile rehabilitation center. The participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection.

**NEW SECTION. Sec. 803.** COORDINATED FACILITY PLANNING AND SERVICE DELIVERY. The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies.

**NEW SECTION. Sec. 804.** FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1995-97 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

**NEW SECTION. Sec. 805.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 806. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1995, in the 1993-95 biennial appropriations for each project.

NEW SECTION. Sec. 807. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 808. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

NEW SECTION. Sec. 809. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 810. Notwithstanding any other provisions of law, for the 1995-97 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 811. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 812. The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project

and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected. The director shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 813.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

**NEW SECTION. Sec. 814.** Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management.

**NEW SECTION. Sec. 815.** Appropriations for design and construction of facilities on higher education branch campuses shall proceed only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board; and (4) branch campus facility utilization policies and standards as determined by the office of financial management in consultation with the higher education coordinating board. The office of financial management shall report to the appropriate committees of the legislature, by December 1, 1996, the standards, policies and enrollment levels used as the basis for allotting funds for branch campus design and construction.

**NEW SECTION. Sec. 816.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education

coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. **Sec. 817.** The department of natural resources shall submit economic assumptions and forecast methodology for trust revenues to the economic and revenue forecast work group. The supervisor of the economic and revenue forecast council shall include the forecast of trust revenues in the economic and revenue forecasts described in RCW 82.33.020.

NEW SECTION. **Sec. 818.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 819.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative Sehlin moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1070 and ask the Senate for a Conference thereon.

Representative Ogden spoke in favor of the motion and it was carried.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Sehlin, Honeyford and Ogden as Conferees on Engrossed Substitute House Bill No. 1070.

#### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080 with the following amendments:

Strike everything after the enacting clause and insert the following:

#### "TRANSPORTATION APPROPRIATIONS

NEW SECTION. **Sec. 1.** The legislature finds and declares that it is essential to maintain an efficient and effective transportation system. The legislature finds that certain agency practices need to be reexamined and specific policies put in place in order to ensure cost-effective program delivery. All planning, training, engineering, and related activities should be aimed at achieving delivery of projects

and services. Staffing levels and equipment purchases should be commensurate with the workload assumed in this budget.

NEW SECTION. **Sec. 2.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1997.

(2) Legislation with fiscal impacts enacted in the 1995 legislative session not referenced in this act are not funded in the 1995-97 transportation budget.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

PART I  
GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Fund--State Appropriation \$ 300,000  
TOTAL APPROPRIATION \$ 300,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The department of agriculture shall report to the legislative transportation committee by January 1, 1996, and January 1, 1997, on the number of fuel samples tested and the findings of the tests for the motor fuel quality program.

NEW SECTION. **Sec. 102. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

Motor Vehicle Fund--State Appropriation \$ 40,000  
TOTAL APPROPRIATION \$ 40,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The joint legislative systems committee shall enter into a service level agreement with the legislative transportation committee by June 30, 1995.

NEW SECTION. **Sec. 103. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Fund--State Appropriation \$ 205,000  
TOTAL APPROPRIATION \$ 205,000

The appropriation in this section is for fiscal year 1996 and is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative evaluation and accountability program committee shall enter into a service level agreement with the legislative transportation committee by June 30, 1995.

NEW SECTION. **Sec. 104. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Fund--State Appropriation \$ 110,000  
TOTAL APPROPRIATION \$ 110,000

**NEW SECTION. Sec. 105. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

Motor Vehicle Fund--State Appropriation \$ 2,808,000  
Marine Operating Fund--State Appropriation \$ 1,157,000  
TOTAL APPROPRIATION \$ 3,965,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The amount of the transfer from the motor vehicle fund and the marine operating fund is to be transferred into the tort claims revolving fund only as claims have been settled or adjudicated to final conclusion and are ready for payout. The appropriation contained in this section is to retire tort obligations that occurred before July 1, 1990.

**NEW SECTION. Sec. 106. FOR THE STATE PARKS AND RECREATION COMMISSION--OPERATING**

Motor Vehicle Fund--State Appropriation \$ 927,000  
TOTAL APPROPRIATION \$ 927,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The commission shall not expend any state funds for maintenance, repair, or snow and ice removal on county or private roads.

**NEW SECTION. Sec. 107. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Fund--State  
Appropriation \$ 222,000  
TOTAL APPROPRIATION \$ 222,000

**NEW SECTION. Sec. 108. FOR THE OFFICE OF THE STATE TREASURER**

State Treasurer's Service Fund--State  
Appropriation \$ 44,000  
TOTAL APPROPRIATION \$ 44,000

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Motor Vehicle Fund--State  
Appropriation \$ 585,000  
TOTAL APPROPRIATION \$ 585,000

PART II  
TRANSPORTATION AGENCIES

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Fund--State Appropriation \$ 428,000  
Highway Safety Fund--Federal Appropriation \$ 5,160,000

Transportation Fund--State Appropriation \$ 1,100,000  
TOTAL APPROPRIATION \$ 6,688,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation fund--state appropriation shall be used solely to fund community DUI task forces. Funding from the transportation fund for any community DUI task force may not exceed fifty percent of total expenditures in support of that task force. The DUI community task forces shall identify and implement methods to reduce the incidence of drug and alcohol-related accidents involving persons 16 through 35 years of age.

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation \$ 260,000  
TOTAL APPROPRIATION \$ 260,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The appropriation of \$260,000 from the pilotage account--state shall be reduced by \$104,000 if chapter . . . (House Bill No. 1311 or Senate Bill No. 5356), Laws of 1995 is not enacted by the 1995 legislature.

**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Fund--Rural Arterial Trust  
Account--State Appropriation \$ 37,553,000  
Motor Vehicle Fund--State Appropriation \$ 1,340,000  
Motor Vehicle Fund--Private/Local Appropriation \$ 508,000  
Motor Vehicle Fund--County Arterial Preservation  
Account --State Appropriation \$ 26,023,000  
TOTAL APPROPRIATION \$ 65,424,000

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Motor Vehicle Fund--Urban Arterial Trust  
Account--State Appropriation \$ 38,997,000  
Motor Vehicle Fund--Transportation Improvement  
Account--State Appropriation \$ 143,061,000  
Motor Vehicle Fund--City Hardship Assistance  
Account--State Appropriation \$ 1,904,000  
Motor Vehicle Fund--Small City Account--  
State Appropriation \$ 5,702,000  
TOTAL APPROPRIATION \$ 189,664,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Fund--State Appropriation \$ 2,528,000  
TOTAL APPROPRIATION \$ 2,528,000



The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The legislative transportation committee shall convene representatives from the department of transportation, Washington state patrol, department of licensing, and any other agency receiving an appropriation in this act, as necessary, to establish performance measures that are associated with the final legislative appropriation. The performance measures are to be established and will be tracked within the transportation executive information system.

(2) The legislative transportation committee shall convene one or more groups to address activities that result in the loss of transportation tax revenue. The groups shall present their findings to the legislative transportation committee and the office of financial management.

(3) The legislative transportation committee shall retain an independent, professional management consultant for the purpose of conducting an organizational and management review of the department of transportation.

(4) The legislative transportation committee shall undertake an examination of the state's role in the intercity and freight rail programs funded by the department of transportation with regard to the long term costs and benefits of such programs and the constitutionality of the use of state funds for such activities.

**NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION**

Motor Vehicle Fund--Puget Sound Ferry Operations  
Account--State Appropriation \$ 345,000  
TOTAL APPROPRIATION \$ 345,000

**NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION**

Transportation Fund--State Appropriation \$ 721,000  
TOTAL APPROPRIATION \$ 721,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Transportation commissioners may not be paid for more than ninety-six days per year on commission business, except the chair of the commission, who may not be compensated for more than one hundred twenty days per year working on commission business.

(2) None of the appropriation may be used to conduct studies or hire consultants without specific authorization from the legislative transportation committee prior to commencing any studies or hiring any consultants.

(3) In no event shall the commission hold meetings outside of the state of Washington. The commission is directed to seek methods of reducing travel and meeting costs.

**NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS**

Motor Vehicle Fund--State Patrol Highway  
Account--State Appropriation \$ 140,134,000  
Motor Vehicle Fund--State Patrol Highway  
Account--Federal Appropriation \$ 3,196,000  
Motor Vehicle Fund--State Appropriation \$ 747,000  
Marine Operating Fund--State Appropriation \$ 927,000  
TOTAL APPROPRIATION \$ 145,004,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The state patrol shall have a staffing level of no less than 730 commissioned officers at the end of the 1995-97 biennium. This compares to a level of 700 commissioned officers that was established in the 1993-95 biennium. To achieve these levels: A class of 30 cadets shall begin on July 1, 1995 and a class of 30 cadets shall begin on January 1, 1996.

(2) The additional three percent salary increase for commissioned officers provided for in section 404 of this act shall occur only if the decommissioning of the vehicle inspection program occurs by June 30, 1995.

(3) Management levels, lieutenants and above, are redirected to perform direct traffic law enforcement activities equivalent to five field force FTE staff years. Management personnel engaged in management activity shall not exceed 55 FTE staff years. This level compares to 76 FTE management level staff years in January of 1993.

(4) Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

(5) The state patrol may not sell or purchase any aircraft until the legislative transportation committee has completed a review of the type of air services provided by the various state agencies, and the feasibility of consolidating the state's air fleet.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--  
INVESTIGATIVE SERVICES BUREAU**

Motor Vehicle Fund--State Appropriation \$ 4,509,000  
Transportation Fund--State Appropriation \$ 1,982,000  
TOTAL APPROPRIATION \$ 6,491,000

**NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT  
SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway  
Account--State Appropriation \$ 53,229,000  
Motor Vehicle Fund--State Appropriation \$ 1,491,000  
Transportation Fund--State Appropriation \$ 3,286,000  
TOTAL APPROPRIATION \$ 58,006,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The office of the chief of the state patrol shall prepare a strategic plan that represents the future of the Washington state patrol and how management envisions meeting the challenges identified in the plan. The plan shall address the future responsibilities of commissioned and non-commissioned personnel, and the use of technology in law enforcement. It will focus on maximizing joint services and projects with other transportation agencies such as communication systems, computer systems, and facilities. Additionally, the state patrol shall include any other issues it deems necessary and will provide a six-year financial plan to address the future challenges identified in the strategic plan. The plan outline shall be delivered to the legislative transportation committee by August 1, 1995, and the final plan delivered to the legislature by January 1, 1996.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--  
MANAGEMENT AND SUPPORT SERVICES**

Highway Safety Fund--Motorcycle Safety Education Account--  
State Appropriation \$ 78,000  
State Wildlife Account--State Appropriation \$ 68,000  
Highway Safety Fund--State Appropriation \$ 5,058,000  
Motor Vehicle Fund--State Appropriation \$ 4,306,000  
Transportation Fund--State Appropriation \$ 791,000

TOTAL APPROPRIATION \$ 10,301,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--  
INFORMATION SYSTEMS**

General Fund--Wildlife Account--State  
Appropriation \$ 118,000  
Highway Safety Fund--State Appropriation \$ 7,820,000  
Motor Vehicle Fund--State Appropriation \$ 12,871,000  
Transportation Fund--State Appropriation \$ 1,302,000  
TOTAL APPROPRIATION \$ 22,111,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$15,223,000 for the licensing application migration project (LAMP), of which \$9,134,000 is motor vehicle account--state, \$6,089,000 is highway safety fund--state.

Of the \$15,223,000 LAMP appropriation \$761,150 is provided solely as a contingency amount.

(2) The licensing application migration project (LAMP) shall comply with section 49, chapter 23, Laws of 1993 ex. sess.

(3) The steering committee specified in the licensing application migration project (LAMP) feasibility study, dated July 7, 1992, shall meet monthly. In addition to the existing steering committee membership established in the feasibility study, the LAMP project director, the LAMP contractor's project manager, the LAMP quality assurance consultant, and a representative of the Washington state patrol shall be ex officio members of the LAMP steering committee.

(4) The licensing application migration project (LAMP) quality assurance consultant shall provide the LAMP steering committee with bimonthly reports on the status of the LAMP project. The bimonthly reports shall be on alternate months from the bimonthly reports provided by the department of information services. The reports required in this subsection shall also be delivered to the senate and house of representatives transportation committee chairs.

(5) No moneys are provided in this act for the inclusion of general fund activities in the LAMP project.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE  
SERVICES**

General Fund--Marine Fuel Tax Refund Account--  
State Appropriation \$ 26,000  
General Fund--Wildlife Account--State  
Appropriation \$ 534,000  
Motor Vehicle Fund--State Appropriation \$ 46,263,000  
Department of Licensing Services Account--  
State Appropriation \$ 2,944,000  
TOTAL APPROPRIATION \$ 49,767,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER  
SERVICES**

Highway Safety Fund--Motorcycle Safety Education  
Account--State Appropriation \$ 1,150,000  
Highway Safety Fund--State Appropriation \$ 55,606,000  
Transportation Fund--State Appropriation \$ 4,214,000  
TOTAL APPROPRIATION \$ 60,970,000

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--  
HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$ 24,194,000  
Motor Vehicle Fund--Federal Appropriation \$ 400,000  
Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 21,974,000  
TOTAL APPROPRIATION \$ 46,568,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--  
AVIATION--PROGRAM F**

General Fund--Aeronautics Account--State  
Appropriation \$ 3,780,000  
General Fund--Aeronautics Account--Federal  
Appropriation \$ 500,000  
Aircraft Search and Rescue, Safety, and Education  
Account--State Appropriation \$ 132,000  
TOTAL APPROPRIATION \$ 4,412,000

The general fund--aeronautics account appropriations contained in this section will become transportation fund--aeronautics account appropriations if either House Bill No. 1190 or Senate Bill No. 5233 are enacted into law.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--  
IMPROVEMENTS--PROGRAM I**

Motor Vehicle Fund--Economic Development Account--  
State Appropriation \$ 1,000,000  
Motor Vehicle Fund--State Appropriation \$ 227,807,000  
Motor Vehicle Fund--Federal Appropriation \$ 296,700,000  
Motor Vehicle Fund--Private/Local  
Appropriation \$ 47,750,000  
High Capacity Transportation Account--State  
Appropriation \$ 8,572,000  
Special Category C Account--State Appropriation \$ 177,600,000  
Special Category C Account--Local  
Appropriation \$ 50,000  
Transportation Fund--State Appropriation \$ 60,000,000  
Central Puget Sound Public Transportation Account--  
State Appropriation \$ 2,500,000  
Puyallup Tribal Settlement Account--State  
Appropriation \$ 21,000,000  
Puyallup Tribal Settlement Account--Federal  
Appropriation \$ 1,000,000  
Puyallup Tribal Settlement Account--Private/Local  
Appropriation \$ 2,300,000  
TOTAL APPROPRIATION \$ 846,279,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$32,204,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$7,525,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(2) The special category C account--state appropriation of \$177,600,000 includes \$160,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 for the 1st avenue south bridge in Seattle, North-South Corridor/Division street improvements in Spokane, and selected sections of state route 18. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The motor vehicle fund--state appropriation includes \$8,710,000 in proceeds from the sale of bonds authorized by RCW 47.10.761 and 47.10.762. These funds shall be expended for the following projects:

- (a) Sea Tac International Blvd;
- (b) SR 99 to SR 5 - HOV Lanes;
- (c) SR 3 to Bremerton Ferry Terminal;
- (d) Leavenworth Intermodal Improvement;
- (e) Olympic Interchange;
- (f) Sunset Dr. I/C - I/C Modifications;
- (g) 94th Ave. E. Interchange;
- (h) 164th Ave. Interchange; and
- (i) NE 160th I/C Modifications (CN only).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(4) \$44,685,000 appropriated in this section, which includes: \$3,212,000 of the motor vehicle fund--state appropriation; \$39,886,000 of the transportation fund--state appropriation; \$1,328,000 of the motor vehicle fund--local appropriation; and \$259,000 of the economic development account--state appropriation, is to be expended on the following projects:

- (a) Spring St. to Johnson Rd;
- (b) W. Lk. Samm. Pkwy. to SR 202;
- (c) Diamond Lake Channelization;
- (d) 15th SW to SR 161 U-Xing;
- (e) Andresen Road to SR 503;
- (f) NE 144th St. to Battleground;
- (g) Steamboat Island Rd I/C;
- (h) Graham Hill Vicinity;
- (i) North of Winslow - Stage 1;
- (j) SR 5 to Blandford Drive;
- (k) North Sumner Interchange; and
- (l) Sunnyslope I/C - Stage 2.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(5) \$69,111,000 appropriated in this section, which includes: \$35,060,000 of the motor vehicle fund--state appropriation; \$18,948,000 of the transportation fund--state appropriation; and \$15,103,000 of the motor vehicle fund--federal appropriation, is to be expended on the following projects:

- (a) SO 360th St/Milton Rd SO to SR 18 - Stage 1;
- (b) SR 522 to 228th St. SE - Stage 1;
- (c) 104th Ave NE to 124th Ave NE I/C;
- (d) 124th NE I/C to W. Lake Samm. Pkwy.;

- (e) Lewis Street Interchange;
- (f) SR 202 Interchange;
- (g) SR 82 to Selah;
- (h) O'Brien to Lewis Rd;
- (i) NE 147th to 80th NE - HOV Lanes;
- (j) Old Cascade Hwy - to Deception CR - Stage 1;
- (k) Prophets point to Old Cascade Hwy - Stage 2; and
- (l) Sequim Bypass.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(6) The central Puget Sound public transportation account--state appropriation, the high capacity transportation account--state appropriation, and \$36,000,000 of the motor vehicle fund--state appropriation, which includes \$12,000,000 transferred from the gasohol exemption holding account and up to \$24,000,000 from the sale of bonds authorized by Senate Bill No. 5393, are provided solely for the following high occupancy lane projects:

- (a) 15th St SW to 84th Ave. SO - Stage 2; and
- (b) Pierce C.L. to Tukwila I/C - Stage 1.

If additional revenue from the repeal of the gasohol exemption and credit becomes available, the proceeds shall be used to reduce the sale of bonds for the purposes identified in this subsection.

(7) When the projects identified in subsections (4) through (6) of this section are complete, the legislature will have fulfilled the commitments made in 1990 associated with the passage of the 1990 transportation revenue package.

(8) The motor vehicle fund appropriation in this section includes \$10,000,000 for new preconstruction activities.

(9) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(10) If chapter . . . (Substitute House Bill No. 1597), Laws of 1995 is enacted by the 1995 legislature, the department of transportation shall assess the impacts of the bill upon the department of transportation and provide a report on such impacts to the legislative transportation committee by January 1, 1997.

(11) The legislature needs to determine all possible causes for changes in a project's cost from the time the cost is identified in the transportation commission's budget recommendation provided to the governor and legislature in support of the proposed highway construction budget, through completion of project construction.

The department shall provide a historical data report showing changes throughout the life of selected projects. The historical data report shall quantify the reasons for project increases or decreases and include department of transportation actions taken to minimize such changes. The department is directed to assess whether construction cost efficiencies can be achieved by ensuring continuity between design efforts and construction administrative activities.

(12) The motor vehicle fund--state appropriation in this section includes \$2,700,000 solely for state match for the Blaine border crossing project to be used only if federal demonstration project funding is authorized for this project.

(13) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(14) The motor vehicle fund--state appropriation in this section includes \$4,000,000 solely for infrastructure associated with the development of a horse racetrack in western Washington.

(15) The motor vehicle fund--state appropriation in this section includes \$2,500,000 solely for the department of transportation match for transportation improvement board projects ready for construction in fiscal year 1996.

(16) The motor vehicle fund--state appropriation in this section includes \$6,783,000 solely for additional all-weather highway projects.

(17) The motor vehicle fund--state appropriation in this section includes \$16,000,000, including up to \$11,000,000 from the sales of bonds authorized in Senate Bill No. 5393, for high occupancy vehicle lane projects

(18) The motor vehicle fund--state appropriation in this section includes \$4,870,000 to be expended on the following project: SR 82, SR 823 UC to SR 12 UC. This project will complete the Selah project identified in subsection (5) of this section.

(19) The motor vehicle fund--state appropriation in this section includes \$93,000 solely for the Aurora bicycle/pedestrian overpass at Galer Street.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Fund--State Appropriation \$ 222,274,000  
Motor Vehicle Fund--Federal Appropriation \$ 461,000  
Motor Vehicle Fund--Private/Local Appropriation \$ 3,305,000  
TOTAL APPROPRIATION \$ 226,040,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters such as fire, flooding, and major slides, supplemental appropriations will be requested to restore funding for ongoing maintenance activities.

(2) If projected snow and ice expenditures exceed the plan of \$40,000,000, the department will continue service delivery as planned within the other major maintenance groups, and will request a supplemental appropriation in the following legislative session to fund the additional snow and ice expenditures.

(3) The department shall provide recommendations to the legislative transportation committee by December 15, 1995, on: (a) The feasibility of developing a maintenance management system; (b) methods for providing a consistent maintenance level of service throughout the state; (c) options for centralized versus decentralized management of the program; (d) improving accountability and oversight of the maintenance program; and (e) improving accountability and oversight of the transportation equipment fund program.

(4) The motor vehicle fund--state appropriation in this section includes \$250,000 solely for augmentation of the adopt-a-highway program. This appropriation is to be used only if Engrossed Substitute House Bill No. 1512 is enacted.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State Appropriation \$ 115,944,000  
Motor Vehicle Fund--Federal Appropriation \$ 74,600,000  
Motor Vehicle Fund--Private/Local Appropriation \$ 8,100,000  
Transportation Fund--State Appropriation \$ 98,600,000  
Transportation Fund--Federal Appropriation \$ 143,400,000  
Transportation Fund--Private/Local Appropriation \$ 3,000,000  
TOTAL APPROPRIATION \$ 443,644,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$8,300,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 for emergency purposes. However, the transportation

commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section include \$10,034,000 for seismic retrofit activities.

(3) The department shall not reduce its commitment to sexual harassment training and diversity training, notwithstanding the reduction in this section for training.

(4) The motor vehicle fund--state appropriation in this section includes \$36,000,000 for additional pavement preservation projects.

(5) The appropriations in this section include \$6,879,000 for Washington state's share to replace the deck on the Lewis and Clark bridge. If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the bridge into Oregon's public/private partnership program, up to \$1,000,000 of this amount shall be used for Washington's share of emergency deck repairs to extend the service life of the bridge. The remaining funds may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by January 15, 1996.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION SYSTEMS MANAGEMENT--PROGRAM Q**

Motor Vehicle Fund--State Appropriation \$ 21,736,000  
TOTAL APPROPRIATION \$ 21,736,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: By December 31, 1995, the department shall increase from ten dollars to twenty-five dollars the fee charged to businesses participating in the motorist information sign program. The department shall provide recommendations to the legislative transportation committee by December 1, 1995, regarding a plan to make this program and the billboard program self-supporting within five years. For purposes of this proviso, the erection, maintenance, and replacement of backpanels shall not be considered part of the program cost.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--  
SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation \$ 368,000  
Motor Vehicle Fund--Federal Appropriation \$ 400,000  
Motor Vehicle Fund--Private/Local Appropriation \$ 2,232,000  
TOTAL APPROPRIATION \$ 3,000,000

(1) By December 1, 1995, the department of transportation is to provide the legislative transportation committee an analysis and recommended policy modifications, where appropriate, regarding the following regional practices:

(a) Recovery of full costs for reimbursable services; and

(b) Consistency of charging for reimbursable services across the department's regions.

(2) It is the intent of the legislature to continue the state's partnership with the federal government, local government, and the private sector in transportation construction and operations in the most cost-effective manner. The program is established to allow the department the ability to provide services on nonappropriated, outside requests through the unanticipated receipt process including both dollar and full-time equivalent staff increases.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**



Motor Vehicle Fund--Puget Sound Capital Construction  
 Account--State Appropriation \$ 1,109,000  
 Motor Vehicle Fund--State Appropriation \$ 52,597,000  
 Motor Vehicle Fund--Puget Sound Ferry Operations  
 Account--State Appropriation \$ 1,105,000  
 Transportation Fund--State Appropriation \$ 10,372,000  
 TOTAL APPROPRIATION \$ 65,183,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The transportation fund--state appropriation includes \$8,370,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions to public-private transportation initiatives projects. \$2,160,000 of the bond proceeds are to be transferred to the improvement program to pay back the loan recommended by the transportation commission and the legislative transportation committee.

(2) Any additional FTEs required to support the public-private initiatives in the transportation program established under chapter 47.46 RCW shall be funded from program management and administration fees paid by private entities participating in the program.

(3) The department of transportation shall provide quarterly reports to the legislative transportation committee on the status of the public-private initiatives in the transportation program. The department shall conduct a program and fiscal review of the public-private initiatives in the transportation program, authorized under chapter 47.46 RCW, for the biennium ending June 30, 1997. Such review shall include, at a minimum, the extent to which the program has operated in the public interest and fulfilled its statutory obligation; the extent to which the program is operating in an efficient, effective, and economical manner; and the extent to which continuation of the program maintains, improves, or adversely impacts the transportation system of the state of Washington. The department shall provide a progress report on its program and fiscal review of the public-private initiatives in transportation program by June 30, 1996.

(4) It is the intent of the legislature to reduce the amount of money spent by the department on nonessential training programs for its employees.

(5) One of the two full-time employees funded in this section for enhanced public involvement shall be responsible for improving communications between the department and the public. His or her responsibilities shall include: (a) Developing a more efficient and effective system for replying to inquiries from the public and (b) supporting new and existing programs related to public involvement.

(6) By December 1, 1995, the department of transportation shall implement: (a) Modifications to the construction administration system that promote prudent project management and standards that ensure state-wide consistency of approach among all departmental regions; (b) modifications to the maintenance administration system to ensure consistency of approach among all departmental regions; and (c) modifications to the preconstruction system that streamline processes, reduce the number of internal reviews, and eliminate duplicative documentation.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T**

Essential Rail Assistance Account--State  
 Appropriation \$ 1,036,000  
 Motor Vehicle Fund--State Appropriation \$ 13,410,000  
 Motor Vehicle Fund--Federal Appropriation \$ 16,198,000  
 High Capacity Transportation Account--  
 State Appropriation \$ 5,077,000  
 Essential Rail Banking Account--State  
 Appropriation \$ 52,000  
 Transportation Fund--State Appropriation \$ 37,770,000  
 Transportation Fund--Federal Appropriation \$ 11,643,000

Transportation Fund--Private/Local  
 Appropriation \$ 105,000  
 Central Puget Sound Public Transportation  
 Account--State Appropriation \$ 11,009,000  
 Public Transportation Systems Account--State  
 Appropriation \$ 3,082,000  
 Air Pollution Control Account--State  
 Appropriation \$ 6,342,000  
**TOTAL APPROPRIATION \$ 105,724,000**

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$33,845,000 of the transportation fund--state and \$700,000 of the transportation fund--federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$10,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours. The lease purchase of the train sets is predicated on the condition that the assembly and/or manufacturing plant for these types of trains that are to be used within the United States be located in Washington state.

(2) Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties reduced on a pro rata basis from allocations provided in the 1993-1995 biennium, except that consideration for additional funds may be given for those counties not having metropolitan planning organizations within their boundaries. Funds provided to these organizations shall be predicated on an eighty percent state funds/twenty percent local funds match.

(3) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the transportation improvement board, except \$1,000,000 of the appropriation from the public transportation systems account shall be utilized for the rural mobility program and be administered by the department of transportation. Priority for grants provided from these accounts shall be given to projects and programs that can be accomplished in the 1995-1997 biennium and that are not primarily intended for the planning or design of facilities. Also, priority for grants to the rural mobility program funded from the public transportation systems account shall be given to programs that do not have ongoing costs.

(4) If the 1995 legislature does not enact Engrossed Second Substitute House Bill No. 2009 or transfer responsibility to the department of transportation for the commute trip reduction program, then the appropriation from the air pollution control account in this section shall lapse.

(5) Up to \$700,000 of the high capacity transportation account is reappropriated from the 1993-95 biennium ending fund balance for regional transit authority grants.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT  
 Motor Vehicle Fund--State Appropriation \$ 4,646,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR  
 Motor Vehicle Fund--State Appropriation \$ 832,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES  
 Motor Vehicle Fund--State Appropriation \$ 3,374,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL  
 Motor Vehicle Fund--State Appropriation \$ 2,240,000  
 (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND  
 ADMINISTRATION  
 Motor Vehicle Fund--State Appropriation \$ 5,049,000  
 (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND  
 ADMINISTRATION  
 Motor Vehicle Fund--Puget Sound Ferry Operations  
 Account--State Appropriation \$ 2,000,000  
 (7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S  
 BUSINESS ENTERPRISES  
 Motor Vehicle Fund--State Appropriation \$ 508,000  
 (8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL  
 ADMINISTRATION STATE PARKING SERVICES  
 Motor Vehicle Fund--State Appropriation \$ 95,000  
 (9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION  
 CAPITAL PROJECTS SURCHARGE  
 Motor Vehicle Fund--State Appropriation \$ 361,000  
 (10) FOR ARCHIVES AND RECORDS MANAGEMENT  
 Motor Vehicle Fund--State Appropriation \$ 230,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--  
 MARINE CONSTRUCTION--PROGRAM W**

Motor Vehicle Fund--Puget Sound Capital Construction  
 Account--State Appropriation \$ 244,659,000  
 Motor Vehicle Fund--Puget Sound Capital Construction  
 Account--Federal Appropriation \$ 23,422,000  
 Motor Vehicle Fund--Puget Sound Capital Construction  
 Account--Private/Local Appropriation \$ 765,000  
 TOTAL APPROPRIATION \$ 268,846,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 3) for the 1995-97 budget. The department shall reconcile the 1993-95 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$155,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriations contained in this section shall not be expended for the development of park facilities at the Seattle colman dock ferry terminal.

(4) The Washington state ferries shall acquire an appropriate passenger-only vessel if federal funding is available for this project. If no federal funds are available, it is the intent of the legislature that the construction and assembly of any passenger -only vessels occur within Washington state.

(5) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Fund--State Appropriation \$ 247,229,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$33,340,000 for vessel operating fuel in the 1995-97 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1995-97 biennium may not exceed \$159,990,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$305.32 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1995-97 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1995, and thereafter, as established in the 1995-97 general fund operating budget.

(3) The appropriation in this section includes \$614,000 for the automated ticket vending program. These funds shall be expended only in accordance with the implementation of the automated ticket vending program.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

Motor Vehicle Fund--State Appropriation \$ 10,567,000  
Motor Vehicle Fund--Federal Appropriation \$ 168,253,000  
Motor Vehicle Fund--Private/Local Appropriation \$ 5,087,000  
Transfer Relief Account--State Appropriation \$ 307,000  
TOTAL APPROPRIATION \$ 184,214,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$13,100,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$3,275,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of

current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle fund--federal appropriation of transportation enhancements moneys shall be used in the following manner: Priority shall be given for up to fifty percent for the preservation and improvement of freight rail corridors; a maximum of fifty percent for bicycle and pedestrian projects; and the remainder for other purposes.

(3) The motor vehicle fund--state appropriation in this section includes \$1,750,000 solely to fund the state's share of the east marine view drive project. This amount represents a reappropriation of the funding first provided for Everett homeport transportation projects in 1987. With this reappropriation, the legislature has fulfilled its commitment for funding of special transportation projects associated with the Everett homeport.

(4) \$1,000,000 of the motor vehicle fund--state appropriation is provided solely for city or county barriers to fish passage and may be spent only on actual removal of barriers, not on planning or research.

(5) Up to \$430,000 of the motor vehicle fund--state appropriation contained in this section shall be used for evaluations that mutually benefit cities, counties, and the state department of transportation. The evaluations shall address fuel tax evasion, license fraud, access management, and miscellaneous cost/benefit measures.

### **PART III CAPITAL**

NEW SECTION. **Sec. 301.** The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

#### **(1) JOINT PROJECTS**

##### **(a) FOR THE WASHINGTON STATE PATROL, DEPARTMENT OF LICENSING, AND DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SERVICE CENTER-- PARKLAND**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 486,000  
Motor Vehicle Fund--State Appropriation \$ 71,000  
Highway Safety Fund--State Appropriation \$ 71,000  
TOTAL APPROPRIATION \$ 628,000

##### **(b) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF LICENSING-- UNION GAP**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 789,000  
TOTAL APPROPRIATION \$ 789,000

##### **(c) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF TRANSPORTATION--NORTH SPOKANE**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 215,000  
TOTAL APPROPRIATION \$ 215,000

##### **(d) FOR THE DEPARTMENT OF TRANSPORTATION AND WASHINGTON STATE PATROL--BELLINGHAM**

Motor Vehicle Fund--Transportation Capital  
 Facilities Account--State Appropriation \$ 6,480,000  
 Motor Vehicle Fund--State Patrol Highway Account--  
 State Appropriation \$ 1,800,000  
**TOTAL APPROPRIATION \$ 8,280,000**

(2) The agency listed first in the appropriation in subsection (1) of this section is designated as the lead agency responsible for management of the projects and shall receive the entire appropriation.

(3) The state patrol, the department of licensing, and the department of transportation shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing, vehicle inspection service facilities, and other transportation services whenever possible.

The department of licensing, the department of transportation, and the state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

(4) The department of licensing may lease develop with option to purchase or lease purchase new customer service centers to be paid for from operating revenues. The Washington state patrol shall provide project management for the department of licensing. Alternatively, a financing contract may be entered into on behalf of the department of licensing in the amounts indicated plus financing expenses and reserves pursuant to chapter 39.94 RCW. The locations and amounts for projects covered under this section are as follows:

- (a) A new customer service center in Vancouver for \$2,629,700;
- (b) A new customer service center in West Spokane for \$3,083,600;
- (c) A new customer service center in Lacey for \$3,152,500;
- (d) A new customer service center in Union Gap for \$3,026,500; and
- (e) A new customer service center in Wenatchee for \$2,078,800.

(5) The Washington state patrol, department of licensing, and department of transportation shall provide bimonthly progress reports on the capital facilities receiving an appropriation in this act.

**NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL--CAPITAL PROJECTS**

The appropriations in this section are provided for the following projects:

**(1) ACADEMY DRIVE COURSE--SHELTON**

Motor Vehicle Fund--State Patrol Highway Account--  
 State Appropriation \$ 500,000  
**TOTAL APPROPRIATION \$ 500,000**

**(2) MINOR WORKS: PRESERVATION**

Motor Vehicle Fund--State Patrol Highway Account--  
 State Appropriation \$ 890,000  
**TOTAL APPROPRIATION \$ 890,000**

**(3) MINOR WORKS: PROGRAM**

Motor Vehicle Fund--State Patrol Highway Account--  
 State Appropriation \$ 506,000  
**TOTAL APPROPRIATION \$ 506,000**

**(4) SOUTH SEATTLE DETACHMENT**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 151,000  
TOTAL APPROPRIATION \$ 151,000

**(5) WASHINGTON STATE PATROL OFFICE--SILVER LAKE REST AREA**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 197,000  
TOTAL APPROPRIATION \$ 197,000

**(6) BELLEVUE COMMUNICATIONS CENTER IMPROVEMENT**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 358,000  
TOTAL APPROPRIATION \$ 358,000

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

All projects in section 303 of this act are funded from the motor vehicle fund--Transportation capital facilities account--state.

**(1) OKANOGAN AREA MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 2,801,000  
TOTAL APPROPRIATION \$ 2,801,000

**(2) CHEHALIS AREA MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 4,865,000  
TOTAL APPROPRIATION \$ 4,865,000

**(3) WOODLAND SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 1,163,000  
TOTAL APPROPRIATION \$ 1,163,000

**(4) CONNELL SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 150,000  
TOTAL APPROPRIATION \$ 150,000

**(5) WILBUR SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 1,036,000  
TOTAL APPROPRIATION \$ 1,036,000

**(6) MINOR REGIONAL PROJECTS**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 1,525,000  
TOTAL APPROPRIATION \$ 1,525,000

**(7) STATE-WIDE ADMINISTRATION AND SUPPORT**

Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 1,525,000  
TOTAL APPROPRIATION \$ 1,525,000

(8) The department of transportation shall provide to the legislative transportation committee:  
(a) Prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1995-97 biennium, and (b) bimonthly progress reports on all transportation capital facilities projects receiving appropriations in this act.

GENERAL GOVERNMENT AGENCIES--CAPITAL

**NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION--CAPITAL**

Motor Vehicle Fund--State Appropriation \$ 400,000  
TOTAL APPROPRIATION \$ 400,000

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION--CAPITAL**

Motor Vehicle Fund--State Appropriation \$ 2,500,000  
TOTAL APPROPRIATION \$ 2,500,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for the activity: The amount appropriated represents the total motor vehicle fund--state contribution for all phases of the plaza garage renovation project.

PART IV  
TRANSFERS AND DISTRIBUTIONS

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Motor Vehicle Fund--Puget Sound Capital Construction Account  
Appropriation \$ 4,250,000  
Motor Vehicle Fund Appropriation \$ 695,000  
Transportation Improvement Account  
Appropriation \$ 1,250,000  
Transportation Fund Appropriation \$ 208,000  
Special Category C Account Appropriation \$ 4,000,000  
Highway Bond Retirement Account Appropriation \$ 195,814,000  
Ferry Bond Retirement Account Appropriation \$ 36,788,000  
TOTAL APPROPRIATION \$ 243,005,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**



Motor Vehicle Fund--Puget Sound Capital Construction  
 Account Appropriation \$ 850,000  
 Motor Vehicle Fund Appropriation \$ 139,000  
 Motor Vehicle Fund--Urban Arterial Trust Account  
 Appropriation \$ 5,000  
 Motor Vehicle Fund--Transportation Improvement  
 Account Appropriation \$ 250,000  
 Special Category C Account Appropriation \$ 800,000  
 Transportation Fund Appropriation \$ 42,000  
 Transportation Capital Facilities Account  
 Appropriation \$ 1,000  
 TOTAL APPROPRIATION \$ 2,087,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund Appropriation for motor  
 vehicle fuel tax and overload penalties  
 distribution \$ 452,180,000  
 Transportation Fund Appropriation \$ 2,352,000  
 TOTAL APPROPRIATION \$ 454,532,000

**NEW SECTION. Sec. 404. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT**

Motor Vehicle Fund--State Patrol Highway Account  
 Appropriation \$ 1,625,000

The appropriation in this section is provided to ensure all state patrol commissioned officers receive a salary increase of three percent, on July 1, 1996. The increase provided for in this section is in addition to any salary increases provided for in Engrossed Substitute House Bill No. 1410 or any other omnibus appropriations act for the 1995-97 biennium enacted by the 1995 legislature.

This section shall be null and void if the state patrol does not comply with the requirements of section 208 of this act.

**NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

Motor Vehicle Fund--State Patrol Highway Account:  
 For transfer to the department of retirement  
 systems expense fund \$ 130,000  
 TOTAL APPROPRIATION \$ 130,000

**NEW SECTION. Sec. 406. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 407.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal

appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 408. TRANSFERS**

- (1) R V Account--State Appropriation:  
For transfer to the Motor Vehicle Fund--  
State \$ 454,000
- (2) Transfer Relief Account--State Appropriation:  
For transfer to the Motor Vehicle Fund--  
State \$ 1,329,000
- (3) Motor Vehicle Fund--State Appropriation:  
For transfer to the Transportation Capital  
Facilities Account--State \$ 41,519,000
- (4) Small City Account--State Appropriation:  
For transfer to the Urban Arterial Trust  
Account--State \$ 2,544,000
- (5) Small City Account--State Appropriation:  
For transfer to the Transportation Improvement  
Account--State \$ 7,500,000

**NEW SECTION. Sec. 409.** The department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

**NEW SECTION. Sec. 410.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

**NEW SECTION. Sec. 411.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 412.** The additional distribution of transit equalization moneys provided for in chapter . . . (Substitute House Bill No. 1871), Laws of 1995 are contingent upon the enactment of this act.

**NEW SECTION. Sec. 413. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

**NEW SECTION. Sec. 501. COORDINATION OF TRANSPORTATION INFORMATION TECHNOLOGY.** To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, inter-governmental services bureau; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads, the office of financial management and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

**NEW SECTION. Sec. 502. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the business problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative transportation committee. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A bimonthly project status report shall be submitted to the department of information services, the office of financial management, and legislative transportation committee for each project prior to reaching key decision points identified in the project management plan. Project status reports include: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written

reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and legislative transportation committee.

NEW SECTION. **Sec. 503.** By December 1, 1995, the department of transportation, in consultation with the department of personnel, shall provide recommendations to the legislative transportation committee regarding the feasibility of consolidating the department of transportation's personnel office with the department of personnel.

NEW SECTION. **Sec. 504.** By December 1, 1995, the department of transportation, in consultation with the transportation improvement board and the county road administration board, shall provide recommendations to the legislative transportation committee regarding the feasibility of consolidating the financial functions of the three agencies.

NEW SECTION. **Sec. 505.** Notwithstanding the provisions of RCW 43.19.1919, the department of licensing, the Washington state patrol, and the department of transportation may transfer obsolete equipment or supplies surplus to their needs to local programs provided under RCW 43.63A.066.

NEW SECTION. **Sec. 506.** The attorney general shall prepare annually a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

**Sec. 507.** RCW 70.94.531 and 1991 c 202 s 13 are each amended to read as follows:

(1) Not more than six months after the adoption of the commute trip reduction plan by a jurisdiction, each major employer in that jurisdiction shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than six months after submission to the jurisdiction.

(2) A commute trip reduction program shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single-occupant vehicle commuting; (c) an annual review of employee commuting and reporting of progress toward meeting the single-occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

- (i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;
  - (ii) Instituting or increasing parking charges for single-occupant vehicles;
  - (iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;
  - (iv) Provision of subsidies for transit fares;
  - (v) Provision of vans for van pools;
  - (vi) Provision of subsidies for car pooling or van pooling;
  - (vii) Permitting the use of the employer's vehicles for car pooling or van pooling;
  - (viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;
  - (ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;
  - (x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;
  - (xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
  - (xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;
  - (xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;
  - (xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; ~~((and))~~
  - (xv) Establishment of proximate commuting programs by employers with multiple worksites;
- and
- (xvi) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.
- (3) Employers or owners of worksites may form or utilize existing transportation management associations to assist members in developing and implementing commute trip reduction programs.
- (4) Section 507, chapter . . ., Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 508.** RCW 36.79.010 and 1988 c 26 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Rural arterial program" means improvement projects on those two systems of county roads in rural areas classified as major collectors and minor collectors in accordance with the federal functional classification system, pedestrian and bicycle facilities that supplement rural major and minor collectors, and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas. Pedestrian and bicycle facilities may be sited away from county roads.

(2) "Rural area" means every area of the state outside of areas designated as urban areas by the state transportation commission with the approval of the secretary of the United States department of transportation in accordance with federal law.

(3) "Board" means the county road administration board created by RCW 36.78.030.

(4) Section 508, chapter . . ., Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 509.** RCW 36.79.020 and 1988 c 26 s 2 are each amended to read as follows:

(1) There is created in the motor vehicle fund the rural arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the rural arterial trust account shall be expended for ~~((1))~~ (a) the construction and improvement of county major and minor collectors in rural areas, ~~((2))~~ (b) pedestrian and bicycle facilities in rural areas, (c) the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas, and ~~((3))~~ (d) for those expenses of the board associated with the administration of the rural arterial program.

(2) Section 509, chapter . . ., Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 510.** RCW 36.79.050 and 1988 c 26 s 3 are each amended to read as follows:

(1) At the beginning of each fiscal biennium, the board shall establish apportionment percentages for the five regions defined in RCW 36.79.030 in the manner prescribed in RCW 36.79.040 for that biennium. The apportionment percentages shall be used once each calendar quarter by the board to apportion funds credited to the rural arterial trust account that are available for expenditure for rural major and minor collector projects, pedestrian and bicycle facilities in rural areas, and for construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas. The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules of the board. Within each region, funds shall be allocated by the board to counties for the construction of specific rural arterial projects on major and minor collectors, pedestrian and bicycle facilities, and construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas in accordance with the procedures set forth in this chapter.

(2) Section 510, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 511.** RCW 36.79.060 and 1988 c 26 s 4 are each amended to read as follows:

The board shall:

(1) Adopt rules necessary to implement the provisions of this chapter relating to the allocation of funds in the rural arterial trust account to counties;

(2) Adopt reasonably uniform design standards for county major and minor collectors that meet the requirements for trucks transporting commodities;

(3) Adopt criteria and procedures for awarding funds for pedestrian or bicycle facilities;

(4) Report biennially on the first day of November of the even-numbered years to the legislative transportation committee and the house and senate transportation committees regarding the progress of counties in developing plans for their rural major and minor collector construction programs, pedestrian and bicycle facilities, and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas and the allocation of rural arterial trust funds to the counties.

(5) Section 511, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 512.** RCW 36.79.080 and 1983 1st ex.s. c 49 s 8 are each amended to read as follows:

In preparing their respective six-year programs relating to rural arterial improvements, counties shall select specific priority improvement projects for each functional class of arterial based on the rating of each arterial section proposed to be improved in relation to other arterial sections within the same functional class, taking into account the following:

(1) Its structural ability to carry loads imposed upon it;

(2) Its capacity to move traffic at reasonable speeds;

(3) Its adequacy of alignment and related geometrics;

(4) Its accident experience; (~~and~~)

(5) Its fatal accident experience;

(6) Public support for the project; and

(7) A finding that no reasonable alternative to construction, such as access management or transportation system management, is possible.

The six-year construction programs shall remain flexible and subject to annual revision as provided in RCW 36.81.121.

Section 512, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 513.** RCW 36.79.090 and 1988 c 26 s 5 are each amended to read as follows:

(1) Upon receipt of a county's revised six-year program, the board as soon as practicable shall review and may revise the construction program as it relates to rural arterials, rural pedestrian facilities, rural bicycle facilities, and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas for which rural arterial trust account moneys are requested as necessary to conform to (1) the priority rating of the proposed project, based upon the factors in RCW 36.79.080, in relation to proposed projects in all other rural arterial construction

programs submitted by the counties and within each region; and (2) the amount of rural arterial trust account funds that the board estimates will be apportioned to the region.

(2) Section 513, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 514.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read as follows:

(1) Counties receiving funds from the rural arterial trust account for construction of arterials, rural pedestrian facilities, rural bicycle facilities, and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas shall provide such matching funds as established by rules recommended by the board, subject to review, revision, and final approval by the state transportation commission. Matching requirements shall be established after appropriate studies by the board, taking into account financial resources available to counties to meet arterial needs.

(2) Section 514, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 515.** RCW 47.26.080 and 1994 c 179 s 8 are each amended to read as follows:

There is hereby created in the motor vehicle fund the urban arterial trust account. The intent of the urban arterial trust account program is to improve the urban arterial street system and related bicycle and pedestrian facilities of the state by improving mobility and safety while supporting an environment essential to the quality of life of the citizens of the state of Washington. To be eligible to receive these funds, a project must be consistent with the Growth Management Act, the Clean Air Act including conformity, and the Commute Trip Reduction Law. ~~((The project shall consider))~~ Before the board approves funding for a project, the board must be assured that alternatives to construction have been considered including, but not limited to, access management, transportation system management, and demand management. The board shall also determine that the community has had adequate opportunity to review and comment on the proposed project and alternatives to the project. Criteria for project selection must also include safety, mobility, and physical characteristics of the roadway; and ~~((must be partially funded))~~ funding contributions by local government. Bicycle and pedestrian facilities may be funded in conjunction with an urban arterial project or separately. Bicycle and pedestrian facilities may be sited away from arterials or highways.

All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas, for bicycle facilities within urban areas, for pedestrian walkways within urban areas, for expenses of the transportation improvement board in accordance with RCW 47.26.140, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas, or for reimbursement to the state, counties, cities, and towns in accordance with RCW 47.26.4252 and 47.26.4254, the amount of any payments made on principal or interest on urban arterial trust account bonds from motor vehicle or special fuel tax revenues which were distributable to the state, counties, cities, and towns.

The board shall not allocate funds, nor make payments of the funds under RCW 47.26.260, to any county, city, or town identified by the governor under RCW 36.70A.340.

Section 515, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 516.** RCW 47.26.086 and 1994 c 179 s 11 are each amended to read as follows:

Transportation improvement account projects selected for funding programs after fiscal year 1995 are governed by the requirements of this section.

The board shall allocate funds from the account by June 30th of each year for the ensuing fiscal year to urban counties, cities with a population of five thousand and over, and to transportation benefit districts. Projects may include, but are not limited to, multi-agency projects ~~((and))~~ arterial improvement projects in fast-growing areas, pedestrian facilities, and bicycle facilities. Pedestrian or bicycle facilities may be sited away from arterials and highways. The board shall endeavor to provide geographical diversity in selecting improvement projects to be funded from the account.

The intent of the program is to improve mobility of people and goods in Washington state by supporting economic development and environmentally responsive solutions to our state-wide transportation system needs.

To be eligible to receive these funds, a project must be consistent with the Growth Management Act, the Clean Air Act including conformity, and the Commute Trip Reduction Law and consideration must have been given to the project's relationship, both actual and potential, with the state-wide rail passenger program and rapid mass transit. Projects must be consistent with any adopted high capacity transportation plan, must consider existing or reasonably foreseeable congestion levels attributable to economic development or growth and all modes of transportation and safety, and must be partially funded by local government or private contributions, or a combination of such contributions. Before the board approves funding for a project, the board must be assured that alternatives to construction have been considered including but not limited to access management, transportation demand management, and transportation systems management. The board shall also determine that the community has had adequate opportunity to review and comment on the proposed project and alternatives to the project. Priority consideration shall be given to those projects with the greatest percentage of local or private contribution, or both.

Within one year after board approval of an application for funding, the lead agency shall provide written certification to the board of the pledged local and private funding for the phase of the project approved. Funds allocated to an applicant that does not certify its funding within one year after approval may be reallocated by the board.

Section 516, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 517.** RCW 47.26.270 and 1994 c 179 s 20 are each amended to read as follows:

(1) Counties, cities, towns, and transportation benefit districts receiving funds from the board shall provide such matching funds as established by rules adopted by the transportation improvement board. When determining matching requirements, the board shall consider (1) financial resources available to counties and cities to meet arterial, pedestrian, and bicycle needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes.

(2) Section 517, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 518.** RCW 47.26.305 and 1994 c 179 s 21 are each amended to read as follows:

(1) Bicycle routes (~~(shall, when established in accordance with RCW 47.06.100 be)~~ are) are eligible for establishment, improvement, and upgrading with board funds. The board shall adopt rules and procedures that will encourage the development of a system of bicycle routes within counties, cities, and towns.

(2) Section 518, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

NEW SECTION. **Sec. 519.** RCW 47.26.084 and 1994 c 179 s 10 & 1988 c 167 s 2 are each repealed.

**Sec. 520.** RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the



multimodal transportation programs and projects selection committee created in RCW 47.66.020 to public transportation projects within the region from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the multimodal transportation programs and projects selection committee to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(4) Section 520, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 521.** RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:

(1) There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for high occupancy vehicle lane construction or for local high capacity transportation purposes including rail freight.

(2) Section 521, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**Sec. 522.** 1994 c 303 s 20 (uncodified) is amended to read as follows:

(1) There is hereby appropriated cumulatively from the motor vehicle fund--state, the transportation fund--state, and the general fund--state, up to \$35,500,000 for preliminary engineering, right of way acquisition, and construction of the following regular category C projects:

- ~~((1))~~ (a) SPRING ST TO JOHNSON RD (627000D);
- ~~((2))~~ (b) W. LK SAMM. PKWY. TO SR 202 (152038A, 152039D);
- ~~((3))~~ (c) DIAMOND LAKE CHANNELIZATION (600232E);
- ~~((4))~~ (d) 15TH SW TO SR 161 U-XING (351214A);
- ~~((5))~~ (e) ANDRESEN ROAD TO SR 503 (450093B);
- ~~((6))~~ (f) NE 144TH ST TO BATTLEGROUND (450387B);
- ~~((7))~~ (g) STEAMBOAT ISLAND RD I/C (310199A);
- ~~((8))~~ (h) GRAHAM HILL VICINITY (316111A);
- ~~((9))~~ (i) NORTH OF WINSLOW - STAGE 1 (330505A);
- ~~((10))~~ (j) SR 5 TO BLANDFORD DRIVE (401487A);
- ~~((11))~~ (k) 32ND STREET INTERCHANGE (316711A); and
- ~~((12))~~ (l) SUNNYSLOPE I/C - STAGE 2 (228531A).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

The total expenditures under this section from all fund sources, including funds transferred under section 18(5) of this act, shall not exceed \$35,500,000. The general fund--state expenditure under this section and sections 18, 21, and 22 of this act, cumulatively, shall not exceed \$93,925,000.

(2) The purpose of this amendment is to clarify the intent of the legislature that the appropriation for project No. (b) included moneys for construction of Stage 1, including a diamond interchange at SR 520/SR 202. Such moneys are reappropriated for the project, W. Lake Sammamish Parkway to SR 202, including the construction of the diamond interchange at SR 520/SR 202. Such reappropriation shall be considered to be effective as of the date of section 20, chapter 303, Laws of 1994. All expenditures made by the department from that date are hereby ratified.

(3) If House Bill No. 2074 is enacted by June 30, 1995, this section is null and void.

(4) Section 522, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

**NEW SECTION. Sec. 523.** The state shall not provide refunds for any taxes collected as a result of the repeal of RCW 82.36.2251 by section 1, chapter 225, Laws of 1994.

**NEW SECTION. Sec. 524.** It is the intent of the legislature that the department of transportation may implement a retirement incentive program that is cost neutral provided that such program is approved by the director of financial management.

**Sec. 525.** RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection ~~((40))~~ (9) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. ~~((The ballot title shall reference the document identified in subsection (8) of this section.~~

~~(8) Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.~~

~~(9))~~ (8) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

~~((10))~~ (9) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

(10) Section 525, chapter . . . , Laws of 1995 (this act) shall expire June 30, 1997.

**Sec. 526.** RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1)(a) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections. Revenues deposited in the fund are considered taxes levied for transportation purposes, and may not be used for general government purposes.

(b) Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(c) All bonds obligating principal and interest payments from transportation fund revenues shall not constitute an indebtedness of the state of Washington within the meaning of the debt limitation contained in Article VIII, section 1 of the Washington state Constitution, as amended by a vote of the people pursuant to HJR 52, 1971.

(d) No transportation bonds, notes, or other evidences of indebtedness for borrowed money shall be issued that will cause the aggregate debt contract by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of transportation fund revenues for the three immediately preceding fiscal years as certified by the treasurer.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the department of transportation and allocated by the multimodal transportation programs and projects selection committee created in RCW 47.66.020 to public transportation projects within the region from which the funds are derived, solely for:

(a) Planning;

(b) Development of capital projects;

(c) Development of high capacity transportation systems as defined in RCW 81.104.015;

(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and

(e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the

department of transportation and allocated by the multimodal transportation programs and projects selection committee to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

**NEW SECTION. Sec. 527. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.**

The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

**NEW SECTION. Sec. 528. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 529.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 70.94.531, 36.79.010, 36.79.020, 36.79.050, 36.79.060, 36.79.080, 36.79.090, 36.79.120, 47.26.080, 47.26.086, 47.26.270, 47.26.305, 47.78.010, and 81.104.140; reenacting and amending RCW 82.44.180 and 82.44.180; creating new sections; repealing RCW 47.26.084; making appropriations; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 2080 and ask the Senate for a Conference thereon.

MOTION

Representative R. Fisher moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 2080 and pass the bill as amended by the Senate.

Representative R. Fisher spoke in favor of the motion to concur and Representative K. Schmidt spoke against the motion. The motion to concur failed.

The motion to not concur was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives K. Schmidt, Mitchell and R. Fisher as Conferees on Engrossed Substitute House Bill No. 2080.

## SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1117 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.94.010 and 1955 c 241 s 1 are each amended to read as follows:

Whenever two or more inmates of a ~~((state penal))~~ correctional institution assemble for any purpose, and act in such a manner as to disturb the good order of ~~((such))~~ the institution and contrary to the commands of the officers of ~~((such))~~ the institution, by the use of force or violence, or the threat thereof, and whether acting in concert or not, they shall be guilty of prison riot.

**Sec. 2.** RCW 9.94.020 and 1992 c 7 s 19 are each amended to read as follows:

Every inmate of a ~~((state))~~ correctional ~~((facility))~~ institution who is guilty of prison riot or of voluntarily participating therein by being present at, or by instigating, aiding or abetting the same, shall be punished by imprisonment in a state correctional ~~((facility))~~ institution for not less than one year nor more than ten years, which shall be in addition to the sentence being served.

**Sec. 3.** RCW 9.94.030 and 1992 c 7 s 20 are each amended to read as follows:

Whenever any inmate of a ~~((state))~~ correctional ~~((facility))~~ institution shall hold, or participate in holding, any person as a hostage, by force or violence, or the threat thereof, or shall prevent, or participate in preventing an officer of such institution from carrying out his or her duties, by force or violence, or the threat thereof, he or she shall be guilty of a felony and upon conviction shall be punished by imprisonment in a state correctional ~~((facility))~~ institution for not less than one year nor more than ten years.

**Sec. 4.** RCW 9.94.040 and 1979 c 121 s 1 are each amended to read as follows:

(1) Every person serving a sentence in any ~~((penal))~~ state correctional institution ~~((of this state))~~ who, without legal authorization ~~((pursuant to law))~~, while in ~~((such penal))~~ the institution ~~((or while being conveyed to or from such penal institution, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place))~~, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a class B felony.

(2) Every person confined in a county or local correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or has under his or her control a deadly weapon, as defined in RCW 9A.04.110, is guilty of a class B felony.

(3) The sentence imposed under this section shall be in addition to any sentence being served.

**Sec. 5.** RCW 9.94.041 and 1979 c 121 s 2 are each amended to read as follows:

(1) Every person serving a sentence in any ~~((penal))~~ state correctional institution ~~((of this state))~~ who, without legal authorization, while in ~~((such penal))~~ the institution or while being conveyed to or from ~~((such penal))~~ the institution, ~~((or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place,))~~ or while under the custody or

supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any narcotic drug or controlled substance as defined in chapter 69.50 RCW is guilty of a class C felony.

(2) Every person confined in a county or local correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or has under his or her control any narcotic drug or controlled substance, as defined in chapter 69.50 RCW, is guilty of a class C felony.

(3) The sentence imposed under this section shall be in addition to any sentence being served.

**Sec. 6.** RCW 9.94.049 and 1992 c 7 s 21 are each amended to read as follows:

(1) For the purposes of this chapter, the term "correctional institution" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, and other facilities operated by the department of corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense.

(2) For the purposes of RCW 9.94.043 and 9.94.045, "state correctional institution" means all state correctional facilities under the supervision of the secretary of the department of corrections used solely for the purpose of confinement of convicted felons."

On page 1, line 1 of the title, after "institutions;" strike the remainder of the title and insert "and amending RCW 9.94.010, 9.94.020, 9.94.030, 9.94.040, 9.94.041, and 9.94.049."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Sheahan moved that the House not concur in the Senate amendments to House Bill No. 1117 and ask the Senate to recede therefrom.

Representative Sheahan spoke in favor of the motion.

There being no objection, the House deferred further consideration of House Bill No. 1117.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: Substitute House Bill No. 1110, House Bill No. 1117, Substitute House Bill No. 1140, Engrossed Substitute House Bill No. 1165, Engrossed House Bill No. 1173, Engrossed Substitute House Bill No. 1317, Substitute House Bill No. 1350, Substitute House Bill No. 1660, Engrossed House Bill No. 1679, Engrossed Second Substitute House Bill No. 1941, Substitute House Bill No. 2058 and Engrossed Second Substitute Senate Bill No. 5439.

#### MOTION FOR RECONSIDERATION

Representative Jacobsen: Having voted on the prevailing side moved that the House reconsider the vote on Substitute House Bill No. 1110.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1110 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1110 on reconsideration, and the bill passed the House by the following vote: Yeas - 68, Nays - 26, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 68.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle and Veloria - 26.

Excused: Representatives Benton, Cooke, Mielke and Wolfe - 4.

Substitute House Bill No. 1110, on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of House Bill No. 1117.

The Speaker stated the question before the House to be the motion to not concur in the Senate amendments to House Bill No. 1117.

Representatives Sheahan and Costa spoke in favor of the motion and it was carried.

There being no objection, the House resumed consideration of Substitute House Bill No. 1140.

#### SPEAKER'S RULING

Representative Sheahan, the Speaker is prepared to Rule on your Point of Order which challenges the Senate Amendment to Substitute House Bill No. 1140 as being beyond the Scope and Object of the bill.

The title of Substitute House Bill No. 1140 is "AN ACT Relating to the use of criminal history in sentencing of offenders.

The title is narrow. The bill amends RCW 9.94A.390, reenacts and amends RCW 9.94A.360, and prescribes penalties.

The title clearly limits the scope of the bill to the use of past criminal history when making certain determinations pertaining to the sentencing of criminal offenders.

Senate Amendments 328 and 332 would allow judges to impose exceptional sentences longer than the standard range for certain current offenders without regard to the prior criminal history of the defendant.

The Amendment clearly goes beyond the scope of the title to Substitute House Bill No. 1140.

The Speaker finds that the Senate Amendments is beyond the scope and object of the bill.

Representative Sheahan, Your Point of Order is well taken.

The motion to not concur in the Senate amendments to Substitute House Bill No. 1140 was carried.

There being no objection, the House deferred consideration of Engrossed Substitute House Bill No. 1165.

## SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1173 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.13.118 and 1985 c 7 s 138 are each amended to read as follows:

At least ~~((annually))~~ once every five years, the secretary shall review the need of any adoptive parent or parents receiving continuing support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145, or the need of any parent who is to receive more than one lump sum payment where such payments are to be spaced more than one year apart. ~~((Such review shall be made not later than the anniversary date of the adoption support agreement.))~~

At the time of such ~~((annual))~~ review and at other times ~~((during the year))~~ when changed conditions, including variations in medical opinions, prognosis and costs, are deemed by the secretary to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child, in the adoptive parents' income, resources, and expenses for the care of such child or other members of the family, including medical and/or hospitalization expense not otherwise covered by or subject to reimbursement from insurance or other sources of financial assistance.

Any parent who is a party to such an agreement may at any time in writing request, for reasons set forth in such request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of such request. Any adjustment may be made retroactive to the date such request was received by the secretary. If such request is not acted on within thirty days after it has been received by the secretary, such parent may invoke his rights under the hearing provisions set forth in RCW 74.13.127.

**Sec. 2.** RCW 74.13.121 and 1985 c 7 s 139 are each amended to read as follows:

So long as any adoptive parent is receiving support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 he or she shall, ~~((not later than two weeks after it is filed with the United States government))~~ upon request, file with the secretary a copy of his or her federal income tax return. Such return and any information thereon shall be marked by the secretary "confidential", shall be used by the secretary solely for the purposes of RCW 26.33.320 and 74.13.100 through 74.13.145, and shall not be revealed to any other person, institution or agency, public or private, including agencies of the United States government, other than a superior court, judge or commissioner before whom a petition for adoption of a child being supported or to be supported pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 is then pending.

In carrying on the review process authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may require the adoptive parent or parents to disclose such additional financial information, not privileged, as may enable him or her to make determinations and adjustments in support to the end that the purposes and policies of this state expressed in RCW 74.13.100 may be carried out, provided that no adoptive parent or parents shall be obliged, by virtue of this section, to sign any agreement or other writing waiving any constitutional right or privilege nor to admit to his or her home any agent, employee, or official of any department of this state, or of the United States government.

Such information shall be marked "confidential" by the secretary, shall be used by him or her solely for the purposes of RCW 26.33.320 and 74.13.100 through 74.13.145, and shall not be revealed to any other person, institution, or agency, public or private, including agencies of the United States



government other than a superior court judge or commission before whom a petition for adoption of a child being supported or to be supported pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 is then pending.

NEW SECTION. Sec. 3. The legislature recognizes that some prospective adoptive parents may not have finalized the adoption of a foster child in their care because the adoption support program as it is presently structured may offer special children with complex needs fewer necessary services than the foster care program provides them through exceptional cost plans. Enhancement of the adoption support program could increase the likelihood that such special needs children could be adopted.

The department of social and health services is directed to conduct a study to determine the costs, program impact, and appropriateness of extending exceptional cost rate foster care plans for special needs children to the adoption support program. The department of social and health services shall complete the study and report its findings to the legislature no later than September 1, 1995."

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "amending RCW 74.13.118 and 74.13.121; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Cooke moved that the House not concur in the Senate amendments to Engrossed House Bill No. 1173 and ask the Senate for a Conference thereon.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cooke, Stevens and Patterson as Conferees on Engrossed House Bill No. 1173.

There being no objection, the House deferred consideration of Engrossed Substitute House Bill No. 1317.

#### SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1350 with the following amendments:

On page 2, beginning on line 14, strike all of subsection (2) and insert the following:

"(2) This section does not apply to any employer who has not had an increase of at least six rate classes from the previous tax rate year.

NEW SECTION. Sec. 2. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall

meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "adding a new section to chapter 50.29 RCW; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Lisk moved that the House concur in the Senate amendments to Substitute House Bill No. 1350 and pass the bill as amended by the Senate.

Representatives Lisk and Romero spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1350 as amended by the Senate.

Representative Lisk spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1350 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Mielke - 2.

Substitute House Bill No. 1350, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1660 with the following amendments:

On page 1, beginning on line 5, strike all of section 1

On page 1, line 2 of the title, after "approvals;" insert "and" and after "43.22.480" strike all material through "RCW" on line 3

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Lisk moved that the House concur in the Senate amendments to Substitute House Bill No. 1660 and pass the bill as amended by the Senate.

Representatives Lisk and Romero spoke in favor of the motion and it was carried.

#### MOTIONS

On motion of Representative Cairnes, Representatives Buck, Silver and Foreman were excused.

On motion of Representative Brown, Representatives Dellwo and G. Fisher were excused.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1660 as amended by the Senate.

Representative Lisk spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1660 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Dellwo, Fisher, G., Foreman, Huff, Mielke and Silver - 7.

Substitute House Bill No. 1660, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 6, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679 with the following amendments:

On page 26, line 14, after "(21)" insert "Assisting a client to locate, trace, or contact a person when the investigator knows that the client is prohibited by any court order from harassing or contacting the person whom the investigator is being asked to locate, trace, or contact, as it pertains to domestic violence, stalking, or minor children;

(22)"

Renumber the remaining subsection consecutively.

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Lisk moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1679 and pass the bill as amended by the Senate.

Representatives Lisk and Romero spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1679 as amended by the Senate.

Representative Cole spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1679 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Dellwo, Fisher, G., Foreman, Huff, Mielke and Silver - 7.

Engrossed Substitute House Bill No. 1679, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the ability to read with comprehension and skill is essential for success in school, and for success in future life. It is the intent of the legislature to improve student learning by focusing on reading literacy in our public schools. The legislature encourages the school districts that are ready to use the reading assessment system developed by the commission on student learning under RCW 28A.630.885 to use the system and the information provided from the assessments as tools to evaluate instructional practices and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements in reading.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.630 RCW to read as follows:

(1) The elementary grades assessment developed by the commission on student learning under RCW 28A.630.885 shall be designed to assess students for reading literacy skills no later than the spring of third grade and at other appropriate grade levels.

(2) Elementary schools that are ready to begin implementing the third grade reading assessment system are encouraged to begin implementation in the 1996-97 school year.

(3) The information provided by the third grade reading assessment shall be used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements for reading.

(4) Districts that implement the third grade reading assessment shall report the results of their participation to the commission on student learning. The commission on student learning shall include the results of the report in its annual report to the joint select committee on education restructuring and to the legislature.

(5) This section shall expire June 30, 2000."

On page 1, line 1 of the title, after "literacy;" strike the remainder of the title and insert "adding a new section to chapter 28A.630 RCW; and a creating new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Brumsickle moved that the House not concur in the Senate amendments to Engrossed Second Substitute House Bill No. 1941 and ask the Senate for a Conference thereon. The motion was carried.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Brumsickle, Johnson and Cole as Conferees on Engrossed Second Substitute House Bill No. 1941.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2058 with the following amendments:

On page 2, after line 3, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 42.04 RCW to read as follows:

First class and business class commercial air carrier accommodations may not be used by any state or local government officer, whether elected or appointed, and any state or local government employee who travels by commercial airlines in the discharge of the duties of his or her position or employment at public expense unless otherwise required as a reasonable accommodation for persons with disabilities or where an emergency would warrant such travel."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### POINT OF ORDER

Representative Sheldon: I would request a ruling on the scope and object of the Senate amendments.

There being no objection, the House deferred further consideration of Substitute House Bill No. 2058 and the bill held it's place on the calendar.

#### MESSAGE FROM THE SENATE

April 18, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cooke, Carrell and Wolfe as Conferees on Engrossed Second Substitute Senate Bill No. 5439.

#### SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165 with the following amendments:

On page 4, after line 8, strike all of section 6 and insert the following:

**"Sec. 6.** RCW 9.41.135 and 1994 sp.s. c 7 s 418 are each amended to read as follows:

(1) At least once every twelve months, the department of licensing shall obtain a list of dealers licensed under 18 U.S.C. Sec. 923(a) with business premises in the state of Washington from the United States bureau of alcohol, tobacco, and firearms. The department of licensing shall verify that all dealers on the list provided by the bureau of alcohol, tobacco, and firearms are licensed and registered as required by RCW 9.41.100.

(2) At least once every twelve months, the department of licensing shall obtain from the department of revenue and the department of revenue shall transmit to the department of licensing a list of dealers registered with the department of revenue (~~whose gross proceeds of sales are below the reporting threshold provided in RCW 82.04.300~~), and a list of dealers whose names and addresses were forwarded to the department of revenue by the department of licensing under RCW 9.41.110, who failed to register with the department of revenue as required by RCW 9.41.100.

(3) At least once every twelve months, the department of licensing shall notify the bureau of alcohol, tobacco, and firearms of all dealers licensed under 18 U.S.C. Sec. 923(a) with business premises in the state of Washington who have not complied with the licensing or registration requirements of RCW 9.41.100(~~or whose gross proceeds of sales are below the reporting threshold provided in RCW 82.04.300~~). In notifying the bureau of alcohol, tobacco, and firearms, the department of licensing shall not specify whether a particular dealer has failed to comply with licensing requirements(~~) or has failed to comply with registration requirements(~~or has gross proceeds of sales below the reporting threshold~~))."~~

On page 5, after line 8, insert the following:

**"Sec. 8.** RCW 84.34.230 and 1994 c 301 s 33 are each amended to read as follows:

For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, a county may levy an amount not to exceed six and one-quarter cents per thousand dollars of assessed valuation against the assessed valuation of all taxable property within the county(~~, which levy shall be in addition to that authorized by RCW 84.52.043~~). The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.

**Sec. 9.** RCW 84.52.069 and 1994 c 79 s 2 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district

may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is authorized subsequent to a county emergency medical service levy, shall expire concurrently with the county emergency medical service levy.

(5) The ~~((tax levy authorized in this section is in addition to the tax levy authorized))~~ limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

**Sec. 10.** RCW 84.52.105 and 1993 c 337 s 2 are each amended to read as follows:

(1) A county, city, or town may impose additional regular property tax levies of up to fifty cents per thousand dollars of assessed value of property in each year for up to ten consecutive years to finance affordable housing for very low-income households when specifically authorized to do so by a majority of the voters of the taxing district voting on a ballot proposition authorizing the levies. If both a county, and a city or town within the county, impose levies authorized under this section, the levies of the last jurisdiction to receive voter approval for the levies shall be reduced or eliminated so that the combined rates of these levies may not exceed fifty cents per thousand dollars of assessed valuation in any area within the county. A ballot proposition authorizing a levy under this section must conform with RCW 84.52.054.

(2) The additional property tax levies may not be imposed until:

(a) The governing body of the county, city, or town declares the existence of an emergency with respect to the availability of housing that is affordable to very low-income households in the taxing district; and

(b) The governing body of the county, city, or town adopts an affordable housing financing plan to serve as the plan for expenditure of funds raised by a levy authorized under this section, and the governing body determines that the affordable housing financing plan is consistent with either the locally adopted or state-adopted comprehensive housing affordability strategy, required under the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701, et seq.), as amended.

(3) For purposes of this section, the term "very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income, as determined by the United States department of housing and urban development, with adjustments for household size, for the county where the taxing district is located.

(4) The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "9.41.135," strike "and 82.32.320" and insert "82.32.320, 84.34.230, 84.52.069, and 84.52.105"

and the same are herewith transmitted.



Brad Hendrickson, Deputy Secretary

#### MOTION

Representative B. Thomas moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1165 and pass the bill as amended by the Senate.

Representative Sherstad spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1165 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1165 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Dellwo, Fisher, G., Foreman, Huff, Mielke and Silver - 7.

Engrossed Substitute House Bill No. 1165, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 19, 1995

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4408 with the following amendments:

On page 1, lines 2 and 7, after "5386" insert ", SSB 5103"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Talcott moved that the House concur in the Senate amendments to House Concurrent Resolution No. 4408 and pass the resolution as amended by the Senate.

Representatives Talcott and Brown spoke in favor of the motion and it was carried.

FINAL ADOPTION OF HOUSE RESOLUTION AS SENATE AMENDED

The Speaker stated the question before the House to be final adoption of House Concurrent Resolution No. 4408 as amended by the Senate.

House Concurrent Resolution No. 4408 as amended by the Senate was adopted.

MESSAGES FROM THE SENATE

April 19, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,  
SUBSTITUTE HOUSE BILL NO. 1035,  
SUBSTITUTE HOUSE BILL NO. 1053,  
SECOND SUBSTITUTE HOUSE BILL NO. 1162,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1206,  
HOUSE BILL NO. 1224,  
HOUSE BILL NO. 1249,  
HOUSE BILL NO. 1282,  
SUBSTITUTE HOUSE BILL NO. 1342,  
SUBSTITUTE HOUSE BILL NO. 1348,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,

and the same are herewith transmitted.

Marty Brown, Secretary

April 19, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills, and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5089,  
SENATE BILL NO. 5120,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5219,  
SENATE BILL NO. 5292,  
SUBSTITUTE SENATE BILL NO. 5326,  
SUBSTITUTE SENATE BILL NO. 5333,  
SECOND SUBSTITUTE SENATE BILL NO. 5387,  
SUBSTITUTE SENATE BILL NO. 5406,  
SUBSTITUTE SENATE BILL NO. 5421,  
SUBSTITUTE SENATE BILL NO. 5443,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5592,

ENGROSSED SENATE BILL NO. 5610,  
ENGROSSED SENATE BILL NO. 5613,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5629,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5633,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5662,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5685,  
SENATE BILL NO. 5718,  
SUBSTITUTE SENATE BILL NO. 5724,  
SUBSTITUTE SENATE BILL NO. 5742,  
SENATE BILL NO. 5748,  
SUBSTITUTE SENATE BILL NO. 5751,  
SENATE BILL NO. 5898,  
SENATE BILL NO. 5931,  
SENATE BILL NO. 5956,  
ENGROSSED SENATE BILL NO. 5962,  
SUBSTITUTE SENATE BILL NO. 5977,  
ENGROSSED SENATE BILL NO. 5998,  
ENGROSSED SENATE BILL NO. 6037,  
ENGROSSED SENATE BILL NO. 6045,

SENATE JOINT MEMORIAL NO. 8014,  
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 19, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills, and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5799,  
SUBSTITUTE SENATE BILL NO. 5905,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,  
SUBSTITUTE HOUSE BILL NO. 1017,  
SECOND SUBSTITUTE HOUSE BILL NO. 1027,  
SUBSTITUTE HOUSE BILL NO. 1035,  
SUBSTITUTE HOUSE BILL NO. 1047,  
SUBSTITUTE HOUSE BILL NO. 1053,  
HOUSE BILL NO. 1060,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080,  
HOUSE BILL NO. 1136,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1156,  
SECOND SUBSTITUTE HOUSE BILL NO. 1162,

HOUSE BILL NO. 1176,  
HOUSE BILL NO. 1186,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1206,  
HOUSE BILL NO. 1224,  
HOUSE BILL NO. 1249,  
HOUSE BILL NO. 1282,  
SUBSTITUTE HOUSE BILL NO. 1342,  
SUBSTITUTE HOUSE BILL NO. 1348,  
HOUSE BILL NO. 1425,  
SUBSTITUTE HOUSE BILL NO. 1429,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,  
SUBSTITUTE SENATE BILL NO. 5012,  
SUBSTITUTE SENATE BILL NO. 5017,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5064,  
SUBSTITUTE SENATE BILL NO. 5084,  
SENATE BILL NO. 5287,  
ENGROSSED SENATE BILL NO. 5397,  
SENATE BILL NO. 5445,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5503,  
SENATE BILL NO. 5523,  
SUBSTITUTE SENATE BILL NO. 5537,

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

MOTION

There being no objection, the House adjourned until 9:00 a.m., Thursday, April 20, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

ONE HUNDRED-FIRST DAY, APRIL 19, 1995

JOURNAL OF THE HOUSE

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

## ONE HUNDRED-SECOND DAY

### MORNING SESSION

House Chamber, Olympia, Thursday, April 20, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jeremy Scribner and Kris Keeling. Prayer was offered by Dr. Joseph Fuiten, Senior Pastor, Cedar Park Assembly of God, Bothell.

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

### RESOLUTIONS

HOUSE RESOLUTION NO. 95-4665, by Representatives Honeyford, Buck, Pelesky, L. Thomas, Kremen, Mulliken and D. Schmidt

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Washington Future Homemakers of America (FHA) was founded in 1945 to prepare youth to assume their responsibilities in society through home economics education and expanded in 1971 to include Home Economics Related Occupations (HERO) which has collectively become FHA/HERO; and

WHEREAS, FHA/HERO is one of the largest vocational student organizations in the United States, and in the great state of Washington is sponsored by the Office of Superintendent of Public Instruction, Instructional Programs Section; and

WHEREAS, FHA/HERO celebrates its 50th Anniversary in 1995, and its tradition of leadership in supporting the values of family, career, and communities through vocational home economics education is vital, strong, flourishing, and ever more essential today and in the future; and

WHEREAS, Participation in FHA/HERO successfully and steadfastly promotes civic and social responsibility, nurtures young adult maturity, cultivates leadership talent, fosters personal character development, and inspires intellectual, scholastic, vocational, and occupational accomplishments; and

WHEREAS, All activities and endeavors of FHA/HERO strengthen the paramount importance of the family to the individual and encourage responsible, participatory democracy in the community; and

WHEREAS, Illustrative of the laudable and valuable endeavors of FHA/HERO is the sponsorship of STAR (Students Taking Action with Recognition) Events, which are highly competitive awards honoring and recognizing student members for superior and distinctive personal, scholastic, and community accomplishments, including exceptional attainments in interpersonal communication talents, mastery of parliamentary procedure, outstanding employment interview skills, and successful entrepreneurship, vocational, occupational, and community benefit projects;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor FHA/HERO, and each present and former member of FHA/HERO, for excellence in service and contribution to the great state of Washington for all of the reasons stated in this Resolution, upon this distinctive occasion, the 50th Anniversary of the founding of FHA/HERO; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Julie Randall, State President, FHA/HERO, and to each chapter organized thereunder.

Representative Honeyford moved adoption of the resolution.

Representatives Honeyford and Buck spoke in favor of adoption of the resolution.

House Resolution No. 4665 was adopted.

HOUSE RESOLUTION NO. 95-4675, by Representatives Cole, Dickerson, G. Fisher, Poulsen, Jacobsen, Veloria, Quall, Chopp, Mason, Patterson, Radcliff, Rust, Ogden, Conway, Thibaudeau, Romero, Brown, Tokuda, Brumsickle, Grant, Cody, Huff, Talcott, Regala and D. Schmidt

WHEREAS, This great nation was built in large part through the hard work, dedication, and enterprise of immigrants who left their homelands to begin a new life in this country; and

WHEREAS, Washington has the nation's third fastest-growing immigrant population of any state, and the third largest refugee population of any state; and

WHEREAS, Nearly one in ten Washington residents speaks a language other than English at home, and the number of non-English-speaking homes has increased dramatically during the last decade; and

WHEREAS, Learning the English language has been, and continues to be, critical to new immigrants if they are to succeed and prosper in this country; and

WHEREAS, More than thirty-six thousand students in Washington State currently receive English instruction through the state's Transitional Bilingual program, and thousands of adults receive instruction through a variety of state-supported and volunteer programs; and

WHEREAS, These students are taught by a dedicated group of educators, many of whom volunteer their services; and

WHEREAS, If the State of Washington is to compete successfully in international markets, having citizens who are multilingual is essential;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the citizens of this state who are multilingual and the educators and other individuals who are working to help non-English-speaking immigrants learn English; and

BE IT FURTHER RESOLVED, That the House of Representatives join the Superintendent of Public Instruction in declaring the week of April 24-28 as a time to acknowledge the value and importance of bilingual and English-as-a-second language education to our nation and state.

Representative Cole moved adoption of the resolution.

Representatives Cole, Van Luven, Tokuda, Lisk, Chappell, Talcott, Skinner, Jacobsen and Smith spoke in favor of the resolution.

Representative K. Schmidt demanded the previous question and the demand was sustained.

House Resolution No. 4675 was adopted.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House considered the following bills in the following order: Substitute House Bill No. 1209, House Bill No. 1225, Engrossed Substitute House Bill No. 1724, House Bill No. 1725, Engrossed Substitute House Bill No. 1589, Engrossed Substitute Senate Bill No. 5169, Senate Bill No. 5434, Engrossed Second Substitute Senate Bill No. 5448 and Engrossed Substitute Senate Bill No. 5616.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209 with the following amendments:

On page 2, line 1, after "motor" strike "vehicles regulated" and insert "carriers subject to economic regulation"

On page 4, beginning with "(3)" on line 1, strike everything through "transferred." on line 4, and insert the following:

"(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Washington state patrol. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state patrol to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service."

On page 5, line 10, after "**Sec. 7.**" strike "This act takes" and insert "Section 2 of this act becomes effective with motor vehicle registration fees due or to become due January 1, 1996. Sections 1 and 3 through 6 of this act take"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1209 and ask the Senate to recede therefrom.

Representative K. Schmidt spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1225 with the following amendments:

On page 2, after line 25, insert the following:

"**Sec. 2.** RCW 46.68.010 and 1993 c 307 s 2 are each amended to read as follows:

Whenever any license fee, paid under the provisions of this title, has been erroneously paid, either wholly or in part, the payor is entitled to have refunded the amount so erroneously paid. (~~A renewal license fee paid prior to the actual expiration date of the license being renewed shall be deemed to be erroneously paid if the vehicle for which the renewal license was purchased is destroyed or permanently removed from the state prior to the beginning date of the registration period for which the renewal fee was paid.~~) A license fee is refundable in one or more of the following circumstances: (1) If the vehicle for which the renewal license was purchased was destroyed before the beginning date of the registration period for which the renewal fee was paid; (2) if the vehicle for which the renewal license was purchased was permanently removed from the state before the beginning date of the



registration period for which the renewal fee was paid; (3) if the vehicle license was purchased after the owner has sold the vehicle; or (4) if the vehicle is currently licensed in Washington and is subsequently licensed in another jurisdiction, any full months of Washington fees between the date of license application in the other jurisdiction and the expiration of the Washington license are refundable. Upon such refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto. No claim for refund shall be allowed for such erroneous payments unless filed with the director within three years after such claimed erroneous payment was made.

If due to error a person has been required to pay a vehicle license fee under this title and an excise tax under Title 82 RCW that amounts to an overpayment of ten dollars or more, that person shall be entitled to a refund of the entire amount of the overpayment, regardless of whether a refund of the overpayment has been requested. If due to error the department or its agent has failed to collect the full amount of the license fee and excise tax due and the underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and fees.

Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor."

On page 1, line 1 of the title, after "46.12.030," insert "46.68.010,"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative K. Schmidt moved that the House not concur in the Senate amendments to House Bill No. 1225.

#### POINT OF ORDER

Representative K. Schmidt: Thank you Mr. Speaker. I would request a ruling on the scope and object on the Senate amendments to House Bill No. 1225.

There being no objection, the House deferred further consideration of House Bill No. 1225 and the bill held it's place on the third reading calendar.

#### SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724 with the following amendments:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development.

#### PART I - GROWTH MANAGEMENT ACT

**NEW SECTION. Sec. 101.** The legislature finds that during project review, a county or city planning under RCW 36.70A.040 is likely to discover the need to make various improvements in comprehensive plans and development regulations. There is no current requirement or process for applicants, citizens, or agency staff to ensure that these improvements are considered in the plan review process. The legislature also finds that in the past environmental review and permitting of proposed projects have been used to reopen and make land use planning decisions that should have been made through the comprehensive planning process, in part because agency staff and hearing examiners have not been able to ensure consideration of all issues in the local planning process. The legislature further finds that, while plans and regulations should be improved and refined over time, it is unfair to penalize applicants that have submitted permit applications that meet current requirements. It is the intent of the legislature in enacting section 102 of this act to establish a means by which cities and counties will docket suggested plan or development regulation amendments and ensure their consideration during the planning process.

**NEW SECTION. Sec. 102.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Project review, which shall be conducted pursuant to the provisions of chapter 36.-- RCW (the new chapter created in section 431 of this act), shall be used to make individual project decisions, not land use planning decisions. If, during project review, a county or city planning under RCW 36.70A.040 identifies deficiencies in plans or regulations:

- (a) The permitting process shall not be used as a comprehensive planning process;
- (b) Project review shall continue; and
- (c) The identified deficiencies shall be docketed for possible future plan or development regulation amendments.

(2) Each county and city planning under RCW 36.70A.040 shall include in its development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest plan or development regulation amendments. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW 36.70A.130.

(3) For purposes of this section, a deficiency in a comprehensive plan or development regulation refers to the absence of required or potentially desirable contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation addresses a project's probable specific adverse environmental impacts which the permitting agency could mitigate in the normal project review process.

(4) For purposes of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan or development regulations in a manner that will ensure such suggested changes will be considered by the county or city and will be available for review by the public.

**Sec. 103.** RCW 36.70A.030 and 1994 c 307 s 2 and 1994 c 257 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community, trade, and economic development.

(7) ~~((For purposes of RCW 36.70A.065 and 36.70A.440, "development permit application" means any application for a development proposal for a use that could be permitted under a plan adopted pursuant to this chapter and is consistent with the underlying land use and zoning, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses or other applications pertaining to land uses, but shall not include rezones, proposed amendments to comprehensive plans or the adoption or amendment of development regulations.~~

~~(8))~~ (8) "Development regulations" means ~~((any))~~ the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in section 402 of this act, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

~~((9))~~ (8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

~~((10))~~ (9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((11))~~ (10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((12))~~ (11) "Minerals" include gravel, sand, and valuable metallic substances.

~~((13))~~ (12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

~~((14))~~ (13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

~~((15))~~ (14) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((16))~~ (15) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((17))~~ (16) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

~~((18))~~ (17) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. ~~((However,))~~ Wetlands may include those artificial

wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands(~~(, if permitted by the county or city)~~).

**NEW SECTION. Sec. 104.** A new section is added to chapter 36.70A RCW to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

**NEW SECTION. Sec. 105.** A new section is added to chapter 36.70A RCW to read as follows:

(1) In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(2) If it determines that advice from scientific or other experts is necessary or will be of substantial assistance in reaching its decision, a growth management hearings board may retain scientific or other expert advice to assist in reviewing a petition under RCW 36.70A.290 that involves critical areas.

**Sec. 106.** RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each amended to read as follows:

(1) Each comprehensive land use plan and development regulations shall be subject to continuing evaluation and review by the county or city that adopted them.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:

(i) The initial adoption of a subarea plan; and

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW.

(b) All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

**Sec. 107.** RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14 are each amended to read as follows:

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW 36.70A.300 declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

**Sec. 108.** RCW 36.70A.280 and 1994 c 249 s 31 are each amended to read as follows:

(1) A growth management hearings board shall hear and determine only those petitions alleging either:

(a) That a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by the state, a county or city that plans under this chapter, a person who has either appeared before the county or city regarding the matter on which a review is being requested or is certified by the governor within sixty days of filing the request with the board, or a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**Sec. 109.** RCW 36.70A.290 and 1994 c 257 s 2 and 1994 c 249 s 26 are each reenacted and amended to read as follows:

(1) All requests for review to a growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the local government publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

**Sec. 110.** RCW 36.70A.300 and 1991 sp.s. c 32 s 11 are each amended to read as follows:

(1) The board shall issue a final order within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to plans, development regulations, and amendments thereto, adopted under RCW 36.70A.040 or chapter 90.58 RCW. In the final order, the board shall either: (a) Find that the state agency, county, or city is in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs; or (b) find that the state agency, county, or city is not in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, in which case the board shall remand the matter to the affected state agency, county, or city and specify a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply with the requirements of this chapter.

(2) A finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand, unless the board's final order also:

(a) Includes a determination, supported by findings of fact and conclusions of law, that the continued validity of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and

(b) Specifies the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

(3) A determination of invalidity shall:

(a) Be prospective in effect and shall not extinguish rights that vested under state or local law before the date of the board's order; and

(b) Subject any development application that would otherwise vest after the date of the board's order to the local ordinance or resolution that both is enacted in response to the order of remand and determined by the board pursuant to RCW 36.70A.330 to comply with the requirements of this chapter.

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (2) of this section whether the prior policies or regulations are valid during the period of remand.

(5) Any party aggrieved by a final decision of the hearings board may appeal the decision to ~~((Thurston county))~~ superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board.

**Sec. 111.** RCW 36.70A.320 and 1991 sp.s. c 32 s 13 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption. In

any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it finds by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter.

(2) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

**Sec. 112.** RCW 36.70A.330 and 1991 sp.s. c 32 s 14 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(1)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board ~~((, on its own motion or motion of the petitioner,))~~ shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, city, or county. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board.

(3) If the board finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may recommend to the governor that the sanctions authorized by this chapter be imposed.

(4) The board shall also reconsider its final order and decide:

(a) If a determination of invalidity has been made, whether such a determination should be rescinded or modified under the standards in RCW 36.70A.300(2); or

(b) If no determination of invalidity has been made, whether one now should be made under the standards in RCW 36.70A.300(2).

The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

**Sec. 113.** RCW 34.05.514 and 1994 c 257 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section ~~((and RCW 36.70A.300(3))),~~ proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

**NEW SECTION. Sec. 114.** (1) The legislature finds that:

(a) As of the effective date of this section, twenty-nine counties and two hundred eight cities are conducting comprehensive planning under the growth management act, chapter 36.70A RCW, which together comprise over ninety percent of the state's population;

(b) Comprehensive plans for many of the jurisdictions were due by July 1, 1994, and the remaining jurisdictions must complete plans under due dates ranging from October 1994 to September 1997;

(c) Concurrently with these comprehensive planning activities, local governments must conduct several other planning requirements under the growth management act, such as the adoption of capital facilities plans, urban growth areas, and development regulations;

(d) Local governments must also comply with the state environmental policy act, chapter 43.21C RCW, in the development of comprehensive plans and development regulations;

(e) The combined activities of comprehensive planning and the state environmental policy act present a serious fiscal burden upon local governments; and

(f) Detailed environmental analysis integrated with comprehensive plans, subarea plans, and development regulations will facilitate planning for and managing growth, allow greater protection of the environment, and benefit both the general public and private property owners.

(2) In order to provide financial assistance to cities and counties planning under chapter 36.70A RCW and to improve the usefulness of plans and integrated environmental analyses, the legislature has created the fund described in section 115 of this act.

NEW SECTION. **Sec. 115.** A new section is added to chapter 36.70A RCW to read as follows:

The growth management planning and environmental review fund is hereby established in the state treasury. Moneys may be placed in the fund from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source. Moneys in the fund may be spent only after appropriation. Moneys in the fund shall be used to make grants to local governments for the purposes set forth in section 202 of this act, RCW 43.21C.031, or section 116 of this act.

NEW SECTION. **Sec. 116.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department of community, trade, and economic development shall provide management services for the fund created by section 115 of this act. The department by rule shall establish procedures for fund management.

(2) A grant may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant shall be provided to assist a county or city in paying for the cost of preparing a detailed environmental impact statement that is integrated with a comprehensive plan or subarea plan and development regulations.

(3) In order to qualify for a grant, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW that is integrated with a comprehensive plan or subarea plan and development regulations;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by subsequent applicants for development permits within the geographic area analyzed in the plan;

(c) Include mechanisms in the plan to monitor the consequences of growth as it occurs in the plan area and provide ongoing data to update the plan and environmental analysis;

(d) Be making substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(e) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Comprehensive and subarea plan proposals that are designed to identify and monitor system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans;

(d) Programs for effective citizen and neighborhood involvement that contribute to greater certainty that planning decisions will be implemented; and

(e) Plans that identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

## PART II - STATE ENVIRONMENTAL POLICY ACT

NEW SECTION. **Sec. 201.** (1) The legislature finds in adopting section 202 of this act that:

(a) Comprehensive plans and development regulations adopted by counties, cities, and towns under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal



government have addressed a wide range of environmental subjects and impacts. These plans, regulations, rules, and laws often provide environmental analysis and mitigation measures for project actions without the need for an environmental impact statement or further project mitigation.

(b) Existing plans, regulations, rules, or laws provide environmental analysis and measures that avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed projects should be integrated with, and should not be duplicated by, environmental review under chapter 43.21C RCW.

(c) Proposed projects should continue to receive environmental review, which should be conducted in a manner that is integrated with and does not duplicate other requirements. Project-level environmental review should be used to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures.

(d) When a project permit application is filed, an agency should analyze the proposal's environmental impacts, as required by applicable regulations and the environmental review process required by this chapter, in one project review process. The project review process should include land use, environmental, public, and governmental review, as provided by the applicable regulations and the rules adopted under this chapter, so that documents prepared under different requirements can be reviewed together by the public and other agencies. This project review will provide an agency with the information necessary to make a decision on the proposed project.

(e) Through this project review process: (i) If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this chapter will not be necessary on those impacts; (ii) if the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this chapter; and (iii) if the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental impacts, this chapter provides the authority and procedures for additional review.

(2) The legislature intends that a primary role of environmental review under chapter 43.21C RCW is to focus on the gaps and overlaps that may exist in applicable laws and requirements related to a proposed action. The review of project actions conducted by counties, cities, and towns planning under RCW 36.70A.040 should integrate environmental review with project review. Chapter 43.21C RCW should not be used as a substitute for other land use planning and environmental requirements.

**NEW SECTION. Sec. 202.** A new section is added to chapter 43.21C RCW to read as follows:

(1) If the requirements of subsection (2) of this section are satisfied, a county, city, or town reviewing a project action may determine that the requirements for environmental analysis, protection, and mitigation measures in the county, city, or town's development regulations and comprehensive plans adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws and rules provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply.

(2) A county, city, or town may make the determination provided for in subsection (1) of this section if:

(a) In the course of project review, including any required environmental analysis, the local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, or other local, state, or federal rules or laws; and

(b) The local government bases or conditions its approval on compliance with these requirements or mitigation measures.

(3) If a county, city, or town's comprehensive plans, subarea plans, and development regulations adequately address a project's probable specific adverse environmental impacts, as determined under subsections (1) and (2) of this section, the county, city, or town shall not impose additional mitigation under this chapter during project review. Project review shall be integrated with environmental analysis under this chapter.

(4) A comprehensive plan, subarea plan, or development regulation shall be considered to adequately address an impact if the county, city, or town, through the planning and environmental review process under chapter 36.70A RCW and this chapter, has identified the specific adverse environmental impacts and:

(a) The impacts have been avoided or otherwise mitigated; or

(b) The legislative body of the county, city, or town has designated as acceptable certain levels of service, land use designations, development standards, or other land use planning required or allowed by chapter 36.70A RCW.

(5) In deciding whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the county, city, or town shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the county, city, or town shall base or condition its project approval on compliance with these other existing rules or laws.

(6) Nothing in this section limits the authority of an agency in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by this chapter.

(7) This section shall apply only to a county, city, or town planning under RCW 36.70A.040.

**Sec. 203.** RCW 43.21C.031 and 1983 c 117 s 1 are each amended to read as follows:

(1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations shall be clearly identifiable in the combined document. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement under this chapter. In a county, city, or town planning under RCW 36.70A.040, a planned action, as provided for in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.

An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

(2)(a) For purposes of this section, a planned action means one or more types of project action that:

(i) Are designated planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with (A) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or (B) a fully contained community, a master planned resort, a master planned development, or a phased project;

(iii) Are subsequent or implementing projects for the proposals listed in (a)(ii) of this subsection;

(iv) Are located within an urban growth area, as defined in RCW 36.70A.030;

(v) Are not essential public facilities, as defined in RCW 36.70A.200; and

(vi) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.

(b) A county, city, or town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county, city, or town and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.

**Sec. 204.** RCW 43.21C.075 and 1994 c 253 s 4 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall not allow more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement) ~~((consistent with any state statutory requirements for appeals to local legislative bodies))~~. The appeal proceeding on a determination of significance ~~((/nonsignificance))~~ may occur before the agency's final decision on a proposed action. The appeal proceeding on a determination of nonsignificance may occur before the agency's final decision on a proposed action only if the appeal is heard at a proceeding where the hearing body or officer will render a final recommendation or decision on the proposed underlying governmental action. Such ~~((an))~~ appeals shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous ~~((appeal of an))~~ hearing before one hearing officer or body to consider the agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the ~~((threshold determination))~~ appeal, if any, of a determination of significance as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an appeal procedure, such person shall, prior to seeking any judicial review, use such agency procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) ~~((RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter.))~~ Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. This ~~((section))~~ subsection does not modify any such time periods. ~~((This section governs when a judicial appeal must be brought under this chapter where a "notice of action" is used, and/or where there is another time period which is required by statute or ordinance for challenging the underlying governmental action.))~~ In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within ~~((thirty days))~~ such time period. The agency shall give official notice stating the date and place for commencing an appeal. ~~((If there is an agency proceeding under subsection (3) of this section, the appellant shall, prior to commencing a judicial appeal, submit to the~~

responsible official a notice of intent to commence a judicial appeal. This notice of intent shall be given within the time period for commencing a judicial appeal on the underlying governmental action.)

(b) If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 (may be used. If a notice of action) is used, (judicial) appeals shall be commenced within the time period specified by RCW 43.21C.080(, unless there is a time period for appealing the underlying governmental action in which case (a) of this subsection shall apply.

~~(c) Notwithstanding RCW 43.21C.080(1), if there is a time period for appealing the underlying governmental action, a notice of action may be published within such time period).~~

(6)(a) Judicial review under subsection (5) of this section of an appeal decision made by an agency under ((RCW 43.21C.075(5))) subsection (3) of this section shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order within one hundred eighty days as provided in RCW 90.58.180.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2) ~~(and (3))~~). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. Except as provided in subsection (5) of this section, the word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

**Sec. 205.** RCW 43.21C.080 and 1977 ex.s. c 278 s 1 are each amended to read as follows:

(1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in ~~((subsection (3) of this section and in the following manner))~~ rules adopted under RCW 43.21C.110:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and

(c) Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of ~~((last))~~ first newspaper publication;

(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid.

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

(2)(a) ~~Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review, or otherwise challenge any such governmental action or subsequent governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within ((thirty)) twenty-one days from the date of last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred((=~~ ~~PROVIDED, HOWEVER, That the time period within which an action shall be commenced shall be ninety days (i) for projects to be performed by a governmental agency or to be performed under government contract, or (ii) for thermal power plant projects: PROVIDED FURTHER, That))~~.

(b) Any subsequent governmental action on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW 43.21C.030(2)(a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action that is likely to have adverse environmental impacts beyond the range of impacts previously analyzed, or unless the action now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation.

~~((b) Any action to challenge a subsequent governmental action based upon any provisions of this chapter shall be commenced within thirty days from the date of last newspaper publication of the subsequent governmental action except (i) for projects to be performed by a governmental agency or to be performed under governmental contract, or (ii) for thermal power plant projects which shall be challenged within ninety days from the date of last newspaper publication of the subsequent governmental action, or be barred.~~

~~(3) The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:~~

NOTICE OF ACTION BY

.....  
(Government agency or entity)

~~Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that:~~

~~The ..... (Government agency or entity) did on ..... (date), take the action described below.~~

~~Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within ..... days or be barred.~~

~~The action taken by ..... (Government agency or entity), notice of which is hereby given, was as follows:~~

~~(1) ..... (Here insert description of action taken such as: Adoption Ordinance No. ....; Issued Building Permit; Approved preliminary (or final) plat, etc.)~~

~~(2) ..... (Here insert brief description of the complete project or proposal.)~~

~~(3) Said action pertained to property commonly known as:~~

~~(Sufficient description to locate property, but complete legal description not required)~~

~~(4) Pertinent documents may be examined during regular business hours at the office of: ..... located at:~~

~~(Location, including room number)~~

~~(Name of government agency, proponent, or applicant giving notice)  
Filed by  
(Signature of individual and capacity in which such individual is signing))~~

**Sec. 206.** RCW 43.21C.110 and 1983 c 117 s 7 are each amended to read as follows:

It shall be the duty and function of the department of ecology(~~(, which may utilize proposed rules developed by the environmental policy commission))~~):

(1) To adopt and amend thereafter rules of interpretation and implementation of this chapter (~~((the state environmental policy act of 1971)))~~), subject to the requirements of chapter 34.05 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public hearings requirements associated with rule promulgation. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent promulgation and adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter (~~((the state environmental policy act of 1971)))~~):

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is categorically exempt under the rules adopted by the department may not be conditioned or denied under this chapter.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decision making and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(m) Rules and procedures that provide for the integration of environmental review with project review as provided in section 202 of this act. The rules and procedures shall be jointly developed with the department of community, trade, and economic development and shall be applicable to the preparation of environmental documents for actions in counties, cities, and towns planning under RCW 36.70A.040. The rules and procedures shall also include criteria to analyze the consistency of project actions, including planned actions under RCW 43.21C.031(2), with development regulations adopted under chapter 36.70A RCW, or in the absence of applicable development regulations, the appropriate elements of a comprehensive plan or subarea plan adopted under chapter 36.70A RCW. Ordinances or procedures adopted by a county, city, or town to implement the provisions of section 202 of this act prior to the effective date of rules adopted under this subsection (1)(m) shall continue to be effective until the adoption of any new or revised ordinances or procedures that may be required. If any revisions are required as a result of rules adopted under this subsection (1)(m), those revisions shall be made within the time limits specified in RCW 43.21C.120.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of chapter 34.05 RCW ((34.05.538 and 34.05.240)).

**Sec. 207.** RCW 43.21C.900 and 1971 ex.s. c 109 s 7 are each amended to read as follows:

This chapter shall be known and may be cited as the "State Environmental Policy Act ((~~of 1974~~))" or "SEPA".

### PART III - SHORELINE MANAGEMENT ACT

**Sec. 301.** RCW 90.58.020 and 1992 c 105 s 1 are each amended to read as follows:

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefor, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for

shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or

necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and ~~((wetlands))~~ shorelands of the state shall be recognized by the department. Shorelines and ~~((wetlands))~~ shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and ~~((wetlands))~~ shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

**Sec. 302.** RCW 90.58.030 and 1987 c 474 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

- (1) Administration:
  - (a) "Department" means the department of ecology;
  - (b) "Director" means the director of the department of ecology;
  - (c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;
  - (d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;
  - (e) "Hearing board" means the shoreline hearings board established by this chapter.
- (2) Geographical:
  - (a) "Extreme low tide" means the lowest line on the land reached by a receding tide;
  - (b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;
  - (c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;



(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated ~~((wetlands))~~ shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and

(E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those ~~((wetlands))~~ shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "~~((Wetlands))~~ Shorelands" or "~~((wetland))~~ shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all ~~((marshes, bogs, swamps,))~~ wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology(~~(- PROVIDED, That))~~. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on ~~((wetlands))~~ shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels(~~(:- PROVIDED, That)~~). A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the ~~((wetlands))~~ shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on ~~((wetlands))~~ shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system(~~(;~~

~~(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge)).~~

**Sec. 303.** RCW 90.58.050 and 1971 ex.s. c 286 s 5 are each amended to read as follows:

This chapter establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of this chapter. The department shall act primarily in a supportive and review capacity with ~~((primary))~~ an emphasis on providing assistance to local government and on insuring compliance with the policy and provisions of this chapter.

**Sec. 304.** RCW 90.58.060 and 1971 ex.s. c 286 s 6 are each amended to read as follows:

(1) ~~((Within one hundred twenty days from June 1, 1971,))~~ The department shall ((submit to local governments proposed)) periodically review and adopt guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100 for:

(a) Development of master programs for regulation of the uses of shorelines; and  
(b) Development of master programs for regulation of the uses of shorelines of state-wide significance.

(2) Before adopting or amending guidelines under this section, the department shall provide an opportunity for public review and comment as follows:

(a) The department shall mail copies of the proposal to all cities, counties, and federally recognized Indian tribes, and to any other person who has requested a copy, and shall publish the proposed guidelines in the Washington state register. Comments shall be submitted in writing to the department within sixty days from ((receipt of such proposed guidelines, local governments shall submit to the department in writing proposed changes, if any, and comments upon the proposed guidelines.

~~(3) Thereafter and within one hundred twenty days from the submission of such proposed guidelines to local governments, the department, after review and consideration of the comments and suggestions submitted to it, shall resubmit final proposed guidelines.~~

~~((4) Within sixty days thereafter public hearings shall be held by))~~ the date the proposal has been published in the register.

(b) The department ((in Olympia and Spokane, at which interested public and private parties shall have the opportunity)) shall hold at least four public hearings on the proposal in different locations throughout the state to provide a reasonable opportunity for residents in all parts of the state to present statements and views on the proposed guidelines. Notice of ((such)) the hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state. If an amendment to the guidelines addresses an issue limited to one geographic area, the number and location of hearings may be adjusted consistent with the intent of this subsection to assure all parties a reasonable opportunity to comment on the proposed amendment. The department shall accept written comments on the proposal during the sixty-day public comment period and for seven days after the final public hearing.

(c) At the conclusion of the public comment period, the department shall review the comments received and modify the proposal consistent with the provisions of this chapter. The proposal shall then be published for adoption pursuant to the provisions of chapter 34.05 RCW.

~~((5) Within ninety days following such public hearings, the department at a public hearing to be held in Olympia shall adopt guidelines.))~~ (3) The department may propose amendments to the guidelines not more than once each year. At least once every five years the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section.

**Sec. 305.** RCW 90.58.080 and 1974 ex.s. c 61 s 1 are each amended to read as follows:

Local governments ~~((are directed with regard to shorelines of the state within their various jurisdictions as follows:~~

(1) ~~To complete within eighteen months after June 1, 1971, a comprehensive inventory of such shorelines. Such inventory shall include but not be limited to the general ownership patterns of the lands located therein in terms of public and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof;~~

~~(2) To))~~ shall develop or amend, within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060, a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department.

**Sec. 306.** RCW 90.58.090 and 1971 ex.s. c 286 s 9 are each amended to read as follows:

(1) A master program((s or segments thereof)), segment of a master program, or an amendment to a master program shall become effective when ((adopted or)) approved by the department ((as appropriate)). Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

(2) Upon receipt of a proposed master program or amendment, the department shall:

(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed master programs or amendments generally or for a specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;

(b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;

(c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;

(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested persons, parties, groups, and agencies of record on the proposal;

(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:

(i) Agree to the proposed changes. The receipt by the department of the written notice of agreement constitutes final action by the department approving the amendment; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide written notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.

~~((1) As to those segments of the master program relating to shorelines, they shall be approved by))~~

~~(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. ((If approval is denied, the department shall state within ninety days from the date of submission in detail the precise facts upon which that decision is based, and shall submit to the local government suggested modifications to the program to make it consistent with said policy and guidelines. The local government shall have ninety days after it receives recommendations from the department to make modifications designed to eliminate the inconsistencies and to resubmit the program to the department for approval. Any resubmitted program shall take effect when and in such form and content as is approved by the department.~~

~~(2) As to)) (4) The department shall approve those segments of the master program relating to shorelines of state-wide significance ((the department shall have full authority following review and evaluation of the submission by local government to develop and adopt an alternative to the local government's proposal if in the department's opinion the program submitted does not)) only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the state-wide interest. ((If the submission by local government is not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum~~

~~implementation, it may develop and adopt an alternative as hereinbefore provided.)~~ If the department does not approve a segment of a local government master program relating to a shoreline of state-wide significance, the department may develop and by rule adopt an alternative to the local government's proposal.

~~((3))~~ (5) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

(6) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program.

**Sec. 307.** RCW 90.58.100 and 1992 c 105 s 2 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted ~~((and))~~ or approved by the department ~~((, as appropriate,))~~ shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the state-wide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.

**Sec. 308.** RCW 90.58.120 and 1989 c 175 s 182 are each amended to read as follows:

All rules, regulations, ~~((master programs,))~~ designations, and guidelines, issued by the department, and master programs and amendments adopted by the department pursuant to RCW 90.58.070(2) or 90.58.090(4) shall be adopted or approved in accordance with the provisions of RCW 34.05.310 through 34.05.395 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the ~~((approval or))~~ adoption by the department of a master program, or portion thereof pursuant to RCW 90.58.070(2) or 90.58.090(4), at least one public hearing shall be held in each county affected by a program or portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations, or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county ~~((auditor))~~ and city ~~((clerk))~~. The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines.

**Sec. 309.** RCW 90.58.140 and 1992 c 105 s 3 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and ~~((the provisions of))~~ this chapter ~~((90.58 RCW))~~.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection ~~((43))~~ (11) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that~~((=~~

~~(a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and~~

~~(b) Additional~~) notice of ~~((such an))~~ the application is given by at least one of the following methods:

~~((i))~~ (a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

~~((ii))~~ (b) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

~~((iii))~~ (c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive ~~((a copy))~~ notification of the final ~~((order))~~ decision concerning an application as expeditiously as possible after the issuance of the ~~((order))~~ decision, may submit the comments or requests for ~~((orders))~~ decisions to the local government within thirty days of the last date the notice is to be published pursuant to ~~((subsection (a) of))~~ this subsection. The local government shall forward, in a timely manner following the issuance of ~~((an order))~~ a decision, a copy of the ~~((order))~~ decision to each person who submits a request for the ~~((order))~~ decision.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until ~~((thirty))~~ twenty-one days from the date the ~~((final order))~~ permit decision was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if the proceedings were initiated within ~~((thirty))~~ twenty-one days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b) Construction may be commenced no sooner than thirty days after the date of the appeal of the board's decision is filed if a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within ~~((thirty))~~ twenty-one days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW~~((, the permittee)).~~ The appellant may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction ~~((may begin))~~ pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board should not commence. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would ~~((not))~~ involve a significant, irreversible damaging of the environment, the court ~~((may allow))~~ shall prohibit the permittee ~~((to begin))~~ from commencing the construction pursuant to the approved or revised permit ~~((as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if the alteration is ultimately ordered by the courts))~~ until all review proceedings are final. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

(c) ~~((If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1), the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit shall be governed by the~~

provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are terminated if judicial review is not thereafter requested pursuant to chapter 34.05 RCW;

~~(d))~~ If the permit is for a substantial development meeting the requirements of subsection ~~((13))~~ (11) of this section, construction pursuant to that permit may not begin or be authorized until ~~((thirty))~~ twenty-one days from the date the ~~((final order))~~ permit decision was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), or (c) ~~((or (d)))~~ of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any ~~((ruling))~~ decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection ~~((12))~~ (10) of this section, "date of filing" as used herein means the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" means the date a decision of the department rendered on the permit pursuant to subsection ~~((12))~~ (10) of this section is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

~~(10) ((A permit shall not be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government before April 1, 1971, if:~~

~~(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; and~~

~~(b) The development is completed within two years after June 1, 1971.~~

~~(11) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and before April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (10) of this section, or does not require a permit because of substantial development occurred before June 1, 1971.~~

~~(12))~~ Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

~~((13))~~ (11)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:

(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may



obtain a copy of the local government decision on the application no later than two days following its issuance;

(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and

(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(b) For purposes of this section, a limited utility extension means the extension of a utility service that:

(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(ii) Will serve an existing use in compliance with this chapter; and

(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state.

**Sec. 310.** RCW 90.58.180 and 1994 c 253 s 3 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a ~~((request for the same))~~ petition for review within ~~((thirty))~~ twenty-one days of the date of filing as defined in RCW 90.58.140(6).

~~((Concurrently with))~~ Within seven days of the filing of any ((request)) petition for review with the board as provided in this section pertaining to a final ((order)) decision of a local government, the ((requestor)) petitioner shall ((file a copy)) serve copies of ((his or her request with)) the petition on the department and the office of the attorney general. ((If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor. The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor.)) The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the ~~((request))~~ petition for review filed pursuant to this section. The shorelines hearings board shall ~~((initially))~~ schedule review proceedings on ((such requests)) the petition for review without regard as to whether ((such requests have or have not been certified or as to whether)) the period for the department or the attorney general to intervene has or has not expired((, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule)).

(2) The department or the attorney general may obtain review of any final ~~((order))~~ decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written ~~((request))~~ petition with the shorelines hearings board and the appropriate local government within ~~((thirty))~~ twenty-one days from the date the final ~~((order))~~ decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of thirty days upon a showing of good cause or may be waived by the parties.

~~((A local government may appeal to the shorelines hearings board))~~ Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

~~((If the board))~~ (5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or  
(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or  
(d) Was developed without fully considering and evaluating all material submitted to the department ~~((by the local government))~~ during public review and comment; or

(e) Was not adopted in accordance with required procedures~~((;))~~.

(6) If the board makes a determination under subsection (5) (a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision. ~~((Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.~~

~~((5) Rules, regulations, and guidelines))~~ (7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to ((RCW 34.05.570(2). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is)) chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within ~~((three months))~~ thirty days after the date of final decision by the shorelines hearings board.

**Sec. 311.** RCW 90.58.190 and 1989 c 175 s 184 are each amended to read as follows:

~~((The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Any adjustments proposed by a local government to its master program shall be forwarded to the department for review. The department shall approve, reject, or propose modification to the adjustment. If the department either rejects or proposes modification to the master program adjustment, it shall provide substantive written comments as to why the proposal is being rejected or modified.))~~ The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(4) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment for compliance with the requirements of this chapter and chapter 36.70A RCW, the policy of RCW 90.58.020 and the applicable guidelines, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

(c) If the appeal to the growth management hearings board concerns a shoreline of state-wide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

~~((Any local government aggrieved by))~~ (3)(a) The department's decision to approve, reject, or modify a proposed master program or master program ~~((adjustment may appeal the department's decision))~~ amendment by a local government not planning under RCW 36.70A.040 shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program ~~((adjustment))~~ amendment and, after full consideration of the

presentations of the local government and the department, shall determine the validity of the local government's ~~((adjustment))~~ master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to shorelines of state-wide significance, the shorelines hearings board shall uphold the decision by the department unless ~~((a local government shall))~~ the board determines, by clear and convincing evidence ~~((and argument, persuade the board))~~ that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews.

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program ~~((adjustment))~~ amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to ~~((the))~~ superior court ~~((of Thurston county))~~ as provided in chapter 34.05 RCW.

~~((3))~~ (4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program ~~((adjustment))~~ amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program ~~((adjustment))~~ amendment.

**Sec. 312.** RCW 34.05.461 and 1989 c 175 s 19 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section:

(a) If the presiding officer is the agency head or one or more members of the agency head, the presiding officer may enter an initial order if further review is available within the agency, or a final order if further review is not available;

(b) If the presiding officer is a person designated by the agency to make the final decision and enter the final order, the presiding officer shall enter a final order; and

(c) If the presiding officer is one or more administrative law judges, the presiding officer shall enter an initial order.

(2) With respect to agencies exempt from chapter 34.12 RCW or an institution of higher education, the presiding officer shall transmit a full and complete record of the proceedings, including such comments upon demeanor of witnesses as the presiding officer deems relevant, to each agency official who is to enter a final or initial order after considering the record and evidence so transmitted.

(3) Initial and final orders shall include a statement of findings and conclusions, and the reasons and basis therefor, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction and, if applicable, the action taken on a petition for a stay of effectiveness. Any findings based substantially on credibility of evidence or demeanor of witnesses shall be so identified. Findings set forth in language that is essentially a repetition or paraphrase of the relevant provision of law shall be accompanied by a concise and explicit statement of the underlying evidence of record to support the findings. The order shall also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. An initial order shall include a statement of any circumstances under which the initial order, without further notice, may become a final order.

(4) Findings of fact shall be based exclusively on the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. Findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. However, the presiding officer shall not base a finding exclusively on such inadmissible evidence unless the presiding officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the order.

(5) Where it bears on the issues presented, the agency's experience, technical competency, and specialized knowledge may be used in the evaluation of evidence.

(6) If a person serving or designated to serve as presiding officer becomes unavailable for any reason before entry of the order, a substitute presiding officer shall be appointed as provided in RCW 34.05.425. The substitute presiding officer shall use any existing record and may conduct any further proceedings appropriate in the interests of justice.

(7) The presiding officer may allow the parties a designated time after conclusion of the hearing for the submission of memos, briefs, or proposed findings.

(8)(a) Except as otherwise provided in (b) of this subsection, initial or final orders shall be served in writing within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings in accordance with subsection (7) of this section unless this period is waived or extended for good cause shown.

(b) This subsection does not apply to the final order of the shorelines hearings board on appeal under RCW 90.58.180(3).

(9) The presiding officer shall cause copies of the order to be served on each party and the agency.

NEW SECTION. Sec. 313. RCW 90.58.145 and 1979 ex.s. c 84 s 4 are each repealed.

#### PART IV - LOCAL PERMIT PROCESS

NEW SECTION. Sec. 401. The legislature finds and declares the following:

(1) As the number of environmental laws and development regulations has increased for land uses and development, so has the number of required local land use permits, each with its own separate approval process.

(2) The increasing number of local and state land use permits and separate environmental review processes required by agencies has generated continuing potential for conflict, overlap, and duplication between the various permit and review processes.

(3) This regulatory burden has significantly added to the cost and time needed to obtain local and state land use permits and has made it difficult for the public to know how and when to provide timely comments on land use proposals that require multiple permits and have separate environmental review processes.

NEW SECTION. Sec. 402. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(2) "Local government" means a county, city, or town.

(3) "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

(4) "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(5) "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

**NEW SECTION. Sec. 403.** In enacting sections 404 and 405 of this act, the legislature intends to establish a mechanism for implementing the provisions of chapter 36.70A RCW regarding compliance, conformity, and consistency of proposed projects with adopted comprehensive plans and development regulations. In order to achieve this purpose the legislature finds that:

(1) Given the extensive investment that public agencies and a broad spectrum of the public are making and will continue to make in comprehensive plans and development regulations for their communities, it is essential that project review start from the fundamental land use planning choices made in these plans and regulations. If the applicable regulations or plans identify the type of land use, specify residential density in urban growth areas, and identify and provide for funding of public facilities needed to serve the proposed development and site, these decisions at a minimum provide the foundation for further project review unless there is a question of code interpretation. The project review process, including the environmental review process under chapter 43.21C RCW and the consideration of consistency, should start from this point and should not reanalyze these land use planning decisions in making a permit decision.

(2) Comprehensive plans and development regulations adopted by local governments under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of environmental subjects and impacts. These provisions typically require environmental studies and contain specific standards to address various impacts associated with a proposed development, such as building size and location, drainage, transportation requirements, and protection of critical areas. When a permitting agency applies these existing requirements to a proposed project, some or all of a project's potential environmental impacts will be avoided or otherwise mitigated. Through the integrated project review process described in subsection (1) of this section, the local government will determine whether existing requirements, including the applicable regulations or plans, adequately analyze and address a project's environmental impacts. Section 202 of this act provides that project review should not require additional studies or mitigation under chapter 43.21C RCW where existing regulations have adequately addressed a proposed project's probable specific adverse environmental impacts.

(3) Given the hundreds of jurisdictions and agencies in the state and the numerous communities and applicants affected by development regulations and comprehensive plans adopted under chapter 36.70A RCW, it is essential to establish a uniform framework for considering the consistency of a proposed project with the applicable regulations or plan. Consistency should be determined in the project review process by considering four factors found in applicable regulations or plans: The type of land use allowed; the level of development allowed, such as units per acre or other measures of density; infrastructure, such as the adequacy of public facilities and services to serve the proposed project; and the character of the proposed development, such as compliance with specific development standards. This uniform approach corresponds to existing project review practices and will not place a burden on applicants or local government. The legislature intends that this approach should be largely a matter of checking compliance with existing requirements for most projects, which are simple or routine, while more complex projects may require more analysis. Sections 202 and 404 of this act establish this uniform framework and also direct state agencies to consult with local government and the public to develop a better format than the current environmental checklist to meet this objective.

(4) When an applicant applies for a project permit, consistency between the proposed project and applicable regulations or plan should be determined through a project review process that integrates land use and environmental impact analysis, so that governmental and public review of the proposed project as required by this chapter, by development regulations under chapter 36.70A RCW, and by the environmental process under chapter 43.21C RCW run concurrently and not separately.

(5) Sections 404 and 405 of this act address three related needs with respect to how the project review process should address consistency between a proposed project and the applicable regulations or plan:

- (a) A uniform framework for the meaning of consistency;
- (b) An emphasis on relying on existing requirements and adopted standards, with the use of supplemental authority as specified by chapter 43.21C RCW to the extent that existing requirements do not adequately address a project's specific probable adverse environmental impacts; and
- (c) The identification of three basic land use planning choices made in applicable regulations or plans that, at a minimum, serve as a foundation for project review and that should not be reanalyzed during project permitting.

**NEW SECTION. Sec. 404.** (1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations the adopted comprehensive plan, under section 405 of this act shall incorporate the determinations under this section.

(2) During project review, a local government or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations the adopted comprehensive plan. At a minimum, such applicable regulations or plans shall be determinative of the:

(a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;

(b) Density of residential development in urban growth areas; and

(c) Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by chapter 36.70A RCW.

(3) During project review, the local government or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in subsection (2) of this section, except for issues of code interpretation. As part of its project review process, a local government shall provide a procedure for obtaining a code interpretation as provided in section 415 of this act.

(4) Pursuant to section 202 of this act, a local government may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.

(5) Nothing in this section limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations adopted under chapter 36.70A RCW and in its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable.

(6) Subsections (1) through (4) of this section apply only to local governments planning under RCW 36.70A.040.

**NEW SECTION. Sec. 405.** (1) A proposed project's consistency with a local government's development regulations adopted under chapter 36.70A RCW, or, in the absence of applicable development regulations, the appropriate elements of the comprehensive plan or subarea plan adopted under chapter 36.70A RCW shall be determined by consideration of:

(a) The type of land use;

(b) The level of development, such as units per acre or other measures of density;

(c) Infrastructure, including public facilities and services needed to serve the development; and

(d) The character of the development, such as development standards.

(2) In determining consistency, the determinations made pursuant to section 404(2) of this act shall be controlling.

(3) For purposes of this section, the term "consistency" shall include all terms used in this chapter and chapter 36.70A RCW to refer to performance in accordance with this chapter and chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.

(4) Nothing in this section requires documentation, dictates an agency's procedures for considering consistency, or limits a unit of government from asking more specific or related questions with respect to any of the four main categories listed in subsection (1) (a) through (d) of this section.

**NEW SECTION. Sec. 406.** Not later than March 31, 1996, each local government shall provide by ordinance or resolution for review of project permit applications to achieve the following objectives:

(1) Combine the environmental review process, both procedural and substantive, with the procedure for review of project permits; and

(2) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, provide for no more than one open record hearing and one closed record appeal.

**NEW SECTION. Sec. 407.** Not later than March 31, 1996, each local government planning under RCW 36.70A.040 shall establish by ordinance or resolution an integrated and consolidated project permit process that may be included in its development regulations. In addition to the elements required by section 406 of this act, the process shall include the following elements:

(1) A determination of completeness to the applicant as required by RCW 36.70A.440 (as recodified by this act);

(2) A notice of application to the public and agencies with jurisdiction as required by section 415 of this act;

(3) Except as provided in section 418 of this act, an optional consolidated project permit review process as provided in section 416 of this act. The review process shall provide for no more than one consolidated open record hearing and one closed record appeal. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing;

(4) Provision allowing for any public meeting or required open record hearing to be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of sections 413 and 415 of this act;

(5) A single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing and any recommendations on project permits that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the local permit. If a threshold determination other than a determination of significance has not been issued previously by the local government, the report shall include or append this determination.

(6) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, if a local government elects to provide an appeal of its threshold determinations or project permit decisions, the local government shall provide for no more than one consolidated open record hearing on such appeal. The local government need not provide for any further appeal and may provide an appeal for some but not all project permit decisions. If an appeal is provided after the open record hearing, it shall be a closed record appeal before a single decision-making body or officer;

(7) A notice of decision as required by section 417 of this act and issued within the time period provided in RCW 36.70A.065 (as recodified by this act) and section 413 of this act;

(8) Completion of project review by the local government, including environmental review and public review and any appeals to the local government, within any applicable time periods under section 413 of this act; and

(9) Any other provisions not inconsistent with the requirements of this chapter or chapter 43.21C RCW.

**Sec. 408.** RCW 36.70A.440 and 1994 c 257 s 4 are each amended to read as follows:

~~((Each city and county))~~ (1) Within twenty-eight days after receiving a project permit application, a local government planning pursuant to RCW 36.70A.040 shall~~((, within twenty working days of receiving a development permit application as defined in RCW 36.70A.030(7),))~~ mail or provide in person a written ~~((notice))~~ determination to the applicant, stating either:

(a) That the application is complete; or

(b) That the application is incomplete and what is necessary to make the application complete.

To the extent known by the~~((city or county))~~ local government, the~~((notice))~~ local government shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.

(2) A project permit application is complete for purposes of this section when it meets the procedural submission requirements of the local government and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the local government from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

(3) The determination of completeness may include the following as optional information:

(a) A preliminary determination of those development regulations that will be used for project mitigation;

(b) A preliminary determination of consistency, as provided under section 405 of this act; or

(c) Other information the local government chooses to include.

(4)(a) An application shall be deemed complete under this section if the local government does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1)(b) of this section.

(b) Within fourteen days after an applicant has submitted to a local government additional information identified by the local government as being necessary for a complete application, the local government shall notify the applicant whether the application is complete or what additional information is necessary.

**Sec. 409.** RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods consistent with section 413 of this act for local government actions on specific ~~((development))~~ project permit applications and provide timely and predictable procedures to determine whether a completed ~~((development))~~ project permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed ~~((development))~~ project permit application necessary for the application of such time periods and procedures.

**Sec. 410.** RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods for local government actions on specific ~~((development))~~ project permit applications and provide timely and predictable procedures to determine whether a completed ~~((development))~~ project permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed ~~((development))~~ project permit application necessary for the application of such time periods and procedures.

NEW SECTION. **Sec. 411.** The amendments to RCW 36.70A.065 contained in section 409 of this act shall expire July 1, 1998.

NEW SECTION. **Sec. 412.** Section 410 of this act shall take effect July 1, 1998.

NEW SECTION. **Sec. 413.** (1) Except as otherwise provided in subsection (2) of this section, a local government planning under RCW 36.70A.040 shall issue its notice of final decision on a project permit application within one hundred twenty days after the local government notifies the applicant that the application is complete, as provided in RCW 36.70A.440 (as recodified by this act). In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete, the following periods shall be excluded:

(a)(i) Any period during which the applicant has been requested by the local government to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the local government notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the local government.

(ii) If the local government determines that the information submitted by the applicant under (a)(i) of this subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures under (a)(i) of this subsection shall apply as if a new request for studies had been made;

(b) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to chapter 43.21C RCW, if the local government by ordinance or resolution has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement;

(c) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The local government by ordinance or resolution shall establish a time period to consider and decide such appeals. The time period shall not exceed: (i) Ninety days for an open record appeal hearing; and (ii) sixty days for a closed record appeal. The parties to an appeal may agree to extend these time periods; and

(d) Any extension of time mutually agreed upon by the applicant and the local government.



(2) The time limits established by subsection (1) of this section do not apply if a project permit application:

(a) Requires an amendment to the comprehensive plan or a development regulation;

(b) Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or

(c) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under RCW 36.70A.440 (as recodified by this act).

(3) If the local government is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

(4) This section shall apply to project permit applications filed on or after April 1, 1996.

**NEW SECTION. Sec. 414.** A local government may require the applicant for a project permit to designate a single person or entity to receive determinations and notices required by this chapter.

**NEW SECTION. Sec. 415.** (1) Not later than April 1, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If a local government has made a determination of significance under chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application.

(2) The notice of application shall be provided within fourteen days after the determination of completeness as provided in RCW 36.70A.440 (as recodified by this act) and include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70A.440 (as recodified by this act) or section 413 of this act;

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in section 405 of this act; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government may use different types of notice for different categories of project permits or types of project actions. If a local government by resolution or ordinance does not specify its method of public notice, the local

government shall use the methods provided for in (a) and (b) of this subsection. Examples of reasonable methods to inform the public are:

- (a) Posting the property for site-specific proposals;
- (b) Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by the local government;
- (c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
- (d) Notifying the news media;
- (e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;
- (f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and
- (g) Mailing to neighboring property owners.

(5) A notice of application shall not be required for project permits that are categorically exempt under chapter 43.21C RCW, unless a public comment period or an open record predecision hearing is required.

(6) A local government shall integrate the permit procedures in this section with environmental review under chapter 43.21C RCW as follows:

(a) Except for a determination of significance, the local government may not issue its threshold determination, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.

(b) If an open record predecision hearing is required and the local government's threshold determination requires public notice under chapter 43.21C RCW, the local government shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.

(c) Comments shall be as specific as possible.

(7) A local government may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency provided that the hearing is held within the geographic boundary of the local government. Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held within the time periods specified in section 413 of this act or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings. All agencies of the state of Washington, including municipal corporations and counties participating in a combined hearing, are hereby authorized to issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, and take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations.

(8) All state and local agencies shall cooperate to the fullest extent possible with the local government in holding a joint hearing if requested to do so, as long as:

(a) The agency is not expressly prohibited by statute from doing so;

(b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and

(c) The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the local government hearing.

(9) A local government is not required to provide for administrative appeals. If provided, an administrative appeal of the project decision, combined with any environmental determinations, shall be filed within fourteen days after the notice of the decision or after other notice that the decision has been made and is appealable. The local government shall extend the appeal period for an additional seven days, if state or local rules adopted pursuant to chapter 43.21C RCW allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.

(10) The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

(11) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.

**NEW SECTION. Sec. 416.** (1) Each local government planning under RCW 36.70A.040 shall establish a permit review process that provides for the integrated and consolidated review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering all project permits requested by an applicant for all

or part of a project action and a designated permit coordinator. If an applicant elects the consolidated permit review process, the determination of completeness, notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.

(2) Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the local government shall provide for consolidated permit review with a single open record hearing and no more than one closed record appeal as provided in section 407 of this act. Each local government shall determine which project permits are subject to an open record hearing and a closed record appeal. Examples of categories of project permits include but are not limited to:

- (a) Proposals that are categorically exempt from chapter 43.21C RCW, such as construction permits, that do not require environmental review or public notice;
- (b) Permits that require environmental review, but no open record predecision hearing; and
- (c) Permits that require a threshold determination and an open record predecision hearing and may provide for a closed record appeal to a hearing body or officer or to the local government legislative body.

(3) A local government may provide by ordinance or resolution for the same or a different decision maker or hearing body or officer for different categories of project permits. In the case of consolidated project permit review, the local government shall specify which decision makers shall make the decision or recommendation, conduct the hearing, or decide the appeal to ensure that consolidated permit review occurs as provided in this section. The consolidated permit review may combine an open record predecision hearing on one or more permits with an open record appeal hearing on other permits. In such cases, the local government by ordinance or resolution shall specify which project permits, if any, shall be subject to a closed record appeal.

**NEW SECTION. Sec. 417.** A local government planning under RCW 36.70A.040 shall provide a notice of decision that also includes a statement of any threshold determination made under chapter 43.21C RCW and the procedures for administrative appeal, if any. The notice of decision may be a copy of the report or decision on the project permit application. The notice shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The local government shall provide for notice of its decision as provided in section 415(4) of this act.

**NEW SECTION. Sec. 418.** (1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), and sections 407, 413, and 415 through 417 of this act: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process different from that provided in RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), and sections 407, 413, and 415 through 417 of this act.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of sections 407 and 415 through 417 of this act: Lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

**NEW SECTION. Sec. 419.** A local government not planning under RCW 36.70A.040 may incorporate some or all of the provisions of sections 407, 413, and 415 through 417 of this act and RCW 36.70A.065 and 36.70A.440 (as recodified by this act) into its procedures for review of project permits or other project actions.

**NEW SECTION. Sec. 420.** (1) Each local government is encouraged to adopt further project review provisions to provide prompt, coordinated review and ensure accountability to applicants and the public, including expedited review for project permit applications for projects that are consistent with adopted development regulations and within the capacity of system-wide infrastructure improvements.

(2) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring a preapplication conference or a public meeting by rule, ordinance, or resolution.

(3) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

(4) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a project permit issued by a local government.

**NEW SECTION. Sec. 421.** A new section is added to chapter 64.40 RCW to read as follows:

A local government is not liable for damages under this chapter due to the local government's failure to make a final decision within the time limits established in section 413 of this act.

**Sec. 422.** RCW 43.21C.033 and 1992 c 208 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the responsible official shall make a threshold determination on a completed application within ninety days after the application and supporting documentation are complete. The applicant may request an additional thirty days for the threshold determination. The governmental entity responsible for making the threshold determination shall by rule, resolution, or ordinance adopt standards, consistent with rules adopted by the department to implement this chapter, for determining when an application and supporting documentation are complete.

(2) This section shall not apply to a city, town, or county that:

(a) By ordinance adopted prior to April 1, 1992, has adopted procedures to integrate permit and land use decisions with the requirements of this chapter; or

(b) Is planning under RCW 36.70A.040 and is subject to the requirements of section 413 of this act.

**Sec. 423.** RCW 35.63.130 and 1994 c 257 s 8 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city or county may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use((s which the legislative body believes should be reviewed and decided by a hearing examiner));

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by the hearing examiner.

(2) Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body((-

~~2) The legislative body may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or)); or~~

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's or county's comprehensive plan and the city's or county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the

hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec. 424.** RCW 35A.63.170 and 1994 c 257 s 7 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use~~((s which the legislative body believes should be reviewed and decided by a hearing examiner));~~

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

(2) Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body~~((-~~

~~(2) The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or)); or~~

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec. 425.** RCW 36.70.970 and 1994 c 257 s 9 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses ~~((applications)),~~ variances ~~((applications)),~~ ~~((applications for))~~ shoreline permits, or any other class of applications for or pertaining to development of land or land use~~((s));~~

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative authority shall prescribe procedures to be followed by a hearing examiner. Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

(2) Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided~~

~~in subsection (2) of this section,))~~ Such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative authority;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority(~~(-~~

~~(2) The legislative authority may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or)); or~~

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative authority.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec. 426.** RCW 58.17.090 and 1981 c 293 s 5 are each amended to read as follows:

(1) Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall provide public notice and set a date for a public hearing. Except as provided in section 415 of this act, at a minimum, notice of the hearing shall be given in the following manner:

~~((4))~~ (a) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; and

~~((2))~~ (b) Special notice of the hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection (1)(b) shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

(2) All hearings shall be public. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

**Sec. 427.** RCW 58.17.092 and 1988 c 168 s 12 are each amended to read as follows:

Any notice made under chapter 58.17 or 36.-- (the new chapter created in section 431 of this act) RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means.

**Sec. 428.** RCW 58.17.100 and 1981 c 293 s 6 are each amended to read as follows:

If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all preliminary plats and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: **PROVIDED**, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it shall

consider the recommendations of the hearing body and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, ~~((the change of the recommendation shall not be made until))~~ the legislative body shall ~~((conduct a public hearing and thereupon))~~ adopt its own recommendations and approve or disapprove the preliminary plat. ~~((Such public hearing may be held before a committee constituting a majority of the legislative body. If the hearing is before a committee, the committee shall report its recommendations on the matter to the legislative body for final action.))~~

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection.

Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies.

**Sec. 429.** RCW 58.17.330 and 1994 c 257 s 6 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative body may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or

(c) The decision may be given the effect of a final decision of the legislative body.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

~~(2) ((The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or may be given the effect of a final decision of the legislative body.~~

~~(3))~~ Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**NEW SECTION. Sec. 430.** The department of community, trade, and economic development shall provide training and technical assistance to counties and cities to assist them in fulfilling the requirements of chapter 36.-- RCW (the new chapter created in section 431 of this act).

**NEW SECTION. Sec. 431.** Sections 401, 402, 404 through 407, 413 through 420, and 502 through 506 of this act shall constitute a new chapter in Title 36 RCW.

**NEW SECTION. Sec. 432.** RCW 36.70A.065 and 36.70A.440 are recodified as sections within the new chapter created in section 431 of this act.

**NEW SECTION. Sec. 433.** Sections 413 and 421 of this act shall expire June 30, 1998. The provisions of sections 413 and 421 of this act shall apply to project permit applications determined to be complete pursuant to RCW 36.70A.440 (as recodified by this act) on or before June 30, 1998.

## PART V - DEVELOPMENT AGREEMENTS

**NEW SECTION. Sec. 501.** The legislature finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies

and regulations, and subject to conditions of approval, all as set forth in a development agreement, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development. Further, the lack of public facilities and services is a serious impediment to development of new housing and commercial uses. Project applicants and local governments may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities. It is the intent of the legislature by sections 502 through 506 of this act to allow local governments and owners and developers of real property to enter into development agreements.

**NEW SECTION. Sec. 502.** (1) A local government may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under chapter 36.70A RCW.

(2) Sections 501 through 504 of this act do not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on the effective date of sections 501 through 504 of this act, or adopted under separate authority, that includes some or all of the development standards provided in subsection (3) of this section.

(3) For the purposes of this section, "development standards" includes, but is not limited to:

(a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

(b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

(c) Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;

(d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

(e) Affordable housing;

(f) Parks and open space preservation;

(g) Phasing;

(h) Review procedures and standards for implementing decisions;

(i) A build-out or vesting period for applicable standards; and

(j) Any other appropriate development requirement or procedure.

(4) The execution of a development agreement is a proper exercise of county and city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

**NEW SECTION. Sec. 503.** Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

**NEW SECTION. Sec. 504.** A development agreement shall be recorded with the real property records of the county in which the property is located. During the term of the development agreement, the agreement is binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.



**NEW SECTION. Sec. 505.** A county or city shall only approve a development agreement by ordinance or resolution after a public hearing. The county or city legislative body or a planning commission, hearing examiner, or other body designated by the legislative body to conduct the public hearing may conduct the hearing. If the development agreement relates to a project permit application, the provisions of chapter 36.-- RCW (sections 701 through 715 of this act) shall apply to the appeal of the decision on the development agreement.

**NEW SECTION. Sec. 506.** Nothing in sections 501 through 505 of this act is intended to authorize local governments to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of state law.

## PART VI - STATE PERMIT COORDINATION

**NEW SECTION. Sec. 601.** The legislature hereby finds and declares:

(1) Washington's environmental protection programs have established strict standards to reduce pollution and protect the public health and safety and the environment. The single-purpose programs instituted to achieve these standards have been successful in many respects, and have produced significant gains in protecting Washington's environment in the face of substantial population growth.

(2) Continued progress to achieve the environmental standards in the face of continued population growth will require greater coordination between the single-purpose environmental programs and more efficient operation of these programs overall. Pollution must be prevented and controlled and not simply transferred to another media or another place. This goal can only be achieved by maintaining the current environmental protection standards and by greater integration of the existing programs.

(3) As the number of environmental laws and regulations have grown in Washington, so have the number of permits required of business and government. This regulatory burden has significantly added to the cost and time needed to obtain essential permits in Washington. The increasing number of individual permits and permit authorities has generated the continuing potential for conflict, overlap, and duplication between the various state, local, and federal permits.

(4) The purpose of this chapter is to institute new, efficient procedures that will assist businesses and public agencies in complying with the environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment.

(5) Those procedures need to provide a permit process that promotes effective dialogue and ensures ease in the transfer and clarification of technical information, while preventing duplication. It is necessary that the procedures establish a process for preliminary and ongoing meetings between the applicant, the coordinating permit agency, and the participating permit agencies, but do not preclude the applicant or participating permit agencies from individually coordinating with each other.

(6) It is necessary, to the maximum extent practicable, that the procedures established in this chapter ensure that the coordinated permit agency process and applicable permit requirements and criteria are integrated and run concurrently, rather than consecutively.

(7) It is necessary to provide a reliable and consolidated source of information concerning federal, state, and local environmental and land use laws and procedures that apply to any given proposal.

(8) It is the intent of this chapter to provide an optional process by which a project proponent may obtain active coordination of all applicable regulatory and land-use permitting procedures. This process is not to replace individual laws, or diminish the substantive decision-making role of individual jurisdictions. Rather it is to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes.

(9) It is also the intent of this chapter to provide consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

**NEW SECTION. Sec. 602.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the commission by section 603 of this act.

(2) "Coordinating permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(3) "Department" means the department of ecology.

(4) "Participating permit agency" means a permit agency, other than the coordinating permit agency, that is responsible for the issuance of a permit for a project.

(5) "Permit" means any license, certificate, registration, permit, or other form of authorization required by a permit agency to engage in a particular activity.

(6) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency or county, city, or town that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

(7) "Project" means an activity, the conduct of which requires permits from one or more permit agencies.

**NEW SECTION. Sec. 603.** The permit assistance center is established within the department. The center shall:

(1) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. The center shall coordinate with the business assistance center in providing and maintaining this information to applicants and others. To the extent possible, the handbook shall include relevant federal and tribal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies and tribal governments;

(2) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

(3) Work closely and cooperatively with the business license center and the business assistance center in providing efficient and nonduplicative service to the public;

(4) Seek the assignment of employees from the permit agencies listed under section 602(6)(a) of this act to serve on a rotating basis in staffing the center; and

(5) Provide an annual report to the legislature on potential conflicts and perceived inconsistencies among existing statutes. The first report shall be submitted to the appropriate standing committees of the house of representatives and senate by December 1, 1996.

**NEW SECTION. Sec. 604.** (1) Not later than January 1, 1996, the center shall establish by rule an administrative process for the designation of a coordinating permit agency for a project.

(2) The administrative process shall consist of the establishment of guidelines for designating the coordinating permit agency for a project. If a permit agency is the lead agency for purposes of chapter 43.21C RCW, that permit agency shall be the coordinating permit agency. In other cases, the guidelines shall require that at least the following factors be considered in determining which permit agency has the greatest overall jurisdiction over the project:

(a) The types of facilities or activities that make up the project;

(b) The types of public health and safety and environmental concerns that should be considered in issuing permits for the project;

(c) The environmental medium that may be affected by the project, the extent of those potential effects, and the environmental protection measures that may be taken to prevent the occurrence of, or to mitigate, those potential effects;

(d) The regulatory activity that is of greatest importance in preventing or mitigating the effects that the project may have on public health and safety or the environment; and

(e) The statutory and regulatory requirements that apply to the project and the complexity of those requirements.

**NEW SECTION. Sec. 605.** Upon the request of a project applicant, the center shall appoint a project facilitator to assist the applicant in determining which regulatory requirements, processes, and permits may be required for development and operation of the proposed project. The project facilitator shall provide the information to the applicant and explain the options available to the applicant in

obtaining the required permits. If the applicant requests, the center shall designate a coordinating permit agency as provided in section 606 of this act.

**NEW SECTION. Sec. 606.** (1) A permit applicant who requests the designation of a coordinating permit agency shall provide the center with a description of the project, a preliminary list of the permits that the project may require, the identity of any public agency that has been designated the lead agency for the project pursuant to chapter 43.21C RCW, and the identity of the participating permit agencies. The center may request any information from the permit applicant that is necessary to make the designation under this section, and may convene a scoping meeting of the likely coordinating permit agency and participating permit agencies in order to make that designation.

(2) The coordinating permit agency shall serve as the main point of contact for the permit applicant with regard to the coordinated permit process for the project and shall manage the procedural aspects of that processing consistent with existing laws governing the coordinating permit agency and participating permit agencies, and with the procedures agreed to by those agencies in accordance with section 607 of this act. In carrying out these responsibilities, the coordinating permit agency shall ensure that the permit applicant has all the information needed to apply for all the component permits that are incorporated in the coordinated permit process for the project, coordinate the review of those permits by the respective participating permit agencies, ensure that timely permit decisions are made by the participating permit agencies, and assist in resolving any conflict or inconsistency among the permit requirements and conditions that are to be imposed by the participating permit agencies with regard to the project. The coordinating permit agency shall keep in contact with the applicant as well as other permit agencies in order to assure that the process is progressing as scheduled. The coordinating permit agency shall also make contact, at least once, with any local jurisdiction that is responsible for issuing a permit for the project if the local jurisdiction has not agreed to be a participating permit agency as provided in section 602(6) of this act.

(3) This chapter shall not be construed to limit or abridge the powers and duties granted to a participating permit agency under the law that authorizes or requires the agency to issue a permit for a project. Each participating permit agency shall retain its authority to make all decisions on all nonprocedural matters with regard to the respective component permit that is within its scope of its responsibility, including, but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial. The coordinating permit agency may not substitute its judgment for that of a participating permit agency on any such nonprocedural matters.

**NEW SECTION. Sec. 607.** (1) Within twenty-one days of the date that the coordinating permit agency is designated, it shall convene a meeting with the permit applicant for the project and the participating permit agencies. The meeting agenda shall include at least all of the following matters:

(a) A determination of the permits that are required for the project;

(b) A review of the permit application forms and other application requirements of the agencies that are participating in the coordinated permit process;

(c)(i) A determination of the timelines that will be used by the coordinating permit agency and each participating permit agency to make permit decisions, including the time periods required to determine if the permit applications are complete, to review the application or applications, and to process the component permits. In the development of this timeline, full attention shall be given to achieving the maximum efficiencies possible through concurrent studies, consolidated applications, hearings, and comment periods. Except as provided in (c)(ii) of this subsection, the timelines established under this subsection, with the assent of the coordinating permit agency and each participating permit agency, shall commit the coordinating permit agency and each participating permit agency to act on the component permit within time periods that are different than those required by other applicable provisions of law.

(ii) An accelerated time period for the consideration of a permit application may not be set if that accelerated time period would be inconsistent with, or in conflict with, any time period or series of time periods set by statute for that consideration, or with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires any of the following:

(A) Other agencies, interested persons, federally recognized Indian tribes, or the public to be given adequate notice of the application;

(B) Other agencies to be given a role in, or be allowed to participate in, the decision to approve or disapprove the application; or

(C) Interested persons or the public to be provided the opportunity to challenge, comment on, or otherwise voice their concerns regarding the application;

(d) The scheduling of any public hearings that are required to issue permits for the project and a determination of the feasibility of coordinating or consolidating any of those required public hearings; and

(e) A discussion of fee arrangements for the coordinated permit process, including an estimate of the costs allowed under section 610 of this act and the billing schedule.

(2) Each agency shall send at least one representative qualified to make decisions concerning the applicability and timelines associated with all permits administered by that jurisdiction. At the request of the applicant, the coordinating permit agency shall notify any relevant federal agency or federally recognized tribe of the date of the meeting and invite that agency's participation in the process.

(3) If a permit agency or the applicant foresees, at any time, that it will be unable to meet its obligations under the agreement, it shall notify the coordinating permit agency of the problem. The coordinating permit agency shall notify the participating permit agencies and the applicant and, upon agreement of all parties, adjust the schedule, or, if necessary, schedule another work plan meeting.

(4) The coordinating permit agency may request any information from the applicant that is necessary to comply with its obligations under this section, consistent with the timelines set pursuant to this section.

(5) A summary of the decisions made under this section shall be made available for public review upon the filing of the coordinated permit process application or permit applications.

**NEW SECTION. Sec. 608.** (1) The permit applicant may withdraw from the coordinated permit process by submitting to the coordinating permit agency a written request that the process be terminated. Upon receipt of the request, the coordinating permit agency shall notify the center and each participating permit agency that a coordinated permit process is no longer applicable to the project.

(2) The permit applicant may submit a written request to the coordinating permit agency that the permit applicant wishes a participating permit agency to withdraw from participation on the basis of a reasonable belief that the issuance of the coordinated permit process would be accelerated if the participating permit agency withdraws. In that event, the participating permit agency shall withdraw from participation if the coordinating permit agency approves the request.

**NEW SECTION. Sec. 609.** The coordinating permit agency shall ensure that the participating permit agencies make all the permit decisions that are necessary for the incorporation of the permits into the coordinated permit process and act on the component permits within the time periods established pursuant to section 607 of this act.

**NEW SECTION. Sec. 610.** (1) The coordinating permit agency may enter into a written agreement with the applicant to recover from the applicant the reasonable costs incurred by the coordinating permit agency in carrying out the requirements of this chapter.

(2) The coordinating permit agency may recover only the costs of performing those coordinated permit services and shall be negotiated with the permit applicant in the meeting required pursuant to section 607 of this act. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

**NEW SECTION. Sec. 611.** A petition by the permit applicant for review of an agency action in issuing, denying, or amending a permit, or any portion of a coordinating permit agency permit, shall be submitted by the permit applicant to the coordinating permit agency or the participating permit agency having jurisdiction over that permit and shall be processed in accordance with the procedures of that permit agency. Within thirty days of receiving the petition, the coordinating permit agency shall notify the other environmental agencies participating in the original coordinated permit process.

**NEW SECTION. Sec. 612.** If an applicant petitions for a significant amendment or modification to a coordinated permit process application or any of its component permit applications, the coordinating permit agency shall reconvene a meeting of the participating permit agencies, conducted in accordance with section 607 of this act.

**NEW SECTION. Sec. 613.** If an applicant fails to provide information required for the processing of the component permit applications for a coordinated permit process or for the designation of a coordinating permit agency, the time requirements of this chapter shall be held in abeyance until such time as the information is provided.

**NEW SECTION. Sec. 614.** (1) The center, by rule, shall establish an expedited appeals process by which a petitioner or applicant may appeal any failure by a permit agency to take timely action on the issuance or denial of a permit in accordance with the time limits established under this chapter.

(2) If the center finds that the time limits under appeal have been violated without good cause, it shall establish a date certain by which the permit agency shall act on the permit application with adequate provision for the requirements of section 607(1)(c)(ii) (A) through (C) of this act, and provide for the full reimbursement of any filing or permit processing fees paid by the applicant to the permit agency for the permit application under appeal.

**NEW SECTION. Sec. 615.** Nothing in this chapter affects the jurisdiction of the energy facility site evaluation council as provided in chapter 80.50 RCW.

**NEW SECTION. Sec. 616.** By December 1, 1997, the center shall submit a report to the appropriate committees of both houses of the legislature detailing the following information:

(1) The number of instances in which a coordinating permit agency has been requested and used, and the disposition of those cases;

(2) The amount of time elapsed between an initial request by a permit applicant for a coordinated permit process and the ultimate approval or disapproval of the permits included in the process; and

(3) The number of instances in which the expedited appeals process was requested, and the disposition of those cases.

**NEW SECTION. Sec. 617.** A new section is added to chapter 43.131 RCW to read as follows:

The permit assistance center and its powers and duties shall be terminated June 30, 1999, as provided in section 618 of this act.

**NEW SECTION. Sec. 618.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

- (1) RCW 90.--- and 1995 c -- s 601 (section 601 of this act);
- (2) RCW 90.--- and 1995 c -- s 602 (section 602 of this act);
- (3) RCW 90.--- and 1995 c -- s 603 (section 603 of this act);
- (4) RCW 90.--- and 1995 c -- s 604 (section 604 of this act);
- (5) RCW 90.--- and 1995 c -- s 605 (section 605 of this act);
- (6) RCW 90.--- and 1995 c -- s 606 (section 606 of this act);
- (7) RCW 90.--- and 1995 c -- s 607 (section 607 of this act);
- (8) RCW 90.--- and 1995 c -- s 608 (section 608 of this act);
- (9) RCW 90.--- and 1995 c -- s 609 (section 609 of this act);
- (10) RCW 90.--- and 1995 c -- s 610 (section 610 of this act);
- (11) RCW 90.--- and 1995 c -- s 611 (section 611 of this act);
- (12) RCW 90.--- and 1995 c -- s 612 (section 612 of this act);
- (13) RCW 90.--- and 1995 c -- s 613 (section 613 of this act);
- (14) RCW 90.--- and 1995 c -- s 614 (section 614 of this act);
- (15) RCW 90.--- and 1995 c -- s 615 (section 615 of this act); and
- (16) RCW 90.--- and 1995 c -- s 616 (section 616 of this act).

**NEW SECTION. Sec. 619.** The following acts or parts of acts are each repealed:

- (1) RCW 90.62.010 and 1982 c 179 s 1, 1977 c 54 s 1, & 1973 1st ex.s. c 185 s 1;

- (2) RCW 90.62.020 and 1994 c 264 s 96, 1988 c 36 s 71, 1977 c 54 s 2, & 1973 1st ex.s. c 185 s 2;
- (3) RCW 90.62.030 and 1973 1st ex.s. c 185 s 3;
- (4) RCW 90.62.040 and 1990 c 137 s 1, 1977 c 54 s 3, & 1973 1st ex.s. c 185 s 4;
- (5) RCW 90.62.050 and 1977 c 54 s 4 & 1973 1st ex.s. c 185 s 5;
- (6) RCW 90.62.060 and 1982 c 179 s 2, 1977 c 54 s 5, & 1973 1st ex.s. c 185 s 6;
- (7) RCW 90.62.070 and 1973 1st ex.s. c 185 s 7;
- (8) RCW 90.62.080 and 1987 c 109 s 156, 1977 c 54 s 6, & 1973 1st ex.s. c 185 s 8;
- (9) RCW 90.62.090 and 1977 c 54 s 7 & 1973 1st ex.s. c 185 s 9;
- (10) RCW 90.62.100 and 1977 c 54 s 8 & 1973 1st ex.s. c 185 s 10;
- (11) RCW 90.62.110 and 1973 1st ex.s. c 185 s 11;
- (12) RCW 90.62.120 and 1973 1st ex.s. c 185 s 12;
- (13) RCW 90.62.130 and 1977 c 54 s 9;
- (14) RCW 90.62.900 and 1973 1st ex.s. c 185 s 13;
- (15) RCW 90.62.901 and 1973 1st ex.s. c 185 s 14;
- (16) RCW 90.62.904 and 1973 1st ex.s. c 185 s 15;
- (17) RCW 90.62.905 and 1973 1st ex.s. c 185 s 16;
- (18) RCW 90.62.906 and 1973 1st ex.s. c 185 s 18;
- (19) RCW 90.62.907 and 1973 1st ex.s. c 185 s 19; and
- (20) RCW 90.62.908 and 1977 c 54 s 10.

NEW SECTION. **Sec. 620.** Sections 601 through 616 of this act shall constitute a new chapter in Title 90 RCW.

## PART VII - APPEALS

NEW SECTION. **Sec. 701.** This chapter may be known and cited as the land use petition act.

NEW SECTION. **Sec. 702.** The purpose of this chapter is to reform the process for judicial review of land use decisions made by local jurisdictions, by establishing uniform, expedited appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review.

NEW SECTION. **Sec. 703.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Land use decision" means a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

(a) An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public property; excluding applications for legislative approvals such as area-wide rezones and annexations; and excluding applications for business licenses;

(b) An interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property; and

(c) The enforcement by a local jurisdiction of ordinances regulating the improvement, development, modification, maintenance, or use of real property. However, when a local jurisdiction is required by law to enforce the ordinances in a court of limited jurisdiction, a petition may not be brought under this chapter.

(2) "Local jurisdiction" means a county, city, or incorporated town.

(3) "Person" means an individual, partnership, corporation, association, public or private organization, or governmental entity or agency.

NEW SECTION. **Sec. 704.** (1) This chapter replaces the writ of certiorari for appeal of land use decisions and shall be the exclusive means of judicial review of land use decisions, except that this chapter does not apply to:

- (a) Judicial review of:
    - (i) Land use decisions made by bodies that are not part of a local jurisdiction;
    - (ii) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board or the growth management hearings board;
  - (b) Judicial review of applications for a writ of mandamus or prohibition; or
  - (c) Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the claims are not subject to the procedures and standards, including deadlines, provided in this chapter for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.
- (2) The superior court civil rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

**NEW SECTION. Sec. 705.** (1) Proceedings for review under this chapter shall be commenced by filing a land use petition in superior court.

(2) A land use petition is barred, and the court may not grant review, unless the petition is timely filed with the court and timely served on the following persons who shall be parties to the review of the land use petition:

(a) The local jurisdiction, which for purposes of the petition shall be the jurisdiction's corporate entity and not an individual decision maker or department;

(b) Each of the following persons if the person is not the petitioner:

(i) Each person identified by name and address in the local jurisdiction's written decision as an applicant for the permit or approval at issue; and

(ii) Each person identified by name and address in the local jurisdiction's written decision as an owner of the property at issue;

(c) If no person is identified in a written decision as provided in (b) of this subsection, each person identified by name and address as a taxpayer for the property at issue in the records of the county assessor, based upon the description of the property in the application; and

(d) Each person named in the written decision who filed an appeal to a local jurisdiction quasi-judicial decision maker regarding the land use decision at issue, unless the person has abandoned the appeal or the person's claims were dismissed before the quasi-judicial decision was rendered. Persons who later intervened or joined in the appeal are not required to be made parties under this subsection.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section within twenty-one days of the issuance of the land use decision.

(4) For the purposes of this section, the date on which a land use decision is issued is:

(a) Three days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available;

(b) If the land use decision is made by ordinance or resolution by a legislative body sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or

(c) If neither (a) nor (b) of this subsection applies, the date the decision is entered into the public record.

(5) Service on the local jurisdiction must be by delivery of a copy of the petition to the persons identified by or pursuant to RCW 4.28.080 to receive service of process. Service on other parties must be in accordance with the superior court civil rules or by first class mail to:

(a) The address stated in the written decision of the local jurisdiction for each person made a party under subsection (2)(b) of this section;

(b) The address stated in the records of the county assessor for each person made a party under subsection (2)(c) of this section; and

(c) The address stated in the appeal to the quasi-judicial decision maker for each person made a party under subsection (2)(d) of this section.

(6) Service by mail is effective on the date of mailing and proof of service shall be by affidavit or declaration under penalty of perjury.

**NEW SECTION. Sec. 706.** If the applicant for the land use approval is not the owner of the real property at issue, and if the owner is not accurately identified in the records referred to in section 705(2) (b) and (c) of this act, the applicant shall be responsible for promptly securing the joinder of the owners. In addition, within fourteen days after service each party initially named by the petitioner

shall disclose to the other parties the name and address of any person whom such party knows may be needed for just adjudication of the petition, and the petitioner shall promptly name and serve any such person whom the petitioner agrees may be needed for just adjudication. If such a person is named and served before the initial hearing, leave of court for the joinder is not required, and the petitioner shall provide the newly joined party with copies of the pleadings filed before the party's joinder. Failure by the petitioner to name or serve, within the time required by section 705(3) of this act, persons who are needed for just adjudication but who are not identified in the records referred to in section 705(2)(b) of this act, or in section 705(2)(c) of this act if applicable, shall not deprive the court of jurisdiction to hear the land use petition.

**NEW SECTION. Sec. 707.** Standing to bring a land use petition under this chapter is limited to the following persons:

- (1) The applicant and the owner of property to which the land use decision is directed;
- (2) Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
  - (a) The land use decision has prejudiced or is likely to prejudice that person;
  - (b) That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
  - (c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
  - (d) The petitioner has exhausted his or her administrative remedies to the extent required by law.

**NEW SECTION. Sec. 708.** A land use petition must set forth:

- (1) The name and mailing address of the petitioner;
- (2) The name and mailing address of the petitioner's attorney, if any;
- (3) The name and mailing address of the local jurisdiction whose land use decision is at issue;
- (4) Identification of the decision-making body or officer, together with a duplicate copy of the decision, or, if not a written decision, a summary or brief description of it;
- (5) Identification of each person to be made a party under section 705(2) (b) through (d) of this act;
- (6) Facts demonstrating that the petitioner has standing to seek judicial review under section 707 of this act;
- (7) A separate and concise statement of each error alleged to have been committed;
- (8) A concise statement of facts upon which the petitioner relies to sustain the statement of error; and
- (9) A request for relief, specifying the type and extent of relief requested.

**NEW SECTION. Sec. 709.** (1) Within seven days after the petition is served on the parties identified in section 705(2) of this act, the petitioner shall note, according to the local rules of superior court, an initial hearing on jurisdictional and preliminary matters. This initial hearing shall be set no sooner than thirty-five days and no later than fifty days after the petition is served on the parties identified in section 705(2) of this act.

(2) The parties shall note all motions on jurisdictional and procedural issues for resolution at the initial hearing, except that a motion to allow discovery may be brought sooner. Where confirmation of motions is required, each party shall be responsible for confirming its own motions.

(3) The defenses of lack of standing, untimely filing or service of the petition, and failure to join persons needed for just adjudication are waived if not raised by timely motion noted to be heard at the initial hearing, unless the court allows discovery on such issues.

(4) The petitioner shall move the court for an order at the initial hearing that sets the date on which the record must be submitted, sets a briefing schedule, sets a discovery schedule if discovery is to be allowed, and sets a date for the hearing or trial on the merits.

(5) The parties may waive the initial hearing by scheduling with the court a date for the hearing or trial on the merits and filing a stipulated order that resolves the jurisdictional and procedural issues raised by the petition, including the issues identified in subsections (3) and (4) of this section.



(6) A party need not file an answer to the petition.

**NEW SECTION. Sec. 710.** The court shall provide expedited review of petitions filed under this chapter. The matter must be set for hearing within sixty days of the date set for submitting the local jurisdiction's record, absent a showing of good cause for a different date or a stipulation of the parties.

**NEW SECTION. Sec. 711.** (1) A petitioner or other party may request the court to stay or suspend an action by the local jurisdiction or another party to implement the decision under review. The request must set forth a statement of grounds for the stay and the factual basis for the request.

(2) A court may grant a stay only if the court finds that:

(a) The party requesting the stay is likely to prevail on the merits;

(b) Without the stay the party requesting it will suffer irreparable harm;

(c) The grant of a stay will not substantially harm other parties to the proceedings; and

(d) The request for the stay is timely in light of the circumstances of the case.

(3) The court may grant the request for a stay upon such terms and conditions, including the filing of security, as are necessary to prevent harm to other parties by the stay.

**NEW SECTION. Sec. 712.** (1) Within forty-five days after entry of an order to submit the record, or within such a further time as the court allows or as the parties agree, the local jurisdiction shall submit to the court a certified copy of the record for judicial review of the land use decision, except that the petitioner shall prepare at the petitioner's expense and submit a verbatim transcript of any hearings held on the matter.

(2) If the parties agree, or upon order of the court, the record shall be shortened or summarized to avoid reproduction and transcription of portions of the record that are duplicative or not relevant to the issues to be reviewed by the court.

(3) The petitioner shall pay the local jurisdiction the cost of preparing the record before the local jurisdiction submits the record to the court. Failure by the petitioner to timely pay the local jurisdiction relieves the local jurisdiction of responsibility to submit the record and is grounds for dismissal of the petition.

(4) If the relief sought by the petitioner is granted in whole or in part the court shall equitably assess the cost of preparing the record among the parties. In assessing costs the court shall take into account the extent to which each party prevailed and the reasonableness of the parties' conduct in agreeing or not agreeing to shorten or summarize the record under subsection (2) of this section.

**NEW SECTION. Sec. 713.** (1) When the land use decision being reviewed was made by a quasi-judicial body or officer who made factual determinations in support of the decision and the parties to the quasi-judicial proceeding had an opportunity consistent with due process to make a record on the factual issues, judicial review of factual issues and the conclusions drawn from the factual issues shall be confined to the record created by the quasi-judicial body or officer, except as provided in subsections (2) through (4) of this section.

(2) For decisions described in subsection (1) of this section, the record may be supplemented by additional evidence only if the additional evidence relates to:

(a) Grounds for disqualification of a member of the body or of the officer that made the land use decision, when such grounds were unknown by the petitioner at the time the record was created;

(b) Matters that were improperly excluded from the record after being offered by a party to the quasi-judicial proceeding; or

(c) Matters that were outside the jurisdiction of the body or officer that made the land use decision.

(3) For land use decisions other than those described in subsection (1) of this section, the record for judicial review may be supplemented by evidence of material facts that were not made part of the local jurisdiction's record.

(4) The court may require or permit corrections of ministerial errors or inadvertent omissions in the preparation of the record.

(5) The parties may not conduct pretrial discovery except with the prior permission of the court, which may be sought by motion at any time after service of the petition. The court shall not grant permission unless the party requesting it makes a prima facie showing of need. The court shall

strictly limit discovery to what is necessary for equitable and timely review of the issues that are raised under subsections (2) and (3) of this section. If the court allows the record to be supplemented, the court shall require the parties to disclose before the hearing or trial on the merits the specific evidence they intend to offer. If any party, or anyone acting on behalf of any party, requests records under chapter 42.17 RCW relating to the matters at issue, a copy of the request shall simultaneously be given to all other parties and the court shall take such request into account in fashioning an equitable discovery order under this section.

**NEW SECTION. Sec. 714.** (1) The superior court, acting without a jury, shall review the record and such supplemental evidence as is permitted under section 713 of this act. The court may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;

(c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;

(d) The land use decision is a clearly erroneous application of the law to the facts;

(e) The land use decision is outside the authority or jurisdiction of the body or officer making the decision; or

(f) The land use decision violates the constitutional rights of the party seeking relief.

(2) In order to grant relief under this chapter, it is not necessary for the court to find that the local jurisdiction engaged in arbitrary and capricious conduct. A grant of relief by itself may not be deemed to establish liability for monetary damages or compensation.

**NEW SECTION. Sec. 715.** The court may affirm or reverse the land use decision under review or remand it for modification or further proceedings. If the decision is remanded for modification or further proceedings, the court may make such an order as it finds necessary to preserve the interests of the parties and the public, pending further proceedings or action by the local jurisdiction.

**Sec. 716.** RCW 7.16.360 and 1989 c 175 s 38 are each amended to read as follows:

This chapter does not apply to state agency action reviewable under chapter 34.05 RCW or to land use decisions of local jurisdictions reviewable under chapter 36.-- RCW (sections 701 through 715 of this act).

**Sec. 717.** RCW 58.17.180 and 1983 c 121 s 5 are each amended to read as follows:

Any decision approving or disapproving any plat shall be reviewable ~~((for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of the county in which such matter is pending. Standing to bring the action is limited to the following parties:~~

~~(1) The applicant or owner of the property on which the subdivision is proposed;~~

~~(2) Any property owner entitled to special notice under RCW 58.17.090;~~

~~(3) Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision.~~

~~Application for a writ of review shall be made to the court within thirty days from any decision so to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant)) under chapter 36.-- RCW (sections 701 through 715 of this act).~~

**NEW SECTION. Sec. 718.** A new section is added to chapter 4.84 RCW to read as follows:

(1) Notwithstanding any other provisions of this chapter, reasonable attorneys' fees and costs shall be awarded to the prevailing party or substantially prevailing party on appeal before the court of appeals or the supreme court of a decision by a county, city, or town to issue, condition, or deny a development permit involving a site-specific rezone, zoning, plat, conditional use, variance, shoreline permit, building permit, site plan, or similar land use approval or decision. The court shall award and determine the amount of reasonable attorneys' fees and costs under this section if:

(a) The prevailing party on appeal was the prevailing or substantially prevailing party before the county, city, or town, or in a decision involving a substantial development permit under chapter 90.58 RCW, the prevailing party on appeal was the prevailing party or the substantially prevailing party before the shoreline hearings board; and

(b) The prevailing party on appeal was the prevailing party or substantially prevailing party in all prior judicial proceedings.

(2) In addition to the prevailing party under subsection (1) of this section, the county, city, or town whose decision is on appeal is considered a prevailing party if its decision is upheld at superior court and on appeal.

NEW SECTION. **Sec. 719.** Sections 701 through 715 of this act shall constitute a new chapter in Title 36 RCW.

## PART VIII - STUDY

NEW SECTION. **Sec. 801.** The land use study commission is hereby established. The commission's goal shall be the integration and consolidation of the state's land use and environmental laws into a single, manageable statute. In fulfilling its responsibilities, the commission shall evaluate the effectiveness of the growth management act, the state environmental policy act, the shoreline management act, and other state land use, planning, environmental, and permitting statutes in achieving their stated goals.

NEW SECTION. **Sec. 802.** The commission shall consist of not more than fourteen members. Eleven members of the commission shall be appointed by the governor. Membership shall reflect the interests of business, agriculture, labor, the environment, neighborhood groups, other citizens, the legislature, cities, counties, and federally recognized Indian tribes. Members shall have substantial experience in matters relating to land use and environmental planning and regulation, and shall have the ability to work toward cooperative solutions among diverse interests. The director of the department of community, trade, and economic development, or the director's designee, shall be a member and shall serve as chair of the commission. The director of the department of ecology, or the director's designee, and the secretary of the department of transportation, or the secretary's designee, shall also be members of the commission. Staff for the commission shall be provided by the department of community, trade, and economic development, with additional staff to be provided by other state agencies and the legislature, as may be required. State agencies shall provide the commission with information and assistance as needed.

NEW SECTION. **Sec. 803.** The commission shall convene commencing June 1, 1995, and shall complete its work by June 30, 1998. The commission shall submit a report to the governor and the legislature stating its findings, conclusions, and recommendations not later than November 1 of each year. The commission shall submit its final report to the governor and the legislature not later than November 1, 1997.

NEW SECTION. **Sec. 804.** The commission shall:

(1) Consider the effectiveness of state and local government efforts to consolidate and integrate the growth management act, the state environmental policy act, the shoreline management act, and other land use, planning, environmental, and permitting laws.

(2) Identify the revisions and modifications needed in state land use, planning, and environmental law and practice to adequately plan for growth and achieve economically and environmentally sustainable development, to adequately assess environmental impacts of comprehensive plans, development regulations, and growth, and to reduce the time and cost of obtaining project permits.

(3) Draft a consolidated land use procedure, following these guidelines:

(a) Conduct land use planning through the comprehensive planning process under chapter 36.70A RCW rather than through review of individual projects;

(b) Involve diverse sectors of the public in the planning process. Early and informal environmental analysis should be incorporated into planning and decision making;

(c) Recognize that different questions need to be answered and different levels of detail applied at each planning phase, from the initial development of plan concepts or plan elements to implementation programs;

(d) Integrate and combine to the fullest extent possible the processes, analysis, and documents currently required under chapters 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent implementation will incorporate measures to promote the environmental, economic, and other goals and to mitigate undesirable or unintended adverse impacts on a community's quality of life;

(e) Focus environmental review and the level of detail needed for different stages of plan and project decisions on the environmental considerations most relevant to that stage of the process;

(f) Avoid duplicating review that has occurred for plan decisions when specific projects are proposed;

(g) Use environmental review on projects to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by agencies, tribes, and the public on compliance with applicable environmental laws and plans, including mitigation for site specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures;

(h) Maintain or improve the quality of environmental analysis both for plan and for project decisions, while integrating these analyses with improved state and local planning and permitting processes;

(i) Examine existing land use and environmental permits for necessity and utility. To the extent possible, existing permits should be combined into fewer permits, assuring that the values and principles intended to be protected by those permits remain protected; and

(j) Consolidate local government appeal processes to allow a single appeal of permits at local government levels, a single state level administrative appeal, and a final judicial appeal.

(4) Monitor instances state-wide of the vesting of project permit applications during the period that an appeal is pending before a growth management hearings board, as authorized under RCW 36.70A.300. The commission shall also review the extent to which such vesting results in the approval of projects that are inconsistent with a comprehensive plan or development regulation provision ultimately found to be in compliance with a board's order or remand. The commission shall analyze the impact of such approvals on ensuring the attainment of the goals and policies of chapter 36.70A RCW, and make recommendations to the governor and the legislature on statutory changes to address any adverse impacts from the provisions of RCW 36.70A.300. The commission shall provide an initial report on its findings and recommendations by November 1, 1995, and submit its further findings and recommendations subsequently in the reports required under section 803 of this act.

(5) Monitor local government consolidated permit procedures and the effectiveness of the timelines established by section 413 of this act. The commission shall include in its report submitted to the governor and the legislature on November 1, 1997, its recommendation about what timelines, if any, should be imposed on the local government consolidated permit process required by chapter 36.-- RCW (the new chapter created in section 431 of this act).

(6) Evaluate funding mechanisms that will enable local governments to pay for and recover the costs of conducting integrated planning and environmental analysis. The commission shall include its conclusions in its first report to the legislature on November 1, 1995, and include any recommended statutory changes.

(7) Study, in cooperation with the state board for registration of professional engineers and the state building code council, ways in which state agencies and local governments could authorize professionals with appropriate qualifications to certify a project's compliance with certain state and local land use and environmental requirements. The commission shall report to the legislature on measures necessary to implement such a system of professional certification.

These guidelines are intended to guide the work of the commission, without limiting its charge to integrate and consolidate Washington's land use and environmental laws into a single, manageable statutory framework.

**NEW SECTION. Sec. 805.** Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 806.** Sections 801 through 805 of this act shall expire June 30, 1998.

PART IX - MISCELLANEOUS

NEW SECTION. **Sec. 901.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 902.** Part headings and the table of contents as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 903.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. **Sec. 904.** Sections 801 through 806 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995."

On page 1, line 3 of the title, after "review;" strike the remainder of the title and insert "amending RCW 36.70A.130, 36.70A.140, 36.70A.280, 36.70A.300, 36.70A.320, 36.70A.330, 34.05.514, 43.21C.031, 43.21C.075, 43.21C.080, 43.21C.110, 43.21C.900, 90.58.020, 90.58.030, 90.58.050, 90.58.060, 90.58.080, 90.58.090, 90.58.100, 90.58.120, 90.58.140, 90.58.180, 90.58.190, 34.05.461, 36.70A.440, 36.70A.065, 36.70A.065, 43.21C.033, 35.63.130, 35A.63.170, 36.70.970, 58.17.090, 58.17.092, 58.17.100, 58.17.330, 7.16.360, and 58.17.180; reenacting and amending RCW 36.70A.030 and 36.70A.290; adding new sections to chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 64.40 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 4.84 RCW; adding new chapters to Title 36 RCW; adding a new chapter to Title 90 RCW; adding a new chapter to Title 82 RCW; creating new sections; recodifying RCW 36.70A.065 and 36.70A.440; repealing RCW 90.58.145, 90.62.010, 90.62.020, 90.62.030, 90.62.040, 90.62.050, 90.62.060, 90.62.070, 90.62.080, 90.62.090, 90.62.100, 90.62.110, 90.62.120, 90.62.130, 90.62.900, 90.62.901, 90.62.904, 90.62.905, 90.62.906, 90.62.907, and 90.62.908; providing effective dates; providing expiration dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Goldsmith moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1724 and ask the Senate for a conference thereon.

MOTION

Representative Rust moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1724 and pass the bill as amended by the Senate.

Representative Rust demanded an electronic roll call vote and the demand was sustained.

MOTION

On motion of Representative Brown, Representatives Sommers and Patterson were excused.

The Speaker (Representative Horn presiding) stated the question before the House to be the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1724.

Representatives Cairnes and L. Thomas spoke against the motion to concur in the Senate amendments.

Representative Rust spoke in favor of the motion to concur in the Senate amendments.

#### ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1724 and the motion failed the House by the following vote: Yeas - 30, Nays - 60, Absent - 1, Excused - 7.

Voting yea: Representatives Appelwick, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Jacobsen, Mason, Mastin, Morris, Ogden, Poulsen, Quall, Regala, Romero, Rust, Scott, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 30.

Voting nay: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Dyer, Elliot, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Absent: Representative Hatfield - 1.

Excused: Representatives Benton, Cooke, Foreman, Huff, Patterson, Silver and Sommers - 7.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1724.

BRIAN HATFIELD, 19th District

The motion to not concur in the Senate amendments to Engrossed Substitute House Bill No. 1724 was carried.

#### APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives Reams, Cairnes and Rust as Conferees on Engrossed Substitute House Bill No. 1724.

#### SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1725 with the following amendments:

On page 4, after line 5, insert the following:

"**Sec. 3.** RCW 69.50.435 and 1991 c 32 s 4 are each amended to read as follows:

(a) Any person who violates RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under that subsection or who violates RCW 69.50.410 by selling for profit any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana to a person;

(1) In a school ((~~or~~));

(2) On a school bus ((~~or~~));

(3) Within one thousand feet of a school bus route stop designated by the school district ((~~or~~));

(4) Within one thousand feet of the perimeter of the school grounds((~~r~~));

(5) In a public park ((~~or~~));

(6) In a public housing project designated by a local governing authority as a drug-free zone;

(7) On a public transit vehicle((~~r~~)); or

(8) In a public transit stop shelter may be punished by a fine of up to twice the fine otherwise authorized by this chapter, but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by this chapter, but not including twice the imprisonment authorized by RCW 69.50.406, or by both such fine and imprisonment. The provisions of this section shall not operate to more than double the fine or imprisonment otherwise authorized by this chapter for an offense.

(b) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop, in a public park, on a public transit vehicle, ((~~or~~) in a public transit stop shelter, or in a public housing project designated by a local governing authority as a drug-free zone.

(c) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were not present in the school, the school bus, the public park, or the public transit vehicle, or at the school bus route stop or the public transit vehicle stop shelter, or in a public housing project designated by a local governing authority as a drug-free zone at the time of the offense or that school was not in session.

(d) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(e) In a prosecution under this section, a map produced or reproduced by any ((~~municipal~~) municipality, school district, county, ((~~or~~) transit authority engineer, or public housing authority for the purpose of depicting the location and boundaries of the area on or within one thousand feet of any property used for a school, school bus route stop, public park, ((~~or~~) public transit vehicle stop shelter, or public housing project designated by a local governing authority as a drug-free zone, or a true copy of such a map, shall under proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, county, or transit authority has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school, school bus route stop, public park, ((~~or~~) public transit vehicle stop shelter, or public housing project designated by a local governing authority as a drug-free zone. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, county, ((~~or~~) transit authority, or public housing authority if the map or diagram is otherwise admissible under court rule.

(f) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "School" has the meaning under RCW 28A.150.010 or 28A.150.020. The term "school" also includes a private school approved under RCW 28A.195.010;

(2) "School bus" means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The term does not include buses operated by common carriers in the urban transportation of students such as transportation of students through a municipal transportation system;

(3) "School bus route stop" means a school bus stop as designated on maps submitted by school districts to the office of the superintendent of public instruction;

(4) "Public park" means land, including any facilities or improvements on the land, that is operated as a park by the state or a local government;

(5) "Public transit vehicle" means any motor vehicle, street car, train, trolley vehicle, or any other device, vessel, or vehicle which is owned or operated by a transit authority and which is used for the purpose of carrying passengers on a regular schedule;

(6) "Transit authority" means a city, county, or state transportation system, transportation authority, public transportation benefit area, public transit authority, or metropolitan municipal corporation within the state that operates public transit vehicles;

(7) "Stop shelter" means a passenger shelter designated by a transit authority;

(8) "Public housing project" means the same as defined in RCW 35.82.020(9)."

On page 1, line 2 of the title, strike "and 35.82 130" and insert ", 35.82.130, and 69.50.435" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Brumsickle moved that the House not concur in the Senate amendments to House Bill No. 1725.

#### POINT OF ORDER

Representative Brumsickle: Thank you Mr. Speaker. I would request a ruling on the scope and object on the Senate amendments to House Bill no. 1725.

There being no objection, the House deferred further consideration of House Bill No. 1725 and the bill held it's place on today's calendar.

There being no objection, the House deferred consideration of Engrossed Substitute House Bill No. 1589 and the bill held it's place on the third reading calendar.

#### MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5169 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Brumsickle moved that the House insists on it position regarding the House amendments to Engrossed Substitute Senate Bill No. 5169 and ask the Senate for a conference thereon.

Representatives Brumsickle and Cole spoke in favor of the motion and it was carried.

#### APPOINTMENT OF CONFEREES



The Speaker (Representative Horn presiding) appointed Representatives Brumsickle, Radcliff and Cole as Conferees on Engrossed Substitute Senate Bill No. 5169.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5434 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative L. Thomas moved that the House insists on its position regarding the House amendments to Senate Bill No. 5434 and ask the Senate for a conference thereon.

Representatives L. Thomas and Smith spoke in favor of the motion and it was carried.

MOTION

On motion of Representative Talcott, Representatives Mulliken and Reams were excused.

APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives L. Thomas, Smith and Wolfe as Conferees on Senate Bill No. 5434.

MESSAGES FROM THE SENATE

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1630. The President appoints the following members as Conferees:

Senators Pelz, Palmer and Sutherland

and the same is herewith transmitted.

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821. The President has appointed the following members as Conferees:

Senators Pelz, Newhouse and Kohl

and the same is herewith transmitted.

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080. The President has appointed the following members as Conferees:

Senators Owen, Prince and Heavey

and the same is herewith transmitted.

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The President has appointed the following members as Conferees on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439:

Senators Hargrove, Long and Kohl

and the same is herewith transmitted.

Marty Brown, Secretary

April 18, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448, and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Koster moved that the House insists on its position regarding the House amendments to Engrossed Second Substitute Senate Bill No. 5448 and again ask the Senate to concur thereon.

Representative Koster spoke in favor of the motion and it was carried.

#### MESSAGE FROM THE SENATE

April 18, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5616, and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Fuhrman moved that the House insists on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 5616 and again asks the Senate to concur thereon.

Representatives Fuhrman and Basich spoke in favor of the motion and it was carried.

#### SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1250 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.32 RCW to read as follows:

(1)(a) If the worker or beneficiary in a state fund claim prevails in an appeal by any party to the board or the court, the department shall comply with the board or court's order with respect to the payment of compensation within the later of the following time periods:

(i) Sixty days after the compensation order is entered; or

(a)(i) If, after the order has been entered and the department has, within the period specified in (a)(i) of this subsection, requested the filing by the worker or beneficiary of documents necessary to make payment of compensation, sixty days after all requested documents are filed with the department.

The department may extend the sixty-day time period for an additional thirty days for good cause.

(b) If the department fails to comply with (a) of this subsection, any person entitled to compensation under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the claimant resides, or, if the claimant is not then a resident of this state, in the superior court for Thurston county.

(2) In a proceeding under this section, the court shall enforce obedience to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order. The court may issue such writs and processes as are necessary to carry out its orders and may award a penalty of up to five hundred dollars to the person entitled to compensation under the order and reasonable costs and attorneys' fees. The court may award an additional penalty of five hundred dollars for each month that payment is not received beyond the time period allowed in subsection (1) of this section.

(3) A proceeding under this section does not preclude other methods of enforcement provided for in this title.

NEW SECTION. Sec. 2. This act applies to all appeals in state fund claims determined under Title 51 RCW on or after the effective date of this act, regardless of the date of filing of the claim."

On page 1, line 1 of the title, after "awards;" strike the remainder of the title and insert "adding a new section to chapter 51.32 RCW; creating a new section; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House not concur in the Senate amendments to Substitute House Bill No. 1250 and ask the Senate to recede therefrom.

MOTION

Representative Romero moved that the House concur in the Senate amendments to Substitute House Bill No. 1250 and pass the bill as amended by the Senate.

The Speaker (Representative Horn presiding) stated the question before the House to be the motion to concur in the Senate amendments to Substitute House Bill No. 1250.

Representatives Romero and Conway spoke in favor of the motion to concur and Representative Lisk spoke against the motion.

The motion to concur in the Senate amendments to Substitute House Bill No. 1250 failed.

The motion to not concur in the Senate amendments to Substitute House Bill No. 1250 was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1770, with the following amendments:

On page 1, after line 3, insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 18.106 RCW to read as follows: It is the intent of the legislature that the department of labor and industries be authorized to enter into agreements with cities and counties to allow the cities and counties to perform compliance inspections in accordance with the provisions of this chapter. The legislature intends that enforcement responsibilities contained in the chapter remain with the department and not be assumed by the cities and counties."

On page 1, line 14, after "Washington." insert "Nothing in this section prevents the department from entering into similar agreements with other cities and counties regarding compliance inspections by the city or county to enforce this chapter."

On page 1, line 2 of the title, strike "and" and after "18.106.280" insert "; and adding a new section to chapter 18.106 RCW"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House not concur in the Senate amendments to Engrossed House Bill No. 1770 and ask the Senate to recede therefrom.

Representative Romero spoke in favor of the motion and it was carried.

## SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the increasing number of inmates incarcerated in state correctional institutions, and the expenses associated with their incarceration, require expanded efforts to contain corrections costs. Cost containment requires improved planning and oversight, and increased accountability and responsibility on the part of both inmates and the department.

The legislature further finds that motivating inmates to participate in meaningful education and work programs in order to learn transferable skills and earn basic privileges is an effective and efficient way to meet the penological objectives of the corrections system.

The purpose of this act is to assist the department in fulfilling its mission, specifically to reduce offender recidivism, to mirror the values of the community by clearly linking inmate behavior to the receipt of privileges, and to prudently manage the resources it receives through the tax dollars of law-abiding citizens. This purpose is accomplished through the implementation of specific cost-control measures and the creation of a planning and oversight process that will improve the department's effectiveness and efficiency.

**Sec. 2.** RCW 72.09.010 and 1981 c 136 s 2 are each amended to read as follows:

It is the intent of the legislature to establish a comprehensive system of corrections for convicted law violators within the state of Washington to accomplish the following objectives.

(1) The system should ensure the public safety. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and the inmates.

(2) The system should punish the offender for violating the laws of the state of Washington. This punishment should generally be limited to the denial of liberty of the offender.

(3) The system should positively impact offenders by stressing personal responsibility and accountability and by discouraging recidivism.

(4) The system should treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.

~~((4))~~ (5) The system, as much as possible, should reflect the values of the community including:

(a) Avoiding idleness. Idleness is not only wasteful but destructive to the individual and to the community.

(b) Adoption of the work ethic. It is the community expectation that all citizens should work and through their efforts benefit both themselves and the community.

(c) Providing opportunities for self improvement. All individuals should have opportunities to grow and expand their skills and abilities so as to fulfill their role in the community.

(d) ~~((Providing tangible rewards for accomplishment.))~~ Linking the receipt or denial of privileges to responsible behavior and accomplishments. The individual who works to improve himself or herself and the community should be rewarded for these efforts. As a corollary, there should be no rewards for no effort.

(e) Sharing in the obligations of the community. All citizens, the public and inmates alike, have a personal and fiscal obligation in the corrections system. All communities must share in the responsibility of the corrections system.

~~((5))~~ (6) The system should provide for prudent management of resources. The avoidance of unnecessary or inefficient public expenditures on the part of offenders and the department is essential. Offenders must be accountable to the department, and the department must be accountable to the public and the legislature. The human and fiscal resources of the community are limited. The management and use of these resources can be enhanced by wise investment, productive programs, the reduction of duplication and waste, and the joining together of all involved parties in a common endeavor. Since virtually all offenders return to the community, it is wise for the state and the communities to make an investment in effective rehabilitation programs for offenders and the wise use of resources.

~~((6))~~ (7) The system should provide for restitution. Those who have damaged others, persons or property, have a responsibility to make restitution for these damages.

~~((7))~~ (8) The system should be accountable to the citizens of the state. In return, the individual citizens and local units of government must meet their responsibilities to make the corrections system effective.

~~((8))~~ (9) The system should meet those national standards which the state determines to be appropriate.

**Sec. 3.** RCW 72.09.015 and 1987 c 312 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) ~~("Department" means the department of corrections.~~

~~(2) "Secretary" means the secretary of corrections.~~

~~(3) "County" refers to a county or combination of counties.~~

~~(4))~~ "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(2) "Contraband" means any object or communication that the secretary determines shall not be allowed to be (a) brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(3) "County" refers to a county or combination of counties.

(4) "Department" means the department of corrections.

(5) "Earned early release" means earned early release as authorized by RCW 9.94A.150.

(6) "Extended family visit" means an authorized visit between an inmate and a member or members of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

(7) "Good conduct" means compliance with department rules and standards.

(8) "Good performance" means successful completion of any program required by the department, including an education, work, or other program.

(9) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

(10) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which is directly linked to the good conduct or good performance of an inmate confined in an institution under the jurisdiction of the department. Privileges do not include any goods or services that the department is required to provide under the state or federal Constitution or under state or federal law.

(11) "Secretary" means the secretary of corrections.

(12) "Work programs" means all classes of correctional industries jobs authorized by RCW 72.09.100.

**Sec. 4.** RCW 72.09.020 and 1988 c 153 s 7 are each amended to read as follows:

For purposes of this chapter, "inmate" means any person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility ~~((and)),~~ persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

**NEW SECTION. Sec. 5.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted from participation under subsection (2) of this section. Eligible inmates who refuse to participate in available education or work programs shall lose inmate privileges according to the system established under RCW 72.09.130. The legislature recognizes that more inmates may agree to participate in education and work programs than are currently available. Accordingly, the department must give priority to placing inmates in available education and work programs who will be most likely to achieve significant personal and public benefit from the programs, and the department must prioritize available resources to work toward the goal of full participation as soon as possible.

(2) The department shall establish, in rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines that an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section. When the department determines that an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical conditions of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

(3) The department shall establish, in rule, the standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their educational history, basic skills and literacy level, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the corrections system, are returning to the corrections system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall periodically reassess the basic skills, literacy level, and vocational or work skills of inmates to ensure that they are participating in programming appropriate to their level of academic and technical competency.

(b) Placement. The department shall place inmates in appropriate education and work programs utilizing criteria to evaluate an inmate's likelihood of achieving significant benefit from the programming. The placement criteria shall include at least the following factors:

- (i) An inmate's release date and custody level;
- (ii) An inmate's educational history, basic skills, and literacy level;
- (iii) An inmate's work history, and vocational or work skills;
- (iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and
- (v) Where applicable, an inmate's prior performance in department-approved education or work programs.

(c) Performance and goals. The department shall establish inmate behavior standards and program goals for all education or work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals.

(d) Financial responsibility. The department shall establish a formula by which inmates will pay all or a portion of the costs of participating in community college associate of arts degree programs, baccalaureate degree programs, and postbaccalaureate degree programs, including tuition, books, and fees. The formula will consider the inmates' ability to pay and the department's efforts to maintain a cost-efficient level of enrollment in programs for which it contracts with community colleges. When an inmate voluntarily chooses to participate in a postsecondary education program into which he or she has not been placed by the department under (b) of this subsection, the inmate must pay the full tuition costs of the postsecondary education program charged by the community colleges under contract with the department.

(e) An inmate sentenced to life without the possibility of release may participate in education programs, including English as a second language, adult basic education, general equivalency degree, high school diploma, or any associate, baccalaureate, or post-baccalaureate degree, only if he or she

pays all tuition costs and fees of the program and only if space is available in the program after all other eligible inmates have been offered the opportunity to participate, except that inmates sentenced to life without the possibility of release who require vocational training to participate in a correctional industries job may participate in the vocational training under the same placement, performance, and financial responsibility standards as other inmates.

(4) The department shall coordinate educational and work programming opportunities among its several institutions, to the greatest extent possible, to facilitate continuity of programming for inmates who are transferred between institutions. Prior to transferring inmates enrolled in programs, the department shall consider the effect the transfer will have on an inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit any transfer that is necessary for legitimate safety or security reasons.

(5) Before the construction of any new correctional institution or the expansion of any existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for educational and training purposes in the institution. The plan shall specify how the use of television in the educational and training programs will improve inmates' preparedness for available correctional industries jobs and job opportunities for which inmates may qualify upon release.

**Sec. 6.** RCW 72.09.130 and 1981 c 136 s 17 are each amended to read as follows:

(1) The department shall adopt, in rule, a system ~~((providing incentives for good conduct and disincentives for poor conduct))~~ that clearly links an inmate's behavior and participation in available education and work programs with the receipt or denial of earned early release days and other privileges. The system ~~((may))~~ shall include increases or decreases in the degree of liberty granted the inmate within the programs operated by the department, access to or withholding of privileges available within correctional institutions, and recommended increases or decreases in the number of earned early release days that an inmate can earn for good conduct and good performance.

(2) Earned early release days shall be recommended by the department as a form of tangible reward for accomplishment. The system shall be fair, measurable, and understandable to offenders, staff, and the public. At least once in each twelve-month period, the department shall inform the offender in writing as to his or her conduct and performance. This written evaluation shall include reasons for awarding or not awarding recommended earned early release days for good conduct and good performance. ~~((The term "good performance" as used in this section means successfully performing a work, work training, or educational task to levels of expectation as specified in writing by the department. The term "good conduct" as used in this section refers to compliance with department rules.~~

~~Within one year after July 1, 1981, the department shall adopt, and provide a written description of, the system.)~~ An inmate is not eligible to receive earned early release days during any time in which he or she refuses to participate in an available education or work program into which he or she has been placed by the department pursuant to section 5 of this act.

(3) The department shall provide a ~~((copy of this))~~ written description of the system to each offender in its custody.

**NEW SECTION. Sec. 7.** A new section is added to chapter 72.09 RCW to read as follows:

To the greatest extent practical, all inmates shall contribute to the cost of inmate privileges provided by the department. The department shall establish standards by which inmates will pay a significant portion of the department's capital and operating costs of providing all inmate privileges, including but not limited to television cable access, extended family visitation, weight lifting and other recreational sports equipment and supplies, and associated staff supervision costs. Inmate contributions may be in the form of individual user fees assessed against an inmate's institution account, deductions from an inmate's gross wages or gratuities, or inmates' collective contributions to the institutional welfare/betterment fund. The contribution standards shall consider the assets available to inmates, the costs of administrating compliance with the contribution requirements, and shall not be unduly destructive of the work ethic.

**NEW SECTION. Sec. 8.** A new section is added to chapter 72.09 RCW to read as follows:

The secretary shall adopt in rule a uniform policy that prohibits receipt or possession of anything that is determined to be contraband. The rule shall provide maximum protection of legitimate



penological interests, including prison security and order. The rule shall protect the legitimate interests of the public and inmates in the exchange of ideas. The secretary shall establish a method of reviewing all incoming and outgoing material, consistent with constitutional constraints, for the purpose of confiscating anything determined to be contraband.

**NEW SECTION. Sec. 9.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The extended family visitation program is a privilege that the department may allow an inmate to participate in only after the superintendent determines an inmate is eligible. All extended family visits must be approved in advance by the superintendent or the superintendent's designee, who may cancel, interrupt, suspend, or terminate any visit for good cause.

(2) The department shall adopt, in rule, standards for participation in the extended family visitation program. The standards shall provide eligible inmates the opportunity, subject to the approval of the superintendent or the superintendent's designee, to maintain relationships with authorized family members, to maintain marriages and relationships that existed prior to incarceration, and to provide an incentive for inmates to maintain positive attitudes and behaviors while incarcerated. The standards shall address at least the following areas:

(a) Eligibility. The eligibility standards for inmates and their proposed visitors shall include at least the following factors for consideration:

(i) An inmate's release date and custody level. An inmate confined in maximum or close custody, in an intensive management unit, or in disciplinary or administrative segregation is not eligible to participate in an extended family visit;

(ii) An inmate's infraction history while incarcerated;

(iii) An inmate's prior criminal offense history;

(iv) The nature of the offense for which the inmate is incarcerated and whether the proposed visitor was a victim of the inmate's offense;

(v) When available, the opinion of a licensed medical practitioner or mental health professional as to the appropriateness of an extended family visit between an inmate and the proposed visitor or visitors;

(vi) The criminal history of the proposed visitor or visitors;

(vii) Where applicable, the conduct of the inmate and the proposed visitor or visitors during prior extended family visits.

(b) Conduct during visits. The department shall establish standards for the conduct of inmates and visitors participating in the extended family visitation program that protect the safety of visitors and preserve the orderly operation of the correctional institution.

**Sec. 10.** RCW 4.24.130 and 1992 c 30 s 1 are each amended to read as follows:

(1) Any person desiring a change of his or her name or that of his or her child or ward, may apply therefor to the district court of the judicial district in which he or she resides, by petition setting forth the reasons for such change; thereupon such court in its discretion may order a change of the name and thenceforth the new name shall be in place of the former.

(2) An offender under the jurisdiction of the department of corrections who applies to change his or her name under subsection (1) of this section shall submit a copy of the application to the department of corrections no less than five days prior to the entry of an order granting the name change. No offender under the jurisdiction of the department of corrections at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate penological goals, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. An offender under the jurisdiction of the department of corrections who receives an order changing his or her name shall submit a copy of the order to the department of corrections within five days of the entry of the order. Violation of this subsection is a misdemeanor.

(3) The district court shall collect the fees authorized by RCW 36.18.010 for filing and recording a name change order, and transmit the fee and the order to the county auditor. The court may collect a reasonable fee to cover the cost of transmitting the order to the county auditor.

**NEW SECTION. Sec. 11.** A new section is added to chapter 72.09 RCW to read as follows:

The department may require an offender who obtains an order under RCW 4.24.130 changing his or her name to use the name under which he or she was committed to the department during all

official communications with department personnel and in all matters relating to the offender's incarceration or community supervision. Violation of this section is a misdemeanor.

**NEW SECTION. Sec. 12.** A new section is added to chapter 72.09 RCW to read as follows:

(1) Milk and milk products produced by correctional industries shall be consumed or used, to the greatest extent possible, within the correctional system. Milk and milk products surplus to such consumption or use may be sold to local correctional facilities. Raw, bulk milk may be disposed of as prescribed in RCW 72.09.100.

(2) In order for correctional industries to dispose of milk or milk products in a manner other than provided for in subsection (1) of this section, correctional industries shall: (a) Market milk in accordance with the provisions applicable to producers under the federal milk marketing order of the United States department of agriculture, or its successor marketing arrangement; and, (b) dispose of milk and milk products processed by correctional industries as a fully regulated handler under the federal order, or its successor marketing arrangement.

**Sec. 13.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read as follows:

(1) The department may develop and implement a health services plan for the delivery of health care services to ~~((inmates))~~ offenders in the department's ~~((custody))~~ correctional facilities, at the discretion of the secretary, and in conformity with state and federal law.

(2) In order to discourage the unwarranted use of health care services caused by unnecessary visits to health care providers, offenders shall participate in the costs of their health care services by paying a nominal amount of no less than three dollars per visit, determined by the secretary. Pursuant to the authority granted in RCW 72.01.050(2), the secretary may authorize the superintendent to collect this amount for health care services directly from an offender's institution account. All copayments collected from offenders' institution accounts shall be deposited into the general fund.

(3) Offenders are required to make copayments for health care visits that are offender initiated. Offenders are not required to pay for emergency treatment or for visits initiated by health care staff or treatment of those conditions that constitute a serious health care need.

(4) No offender may be refused any health care service because of indigence.

(5) At no time shall the withdrawal of funds for the payment of a medical service copayment result in reducing an offender's institution account to an amount less than the defined level of indigence as determined by the department. When an offender's institution account contains less money than the defined level of indigence at the time a copayment is assessed, the assessment shall be recorded as an outstanding debt and may be collected from an offender's institution account at any time sufficient funds become available.

**Sec. 14.** RCW 72.10.010 and 1989 c 157 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Department" means the department of corrections.

(2) "Health care practitioner" means an individual or firm licensed or certified to actively engage in a regulated health profession.

(3) "Health profession" means ~~((and includes))~~ those licensed or regulated professions set forth in RCW 18.120.020(4).

(4) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility ~~((federally approved under 42 CFR 405.2100))~~, or federally licensed blood bank ~~((federally licensed under 21 CFR 607))~~.

(5) "Health care services" means ~~((and includes))~~ medical, dental, and mental health care services.

(6) "Secretary" means the secretary of the department of corrections.

(7) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections.

**NEW SECTION. Sec. 15.** A new section is added to chapter 72.10 RCW to read as follows:

No later than October 1, 1996, and every year thereafter, the department shall report to the legislature the following information for the preceding fiscal year: (1) The total number of health care

visits made by offenders; (2) the total number of copayments assessed; (3) the total dollar amount of copayments collected; (4) the total number of copayments that were not assessed or collected due to an offender's indigence; and (5) the total number of copayments that were not assessed due to the serious or emergent nature of the health care treatment, or because the health care visit was not offender initiated. The first report prepared by the department shall include, at a minimum, all available information collected during the second half of fiscal year 1996.

**NEW SECTION. Sec. 16.** A new section is added to chapter 72.10 RCW to read as follows:  
Upon entry into the adult correctional system, offenders shall receive an initial medical examination. The department shall prepare a health profile for each offender that includes at least the following information: (1) An identification of the offender's serious medical and dental needs; (2) an evaluation of the offender's capacity for work and recreation; and (3) a financial assessment of the offender's ability to pay for all or a portion of his or her health care services from personal resources or private insurance.

**NEW SECTION. Sec. 17.** The department shall adopt rules to implement sections 13 through 16 of this act.

**Sec. 18.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read as follows:

(1) Notwithstanding any other provisions of law, the secretary may enter into contracts with health care practitioners, health care facilities, and other entities or agents as may be necessary to provide basic medical care to inmates. The contracts shall not cause the termination of classified employees of the department rendering the services at the time the contract is executed.

(2) In contracting for services, the secretary is authorized to provide for indemnification of health care practitioners who cannot obtain professional liability insurance through reasonable effort, from liability on any action, claim, or proceeding instituted against them arising out of the good faith performance or failure of performance of services on behalf of the department. The contracts may provide that for the purposes of chapter 4.92 RCW only, those health care practitioners with whom the department has contracted shall be considered state employees. The Washington state health care authority shall contract with a private research company to conduct a review of corrections health services to determine if certain components of the health services system such as dental care, eye care, or laboratory work, could be provided more efficiently by contracting out for the services. The review shall be submitted to the legislature by December 1, 1996. The decision to implement any recommendations made in the report regarding contracting out any or all components of the health services system shall be made by the legislature and not by the secretary.

**Sec. 19.** RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read as follows:

(1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:  
~~((a))~~ (i) Is sentenced to a term of total confinement of not less than ~~((twenty-two))~~ sixteen months or more than thirty-six months;  
~~((b))~~ (ii) Is ~~((between the ages of))~~ eighteen ~~((and twenty-eight))~~ years of age or older; and  
~~((c))~~ (iii) Has no current or prior convictions for any sex offenses or for violent offenses other than drug offenses for manufacturing, possession, delivery, or intent to deliver a controlled substance.

(b) An offender is not eligible to participate in the work ethic camp if the offender is found, at any time, to be an illegal alien or the subject of a hard detainer or deportation order. Any offender who is found to be an illegal alien or becomes the subject of a hard detainer or deportation order after being sentenced to or beginning the work ethic camp shall be immediately removed from the work ethic camp program.

(c) The length of the work ethic camp program shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.

(2) If the sentencing judge determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard range and may recommend that the offender serve the sentence at a work ethic camp. The sentence shall provide that if the offender successfully completes the program, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. ~~((The court shall also provide that upon~~

~~completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement.))~~ In sentencing an offender to the work ethic camp, the court shall specify: (i) That upon completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement; (ii) the applicable conditions of supervision on community custody status as authorized by RCW 9.94A.120(8)(b) and (c); and (iii) which conditions, if violated, may result in a return to total confinement for the balance of the offender's remaining time of confinement. The department may identify offenders who are eligible for the work ethic camp and, with concurrence from the sentencing judge, may refer the offender to the work ethic camp and adjust time served and community custody requirements as prescribed in this section.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless (a) the department determines that the offender has physical or mental impairments that would prevent participation and completion of the program, (b) the department determines that the offender's custody level prevents placement in the program, or (c) the offender refuses to agree to the terms and conditions of the program.

~~((4))~~ (5) An ~~((inmate))~~ offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time.

~~((5) The length of the work ethic camp program shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.))~~

(6) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

**Sec. 20.** RCW 9.94A.120 and 1994 c 1 s 2 (Initiative Measure No. 593) and 1993 c 31 s 3 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a

facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

- (A) The court shall place the defendant on community supervision for the length of the suspended sentence or three years, whichever is greater; and
- (B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community

corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
- (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (III) Report as directed to the court and a community corrections officer;
- (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
- (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) Except as provided in (a)(vii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(vii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (7) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (7) and the rules adopted by the department of health.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the

location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after July 1, 1990.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(8)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall

consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances;

(v) The offender shall pay supervision fees as determined by the department of corrections; and

(vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

(c) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol; or

(v) The offender shall comply with any crime-related prohibitions.

(d) As a part of any sentence providing for conversion from total confinement to community custody pursuant to RCW 9.94A.137(2) after successful completion of a work ethic camp program, the court shall impose and enforce the conditions enumerated in (b) of this subsection and may order any of the special conditions enumerated in (c) of this subsection, including a prohibition against new felony convictions. The court shall specify which of the conditions, if violated, may result in a return to total confinement for the balance of the offender's remaining term of confinement.

(e) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(10) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees,



agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(12) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment. The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(13) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(14) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(15) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(16) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(17) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(18) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(19) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

**NEW SECTION. Sec. 21.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall establish an illegal alien offender transition camp and be ready to assign inmates to the camp no later than July 1, 1996. The secretary shall locate the illegal alien offender transition camp within an already existing department compound or facility.

(2) The department shall develop all aspects of the illegal alien offender transition camp program including, but not limited to, residential arrangements, program standards, conduct standards, individual and team work goals, and measures to hold the offender accountable for his or her behavior. The secretary shall define successful completion of the program, based on successful attendance, participation, and performance. The illegal alien offender transition camp shall be designed and implemented so that offenders are engaged in work activities and unstructured time is

kept to a minimum. The standards for work performance, physical work activities, and offenders' rights and responsibilities shall be equivalent to those of the work ethic camp for general inmates.

**NEW SECTION. Sec. 22.** A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible to be sentenced to an illegal alien offender transition camp if the offender:

(a) Is an illegal alien who can be released to the United States immigration and naturalization service for deportation at the time of the offender's release from the camp;

(b) Is sentenced to a term of total confinement of not less than sixteen or more than thirty-six months;

(c) Is eighteen years of age or older;

(d) Has no current or prior convictions for any sex offenses or violent offenses other than drug offenses for manufacturing, possession, delivery, or intent to deliver a controlled substance; and

(e) Agrees in writing as required by subsection (5) of this section to the terms and conditions for participation.

(2) The length of the illegal alien offender transition camp program shall be at least one hundred twenty days and not more than one hundred eighty days.

(3) If the sentencing judge determines that an offender is potentially eligible for the illegal alien offender transition camp and is likely to meet the requirements of subsection (6) of this section, the judge shall impose a sentence of total standard confinement within the standard range and shall recommend that the offender serve the sentence at an illegal alien offender transition camp. The sentence shall provide that the offender shall serve one day in the transition camp for every three days of total standard confinement. In sentencing an offender to the illegal alien offender transition camp, the court shall specify that: (a) Upon completion of the illegal alien offender transition camp program, the offender shall be released within ten days to the custody of the immigration and naturalization service to be deported to his or her native country; and (b) in the event an offender cannot be released to the custody of the immigration and naturalization service within ten days, the department may detain the offender in the illegal alien offender transition camp for up to sixty days.

(4) The department may identify offenders under its jurisdiction who are or become eligible for the illegal alien offender transition camp and, with concurrence from the sentencing judge and the prosecuting attorney, may refer the offenders to the illegal alien offender transition camp and adjust time served as prescribed in subsection (2) of this section.

(5) The department shall notify the immigration and naturalization service of all suspected illegal alien offenders under its jurisdiction and request that the immigration and naturalization service begin deportation proceedings as expeditiously as possible. The department, in cooperation with the immigration and naturalization service, shall seek accelerated hearings for all suspected illegal aliens under its jurisdiction to facilitate their removal from the country upon their release by the department as soon as possible.

(6) An illegal alien offender who meets the eligibility requirements of subsection (1)(a) through (d) of this section shall be informed by the sentencing court or the department of his or her potential for participating in the illegal alien offender transition camp. The terms and conditions of the illegal alien offender transition camp shall be provided to the illegal alien offender, both verbally and in writing, in his or her native language. An illegal alien offender must agree in writing to the terms and conditions of the illegal alien offender transition camp at the time of sentencing or at the time of transfer to the camp.

**NEW SECTION. Sec. 23.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The secretary shall establish, at each institution with an inmate population of more than one hundred, a corrections advisory team. The team shall consist of two representatives from management personnel, two representatives from personnel represented by an exclusive bargaining unit selected by those personnel, and not more than three persons from among the education or work programs operating within the institution. The secretary shall invite other groups to select a representative to serve on the team, including but not limited to the following:

(a) The superior court judges in the county in which the institution is located;

(b) The prosecuting attorney for the county in which the institution is located;

(c) An organization whose primary purpose is legal representation of persons accused or convicted of crimes;

- (d) A sheriff or police chief whose jurisdiction includes or is in close proximity of the institution; and
  - (e) An organization whose primary purpose is advocacy of the interests of crime victims.
- (2) The team shall have the following duties:
- (a) Review existing or proposed work and education programs for the purpose of commenting on the program's cost-effectiveness and impact on recidivism;
  - (b) Suggest revisions in existing, or addition of new, programs in the institution; and
  - (c) Identify cost-saving opportunities in institution operations.
- (3) The superintendent of each institution identified in this section shall annually prepare a report to the secretary on the work of the team in his or her institution. The report shall include the superintendent's response to recommendations made by the team. The secretary shall collect and forward the reports to the legislature not later than December 1 of each year, together with such recommendations as the secretary finds appropriate.
- (4) The secretary shall provide reasonably necessary support, within available funds, for the teams to carry out their duties under this section.
- (5) Members of a team shall be eligible for travel expenses and per diem under RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 24.** A new section is added to chapter 72.09 RCW to read as follows:

- (1) There is hereby created a joint committee on corrections cost-efficiencies oversight. The committee shall consist of: (a) Two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party; and (b) two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party.
- (2) The committee shall elect a chair and a vice-chair. The chair shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years.
- (3) The committee shall have the following powers and duties:
- (a) Review all reports required under section 29 of this act;
  - (b) Review all reports and recommendations submitted by the corrections advisory teams under section 23 of this act;
  - (c) Initiate or review studies relevant to the issues of corrections cost-efficiencies and programmatic improvements;
  - (d) Review all rules proposed by the department of corrections to ensure consistency with the purpose of chapter . . . , Laws of 1995 (this act);
  - (e) Periodically make recommendations to the legislature and the governor regarding corrections cost-efficiencies and programmatic improvements; and
  - (f) By December 1, 1996, report to the legislature on the amount of actual and projected cost savings within the department during the 1995-97 biennium and report its further recommendations to address expenditure growth in the department.
- (4) The joint committee on corrections oversight shall terminate on July 1, 1997.

**NEW SECTION. Sec. 25.** The legislature finds that the responsibility for criminal activity should fall squarely on the criminal. To the greatest extent possible society should not be expected to have to pay the price for crimes twice, once for the criminal activity and again by feeding, clothing, and housing the criminal. The corrections system should be the first place criminals are given the opportunity to be responsible for paying for their criminal act, not just through the loss of their personal freedom, but by making financial contributions to alleviate the pain and suffering of victims of crime.

**NEW SECTION. Sec. 26.** A new section is added to chapter 72.09 RCW to read as follows:  
Each year the department shall transfer twenty-five percent of the total annual revenues and receipts received in each institutional betterment fund subaccount to the department of labor and industries for the purpose of providing direct benefits to crime victims through the crime victims' compensation program as outlined in chapter 7.68 RCW. This transfer takes priority over any expenditure of betterment funds and shall be reflected on the monthly financial statements of each institution's betterment fund subaccount.

Any funds so transferred to the department of labor and industries shall be in addition to the crime victims' compensation amount provided in an omnibus appropriation bill. It is the intent of the legislature that the funds forecasted or transferred pursuant to this section shall not reduce the funding levels provided by appropriation.

**Sec. 27.** RCW 7.68.090 and 1973 1st ex.s. c 122 s 9 are each amended to read as follows:

The director shall establish such fund or funds, separate from existing funds, necessary to administer this chapter, and payment to these funds shall be from legislative appropriation, statutory provision, reimbursement and subrogation as provided in this chapter, and from any contributions or grants specifically so directed.

**Sec. 28.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to read as follows:

All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art created by Washington state artists. The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses, or other buildings of a temporary nature.

NEW SECTION. **Sec. 29.** The department of corrections shall conduct the following reviews and prepare the following reports:

(1) The secretary shall review the feasibility and desirability of reducing the use of paid educational and vocational instructors by increasing the use of volunteer instructors and implementing technological efficiencies. Upon completion of the review, the secretary shall submit a report of the secretary's findings and recommendations to the legislature and the joint committee on corrections cost-efficiencies oversight by December 1, 1995.

(2) The secretary shall seek federal funding for the incarceration of undocumented felons. The secretary shall also pursue amendments to the federal transfer treaty program to facilitate deportation of undocumented alien offenders, specifically current treaties that require voluntary participation by the offender and loss of jurisdiction by the sending agency. The secretary shall seek enforcement of and pursue amendments to current federal sanctions for alien reentry, specifically amendments to the allowance of at least two prior felony convictions and at least two prior deportations before indictment for reentry is considered. The secretary shall submit a report on the secretary's progress to the legislature and the joint committee on corrections cost-efficiencies oversight by December 1, 1995.

(3) The secretary shall review current perimeter security technologies and designs that could minimize or eliminate the need for staffed perimeter guard towers at medium and maximum custody correctional institutions. Upon completion of the review, the secretary shall submit a report to the legislature and the joint committee on corrections cost-efficiencies oversight on the secretary's findings and recommendations by December 1, 1995.

(4) The secretary shall review the feasibility and desirability of implementing a "hot bunking" or "stacking" system that would allow prison beds to be used on a rotational basis. The review shall include at least the following: (a) A fiscal analysis of the capital and operating costs of implementing a twelve-hour scheduled rotation where each prison cell and bed could be used by multiple inmates; and (b) an analysis of how the department would address safety issues that might arise from a rotation system that increases the amount of time inmates would spend out of their cells. Upon completion of the review, the secretary shall submit a report to the legislature and the joint committee on corrections cost-efficiencies oversight on the secretary's findings and recommendations by December 1, 1995.

NEW SECTION. **Sec. 30.** The department shall cooperate in the preparation of the following reviews and reports:

(1) The legislative budget committee shall review staffing ratios within the department. The review shall identify the ratio of management to nonmanagement staff and the distribution of management and nonmanagement staff throughout each of the department's divisions, institutions, and programs. Upon completion of the review, the legislative budget committee shall submit a report of its findings and recommendations to the legislature and the advisory team by December 1, 1995. If specific funding for the purpose of this subsection is not provided by June 30, 1995, in the omnibus appropriations act, this section is null and void.

(2) The office of the state auditor shall review the department's budgeting process and operating budget request to the governor for the 1995-97 biennium. Upon completion of the review, the office of the state auditor shall submit a report of its findings and recommendations to the legislature and the advisory team by December 1, 1995. If specific funding for the purpose of this subsection is not provided by June 30, 1995, in the omnibus appropriations act, this section is null and void.

(3) The correctional industries board of directors and the secretary shall jointly review all current and proposed education and vocational training programs provided by the department. The review shall identify whether the curriculum corresponds to current and proposed correctional industries jobs and whether the curriculum teaches skills relevant to employment opportunities inmates may qualify for after they are released. Upon completion of the review, the board and the secretary shall submit a joint report of their findings and recommendations to the legislature and the secretary by December 1, 1995.

(4) The correctional industries board of directors shall review the feasibility and desirability of establishing a recreational, health, and fitness program that employs inmates to support department recreational, health, and fitness activities. Upon completion of the review, the board shall submit a report of its findings and recommendations to the legislature and the secretary by December 1, 1995.

(5) The department of transportation shall review the feasibility and desirability of privatizing the department of corrections marine transportation fleet, operation, or both. The review shall include a comparison of department employee salaries with equivalent private marine positions salaries. Upon completion of the review, the department of transportation shall submit a report of its findings and recommendations to the legislature and the advisory team by December 1, 1995.

(6) The office of financial management and the department of general administration shall jointly review the food planning model developed by the department of corrections for possible extrapolation to a uniform, state-wide planning, purchasing, and distribution of food and food products for state institutions, including but not limited to prisons, juvenile correctional institutions, and state hospitals. Upon completion of the review, the office of financial management and the department of general administration shall submit a joint report of their findings and recommendations to the legislature and the advisory team by December 1, 1995.

(7) The printing and duplicating management center in the department of general administration shall review the feasibility and desirability of establishing as a class II correctional industry within one or more correctional institutions, a print shop and printers apprenticeship program. Upon completion of the review, the center shall submit a report of its findings and recommendations to the legislature and the secretary by December 1, 1995.

**NEW SECTION. Sec. 31.** This act shall be known as the department of corrections cost-efficiency and inmate responsibility and accountability omnibus act.

**NEW SECTION. Sec. 32.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 33.** If specific funding for the purpose of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "corrections;" strike the remainder of the title and insert "amending RCW 72.09.010, 72.09.015, 72.09.020, 72.09.130, 4.24.130, 72.10.020, 72.10.010, 72.10.030, 9.94A.137, 7.68.090, and 43.17.200; reenacting and amending RCW 9.94A.120; adding

new sections to chapter 72.09 RCW; adding new sections to chapter 72.10 RCW; adding a new section to chapter 9.94A RCW; creating new sections; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Ballasiotes moved that the House not concur in the Senate amendments to Engrossed Second Substitute House Bill No. 2010 and ask the Senate for a conference thereon. The motion was carried.

#### APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives Ballasiotes, Schoesler and Quall as Conferees on Engrossed Second Substitute House Bill No. 2010.

There being no objection, all bills passed today will be immediately transmitted to the Senate.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

#### MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5162 and asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

#### MOTION

On motion of Representative Carlson, the rules were suspended and Substitute Senate Bill No. 5162 was returned to second reading for the purpose of an amendment.

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

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5162, by Senate Committee on Higher Education (originally sponsored by Senators Bauer, Oke, Snyder, Hargrove, Haugen, Kohl, C. Anderson and Winsley)

Changing the Vietnam veterans' tuition exemption.

The bill was read the second time.

Representative Carlson moved adoption of the following amendment by Representative Carlson:

Strike everything after the enacting clause, set aside all previous amendments to the bill, and insert the following:

"**Sec. 1.** RCW 28B.15.620 and 1994 c 208 s 1 are each amended to read as follows:

(1) The legislature finds that military and naval veterans who have served their country in wars on foreign soil have risked their own lives to defend both the lives of all Americans and the freedoms that define and distinguish our nation. The legislature also finds that veterans of the Vietnam conflict suffered during and after the war as the country anguished over its involvement in the conflict. It is the intent of the legislature to honor Vietnam veterans for the public service they have provided to their country. It is the further intent of the legislature that, for eligible Vietnam veterans, colleges and universities waive tuition and fee increases that have occurred since October 1, 1977.

(2) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt veterans of the Vietnam conflict who have served in the southeast Asia theater of operations from the payment of all or a portion of any increase in tuition and fees that occur after October 1, 1977, if the veteran qualifies as a resident student under RCW 28B.15.012(~~(, was enrolled in state institutions of higher education on or before May 7, 1990, and meets the requirements of subsection (2) of this section).~~).

~~((2) Beginning with the fall academic term of 1994, veterans receiving the exemption under subsection (1) of this section must meet these additional requirements:~~

~~(a) Remain continuously enrolled for seven or more quarter credits per academic term or their equivalent, except summer term and not including community service courses;~~

~~(b) Have an adjusted gross family income as most recently reported to the internal revenue service that does not exceed Washington state's median family income as established by the federal bureau of the census; and~~

~~(c) Have exhausted all entitlement to federal vocational or educational benefits conferred by virtue of their military service.)~~

(3) For the purposes of this section, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or ~~((naval))~~ naval forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975.

(4) This section shall expire June 30, ~~((1997))~~ 1999."

On page 1, line 1 of the title, after "veterans;" strike the remainder of the title and insert "and amending RCW 28B.15.620."

Representatives Carlson and Jacobsen spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Talcott, Representative Lambert was excused.

#### FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5162 as amended by the House.

Representative Carlson spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5162 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Benton, Foreman, Lambert and Patterson - 4.

Substitute Senate Bill No. 5162, as amended by the House, having received the constitutional majority, was declared passed.

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

#### MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5121 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House deferred further consideration of Engrossed Substitute Senate Bill No. 5121 and the bill held its place on today's calendar.

#### MESSAGE FROM THE SENATE

April 18, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5157 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

On motion of Representative Fuhrman, the rules were suspended and Second Substitute Senate Bill No. 5157 was returned to second reading for the purpose of an amendment.

Representatives Fuhrman and Hatfield spoke in favor of the motion and it was carried.



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

## SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5157, by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Drew, Sutherland, Hargrove, Oke and Haugen)

Providing for conspicuous external marking of hatchery produced chinook salmon and coho salmon.

The bill was read the second time.

Representative Fuhrman moved adoption of the following amendment by Representative Fuhrman:

On page 1, after line 14, insert the following:

"The legislature further declares that the establishment of other incentives for commercial fishing and fish processing in Washington will complement the program of selective harvest in mixed stock fisheries anticipated by this legislation."

On page 2, after line 28, insert the following:

"**Sec. 4.** RCW 82.27.010 and 1985 c 413 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Enhanced food fish" includes all species of food fish, except all species of tuna, mackerel, and jack; shellfish(=); and anadromous game fish, including byproducts and parts thereof, originating within the territorial and adjacent waters of Washington and salmon originating from within the territorial and adjacent waters of Oregon, Washington, and British Columbia, and all troll-caught Chinook salmon originating from within the territorial and adjacent waters of southeast Alaska. As used in this subsection, "adjacent" waters of Oregon, Washington, and Alaska are those comprising the United States fish conservation zone; "adjacent" waters of British Columbia are those comprising the Canadian two hundred mile exclusive economic zone; and "southeast Alaska" means that portion of Alaska south and east of Cape Suckling to the Canadian border. For purposes of this chapter, point of origination is established by a document which identifies the product and state or province in which it originates, including, but not limited to fish tickets, bills of lading, invoices, or other documentation required to be kept by governmental agencies.

(2) "Commercial" means related to or connected with buying, selling, bartering, or processing.

(3) "Possession" means the control of enhanced food fish by the owner and includes both actual and constructive possession. Constructive possession occurs when the person has legal ownership but not actual possession of the enhanced food fish.

(4) "Anadromous game fish" means steelhead trout and anadromous cutthroat trout and Dolly Varden char and includes byproducts and also parts of anadromous game fish, whether fresh, frozen, canned, or otherwise.

(5) "Landed" means the act of physically placing enhanced food fish (a) on a tender in the territorial waters of Washington; or (b) on any land within or without the state of Washington including wharves, piers, or any such extensions therefrom."

On page 1, line 2 of the title, after "salmon;" insert "amending RCW 82.27.010;"

Representative Fuhrman spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fuhrman and Basich spoke in favor of passage of the bill.

#### FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5157 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5157 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Benton, Foreman, Lambert and Patterson - 4.

Second Substitute Senate Bill No. 5157, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker called on Representative Horn to preside.

#### MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5011 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Buck moved that the House grant the request for a conference on Engrossed Senate Bill No. 5011.

Representatives Buck and Basich spoke in favor of the motion and it was carried.

#### APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives Buck, Beeksma and Sheldon as Conferees on Engrossed Senate Bill No. 5011.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

The Speaker called on Representative Horn to preside.

## SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.70 RCW to read as follows:  
QUALITY ASSURANCE--INTERAGENCY COOPERATION--ELIMINATION AND COORDINATION OF DUPLICATE STATE PROGRAMS. No later than July 1, 1995, the department of health together with the health care authority, the department of social and health services, the office of the insurance commissioner, and the department of labor and industries shall form an interagency group for coordination and consultation on quality assurance activities. By December 31, 1996, the group shall review all state agency programs governing health service quality assurance and shall recommend to the legislature, the consolidation, coordination, or elimination of rules and programs that would be made unnecessary pursuant to the development of a uniform quality assurance and improvement program.

NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:  
No public or private health care payer subject to the jurisdiction of the state of Washington shall propose, issue, sign, or renew a provider agreement or enrollee service agreement that contains a clause whose effect, in any way, is to disclaim liability for the care delivered or not delivered to an enrollee because of a decision of the payer as to whether the care was a covered service, medically necessary, economically provided, medically appropriate, or similar consideration. Similarly, no clause shall attempt to shift liability for harm caused by such payer decision as to whether care should be delivered, as opposed to paid for, is between the provider and patient alone as if the fact of whether or not care is paid for played little or no role in a patient's decision to obtain care. Nothing in this section shall be inferred to result in liability to anyone for the payer's payment decisions that are consistent with the language of the applicable service agreement or consistent with the cost-effective delivery of health care. The intent of this section is only to prevent payers from shifting their liability for payment decisions to either providers, or enrollees, or both.

NEW SECTION. Sec. 3. MANAGED COMPETITION--FINDINGS AND INTENT. (1)  
The legislature recognizes that competition among health care providers, facilities, payers, and purchasers will yield the best allocation of health care resources, the lowest prices for health care, and the highest quality of health care when there exists a large number of buyers and sellers, easily comparable health care plans and services, minimal barriers to entry and exit into the health care market, and adequate information for buyers and sellers to base purchasing and production decisions. However, the legislature finds that purchasers of health care services and health care coverage do not have adequate information upon which to base purchasing decisions; that health care facilities and providers of health care services face legal and market disincentives to develop economies of scale or to provide the most cost-efficient and efficacious service; that health carriers face market disincentives in providing health care coverage to those Washington residents with the most need for health care coverage; and that potential competitors in the provision of health care coverage bear unequal burdens in entering the market for health care coverage.

(2) The legislature therefore intends to exempt from state anti-trust laws, and to provide immunity from federal anti-trust laws through the state action doctrine for activities approved under this chapter that might otherwise be constrained by such laws and intends to displace competition in the health care market: To contain the aggregate cost of health care services; to promote the development

of comprehensive, integrated, and cost-effective health care delivery systems through cooperative activities among health care providers and facilities; to promote comparability of health care coverage; to improve the cost-effectiveness in providing health care coverage relative to health promotion, disease prevention, and the amelioration or cure of illness; to assure universal access to a publicly determined, standard package of health care benefits; and to create reasonable equity in the distribution of funds, treatment, and medical risk among purchasers of health care coverage, payers of health care services, providers of health care services, health care facilities, and Washington residents. To these ends, any lawful action taken pursuant to chapter 492, Laws of 1993, by any person or entity created or regulated by chapter 492, Laws of 1993, are declared to be taken pursuant to state statute and in furtherance of the public purposes of the state of Washington.

(3) The legislature does not intend and unless explicitly permitted in accordance with section 4 of this act or under rules adopted pursuant to chapter 492, Laws of 1993, does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal anti-trust laws including but not limited to conspiracies or agreements:

- (a) Among competing health care providers not to grant discounts, not to provide services, or to fix the price of their services;
- (b) Among health carriers as to the price or level of reimbursement for health care services;
- (c) Among health carriers to boycott a group or class of health care service providers;
- (d) Among purchasers of health plans to boycott a particular carrier or class of carriers;
- (e) Among health carriers to divide the market for health care coverage; or
- (f) Among health carriers and purchasers to attract or discourage enrollment of any Washington resident or groups of residents in a health carrier based upon the perceived or actual risk of loss in including such resident or group of residents in a health carrier or subscriber purchasing group.

**NEW SECTION. Sec. 4. MANAGED COMPETITION--COMPETITIVE OVERSIGHT--ATTORNEY GENERAL DUTIES--ANTI-TRUST IMMUNITY.** (1) A health carrier, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health care or health plans may request, in writing, that the insurance commissioner obtain an informal opinion from the attorney general as to whether particular conduct is lawful under federal and state anti-trust and similar statutes. Trade secret or proprietary information contained in a request for informal opinion shall be identified as such and shall not be disclosed other than to an authorized employee of the insurance commissioner or attorney general without the consent of the party making the request, except that information in summary or aggregate form and market share data may be contained in the informal opinion issued by the attorney general. The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion unless extended by the attorney general for good cause shown. If the attorney general concludes that such conduct is not lawful, the person or organization making the request may petition the commissioner for review and approval of such conduct in accordance with subsection (3) of this section.

(2) After obtaining the written opinion of the attorney general and subject to the approval of the attorney general, the insurance commissioner:

(a) May authorize conduct by a health carrier, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a strong showing that the conduct is likely to achieve the policy goals of health care reform and a more competitive alternative is impractical;

(b) Shall adopt rules governing conduct among providers, health care facilities, and health carriers including rules governing provider and facility contracts with health carriers, rules governing the use of "most favored nation" clauses and exclusive dealing clauses in such contracts, and rules providing that health carriers offering managed care health plans in rural areas contract with a sufficient number and type of health care providers and facilities to ensure consumer access to local health care services;

(c) Shall adopt rules permitting health care providers within the service area of a plan to collectively negotiate the terms and conditions of contracts with the carrier including the ability of providers to meet and communicate for the purposes of these negotiations; and

(d) Shall adopt rules governing cooperative activities among health care facilities and providers.

(3) A health carrier, health care facility, health care provider, or any other person involved in the development, delivery, and marketing of health services or health plans may file a written petition with the insurance commissioner requesting approval of conduct that could tend to lessen competition in the relevant market. Such petition shall be filed in a form and manner prescribed by rule of the insurance commissioner. Trade secret or proprietary information contained in a written petition shall be identified as such and shall not be disclosed other than to an authorized employee of the commissioner or the attorney general without the consent of the party filing the written petition, except that information in summary or aggregate form and market share data may be contained in the written decision issued by the commissioner.

Subject to the approval of the attorney general, the insurance commissioner shall issue a written decision approving or denying a petition filed under this section within ninety days of receipt of a properly completed written petition unless extended by the commissioner for good cause shown. The decision shall set forth findings as to benefits and disadvantages and conclusions as to whether the benefits outweigh the disadvantages.

(4)(a) In authorizing conduct and adopting rules of conduct under this section, the insurance commissioner with the advice of the attorney general, shall consider the benefits of such conduct in furthering the goals of health care reform including but not limited to:

(i) Enhancement of the quality of health services to consumers;  
(ii) Gains in cost-efficiency of health services;  
(iii) Improvements in utilization of health services and equipment;  
(iv) Avoidance of duplication of health services resources; or  
(v) And as to (a) (ii) and (iii) of this subsection: (A) Facilitates the exchange of information relating to performance expectations; (B) simplifies the negotiation of delivery arrangements and relationships; and (C) reduces the transactions costs on the part of health carriers and providers in negotiating more cost-effective delivery arrangements.

(b) These benefits must outweigh disadvantages including and not limited to:  
(i) Reduced competition among health carriers, health care providers, or health care facilities;  
(ii) Adverse impact on quality, availability, or price of health care services to consumers; or  
(iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(5) Conduct authorized by the insurance commissioner shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(6) With the assistance of the attorney general's office, the insurance commissioner shall actively supervise any conduct authorized under this section to determine whether such conduct or rules permitting certain conduct should be continued and whether a more competitive alternative is practical. The commissioner shall periodically review petitioned conduct through, at least, annual progress reports from petitioners, annual or more frequent reviews by the commissioner that evaluate whether the conduct is consistent with the petition, and whether the benefits continue to outweigh any disadvantages. Subject to the advice and approval of the attorney general, the commissioner may determine that the likely benefits of any conduct approved through rule, petition, or otherwise by the commissioner no longer outweigh the disadvantages attributable to potential reduction in competition and the commissioner shall order a modification or discontinuance of such conduct. Conduct ordered discontinued by the commissioner shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(7) Nothing contained in this act is intended to in any way limit the ability of rural hospital districts to enter into cooperative agreements and contracts pursuant to RCW 70.44.450 and chapter 39.34 RCW.

**NEW SECTION. Sec. 5.** RCW 70.170.080 and 1993 sp.s. c 24 s 925, 1991 sp.s. c 13 s 71, & 1989 1st ex.s. c 9 s 508 are each repealed.

**NEW SECTION. Sec. 6.** If specific funding through the health services account to continue the comprehensive hospital abstract reporting system is not provided by June 30, 1995, in the omnibus appropriations act, section 5 of this act is null and void.

**NEW SECTION. Sec. 7. CAPTIONS.** Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 8. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. EMERGENCY CLAUSE--EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "assurance;" strike the remainder of the title and insert "adding a new section to chapter 43.70 RCW; adding a new section to chapter 48.43 RCW; creating new sections; repealing RCW 70.170.080; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative Dyer moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1589 and ask the Senate to recede therefrom.

Representative Dyer spoke in favor of the motion and it was carried.

#### SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1144 with the following amendments:

On page 3, line 14, after "implanting" insert "in their own animals"

On page 3, line 18, after "veterinarian" insert ";  
(10) The implanting of any electronic device by a public fish and wildlife agency for the identification of fish or wildlife"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Dyer moved that the House concur in the Senate amendments to Substitute House Bill No. 1144 and pass the bill as amended by the Senate.

Representative Dyer spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1144 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1144 as amended by the Senate, and the bill passed the House by the following vote: 1205Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1144, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1205 with the following amendments:

On page 3, after line 13, insert the following:

**"Sec. 2.** RCW 18.64.011 and 1989 1st ex.s. c 9 s 412 are each amended to read as follows: Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

(1) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(2) "Board" means the Washington state board of pharmacy.

(3) "Drugs" means:

(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.

(4) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or (b) to affect the structure or any function of the body of man or other animals.

(5) "Nonlegend" or "nonprescription" drugs means any drugs which may be lawfully sold without a prescription.

(6) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(7) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.

(8) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(9) "Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

(10) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.

(11) "Practice of pharmacy" includes the practice of and responsibility for: Interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(12) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(13) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than man.

(14) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

(15) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(16) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(17) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(18) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

(19) "Wholesaler" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

(20) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

(21) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(22) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

(23) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

(24) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

(25) "Department" means the department of health.

(26) "Secretary" means the secretary of health or the secretary's designee.

(27) "Health care entity" means an organization that provides health care services in a setting that is not otherwise licensed by the state. Health care entity includes a free-standing outpatient



surgery center, a free-standing cardiac care center, or a kidney dialysis center. It does not include an individual practitioner's office or a multipractitioner clinic.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.64 RCW to read as follows:

(1) In order for a health care entity to purchase, administer, dispense, and deliver legend drugs, the health care entity must be licensed by the department.

(2) In order for a health care entity to purchase, administer, dispense, and deliver controlled substances, the health care entity must annually obtain a license from the department in accordance with the board's rules.

(3) The receipt, administration, dispensing, and delivery of legend drugs or controlled substances by a health care entity must be performed under the supervision or at the direction of a pharmacist.

(4) A health care entity may only administer, dispense, or deliver legend drugs and controlled substances to patients who receive care within the health care entity and in compliance with rules of the board. Nothing in this subsection shall prohibit a practitioner, in carrying out his or her licensed responsibilities within a health care entity, from dispensing or delivering to a patient of the health care entity drugs for that patient's personal use in an amount not to exceed seventy-two hours of usage.

**NEW SECTION. Sec. 4.** A new section is added to chapter 18.64 RCW to read as follows:

(1) The owner of a health care entity shall pay an original license fee to be determined by the secretary, and annually thereafter, on or before a date to be determined by the secretary, a fee to be determined by the secretary, for which he or she shall receive a license of location, which shall entitle the owner to purchase legend drugs or controlled substances at the location specified for the period ending on a date to be determined by the secretary. A declaration of ownership and location filed with the department under this section shall be deemed presumptive evidence of ownership of the health care entity.

(2) The owner shall immediately notify the department of any change of location or ownership in which case a new application and fee shall be submitted.

(3) It shall be the duty of the owner to keep the license of location or the renewal license properly exhibited in the health care entity.

(4) Failure to comply with this section is a misdemeanor and each day that the failure continues is a separate offense.

(5) In the event that a license fee remains unpaid after the date due, no renewal or new license may be issued except upon payment of the license renewal fee and a penalty fee equal to the original license fee.

**Sec. 5.** RCW 18.64.165 and 1989 1st ex.s. c 9 s 404 and 1989 c 352 s 4 are each reenacted and amended to read as follows:

The board shall have the power to refuse, suspend, or revoke the license of any manufacturer, wholesaler, pharmacy, shopkeeper, itinerant vendor, peddler, poison distributor, health care entity, or precursor chemical distributor upon proof that:

(1) The license was procured through fraud, misrepresentation, or deceit;

(2) The licensee has violated or has permitted any employee to violate any of the laws of this state or the United States relating to drugs, controlled substances, cosmetics, or nonprescription drugs, or has violated any of the rules and regulations of the board of pharmacy or has been convicted of a felony.

**NEW SECTION. Sec. 6.** A new section is added to chapter 18.64 RCW to read as follows:

Every proprietor or manager of a health care entity shall keep readily available a suitable record of drugs, which shall preserve for a period of not less than two years the record of every drug used at such health care entity. The record shall be maintained either separately from all other records of the health care entity or in such form that the information required is readily retrievable from ordinary business records of the health care entity. All record-keeping requirements for controlled substances must be complied with. Such record of drugs shall be for confidential use in the health care entity, only. The record of drugs shall be open for inspection by the board of pharmacy, who is authorized to enforce chapter 18.64, 69.41, or 69.50 RCW.

**Sec. 7.** RCW 18.64.255 and 1984 c 153 s 14 are each amended to read as follows:

Nothing in this chapter shall operate in any manner:

(1) To restrict the scope of authorized practice of any practitioner other than a pharmacist, duly licensed as such under the laws of this state. However, a health care entity shall comply with all state and federal laws and rules relating to the dispensing of drugs and the practice of pharmacy; or

(2) In the absence of the pharmacist from the hospital pharmacy, to prohibit a registered nurse designated by the hospital and the responsible pharmacist from obtaining from the hospital pharmacy such drugs as are needed in an emergency: PROVIDED, That proper record is kept of such emergency, including the date, time, name of prescriber, the name of the nurse obtaining the drugs, and a list of what drugs and quantities of same were obtained; or

(3) To prevent shopkeepers, itinerant vendors, peddlers, or salesmen from dealing in and selling nonprescription drugs, if such drugs are sold in the original packages of the manufacturer, or in packages put up by a licensed pharmacist in the manner provided by the state board of pharmacy, if such shopkeeper, itinerant vendor, salesman, or peddler shall have obtained a registration."

On page 1, line 1 of the title, strike "and"

On page 1, line 1 of the title, before the period insert ", 18.64.011 and 18.64.255; reenacting and amending RCW 18.64.165; and adding new sections to chapter 18.64 RCW"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Dyer moved that the House concur in the Senate amendments to Substitute House Bill No. 1205 and pass the bill as amended by the Senate.

Representative Dyer spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1205 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1205 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1205, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1383 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 56.24.205 and 1987 c 449 s 8 are each amended to read as follows:

When there is unincorporated territory containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to two ~~((sewer districts or contiguous to a sewer district and a water))~~ municipal corporations providing sewer service, one of which is either a sewer or water district, the ((board of commissioners of one)) legislative authority of either of the ((districts)) contiguous municipal corporations may resolve to annex such territory to that ((district)) municipal corporation, provided a majority of the ((board of commissioners)) legislative authority of the other ((sewer or water district)) contiguous municipal corporation concurs. The ((district)) municipal corporation resolving to annex such territory may proceed to effect the annexation by complying with RCW 56.24.180 through 56.24.200. For purposes of this section, "municipal corporation" means a water district, sewer district, city, or town.

**Sec. 2.** RCW 57.24.210 and 1987 c 449 s 17 are each amended to read as follows:

When there is unincorporated territory containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to two ~~((water districts or contiguous to a water district and a sewer))~~ municipal corporations providing water service, one of which is either a water or sewer district, the ((board of commissioners of one)) legislative authority of either of the ((districts)) contiguous municipal corporations may resolve to annex such territory to that ((district)) municipal corporation, provided a majority of the ((board of commissioners)) legislative authority of the other ((water or sewer district)) contiguous municipal corporation concurs. In such event, the ((district)) municipal corporation resolving to annex such territory may proceed to effect the annexation by complying with RCW 57.24.170 through 57.24.190. For purposes of this section, "municipal corporation" means a water district, sewer district, city, or town.

NEW SECTION. Sec. 3. A new section is added to chapter 35.13 RCW to read as follows:

Nothing in this chapter precludes or otherwise applies to an annexation by a city or town of unincorporated territory as authorized by RCW 56.24.180, 56.24.200, and 56.24.205, or RCW 57.24.170, 57.24.190, and 57.24.210.

NEW SECTION. Sec. 4. A new section is added to chapter 35A.14 RCW to read as follows:

Nothing in this chapter precludes or otherwise applies to an annexation by a code city of unincorporated territory as authorized by RCW 56.24.180, 56.24.200, and 56.24.205, or RCW 57.24.170, 57.24.190, and 57.24.210."

On page 1, line 2 of the title, after "service;" strike the remainder of the title and insert "amending RCW 56.24.205 and 57.24.210; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House concur in the Senate amendments to Substitute House Bill No. 1383 and pass the bill as amended by the Senate. The motion was carried.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1383 as amended by the Senate.

Representative Reams spoke in favor of passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1383 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1383, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1387 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.108.040 and 1991 c 3 s 255 are each amended to read as follows:

It shall be unlawful to advertise the practice of massage using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the secretary as a massage practitioner or without printing in display advertisement the license number of the massage practitioner. Any person who holds a license to practice as a massage practitioner in this state may use the title "licensed massage practitioner" and the abbreviation "L.M.P.". No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage practitioner.

**Sec. 2.** RCW 18.108.085 and 1991 c 3 s 259 are each amended to read as follows:

- (1) In addition to any other authority provided by law, the secretary may:
  - (a) Adopt rules, in accordance with chapter 34.05 RCW necessary to implement this chapter;
  - (b) Set all license, examination, and renewal fees in accordance with RCW 43.70.250;
  - (c) Establish forms and procedures necessary to administer this chapter;
  - (d) Issue a license to any applicant who has met the education, training, and examination requirements for licensure; and
  - (e) Hire clerical, administrative, and investigative staff as necessary to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the disciplining of persons under this chapter. The secretary shall be the disciplining authority under this chapter.

(3) Any license issued under this chapter to a person who is or has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances shall automatically be revoked by the secretary upon receipt of a certified copy of the court documents reflecting such conviction. No further hearing or procedure is required, and the secretary has no discretion with regard to the revocation of the license. The revocation shall be effective even though such conviction may be under appeal, or the time period for such appeal has not elapsed. However, upon presentation of a final appellate decision overturning such conviction or upon completion of a prostitution prevention and intervention program under sections 7 through 15 of this act, the license shall be reinstated, unless grounds for disciplinary action have been found pursuant to chapter 18.130 RCW. Unless an applicant demonstrates that he or she has completed a prostitution prevention and intervention program under sections 7 through 15 of this act, no license may be granted under this chapter to any person who has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances within the eight years immediately preceding the date of application. For purposes of this subsection, "convicted" does not include a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence, but does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(4) The secretary shall keep an official record of all proceedings under this chapter, a part of which record shall consist of a register of all applicants for licensure under this chapter, with the result of each application.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.130 RCW to read as follows:  
RCW 18.108.085 shall govern the issuance and revocation of licenses issued or applied for under chapter 18.108 RCW to or by persons convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances.

**Sec. 4.** RCW 35.21.692 and 1991 c 182 s 1 are each amended to read as follows:

(1) A state licensed massage practitioner seeking a city or town license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The city or town may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same city or town and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.

(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.

**Sec. 5.** RCW 35A.82.025 and 1991 c 182 s 2 are each amended to read as follows:

(1) A state licensed massage practitioner seeking a city license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The city may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same city and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.

(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.

**Sec. 6.** RCW 36.32.122 and 1991 c 182 s 3 are each amended to read as follows:

(1) A state licensed massage practitioner seeking a county license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The county may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same county and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.

(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.63A RCW to read as follows:

There is established in the department of community, trade, and economic development a grant program to enhance funding for prostitution prevention and intervention services. Activities that can be funded through this grant program shall provide effective prostitution prevention and intervention services, such as counseling, parenting, housing relief, education, and vocational training, that:

- (1) Comprehensively address the problems of persons who are prostitutes; and
- (2) Enhance the ability of persons to leave or avoid prostitution.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.63A RCW to read as follows:

(1) Applications for funding under this chapter must:

(a) Meet the criteria in section 7 of this act; and

(b) Contain evidence of active participation of the community and its commitment to providing effective prevention and intervention services for prostitutes through the participation of local governments, tribal governments, networks under chapter 70.190 RCW, human service and health organizations, and treatment entities and through meaningful involvement of others, including citizen groups.

(2) Local governments, networks under chapter 70.190 RCW, nonprofit community groups, and nonprofit treatment providers including organizations that provide services, such as emergency housing, counseling, and crisis intervention shall, among others, be eligible for grants established under section 7 of this act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.63A RCW to read as follows:

At a minimum, grant applications must include the following:

(1) The proposed geographic service area;

(2) A description of the extent and effect of the needs for prostitution prevention and intervention within the relevant geographic area;

(3) An explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;

(4) An explanation of what organizations were involved in the development of the proposal; and

(5) The methods that will be employed to measure the success of the program.

**NEW SECTION. Sec. 10.** A new section is added to chapter 43.63A RCW to read as follows:

(1) Subject to funds appropriated by the legislature, including funds in the prostitution prevention and intervention account, the department of community, trade, and economic development shall make awards under the grant program established by section 7 of this act.

(2) Awards shall be made competitively based on the purposes of and criteria in sections 7 through 9 of this act.

(3) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new activities. Funding of a program or activity under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.

(4) The department of community, trade, and economic development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the grant program established under section 7 of this act and expend the same or any income from these sources according to the terms of the gifts, grants, or endowments.

(5) The department of community, trade, and economic development may expend up to five percent of the funds appropriated for the grant program for administrative costs and grant supervision.

**NEW SECTION. Sec. 11.** A new section is added to chapter 43.63A RCW to read as follows:

The prostitution prevention and intervention account is created in the state treasury. All designated receipts from fees under sections 12 and 13 of this act shall be deposited into the account. Expenditures from the account may be used only for funding the grant program to enhance prostitution prevention and intervention services under section 7 of this act.

**NEW SECTION. Sec. 12.** A new section is added to chapter 9.68A RCW to read as follows:

(1)(a) In addition to penalties set forth in RCW 9.68A.100, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9.68A.100 or a comparable county or municipal ordinance shall be assessed a two hundred fifty dollar fee.

(b) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 9.68A.100 or a comparable county or municipal ordinance, the court shall assess the fee under (a) of this subsection. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under section 11 of this act for the purpose of funding prostitution prevention and intervention activities.

**NEW SECTION. Sec. 13.** A new section is added to chapter 9A.88 RCW to read as follows:

(1)(a) In addition to penalties set forth in RCW 9A.88.010, 9A.88.030, and 9A.88.090, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county or municipal ordinances shall be assessed a fifty dollar fee.

(b) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a one hundred fifty dollar fee.

(c) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal ordinances shall be assessed a three hundred dollar fee.

(2) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(3) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation under this chapter or comparable county or municipal ordinances, the court shall assess the fee as specified under subsection (1) of this section. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(4) Any fee assessed under this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under section 11 of this act for the purpose of funding prostitution prevention and intervention activities.

**NEW SECTION. Sec. 14.** The amendments to RCW 35.21.692, 35A.82.025, and 36.32.122 contained in sections 4 through 6 of this act shall expire July 1, 1997."

On page 1, line 2 of the title, after "36.32.122;" strike "and"

On page 1, line 3 of the title, after "18.130 RCW;" strike the remainder of the title and insert "adding new sections to chapter 43.63A RCW; adding a new section to chapter 9.68A RCW; adding a new section to chapter 9A.88 RCW; prescribing penalties; and providing an expiration date."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Delvin moved that the House concur in the Senate amendments to Substitute House Bill No. 1387 and pass the bill as amended by the Senate.

Representative Delvin spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1387 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1387 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 81, Nays - 15, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 81.

Voting nay: Representatives Backlund, Cairnes, Casada, Cooke, Goldsmith, Hargrove, Koster, Lambert, McMahan, Mulliken, Schmidt, D., Sherstad, Smith, Stevens and Thompson - 15.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1387, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1398 with the following amendments:

On page 5, beginning on line 11, after "practice" strike all material through "services" on line 14

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary



## MOTION

Representative Hymes moved that the House concur in the Senate amendments to Substitute House Bill No. 1398 and pass the bill as amended by the Senate. The motion was carried.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1398 as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1398 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1398, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1461 with the following amendments:

On page 2, beginning on line 16, strike "twenty-four hours" and insert "~~((twenty-four hours))~~  
five days"

On page 3, beginning on line 21, strike "seven" and insert "one thousand"

On page 3, beginning on line 28, strike all material through "41.29.060." on line 31.

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

## MOTION

Representative K. Schmidt moved that the House not concur in the Senate amendments to Engrossed House Bill No. 1461 and ask the Senate to recede therefrom. The motion was carried.

## SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The intent of this chapter is to provide consistent laws regarding the formation and legal administration of homeowners' associations.

**NEW SECTION. Sec. 2.** For purposes of this chapter:

(1) "Homeowners' association" or "association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the association's jurisdiction, as described in the governing documents, and by virtue of membership or ownership of property is obligated to pay real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned by the member. "Homeowners' association" does not mean an association created under chapter 64.32 or 64.34 RCW.

(2) "Governing documents" means the articles of incorporation, bylaws, plat, declaration of covenants, conditions, and restrictions, rules and regulations of the association, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

(3) "Board of directors" or "board" means the body, regardless of name, with primary authority to manage the affairs of the association.

(4) "Common areas" means property owned, or otherwise maintained, repaired or administered by the association.

(5) "Common expense" means the costs incurred by the association to exercise any of the powers provided for in this chapter.

(6) "Residential real property" means any real property, the use of which is limited by law, covenant or otherwise to primarily residential or recreational purposes.

**NEW SECTION. Sec. 3.** The membership of an association at all times shall consist exclusively of the owners of all real property over which the association has jurisdiction, both developed and undeveloped.

**NEW SECTION. Sec. 4.** Unless otherwise provided in the governing documents, an association may:

(1) Adopt and amend bylaws, rules, and regulations;

(2) Adopt and amend budgets for revenues, expenditures, and reserves, and impose and collect assessments for common expenses from owners;

(3) Hire and discharge or contract with managing agents and other employees, agents, and independent contractors;

(4) Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more owners on matters affecting the homeowners' association, but not on behalf of owners involved in disputes that are not the responsibility of the association;

(5) Make contracts and incur liabilities;

(6) Regulate the use, maintenance, repair, replacement, and modification of common areas;

(7) Cause additional improvements to be made as a part of the common areas;

(8) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property;

(9) Grant easements, leases, licenses, and concessions through or over the common areas and petition for or consent to the vacation of streets and alleys;

(10) Impose and collect any payments, fees, or charges for the use, rental, or operation of the common areas;

(11) Impose and collect charges for late payments of assessments and, after notice and an opportunity to be heard by the board of directors or by the representative designated by the board of directors and in accordance with the procedures as provided in the bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association;

(12) Exercise any other powers conferred by the bylaws;

(13) Exercise all other powers that may be exercised in this state by the same type of corporation as the association; and

(14) Exercise any other powers necessary and proper for the governance and operation of the association.

**NEW SECTION. Sec. 5.** (1) Except as provided in the association's governing documents or this chapter, the board of directors shall act in all instances on behalf of the association. In the performance of their duties, the officers and members of the board of directors shall exercise the degree of care and loyalty required of an officer or director of a corporation organized under chapter 24.03 RCW.

(2) The board of directors shall not act on behalf of the association to amend the articles of incorporation, to take any action that requires the vote or approval of the owners, to terminate the association, to elect members of the board of directors, or to determine the qualifications, powers, and duties, or terms of office of members of the board of directors; but the board of directors may fill vacancies in its membership of the unexpired portion of any term.

(3) Within thirty days after adoption by the board of directors of any proposed regular or special budget of the association, the board shall set a date for a meeting of the owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the owners of a majority of the votes in the association are allocated or any larger percentage specified in the governing documents reject the budget, in person or by proxy, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the owners shall be continued until such time as the owners ratify a subsequent budget proposed by the board of directors.

(4) The owners by a majority vote of the voting power in the association present, in person or by proxy, and entitled to vote at any meeting of the owners at which a quorum is present, may remove any member of the board of directors with or without cause.

**NEW SECTION. Sec. 6.** Unless provided for in the governing documents, the bylaws of the association shall provide for:

(1) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers and filling vacancies;

(2) Election by the board of directors of the officers of the association as the bylaws specify;

(3) Which, if any, of its powers the board of directors or officers may delegate to other persons or to a managing agent;

(4) Which of its officers may prepare, execute, certify, and record amendments to the governing documents on behalf of the association;

(5) The method of amending the bylaws; and

(6) Subject to the provisions of the governing documents, any other matters the association deems necessary and appropriate.

**NEW SECTION. Sec. 7.** (1) A meeting of the association must be held at least once each year. Special meetings of the association may be called by the president, a majority of the board of directors, or by owners having ten percent of the votes in the association. Not less than fourteen nor more than sixty days in advance of any meeting, the secretary or other officers specified in the bylaws shall cause notice to be hand-delivered or sent prepaid by first class United States mail to the mailing address of each owner or to any other mailing address designated in writing by the owner. The notice of any meeting shall state the time and place of the meeting and the business to be placed on the agenda by the board of directors for a vote by the owners, including the general nature of any proposed amendment to the articles of incorporation, bylaws, any budget or changes in the previously approved budget that result in a change in assessment obligation, and any proposal to remove a director.

(2) Except as provided in this subsection, all meetings of the board of directors shall be open for observation by all owners of record and their authorized agents. The board of directors shall keep minutes of all actions taken by the board, which shall be available to all owners. Upon the affirmative vote in open meeting to assemble in closed session, the board of directors may convene in closed executive session to consider personnel matters; consult with legal counsel or consider communications with legal counsel; and discuss likely or pending litigation, matters involving possible violations of the governing documents of the association, and matters involving the possible liability of an owner to the association. The motion shall state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the closed session shall be included in the minutes. The board of directors shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. No motion, or other action adopted, passed, or agreed to in closed session may become effective unless the board of directors, following the closed session, reconvenes in open meeting and votes in the open meeting on such motion, or other action which is reasonably identified. The requirements of this subsection shall not require the disclosure of information in violation of law or which is otherwise exempt from disclosure.

**NEW SECTION. Sec. 8.** Unless the governing documents specify a different percentage, a quorum is present throughout any meeting of the association if the owners to which thirty-four percent of the votes of the association are allocated are present in person or by proxy at the beginning of the meeting.

**NEW SECTION. Sec. 9.** (1) The association or its managing agent shall keep financial and other records sufficiently detailed to enable the association to fully declare to each owner the true statement of its financial status. All financial and other records of the association, including but not limited to checks, bank records, and invoices, in whatever form they are kept, are the property of the association. Each association managing agent shall turn over all original books and records to the association immediately upon termination of the management relationship with the association, or upon such other demand as is made by the board of directors. An association managing agent is entitled to keep copies of association records. All records which the managing agent has turned over to the association shall be made reasonably available for the examination and copying by the managing agent.

(2) All records of the association, including the names and addresses of owners and other occupants of the lots, shall be available for examination by all owners, holders of mortgages on the lots, and their respective authorized agents on reasonable advance notice during normal working hours at the offices of the association or its managing agent. The association shall not release the unlisted telephone number of any owner. The association may impose and collect a reasonable charge for copies and any reasonable costs incurred by the association in providing access to records.

(3) At least annually, the association shall prepare, or cause to be prepared, a financial statement of the association. The financial statements of associations with annual assessments of fifty thousand dollars or more shall be audited at least annually by an independent certified public accountant, but the audit may be waived if sixty-seven percent of the votes cast by owners, in person or by proxy, at a meeting of the association at which a quorum is present, vote each year to waive the audit.

(4) The funds of the association shall be kept in accounts in the name of the association and shall not be commingled with the funds of any other association, nor with the funds of any manager of the association or any other person responsible for the custody of such funds.

**NEW SECTION. Sec. 10.** (1) Except as otherwise provided under subsection (2) of this section, any violation of the provisions of this chapter entitles an aggrieved party to any remedy provided by law or in equity. The court, in an appropriate case, may award reasonable attorneys' fees to the prevailing party.

(2) Claims based on any violation of this chapter shall be brought within six months from the occurrence of the violation.

**NEW SECTION. Sec. 11.** Sections 1 through 10 of this act constitute a new chapter in Title 64 RCW."

and the same are herewith transmitted.

MOTION

Representative Sheahan moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1471 and ask the Senate to recede therefrom.

Representatives Sheahan and Costa spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1497 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 40.14.020 and 1991 c 237 s 4 and 1991 c 184 s 1 are each reenacted and amended to read as follows:

All public records shall be and remain the property of the state of Washington. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with the provisions of this chapter. In order to insure the proper management and safeguarding of public records, the division of archives and records management is established in the office of the secretary of state. The state archivist, who shall administer the division and have reasonable access to all public records, wherever kept, for purposes of information, surveying, or cataloguing, shall undertake the following functions, duties, and responsibilities:

- (1) To manage the archives of the state of Washington;
- (2) To centralize the archives of the state of Washington, to make them available for reference and scholarship, and to insure their proper preservation;
- (3) To inspect, inventory, catalog, and arrange retention and transfer schedules on all record files of all state departments and other agencies of state government;
- (4) To insure the maintenance and security of all state public records and to establish safeguards against unauthorized removal or destruction;
- (5) To establish and operate such state record centers as may from time to time be authorized by appropriation, for the purpose of preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment;
- (6) To adopt rules under chapter 34.05 RCW:
  - (a) Setting standards for the durability and permanence of public records maintained by state and local agencies;
  - (b) Governing procedures for the creation, maintenance, transmission, cataloging, indexing, storage, or reproduction of photographic, optical, electronic, or other images of public documents or records in a manner consistent with current standards, policies, and procedures of the department of information services for the acquisition of information technology;
  - (c) Governing the accuracy and durability of, and facilitating access to, photographic, optical, electronic, or other images used as public records; or
  - (d) To carry out any other provision of this chapter;
- (7) To gather and disseminate to interested agencies information on all phases of records management and current practices, methods, procedures, techniques, and devices for efficient and economical management and preservation of records;
- (8) To operate a central microfilming bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; to approve microfilming projects

undertaken by state departments and all other agencies of state government; and to maintain proper standards for this work; (~~and~~)

(9) To maintain necessary facilities for the review of records approved for destruction and for their economical disposition by sale or burning; directly to supervise such destruction of public records as shall be authorized by the terms of this chapter;

(10) To assist and train state and local agencies in the proper methods of creating, maintaining, cataloging, indexing, transmitting, storing, and reproducing photographic, optical, electronic, or other images used as public records.

**NEW SECTION. Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void."

In line 2 of the title, beginning with "and" strike the remainder of the title and insert "reenacting and amending RCW 40.14.020; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative B. Thomas moved that the House concur in the Senate amendments to Substitute House Bill No. 1497 and pass the bill as amended by the Senate.

Representative B. Thomas spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1497 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1497 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1497, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1700 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.33.120 and 1992 c 69 s 1 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. Values for the several grades of bare forest land shall be as follows.

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
		1 \$141
1	2 136	3 131 4 95
		1 118
2	2 114	3 110 4 80
		1 93
3	2 90	3 87 4 66
		1 70
4	2 68	3 66 4 52
		1 51
5	2 48	3 46 4 31
		1 26
6	2 25	3 25 4 23
		1 12
7	2 12	3 11 4 11
		8 1

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.05 RCW, the forest land values contained in subsection (1) of this section in accordance with this

subsection, and shall certify these adjusted values to the county assessor for his or her use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him or her by the department of revenue, and he or she shall compute the assessed value of such land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he or she shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from classification if a governmental agency, organization, or other recipient identified in subsection (9) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in classified forest land by means of a transaction that qualifies for an exemption under subsection (9) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the classified land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;



(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance~~((f,))~~, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW ~~((82.45.120, as now or hereafter amended))~~ 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to ~~((subsections))~~ (c) or (d) ~~((above))~~ of this subsection prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of ~~((subsection))~~ (a), (b), (d), or (e) ~~((above))~~ of this subsection shall apply only to the land affected, and upon occurrence of ~~((subsection))~~ (c) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100 as now or hereafter amended.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsections (5)(e) and (9) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to~~((+))~~ the difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by ~~((+))~~ a number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes.

(10) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his or her own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

**Sec. 2.** RCW 84.33.140 and 1992 c 69 s 2 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance(~~((+))~~), except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW ~~((82.45.120, as now or hereafter amended))~~ 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that: (i) Such land is no longer primarily devoted to and used for growing and harvesting timber((-)). However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (5) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in designated forest land by means of a transaction that qualifies for an exemption under subsection (5) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) ~~((such))~~ The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder((-)); or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of ~~((subsections))~~ (a) through (c) ~~((above))~~ of this subsection shall apply only to the land affected, and upon occurrence of ~~((subsection))~~ (d) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same

application and approval for designation: PROVIDED, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100 as now or hereafter amended.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to ~~((a))~~ the difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by ~~((b))~~ a number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 84.33.120 and 84.33.140; and declaring an emergency."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative B. Thomas moved that the House concur in the Senate amendments to Substitute House Bill No. 1700 and pass the bill as amended by the Senate.

Representative Sehlin spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1700 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1700 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 77, Nays - 19, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Lambert, Lisk, Mason, Mastin, Mielke, Mitchell, Morris, Ogden, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 77.

Voting nay: Representatives Campbell, Casada, Fuhrman, Goldsmith, Hargrove, Kessler, Koster, Kremen, McMahan, McMorris, Mulliken, Pelesky, Pennington, Robertson, Sheldon, Sherstad, Smith, Stevens and Thomas, L. - 19.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1700, as amended by the Senate, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1700 as amended by the Senate.

IAN ELLIOT, 1st District

#### SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1722 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 34.12.020 and 1994 c 257 s 22 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Office" means the office of administrative hearings.

(2) "Administrative law judge" means any person appointed by the chief administrative law judge to conduct or preside over hearings as provided in this chapter.

(3) "Hearing" means an adjudicative proceeding within the meaning of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413 through 34.05.476.

(4) "State agency" means any state board, commission, department, or officer authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the growth (~~(planning)~~) management hearings boards, the utilities and transportation commission, the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the Washington personnel resources board, the public employment relations commission, the personnel appeals board, and the board of tax appeals.

**Sec. 2.** RCW 80.01.050 and 1961 c 14 s 80.01.050 are each amended to read as follows:

A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission, and may hold hearings at any time or place within or without the state. Any investigation, inquiry, or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner or any (~~(examiner)~~) employee designated and authorized by the commission as provided in RCW 80.01.060. All investigations, inquiries, and hearings of the commission, and all findings, orders, or decisions, made by a commissioner, when approved and confirmed by the commission and filed in its office, shall be and be deemed to be the orders or decisions of the commission.

**Sec. 3.** RCW 80.01.060 and 1991 c 48 s 1 are each amended to read as follows:

(1) The commission (~~(shall have the power to request the appointment of)~~) may designate employees of the commission as hearing examiners, administrative law judges (~~(under chapter 34.12 RCW)~~), and review judges when it deems such action necessary for its general administration. (~~(Such administrative law judges shall)~~) The designated employees have power to administer oaths, to issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents, and testimony, to examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules as the commission may adopt. (2) In general rate increase filings by a natural gas, electric, or telecommunications company, the designated employee may preside, but may not enter an initial order unless expressly agreed to in writing by the company making the filing. In all other cases, the designated employee may enter an initial order including findings of fact and conclusions of law in accordance with RCW 34.05.461(1)(a) and (c) and (3) through (9) or 34.05.485. RCW 34.05.461 (1)(b) and (2) do not apply to entry of orders under this section. The designated employee may not enter final orders, except that the commission may designate persons by rule to preside and enter final orders in emergency adjudications under RCW 34.05.479.

(3) If the designated employee does not enter an initial order as provided in subsection (2) of this section, then a majority of the members of the commission who are to enter the final order must hear or review substantially all of the record submitted by any party.

NEW SECTION. **Sec. 4.** RCW 34.12.042 and 1982 c 189 s 13 are each repealed."

In line 2 of the title, after "commission;" strike the remainder of the title, and insert "amending RCW 34.12.020, 81.01.050, and 80.01.060; and repealing RCW 34.12.042."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Substitute House Bill No. 1722 and pass the bill as amended by the Senate.

Representative Sheahan spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1722 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1722 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Mastin - 1.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1722, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1809 with the following amendments:

On page 2, after line 26, insert the following:

"NEW SECTION. Sec. 3. By July 31, 1996, the Washington state nursing care quality assurance commission shall develop rules for nursing practice under the direction of naturopathic physicians.

NEW SECTION. Sec. 4. This act shall take effect August 1, 1996."

On page 1, line 2 of the title, after "18.79 RCW;" strike "and"

On page 1, line 3 of the title, after "18.79.270" insert "; creating a new section; and providing an effective date"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Hymes moved that the House concur in the Senate amendments to Substitute House Bill No. 1809 and pass the bill as amended by the Senate. The motion was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1809 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1809 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1809, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1872 with the following amendments:

On page 2, after line 5, strike all material on lines 6 through 8 and insert the following:  
"(7) To adopt rules to define and specify the education and training requirements for physical therapist assistants and physical therapy aides."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Backlund moved that the House concur in the Senate amendments to House Bill No. 1872 and pass the bill as amended by the Senate.

Representatives Crouse and Valle spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1872 as amended by the Senate.

Representatives Crouse and Backlund spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1872 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

House Bill No. 1872, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1889 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.09.010 and 1965 c 8 s 43.09.010 are each amended to read as follows:

The state auditor shall reside and keep his or her office at the seat of government. Before entering upon his or her duties he or she shall execute and deliver to the secretary of state a bond to the state in the sum of fifty thousand dollars, to be approved by the governor, conditioned for the faithful performance of all duties required (~~(of him)~~) by law. He or she shall take an oath of office before any person authorized to administer oaths, and file a copy thereof, together with (~~(his)~~) the required bond, in the office of the secretary of state.

NEW SECTION. **Sec. 2.** The state auditor may appoint deputies and assistant directors as necessary to carry out the duties of the office of the state auditor. These individuals serve at the pleasure of the state auditor and are exempt from the provisions of chapter 41.06 RCW as stated in RCW 41.06.070(1)(y).

NEW SECTION. **Sec. 3.** The state auditor may appoint and employ other assistants and personnel necessary to carry out the work of the office of the state auditor.

NEW SECTION. **Sec. 4.** The state auditor may contract with public accountants certified in Washington to carry out those portions of the duties of auditing state agencies and local governments as the state auditor may determine.

NEW SECTION. **Sec. 5.** The state auditor, his or her employees and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him or her at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses to do so, or neglects or refuses to answer any question that may be put to him or her touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such



person before him or her; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him or her to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he or she shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Willful false swearing in any such examination shall be perjury and punishable as such.

**Sec. 6.** RCW 43.09.170 and 1965 c 8 s 43.09.170 are each amended to read as follows:

The state auditor may administer all oaths required by law in matters pertaining to the duties of his or her office.

**Sec. 7.** RCW 43.09.180 and 1965 c 8 s 43.09.180 are each amended to read as follows:

The state auditor shall keep a seal of office for the identification of all papers, writings, and documents required by law to be certified by him or her, and copies authenticated and certified of all papers and documents lawfully deposited in his or her office shall be received in evidence with the same effect as the originals.

NEW SECTION. **Sec. 8.** State agencies and local governments shall immediately report to the state auditor's office known or suspected loss of public funds or assets or other illegal activity.

**Sec. 9.** RCW 43.09.200 and 1965 c 8 s 43.09.200 are each amended to read as follows:

The state auditor(~~(, through such division,)~~) shall formulate, prescribe, and install a system of accounting and reporting for all local governments, which shall be uniform for every public institution, and every public office, and every public account of the same class.

The system shall exhibit true accounts and detailed statements of funds collected, received, and expended for account of the public for any purpose whatever, and by all public officers, employees, or other persons.

The accounts shall show the receipt, use, and disposition of all public property, and the income, if any, derived therefrom; all sources of public income, and the amounts due and received from each source; all receipts, vouchers, and other documents kept, or required to be kept, necessary to isolate and prove the validity of every transaction; all statements and reports made or required to be made, for the internal administration of the office to which they pertain; and all reports published or required to be published, for the information of the people regarding any and all details of the financial administration of public affairs.

**Sec. 10.** RCW 43.09.205 and 1987 c 120 s 4 are each amended to read as follows:

The state auditor(~~(, through the division of municipal corporations,)~~) shall prescribe a standard form with which the accounts and records of costs of all local governments shall be maintained as required under RCW 39.04.070.

**Sec. 11.** RCW 43.09.220 and 1965 c 8 s 43.09.220 are each amended to read as follows:

Separate accounts shall be kept for every public service industry of every local government, which shall show the true and entire cost of the ownership and operation thereof, the amount collected annually by general or special taxation for service rendered to the public, and the amount and character of the service rendered therefor, and the amount collected annually from private users for service rendered to them, and the amount and character of the service rendered therefor.

**Sec. 12.** RCW 43.09.230 and 1993 c 18 s 2 are each amended to read as follows:

The state auditor shall require from every (~~(taxing district and other political subdivisions)~~) local government financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by the state auditor, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the (~~(division)~~) state auditor within one hundred fifty days after the close of each fiscal year.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (1) A statement of all costs of ownership and operation, and of all income, of each and every public service

industry owned and operated by a ~~((municipality))~~ local government; (2) a statement of the entire public debt of every ~~((taxing district))~~ local government, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; (3) a classified statement of all receipts and expenditures by any public institution; and (4) a statement of all expenditures for labor relations consultants, with the identification of each consultant, compensation, and the terms and conditions of each agreement or arrangement; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, the state auditor's deputies, or other person legally authorized to make such ~~((certificate))~~ certification.

Their substance shall be published in an annual volume of comparative statistics at the expense of the state as a public document.

**Sec. 13.** RCW 43.09.240 and 1991 c 245 s 13 are each amended to read as follows:

Every public officer and employee of a local government shall keep all accounts of his or her office in the form prescribed and make all reports required by the state auditor. Any public officer or employee who refuses or willfully neglects to perform such duties shall be subject to removal from office in an appropriate proceeding for that purpose brought by the attorney general or by any prosecuting attorney.

Every public officer and employee, whose duty it is to collect or receive payments due or for the use of the public shall deposit such moneys collected or received by him or her with the treasurer of the ~~((taxing district))~~ local government once every twenty-four consecutive hours. The treasurer may in his or her discretion grant an exception where such daily transfers would not be administratively practical or feasible.

In case a public officer or employee collects or receives funds for the account of a ~~((taxing district))~~ local government of which he or she is an officer or employee, the treasurer shall, by Friday of each week, pay to the proper officer of the ~~((taxing district))~~ local government for the account of which the collection was made or payment received, the full amount collected or received during the current week for the account of the district.

**NEW SECTION. Sec. 14.** The state auditor has the power to examine all the financial affairs of every local government and its officers and employees.

**Sec. 15.** RCW 43.09.260 and 1991 sp.s. c 30 s 26 are each amended to read as follows:

~~((The state auditor, the chief examiner, and every state examiner shall have power by himself or herself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.))~~

The examination of the financial affairs of all ~~((taxing districts))~~ local governments shall be made at such reasonable, periodic intervals as the state auditor shall determine. However, an examination of the financial affairs of all ~~((taxing districts))~~ local governments shall be made at least once in every three years, and an examination of individual local government health and welfare benefit plans and local government self-insurance programs shall be made at least once every two years. The term ("~~taxing districts~~") local governments for purposes of ~~((RCW 43.09.190 through 43.09.285))~~ this chapter includes but is not limited to all counties, cities, and other political subdivisions, municipal corporations, and quasi-municipal corporations, however denominated.

The state auditor shall establish a schedule to govern the auditing of ~~((taxing districts))~~ local governments which shall include: A designation of the various classifications of ~~((taxing districts))~~ local governments; a designation of the frequency for auditing each type of ~~((taxing district))~~ local government; and a description of events which cause a more frequent audit to be conducted.

On every such examination, inquiry shall be made as to the financial condition and resources of the ~~((taxing district))~~ local government; whether the Constitution and laws of the state, the ordinances and orders of the ~~((taxing district))~~ local government, and the requirements of the ~~((division of municipal corporations))~~ state auditor have been properly complied with; and into the methods and accuracy of the accounts and reports.

~~((The state auditor, his or her deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him or her at any designated time and place, and may administer oaths.))~~

~~When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him or her touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him or her; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he or she shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Willful false swearing in any such examination shall be perjury and punishable as such.)~~

A report of such examination shall be made ~~((in triplicate, one copy to be))~~ and filed in the office of ~~((the))~~ state auditor, and one ~~((in))~~ copy shall be transmitted to the ~~((auditing department of the taxing district reported upon, and one in the office of the attorney general))~~ local government. A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his or her copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for ~~((the county commissioners or any board or officer))~~ any local government or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

**Sec. 16.** RCW 43.09.265 and 1979 ex.s. c 218 s 7 are each amended to read as follows:

The state auditor~~((, through the division of municipal corporations,))~~ shall review the tax levies of all ~~((municipal corporations))~~ local governments in the regular examinations under RCW 43.09.260.

**Sec. 17.** RCW 43.09.270 and 1993 c 315 s 1 are each amended to read as follows:

The expense of ~~((maintaining and operating the division of municipal corporations))~~ auditing local governments and those expenses directly related to ~~((the))~~ prescribing ~~((of))~~ accounting systems, training, maintenance of working capital including reserves for late and ~~((uncollectible))~~ uncollectible accounts and necessary adjustments to billings, and field audit supervision, shall be considered ~~((as))~~ expenses of auditing public accounts within the meaning of RCW 43.09.280 and 43.09.282, and shall be prorated for that purpose equally among all entities directly affected by such service.

**Sec. 18.** RCW 43.09.280 and 1979 c 71 s 2 are each amended to read as follows:

The expense of auditing public accounts shall be borne by each entity subject to such audit for the auditing of all accounts under its jurisdiction and the state auditor shall certify the expense of such audit to the fiscal or warrant-issuing officer of such entity, who shall immediately make payment to the ~~((division of municipal corporations))~~ state auditor. If the expense as certified is not paid by any ~~((taxing district))~~ local government within thirty days from the date of certification, the state auditor may certify the expense to the auditor of the county in which the ~~((taxing district))~~ local government is situated, who shall promptly issue his or her warrant on the county treasurer payable out of the current expense fund of the county, which fund, except as to auditing the financial affairs and making inspection and examination of the county, shall be reimbursed by the county auditor or chief financial officer out of the money due ~~((said taxing district))~~ the local government at the next monthly settlement of the collection of taxes and shall be transferred to the current expense fund.

**Sec. 19.** RCW 43.09.2801 and 1992 c 44 s 11 are each amended to read as follows:

(1) From July 1, 1992, to June 30, 1995, the state auditor shall charge an entity subject to an audit an additional ten cents per hour billed under RCW 43.09.270 and 43.09.280, to be deposited in the local government administrative ~~((hearings))~~ hearings account.

(2) After June 30, 1995, the state auditor shall base the amount to be collected and deposited into the local government administrative ~~((hearings))~~ hearings account on the funds remaining in the account on June 30, 1995, and the anticipated caseload for the future.

(3) The state auditor may exempt a local government that ~~((complies))~~ certifies that it is in compliance with RCW 42.41.050 from a charge added under subsection (1) or (2) of this section.

**Sec. 20.** RCW 43.09.282 and 1982 c 206 s 2 are each amended to read as follows:

For the purposes of centralized funding, accounting, and distribution of the costs of the audits performed on ~~((taxing districts))~~ local governments by the state auditor, there is hereby created ~~((a fund))~~ an account entitled the municipal revolving ~~((fund))~~ account. The state treasurer shall be custodian of the ~~((fund))~~ account. All moneys received by the ~~((division of municipal corporations))~~ state auditor or by any officer or employee thereof shall be deposited with the state treasurer and credited to the municipal revolving ~~((fund))~~ account. ~~((Funds in the municipal revolving fund will be spent only after appropriation by the legislature. Such appropriated funds shall be administered by the division of municipal corporations.))~~ Only the state auditor or the auditor's designee may authorize expenditures from the account. No appropriation is required for expenditures. The ~~((division of municipal corporations))~~ state auditor shall keep such records as are necessary to detail the auditing costs attributable to the various types of ~~((taxing districts))~~ local governments.

**Sec. 21.** RCW 43.09.290 and 1981 c 336 s 6 are each amended to read as follows:

For the purposes of RCW 43.09.290 through 43.09.340 and 43.09.410 through 43.09.418, post-audit means an ~~((annual))~~ audit of the books, records, funds, accounts, and financial transactions of a state ~~((department))~~ agency for a complete fiscal period; pre-audit means all other audits and examinations; state ~~((department))~~ agency means elective officers and offices, and every other office, officer, department, board, council, committee, commission, or authority~~((, or agency))~~ of the state government now existing or hereafter created, supported, wholly or in part, by appropriations from the state treasury or funds under its control, or by the levy, assessment, collection, or receipt of fines, penalties, fees, licenses, sales of commodities, service charges, rentals, grants-in-aid, or other income provided by law, and all state educational, penal, reformatory, charitable, eleemosynary, or other institutions, supported, wholly or in part, by appropriations from the state treasury or funds under its control.

**Sec. 22.** RCW 43.09.310 and 1981 c 217 s 1 are each amended to read as follows:

The state auditor~~((, through the division of departmental audits,))~~ shall annually audit the state-wide combined financial statements prepared by the office of financial management and make post-audits of state agencies. Post-audits of state agencies shall be made at such periodic intervals as is determined by the state auditor. Audits of combined financial statements shall include determinations as to the validity and accuracy of accounting methods, procedures and standards utilized in their preparation, as well as the accuracy of the financial statements themselves. A report shall be made of each such audit and post-audit upon completion thereof, and one copy shall be transmitted to the governor, one to the director of financial management, ~~((one to the attorney general,))~~ one to the state ~~((department))~~ agency audited, one to the legislative budget committee, one each to the standing committees on ways and means of the house and senate, one to the chief clerk of the house, one to the secretary of the senate, and at least one shall be kept on file in the office of the state auditor. ~~((For purposes of reporting the annual audit of state wide combined financial statements, "state department audited" refers solely to the office of financial management.))~~ A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general.

**Sec. 23.** RCW 43.09.330 and 1965 c 8 s 43.09.330 are each amended to read as follows:

~~((The state auditor, the chief examiner, and every state examiner of the division of departmental audits, for the purpose of making post-audits, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff to compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.~~

If any person summoned neglects or refuses to appear, or neglects or refuses to answer any question that may be put to him touching any matter under audit, or to produce any books or papers required, the person making such audit shall apply to a superior court judge of the county where the hearing arose to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing refuses to testify or to produce

any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. ~~Wilful false swearing in any such examination shall be perjury and punishable as such.~~)

If any audit of a state agency discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his or her copy of the report, the attorney general shall institute and prosecute in the proper county, appropriate legal action to carry into effect the findings of such post-audit. It shall be unlawful for any state ~~((department))~~ agency or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action without the written approval and consent of the attorney general and the state auditor.

**Sec. 24.** RCW 43.09.340 and 1979 c 151 s 93 are each amended to read as follows:

The governor ~~((may, from time to time))~~ shall, at least every two years, provide for a post-audit of the books, accounts, and records of the state auditor, and the funds under his or her control, to be made either by independent qualified public accountants or the director of financial management, as he or she may determine. The expense of making such audit shall be paid from appropriations made therefor from the general fund.

**Sec. 25.** RCW 43.09.410 and 1981 c 336 s 1 are each amended to read as follows:

An auditing services revolving ~~((fund))~~ account is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the audits provided to state ~~((departments))~~ agencies by the state auditor.

**Sec. 26.** RCW 43.09.412 and 1987 c 165 s 1 are each amended to read as follows:

The amounts to be disbursed from the auditing services revolving ~~((fund))~~ account shall ~~((be transferred thereto by the state treasurer))~~ be paid from funds appropriated to any and all state ~~((departments))~~ agencies for auditing services or administrative expenses ~~((on a monthly basis))~~. State ~~((departments))~~ agencies operating in whole or in part from nonappropriated funds shall pay into the auditing services revolving ~~((fund))~~ account such funds as will fully reimburse funds appropriated to the state auditor ~~((for any auditing services provided activities financed by nonappropriated funds))~~ for auditing services provided.

The director of financial management shall allot all such funds to the state auditor for the operation of his or her office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other state ~~((departments))~~ agencies headed by elected officers under chapter 43.88 RCW.

**Sec. 27.** RCW 43.09.414 and 1981 c 336 s 3 are each amended to read as follows:

Disbursements from the auditing services revolving ~~((fund))~~ account shall be made pursuant to vouchers executed by the state auditor or his or her designee in accordance with RCW 43.09.412.

**Sec. 28.** RCW 43.09.416 and 1987 c 165 s 2 are each amended to read as follows:

The state auditor shall keep such records as are necessary to facilitate proper allocation of costs to funds and accounts and state ~~((departments))~~ agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and accounts and state ~~((departments))~~ agencies served. The billing rate shall be established based on costs incurred in the prior biennium and anticipated costs in the new biennium. Those expenses related to training, maintenance of working capital including reserves for late and uncollectible accounts, and necessary adjustments to billings, shall be considered as expenses of auditing public accounts. Working capital shall not exceed five percent of the auditing services revolving ~~((fund))~~ account appropriation. ~~((The director of the office of financial management shall establish a committee of at least three certified public accountants with private sector audit experience to prepare general guidelines governing procedures to be used in determining audit costs and standards for measuring auditor productivity. These proposed procedures and productivity standards shall be presented for review by the house and senate committees on ways and means prior to the 1982 regular session of the legislature.))~~

**Sec. 29.** RCW 43.09.418 and 1981 c 336 s 5 are each amended to read as follows:

In cases where there are unanticipated demands for auditing services or where there are insufficient funds on hand or available for payment through the auditing services revolving ~~((fund))~~ account or in other cases of necessity, the state auditor may request payment for auditing services directly from state ~~((departments))~~ agencies for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of financial management the state ~~((department))~~ agency shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of financial management.

**Sec. 30.** RCW 3.30.070 and 1971 c 73 s 3 are each amended to read as follows:

The clerk of each district court shall keep uniform records of each case filed and the proceedings had therein including an accounting for all funds received and disbursed. Financial reporting shall be in such form as may be prescribed by the ~~((office of the))~~ state auditor~~((, division of municipal corporations))~~. The form of other records may be prescribed by the supreme court.

**Sec. 31.** RCW 3.62.020 and 1988 c 169 s 3 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the ~~((division of municipal corporations))~~ state auditor, noting the information necessary for crediting of such funds as required by law.

(2) The county treasurer shall remit thirty-two percent of the money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

**Sec. 32.** RCW 14.08.090 and 1984 c 7 s 4 are each amended to read as follows:

Any bonds to be issued by any municipality pursuant to the provisions of this chapter shall be authorized and issued in the manner and within the limitation prescribed by the Constitution and laws of this state or the charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally, secured by the revenues of the airport, a mortgage on facilities, or a general tax levy as allowed by law, if the plan and system resolution are approved by the secretary of transportation or the ~~((division of municipal corporations))~~ state auditor.

**Sec. 33.** RCW 35.02.132 and 1991 c 360 s 4 are each amended to read as follows:

The newly elected officials shall adopt an interim budget for the interim period or until January 1 of the following year, whichever occurs first. A second interim budget shall be adopted for any period between January 1 and the official date of incorporation. These interim budgets shall be adopted in consultation with the ~~((office of the))~~ state auditor~~((, division of municipal corporations))~~.

The governing body shall adopt a budget for the newly incorporated city or town for the period between the official date of incorporation and January 1 of the following year. The mayor or governing body, whichever is appropriate shall prepare or the governing body may direct the interim city manager to prepare a preliminary budget in detail to be made public at least sixty days before the official date of incorporation as a recommendation for the final budget. The mayor, governing body, or the interim city manager shall submit as a part of the preliminary budget a budget message that contains an explanation of the budget document, an outline of the recommended financial policies and programs of the city or town for the ensuing fiscal year, and a statement of the relation of the recommended appropriation to such policies and programs. Immediately following the release of the

preliminary budget, the governing body shall cause to be published a notice once each week for two consecutive weeks of a public hearing to be held at least twenty days before the official date of incorporation on the fixing of the final budget. Any taxpayer may appear and be heard for or against any part of the budget. The governing body may make such adjustments and changes as it deems necessary and may adopt the final budget at the conclusion of the public hearing or at any time before the official date of incorporation.

**Sec. 34.** RCW 35.07.230 and 1965 c 7 s 35.07.230 are each amended to read as follows:

If any town fails for two successive years to hold its regular municipal election, or if the officers elected at the regular election of any town fail for two successive years to qualify and the government of the town ceases to function by reason thereof, the state auditor (~~((through the division of municipal corporations))~~) may petition the superior court of the county for an order, dissolving the town. In addition to stating the facts which would justify the entry of such an order, the petition shall set forth a detailed statement of the assets and liabilities of the town insofar as they can be ascertained.

**Sec. 35.** RCW 35.21.270 and 1984 c 7 s 20 are each amended to read as follows:

The city engineer or the city clerk of each city or town shall maintain records of the receipt and expenditure of all moneys used for construction, repair, or maintenance of streets and arterial highways.

To assist in maintaining uniformity in such records, the (~~((division of municipal corporations))~~) state auditor, with the advice and assistance of the department of transportation, shall prescribe forms and types of records to be so maintained.

**Sec. 36.** RCW 35.23.121 and 1965 c 7 s 35.24.120 are each amended to read as follows:

The city clerk shall keep a full and true record of every act and proceeding of the city council and keep such books, accounts and make such reports as may be required by (~~((the division of municipal corporations in the office of))~~) the state auditor. The city clerk shall record all ordinances, annexing thereto his or her certificate giving the number and title of the ordinance, stating that the ordinance was published and posted according to law and that the record is a true and correct copy thereof. The record copy with the clerk's certificate shall be prima facie evidence of the contents of the ordinance and of its passage and publication and shall be admissible as such evidence in any court or proceeding.

The city clerk shall be custodian of the seal of the city and shall have authority to acknowledge the execution of all instruments by the city which require acknowledgment.

The city clerk may appoint a deputy for whose acts he or she and his or her bondsmen shall be responsible, and he or she and his or her deputy shall have authority to take all necessary affidavits to claims against the city and certify them without charge.

The city clerk shall perform such other duties as may be required by statute or ordinance.

**Sec. 37.** RCW 35.23.535 and 1965 c 7 s 35.24.430 are each amended to read as follows:

No taxes shall be imposed for maintenance and operating charges of city owned water, light, power, or heating works or systems.

Rates shall be fixed by ordinance for supplying water, light, power, or heat for commercial, domestic, or irrigation purposes sufficient to pay for all operating and maintenance charges. If the rates in force produce a greater amount than is necessary to meet operating and maintenance charges, the rates may be reduced or the excess income may be transferred to the city's current expense fund.

Complete separate accounts for municipal utilities must be kept under the system and on forms prescribed by the (~~((division of municipal corporations in the office of the))~~) state auditor.

The term "maintenance and operating charges," as used in this section includes all necessary repairs, replacement, interest on any debts incurred in acquiring, constructing, repairing and operating plants and departments and all depreciation charges. This term shall also include an annual charge equal to four percent on the cost of the plant or system, as determined by (~~((the division of municipal corporations in the office of))~~) the state auditor to be paid into the current expense fund, except that where utility bonds have been or may hereafter be issued and are unpaid no payment shall be required into the current expense fund until such bonds are paid.

**Sec. 38.** RCW 35.27.510 and 1965 c 7 s 35.27.510 are each amended to read as follows:

When any special fund of a public utility department of a town has retired all bond and warrant indebtedness and is on a cash basis, if a reserve or depreciation fund has been created in an amount satisfactory to ~~((the division of municipal corporations in the office of))~~ the state auditor and if the fixing of the rates of the utility is governed by contract with the supplier of water, electrical energy, or other commodity sold by the town to its inhabitants, and the rates are at the lowest possible figure, the town council may set aside such portion of the net earnings of the utility as it may deem advisable and transfer it to the town's current expense fund: PROVIDED, That no amount in excess of fifty percent of the net earnings shall be so set aside and transferred except with the unanimous approval of the council and mayor.

**Sec. 39.** RCW 35.33.031 and 1969 ex.s. c 95 s 3 are each amended to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's or town's next fiscal year, or at such other time as the city or town may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a city or town to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by his or her department for the ensuing fiscal year. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by ~~((the division of municipal corporations in the office of))~~ the state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of his or her office. The chief administrative officers of the city or town shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties herein required shall devolve upon the person next in charge of such department.

**Sec. 40.** RCW 35.33.041 and 1969 ex.s. c 95 s 4 are each amended to read as follows:

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor ~~((through the division of municipal corporations))~~ after consultation with the Washington finance officers association, the association of Washington cities and the association of Washington city managers.

**Sec. 41.** RCW 35.33.075 and 1969 ex.s. c 95 s 10 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal year, the legislative body shall make such adjustments and changes as it deems necessary or proper and after determining the allowance in each item, department, classification and fund, and shall by ordinance, adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal year. Such ordinances may adopt the final budget by reference: PROVIDED, That the ordinance adopting such budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to ~~((the division of municipal corporations in the office of the state auditor, and to))~~ the association of Washington cities.

**Sec. 42.** RCW 35.33.111 and 1969 ex.s. c 95 s 16 are each amended to read as follows:

The ~~((division of municipal corporations in the office of the))~~ state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

**Sec. 43.** RCW 35.34.050 and 1985 c 175 s 8 are each amended to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's or town's next fiscal biennium, or at such other time as the city or town may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a city or town to file with the



clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by the department for the ensuing fiscal biennium. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by ~~((the division of municipal corporations in the office of))~~ the state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of the clerk's office. The chief administrative officers of the city or town shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties required by this section shall devolve upon the person next in charge of such department.

**Sec. 44.** RCW 35.34.060 and 1985 c 175 s 9 are each amended to read as follows:

All estimates of receipts and expenditures for the ensuing fiscal biennium shall be fully detailed in the biennial budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor ~~((through the division of municipal corporations))~~ after consultation with the Washington finance officers association, the association of Washington cities, and the association of Washington city managers.

**Sec. 45.** RCW 35.34.120 and 1985 c 175 s 15 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal biennium, the legislative body shall make such adjustments and changes as it deems necessary or proper and, after determining the allowance in each item, department, classification, and fund, shall by ordinance adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal biennium. Such ordinances may adopt the final budget by reference. However, the ordinance adopting the budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to ~~((the division of municipal corporations in the office of))~~ the state auditor and to the association of Washington cities.

**Sec. 46.** RCW 35.34.130 and 1985 c 175 s 16 are each amended to read as follows:

The legislative authority of a city or town having adopted the provisions of this chapter shall provide by ordinance for a mid-biennial review and modification of the biennial budget. The ordinance shall provide that such review and modification shall occur no sooner than eight months after the start nor later than conclusion of the first year of the fiscal biennium. The chief administrative officer shall prepare the proposed budget modification and shall provide for publication of notice of hearings consistent with publication of notices for adoption of other city or town ordinances. City or town ordinances providing for a mid-biennium review and modification shall establish procedures for distribution of the proposed modification to members of the city or town legislative authority, procedures for making copies available to the public, and shall provide for public hearings on the proposed budget modification. The budget modification shall be by ordinance approved in the same manner as are other ordinances of the city or town.

A complete copy of the budget modification as adopted shall be transmitted to ~~((the division of municipal corporations in the office of))~~ the state auditor and to the association of Washington cities.

**Sec. 47.** RCW 35.34.190 and 1985 c 175 s 22 are each amended to read as follows:

The ~~((division of municipal corporations in the office of the))~~ state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

**Sec. 48.** RCW 35.76.020 and 1965 c 7 s 35.76.020 are each amended to read as follows:

The state auditor~~((, through the division of municipal corporations,))~~ shall formulate, prescribe, and install a system of cost accounting and reporting for each city having a population of more than

eight thousand, according to the last official census, which will correctly show all street expenditures by functional categories. The system shall also provide for reporting all revenues available for street purposes from whatever source including local improvement district assessments and state and federal aid.

**Sec. 49.** RCW 35.76.030 and 1965 c 7 s 35.76.030 are each amended to read as follows:

Consistent with the intent of this chapter as stated in RCW 35.76.010, the state auditor, from and after July 1, 1965, (~~through the division of municipal corporations,~~) is authorized and directed to prescribe accounting and reporting procedures for street expenditures for cities and towns having a population of eight thousand or less, according to the last official census.

**Sec. 50.** RCW 35.76.050 and 1984 c 7 s 22 are each amended to read as follows:

The (~~division of municipal corporations~~) state auditor shall annually make a cost-audit examination of street records for each city and town and make a written report thereon to the legislative body of each city and town. The expense of the examination shall be paid out of that portion of the motor vehicle fund allocated to the cities and towns and withheld for use by the state department of transportation under the terms of RCW 46.68.110(1).

**Sec. 51.** RCW 35A.33.030 and 1967 ex.s. c 119 s 35A.33.030 are each amended to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's next fiscal year, or at such other time as the city may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a code city to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by his or her department for the ensuing fiscal year. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by the (~~division of municipal corporations in the office of the~~) state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of his or her office. The chief administrative officers of the city shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties herein required shall devolve upon the person next in charge of such department.

**Sec. 52.** RCW 35A.33.040 and 1967 ex.s. c 119 s 35A.33.040 are each amended to read as follows:

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor (~~through the division of municipal corporations~~) after consultation with the Washington finance officers association, the association of Washington cities and the association of Washington city managers.

**Sec. 53.** RCW 35A.33.075 and 1969 ex.s. c 81 s 3 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal year, the legislative body shall make such adjustments and changes as it deems necessary or proper and after determining the allowance in each item, department, classification and fund, and shall by ordinance, adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal year. Such ordinances may adopt the final budget by reference: PROVIDED, That the ordinance adopting such budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to (~~the division of municipal corporations in the office of~~) the state auditor, and to the association of Washington cities.

**Sec. 54.** RCW 35A.33.110 and 1967 ex.s. c 119 s 35A.33.110 are each amended to read as follows:

The (~~division of municipal corporations in the office of the~~) state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

**Sec. 55.** RCW 35A.34.050 and 1985 c 175 s 37 are each amended to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's next fiscal biennium, or at such other time as the city may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a city to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by the department for the ensuing fiscal biennium. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by the (~~division of municipal corporations in the office of the~~) state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of the clerk's office. The chief administrative officers of the city shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties required by this section shall devolve upon the person next in charge of such department.

**Sec. 56.** RCW 35A.34.060 and 1985 c 175 s 38 are each amended to read as follows:

All estimates of receipts and expenditures for the ensuing fiscal biennium shall be fully detailed in the biennial budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor (~~through the division of municipal corporations~~) after consultation with the Washington finance officers association, the association of Washington cities, and the association of Washington city managers.

**Sec. 57.** RCW 35A.34.120 and 1985 c 175 s 44 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal biennium, the legislative body shall make such adjustments and changes as it deems necessary or proper and, after determining the allowance in each item, department, classification, and fund, shall by ordinance adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal biennium. Such ordinances may adopt the final budget by reference. However, the ordinance adopting the budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to (~~the division of municipal corporations in the office of~~) the state auditor and to the association of Washington cities.

**Sec. 58.** RCW 35A.34.130 and 1985 c 175 s 45 are each amended to read as follows:

The legislative authority of a city having adopted the provisions of this chapter shall provide by ordinance for a mid-biennial review and modification of the biennial budget. The ordinance shall provide that such review and modification shall occur no sooner than eight months after the start nor later than conclusion of the first year of the fiscal biennium. The chief administrative officer shall prepare the proposed budget modification and shall provide for publication of notice of hearings consistent with publication of notices for adoption of other city ordinances. City ordinances providing for a mid-biennium review and modification shall establish procedures for distribution of the proposed modification to members of the city legislative authority, procedures for making copies available to the public, and shall provide for public hearings on the proposed budget modification. The budget modification shall be by ordinance approved in the same manner as are other ordinances of the city.

A complete copy of the budget modification as adopted shall be transmitted to (~~the division of municipal corporations in the office of~~) the state auditor and to the association of Washington cities.

**Sec. 59.** RCW 35A.34.190 and 1985 c 175 s 51 are each amended to read as follows:

The ~~((division of municipal corporations in the office of the))~~ state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

**Sec. 60.** RCW 35A.37.010 and 1983 c 3 s 62 are each amended to read as follows:

Code cities shall establish such funds for the segregation, budgeting, expenditure and accounting for moneys received for special purposes as are required by general law applicable to such cities' activities and the officers thereof shall pay into, expend from, and account for such moneys in the manner provided therefor including but not limited to the requirements of the following:

- (1) Accounting funds as required by RCW 35.37.010;
- (2) Annexation and consolidation fund as required by chapters 35.10 and 35.13 RCW;
- (3) Assessment fund as required by RCW 8.12.480;
- (4) Equipment rental fund as authorized by RCW 35.21.088;
- (5) Current expense fund as required by RCW 35.37.010, usually referred to as the general fund;
- (6) Local improvement guaranty fund as required by RCW 35.54.010;
- (7) An indebtedness and sinking fund, together with separate funds for utilities and institutions as required by RCW 35.37.020;
- (8) Local improvement district fund and revolving fund as required by RCW 35.45.130 and 35.48.010;
- (9) City street fund as required by chapter 35.76 RCW and RCW 47.24.040;
- (10) Firemen's relief and pension fund as required by chapters 41.16 and 41.18 RCW;
- (11) Policemen's relief and pension fund as required by RCW 41.20.130 and 63.32.030;
- (12) First class cities' employees retirement and pension system as authorized by chapter 41.28 RCW;
- (13) Applicable rules of the ~~((division of municipal corporations office of))~~ state auditor. ~~((RCW 43.09.190 through 43.09.282.))~~

**Sec. 61.** RCW 36.22.140 and 1963 c 4 s 36.22.140 are each amended to read as follows:

Each county auditor or chief financial officer shall be ex officio deputy ~~((supervisor))~~ of the ~~((division of municipal corporations))~~ state auditor for the purpose of accounting and reporting on municipal corporations and in such capacity shall be under the direction of the ~~((chief supervisor))~~ state auditor, but he or she shall receive no additional salary or compensation by virtue thereof and shall perform no duties as such, except in connection with county business.

**Sec. 62.** RCW 36.40.030 and 1963 c 4 s 36.40.030 are each amended to read as follows:

The estimates required in RCW 36.40.010 and 36.40.020 shall be submitted on forms provided by the county auditor or chief financial officer and classified according to the classification established by the ~~((division of municipal corporations))~~ state auditor. The county auditor or chief financial officer shall provide such forms. He or she shall also prepare the estimates for interest and debt redemption requirements and any other estimates the preparation of which properly falls within the duties of his or her office.

Each such official shall file his or her estimates within the time and in the manner provided in the notice and form and the county auditor or chief financial officer shall deduct and withhold as a penalty from the salary of each official failing or refusing to file such estimates as herein provided, the sum of ten dollars for each day of delay: PROVIDED, That the total penalty against any one official shall not exceed fifty dollars in any one year.

In the absence or disability of any official the duties required herein shall devolve upon the official or employee in charge of the office, department, service, or institution for the time being. The notice shall contain a copy of this penalty clause.

**Sec. 63.** RCW 36.40.040 and 1973 c 39 s 1 are each amended to read as follows:

Upon receipt of the estimates the county auditor or chief financial officer shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, service, or institution for the ensuing fiscal year, the actual receipts for the first six months of the current fiscal year and the actual receipts for the last completed fiscal year, the estimated surplus at the close of the current fiscal year and the amount proposed to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year, the actual expenditures for the first six months of the current fiscal year including all contracts or other obligations against current appropriations, and the actual expenditures for the last completed fiscal year.

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor (~~((through the division of municipal corporations))~~) after consultation with the Washington state association of counties and the Washington state association of (~~(elected)~~) county officials.

The county auditor or chief financial officer shall set forth separately in the annual budget to be submitted to the (~~(board of)~~) county (~~(commissioners)~~) legislative authority the total amount of emergency warrants issued during the preceding fiscal year, together with a statement showing the amount issued for each emergency, and the board shall include in the annual tax levy, a levy sufficient to raise an amount equal to the total of such warrants: PROVIDED, That the board may fund the warrants or any part thereof into bonds instead of including them in the budget levy.

**Sec. 64.** RCW 36.40.080 and 1963 c 4 s 36.40.080 are each amended to read as follows:

Upon the conclusion of the budget hearing the (~~(board of)~~) county (~~(commissioners)~~) legislative authority shall fix and determine each item of the budget separately and shall by resolution adopt the budget as so finally determined and enter the same in detail in the official minutes of the board, a copy of which budget shall be forwarded to the (~~(division of municipal corporations))~~ state auditor.

**Sec. 65.** RCW 36.40.220 and 1963 c 4 s 36.40.220 are each amended to read as follows:

The (~~(division of municipal corporations))~~ state auditor may make such rules, classifications, and forms as may be necessary to carry out the provisions in respect to county budgets, define what expenditures shall be chargeable to each budget account, and establish such accounting and cost systems as may be necessary to provide accurate budget information.

**Sec. 66.** RCW 36.47.060 and 1969 ex.s. c 5 s 5 are each amended to read as follows:

The financial records of the Washington state association of county officials shall be subject to audit by the (~~(Washington))~~ state (~~(division of municipal corporations))~~ auditor.

**Sec. 67.** RCW 36.68.530 and 1981 c 210 s 11 are each amended to read as follows:

The governing body of each park and recreation service area shall annually compile a budget for each service area in a form prescribed by the state (~~(division of municipal corporations))~~ auditor for the ensuing calendar year which shall, to the extent that anticipated income is actually realized, constitute the appropriations for the service area. The budget may include an amount to accumulate a reserve for a stated capital purpose. In compiling the budget, all available funds and anticipated income shall be taken into consideration, including contributions or contractual payments from school districts, cities, or towns, county or any other governmental entity, gifts and donations, special tax levy, fees and charges, proceeds of bond issues, and cumulative reserve funds.

**Sec. 68.** RCW 36.69.160 and 1963 c 4 s 36.69.160 are each amended to read as follows:

The board of park and recreation commissioners of each park and recreation district shall annually compile a budget, in form prescribed by the state (~~(division of municipal corporations))~~ auditor, for the ensuing calendar year, and which shall, to the extent that anticipated income is actually realized, constitute the appropriations for the district. The budget may include an amount to accumulate a reserve for a stated capital purpose. In compiling the budget, all available funds and anticipated income shall be taken into consideration, including contributions or contractual payments from school districts, cities or towns, county, or any other governmental unit; gifts and donations; special tax levy; assessments; fees and charges; proceeds of bond issues; cumulative reserve funds.

**Sec. 69.** RCW 36.80.080 and 1985 c 120 s 3 are each amended to read as follows:

The ~~((division of municipal corporations))~~ state auditor shall annually make a cost-audit examination of the books and records of the county road engineer and make a written report thereon to the county legislative authority. The expense of the examination shall be paid from the county road fund.

**Sec. 70.** RCW 36.82.200 and 1963 c 4 s 36.82.200 are each amended to read as follows:

The board shall hold such hearing at the time and place designated in the notice, and it may be continued from day to day until concluded but not to exceed a total of five days. Upon the conclusion of the hearing the board shall fix and determine the supplemental budget and by resolution adopt it as finally determined and enter it in detail in the official minutes of the board, ~~((copies))~~ a copy of which supplemental budget shall be forwarded~~((, one))~~ to the director ~~((and one to the division of municipal corporations))~~.

**Sec. 71.** RCW 40.14.070 and 1982 c 36 s 6 are each amended to read as follows:

County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist ~~((and the chief examiner of the division of municipal corporations of the office of))~~, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

Except as otherwise provided by law, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

- (1) The records are six or more years old;
- (2) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or
- (3) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

**Sec. 72.** RCW 42.24.080 and 1965 c 116 s 1 are each amended to read as follows:

All claims presented against any county, city, district or other municipal corporation or political subdivision by persons furnishing materials, rendering services or performing labor, or for any other contractual purpose, shall be audited, before payment, by an auditing officer elected or appointed pursuant to statute or, in the absence of statute, an appropriate charter provision, ordinance or

resolution of the municipal corporation or political subdivision. Such claims shall be prepared for audit and payment on a form and in the manner prescribed by the (~~division of municipal corporations in the~~) state auditor(~~'s office~~). The form shall provide for the authentication and certification by such auditing officer that the materials have been furnished, the services rendered or the labor performed as described, and that the claim is a just, due and unpaid obligation against the municipal corporation or political subdivision; and no claim shall be paid without such authentication and certification: PROVIDED, That the certificates as to claims of officers and employees of a county, city, district or other municipal corporation or political subdivision, for services rendered, shall be made by the person charged with the duty of preparing and submitting vouchers for the payment of services, and he or she shall certify that the claim is just, true and unpaid, which certificate shall be part of the voucher.

**Sec. 73.** RCW 42.24.090 and 1981 c 56 s 1 are each amended to read as follows:

No claim for reimbursement of any expenditures by officers or employees of any municipal corporation or political subdivision of the state for transportation, lodging, meals or any other purpose shall be allowed by any officer, employee or board charged with auditing accounts unless the same shall be presented in a detailed account: PROVIDED, That, unless otherwise authorized by law, the legislative body of any municipal corporation or political subdivision of the state may prescribe by ordinance or resolution the amounts to be paid officers or employees thereof as reimbursement for the use of their personal automobiles or other transportation equipment in connection with officially assigned duties and other travel for approved public purposes, or as reimbursement to such officers or employees in lieu of actual expenses incurred for lodging, meals or other purposes. The rates for such reimbursements may be computed on a mileage, hourly, per diem, monthly, or other basis as the respective legislative bodies shall determine to be proper in each instance: PROVIDED, That in lieu of such reimbursements, payments for the use of personal automobiles for official travel may be established if the legislative body determines that these payments would be less costly to the municipal corporation or political subdivision of the state than providing automobiles for official travel.

All claims authorized under this section shall be duly certified by the officer or employee submitting such claims on forms and in the manner prescribed by the (~~division of municipal corporations in the office of the~~) state auditor.

**Sec. 74.** RCW 53.06.060 and 1961 c 31 s 6 are each amended to read as follows:

The financial records of the Washington public ports association shall be subject to audit by the (~~Washington state division of municipal corporations of the~~) state auditor.

**Sec. 75.** RCW 56.08.110 and 1973 1st ex.s. c 195 s 62 are each amended to read as follows:

To improve the organization and operation of sewer districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of sewer systems in their respective districts. The commissioners of sewer districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. Sewer district commissioners and their employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: PROVIDED, That the aggregate contributions made to the association by the district in any calendar year shall not exceed the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property of the district. The financial records of such association shall be subject to audit by the (~~Washington state division of municipal corporations of the~~) state auditor.

**Sec. 76.** RCW 57.08.110 and 1973 1st ex.s. c 195 s 68 are each amended to read as follows:

To improve the organization and operation of water districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of water supply in their respective districts. The commissioners of water districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be

deemed convenient to carry out the purposes of the association. Water district commissioners and employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: PROVIDED, That the aggregate contributions made to the association by the district in any calendar year shall not exceed the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property of the district. The financial records of such association shall be subject to audit by the (~~Washington state division of municipal corporations of the~~) state auditor.

**Sec. 77.** RCW 70.12.070 and 1991 c 3 s 316 are each amended to read as follows:

The public health pool fund shall be subject to audit by the (~~division of departmental audits~~) state auditor and shall be subject to check by the state department of health.

**Sec. 78.** RCW 26.04.210 and 1985 c 82 s 5 are each amended to read as follows:

(1) The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 shall require each applicant therefor to make and file in (~~his~~) the auditor's office upon blanks to be provided by the county for that purpose, an affidavit showing that (~~they are not~~) if an applicant is afflicted with any contagious (~~veneral~~) sexually transmitted disease, the condition is known to both applicants, and that the applicants are the age of eighteen years or over(~~(=~~ PROVIDED, FURTHER, That)). If the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. Anyone knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section shall be deemed guilty of perjury and punished as provided by the laws of the state of Washington.

(2) The affidavit form shall be designed to require a statement that no contagious sexually transmitted disease is present or that the condition is known to both applicants, without requiring the applicants to state whether or not either or both of them are afflicted by such disease.

NEW SECTION. **Sec. 79.** The following acts or parts of acts are each repealed:

- (1) RCW 43.09.030 and 1965 c 8 s 43.09.030;
- (2) RCW 43.09.040 and 1965 c 8 s 43.09.040;
- (3) RCW 43.09.190 and 1965 c 8 s 43.09.190;
- (4) RCW 43.09.250 and 1988 c 52 s 1 & 1965 c 8 s 43.09.250; and
- (5) RCW 43.09.300 and 1988 c 53 s 1 & 1965 c 8 s 43.09.300.

NEW SECTION. **Sec. 80.** Sections 2 through 5, 8, and 14 of this act are each added to chapter 43.09 RCW."

On page 1, line 2 of the title, after "auditor;" strike the remainder of the title and insert "amending RCW 43.09.010, 43.09.170, 43.09.180, 43.09.200, 43.09.205, 43.09.220, 43.09.230, 43.09.240, 43.09.260, 43.09.265, 43.09.270, 43.09.280, 43.09.2801, 43.09.282, 43.09.290, 43.09.310, 43.09.330, 43.09.340, 43.09.410, 43.09.412, 43.09.414, 43.09.416, 43.09.418, 3.30.070, 3.62.020, 14.08.090, 35.02.132, 35.07.230, 35.21.270, 35.23.121, 35.23.535, 35.27.510, 35.33.031, 35.33.041, 35.33.075, 35.33.111, 35.34.050, 35.34.060, 35.34.120, 35.34.130, 35.34.190, 35.76.020, 35.76.030, 35.76.050, 35A.33.030, 35A.33.040, 35A.33.075, 35A.33.110, 35A.34.050, 35A.34.060, 35A.34.120, 35A.34.130, 35A.34.190, 35A.37.010, 36.22.140, 36.40.030, 36.40.040, 36.40.080, 36.40.220, 36.47.060, 36.68.530, 36.69.160, 36.80.080, 36.82.200, 40.14.070, 42.24.080, 42.24.090, 53.06.060, 56.08.110, 57.08.110, 70.12.070, and 26.04.210; adding new sections to chapter 43.09 RCW; and repealing RCW 43.09.030, 43.09.040, 43.09.190, 43.09.250, and 43.09.300."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary



## MOTION

Representative Reams moved that the House concur in the Senate amendments to Engrossed House Bill No. 1889 and pass the bill as amended by the Senate.

Representatives Reams and Rust spoke in favor of the motion and it was carried.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1889 as amended by the Senate.

Representative Reams spoke in favor of passage of the bill.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1889 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Engrossed House Bill No. 1889, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2005 with the following amendments:

On page 1, line 10, strike "currently" and insert "obtains or"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

## MOTION

Representative Dyer moved that the House concur in the Senate amendments to Engrossed House Bill No. 2005 and pass the bill as amended by the Senate. The motion was carried.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2005 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2005 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Engrossed House Bill No. 2005, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1152 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.070 and 1994 sp.s. c 7 s 407 and 1994 c 190 s 2 are each reenacted and amended to read as follows:

(1) The ~~((judge of a court of record, the))~~ chief of police of a municipality~~((,))~~ or the sheriff of a county~~((,))~~ shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for ~~((four))~~ five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless ~~((he or she))~~:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

~~((e))~~ (d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070;

~~((d))~~ (e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense;

~~((e))~~ (f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor;

~~((f))~~ (g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)~~((d))~~ (e) within one year before filing an application to carry a pistol concealed on his or her person; or  
~~((g))~~ (h)(i) He or she has been convicted of any crime against a child or other person listed in RCW 43.43.830(5).

(ii) Except as provided in ~~((g))~~ (h)(iii) of this subsection, any person who becomes ineligible for a concealed pistol license as a result of a conviction for a crime listed in ~~((g))~~ (h)(i) of this subsection and then successfully completes all terms of his or her sentence, as evidenced by a certificate of discharge issued under RCW 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has not again been convicted of any crime and is not under indictment for any crime, may, one year or longer after such successful sentence completion, petition a court of record for a declaration that the person is no longer ineligible for a concealed pistol license under ~~((g))~~ (h)(i) of this subsection.

(iii) No person convicted of a serious offense as defined in RCW 9.41.010 may have his or her right to possess firearms restored, unless the person has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2) The issuing authority shall check with the national crime information center, the Washington state patrol electronic data base, the department of social and health services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a ~~((pistol))~~ firearm and therefore ineligible for a concealed pistol license. This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall ~~((be in triplicate, in form to be prescribed by the department of licensing, and shall))~~ bear the full name, ~~((street))~~ residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, not more than two complete sets of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license ~~((application))~~ shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen~~((, and whether he or she has been required to register with the state or federal government and has an identification or registration number))~~. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.170 and produce proof of compliance with RCW 9.41.170 upon application. The license shall be in triplicate and in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original ((issuance of a four-year) five-year license shall be ((fifty)) thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;  
(b) ~~((Ten))~~ Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) ~~((Fifteen))~~ Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) ~~((Ten))~~ Three dollars to the firearms range account in the general fund.

(6) The fee for the renewal of such license shall be ~~((fifty))~~ thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) ~~((Twenty))~~ Fifteen dollars shall be paid to the state general fund;

(b) ~~((Twenty))~~ Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) ~~((Ten))~~ Three dollars to the firearms range account in the general fund.

(7) The fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

~~((8))~~ (9) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ~~((twenty))~~ ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(a) ~~((Ten))~~ Three dollars shall be deposited in the state wildlife fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) ~~((Ten))~~ Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

~~((9))~~ (10) Notwithstanding the requirements of subsections (1) through ~~((8))~~ (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

~~((10))~~ (11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

~~((11))~~ (12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

~~((12))~~ (13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "and reenacting and amending RCW 9.41.070."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Pennington moved that the House concur in the Senate amendments to Substitute House Bill No. 1152 and pass the bill as amended by the Senate.

Representatives Pennington and Costa spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1152 as amended by the Senate.

Representatives Pennington, Campbell, Ogden, Grant and Beeksma spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1152 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Brown, Cole, Dellwo, Mason, Romero, Rust, Thibaudeau and Tokuda - 8.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1152, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1237 with the following amendments:

On page 2, line 13, after "Counsel" strike "shall not" and insert "may"

On page 2, line 15, after "sentence" insert ", if the court determines that the collateral attack is not barred by RCW 10.73.090 or 10.73.140"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Substitute House Bill No. 1237 and pass the bill as amended by the Senate.

Representatives Sheahan and Appelwick spoke in favor of the motion and it was carried.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1237 as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1237 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria and Mr. Speaker - 93.

Voting nay: Representatives Cole, Rust and Wolfe - 3.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1237, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1305 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and, until the effective date of this section, has had its population increase by more than ten percent in the previous ten years or, on or after the effective date of this section, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development

regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.

Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office

of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

**Sec. 2.** RCW 36.70A.110 and 1994 c 249 s 27 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the ~~((population))~~ growth management ~~((planning))~~ population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, ~~((and))~~ second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350. ~~((Further, it is))~~

(4) In general, cities are the units of local government most appropriate ~~((that))~~ to provide urban ~~((government))~~ governmental services ~~((be provided by cities, and))~~. In general, it is not appropriate that urban ~~((government))~~ governmental services ~~((should not))~~ be ~~((provided))~~ extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

~~((4))~~ (5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all



other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

~~((5))~~ (6) Each county shall include designations of urban growth areas in its comprehensive plan.

**Sec. 3.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit appropriate land uses that are compatible with the rural character of such lands and provide for a variety of rural densities and uses and may also provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural uses not characterized by urban growth.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

- (iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;
- (iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;
- (v) Identification of system expansion needs and transportation system management needs to meet current and future demands;
- (c) Finance, including:
  - (i) An analysis of funding capability to judge needs against probable funding resources;
  - (ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;
  - (iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;
- (d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;
- (e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

**NEW SECTION. Sec. 4.** A comprehensive plan adopted or amended before the effective date of this act shall be considered to be in compliance with RCW 36.70A.070 or 36.70A.110, as in effect before their amendment by this act, if the comprehensive plan is in compliance with RCW 36.70A.070 and 36.70A.110 as amended by this act. This section shall not be construed to alter the relationship between a county-wide planning policy and comprehensive plans as specified under RCW 36.70A.210.

As to any appeal relating to compliance with RCW 36.70A.070 or 36.70A.110 pending before a growth management hearings board on the effective date of this act, the board may take up to an additional ninety days to resolve such appeal. By mutual agreement of all parties to the appeal, this additional ninety-day period may be extended.

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows: Where the county has classified mineral lands pursuant to RCW 36.70A.050 and mineral resource lands of long-term commercial significance exist, a county, city, or town shall designate sufficient mineral resource lands in the comprehensive plans to meet the projected twenty-year, county-wide need. Once designated, mineral resource uses, including operations as defined in RCW 78.44.031, shall be established as an allowed use in local development regulations.

The county, city, or town shall designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used.

Through its comprehensive plan and development regulations, as defined in RCW 36.70A.030, the county, city, or town shall discourage the siting of incompatible uses adjacent to mineral resource industries, deposits, and holdings.

The county-wide need and proximity provisions of this section do not apply to metals mining and milling operations as defined in RCW 78.56.020.

For the purposes of this section, "long-term commercial significance" includes the mineral composition of the land for long-term economically viable commercial production, in consideration

with the mineral resource land's proximity to population areas, product markets, and the possibility of more intense uses of the land.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 36.70A.040, 36.70A.110, and 36.70A.070; adding a new section to chapter 36.70A RCW; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Reams moved that the House concur in the Senate amendments to Engrossed House Bill No. 1305 and pass the bill as amended by the Senate. The motion was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1305 as amended by the Senate.

Representative Reams spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1305 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Wolfe and Mr. Speaker - 85.

Voting nay: Representatives Cody, Cole, Fisher, R., Mason, Regala, Romero, Rust, Thibaudeau, Tokuda and Veloria - 10.

Absent: Representative Dellwo - 1.

Excused: Representatives Benton and Patterson - 2.

Engrossed House Bill No. 1305, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1359 with the following amendments:

On page 13, line 17, before "The" insert "(1)"

On page 13, after line 18, insert the following:

"(2)(a) The department shall convene the cigarette tax and revenue loss advisory committee.

The advisory committee shall consist of the following members:

- (i) Two members recommended by the Washington state association of neighborhood stores, appointed by the speaker of the house of representatives and the majority leader of the senate;
- (ii) One member recommended by the Korean-American grocers association, appointed by the speaker of the house of representatives and the majority leader of the senate;
- (iii) One wholesaler of tobacco products, appointed by the speaker of the house of representatives and the majority leader of the senate;
- (iv) One distributor of tobacco products, appointed by the speaker of the house of representatives and the majority leader of the senate;
- (v) The director of the department of revenue or the director's designee;
- (vi) A representative of the Washington state liquor control board;
- (vii) Four representatives of the senate committee on ways and means;
- (viii) Four representatives of the house of representatives committee on finance; and
- (ix) The governor or the governor's designee.

(b) Nonlegislative members may receive reimbursement from the governor's office for travel under RCW 43.03.050 and 43.03.060. Legislative members may be reimbursed under RCW 41.04.300.

(c)(i) The advisory committee shall review, analyze, and report all cigarette tax losses determined from the best evidence and analytical techniques available to have been experienced by the state of Washington due to cross border sales, Indian sales, casual and organized bootlegging or smuggling, and sales on military reservations. This report must cover the period from January 1, 1992, through December 1, 1995. This report must be made to the appropriate committees of the legislature by January 15, 1996.

(ii) The report must quantify cigarette tax losses attributable to each of the categories enumerated in (c)(i) of this subsection by year and the total loss of revenue experienced by the state in each year. In a year during which the cigarette tax was increased, the losses must be broken down to reveal revenue losses during the year before the increase and revenue losses during the year after the increase.

(iii) The report must state the sources of information used to make estimates of revenue loss in each year and the methodology used to convert such information into estimates of revenue lost. If assumptions are required to be made in developing these estimates, the assumptions must be clearly stated and justified in the report. If a determination is made not to utilize certain available information that might be probative of revenue losses, the omission must be noted and the rationale for its omission clearly stated.

(iv) In addition to establishing from the best information available the amount of cigarette revenue lost in each year, the report must include an enumeration and analysis of the underlying reasons for such losses, and a narrative summary accurately and objectively setting forth the findings embodied in the report.

(d) The advisory committee may utilize the staff of the department, the Washington state liquor control board, the senate committee on ways and means, and the house of representatives committee on finance for the purpose of carrying out this subsection."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative B. Thomas moved that the House not concur in the Senate amendments to House Bill No. 1359 and ask the Senate to recede therefrom.

Representative B. Thomas spoke in favor of the motion and it was carried.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1436 with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any city with a population of less than two thousand that is located in a county with a population of at least one million is authorized to levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no tax shall be levied on a premises having fewer than forty lodging units. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to the tax imposed under this section.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the city. Such taxes shall only be used to mitigate the impacts of tourism or flooding."

On page 1, line 1 of the title, after "lodging;" strike the remainder of the title and insert "and adding a new section to chapter 67.28 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative B. Thomas moved that the House not concur in the Senate amendments to House Bill No. 1436 and ask the Senate to recede therefrom. The motion was carried.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1524 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.94.010 and 1992 c 237 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and to any rules adopted pursuant to this chapter.

(a) "City" means a first class city with a population of over fifty thousand persons.

(b) "City sealer" means the person duly authorized by a city to enforce and administer the weights and measures program within such city and any duly appointed deputy sealer acting under the instructions and at the direction of the city sealer.

(c) "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item or lot of any commodity not in packaged form, but on which there is marked a selling price based on established price per unit of weight or of measure, shall be construed to be a commodity in package form.

(d) "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by persons, or used by persons for the purpose of personal care or in the performance of services ordinarily rendered in or about a household or in connection with personal possessions.

(e) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred twenty-eight cubic feet, when the wood is ranked and well stowed.

(f) "Department" means the department of agriculture of the state of Washington.

(g) "Director" means the director of the department or duly authorized representative acting under the instructions and at the direction of the director.

(h) "Fish" means any waterbreathing animal, including shellfish, such as, but not limited to, lobster, clam, crab, or other mollusca that is prepared, processed, sold, or intended for sale.

(i) "Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of such commodity. Materials, substances, or items not considered to be part of a commodity shall include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

(j) "Nonconsumer package" or "package of nonconsumer commodity" means a commodity in package form other than a consumer package and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

(k) "Meat" means and shall include all animal flesh, carcasses, or parts of animals, and shall also include fish, shellfish, game, poultry, and meat food products of every kind and character, whether fresh, frozen, cooked, cured, or processed.

(l) "Official seal of approval" means the uniform seal or certificate issued by the director or city sealer which indicates that a weights and measures standard or a weighing or measuring instrument or device conforms with the specifications, tolerances, and other technical requirements adopted in RCW 19.94.195.

(m) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(n) "Poultry" means all fowl, domestic or wild, that is prepared, processed, sold, or intended or offered for sale.

(o) "Service agent" means a person who for hire, award, commission, or any other payment of any kind, installs, tests, inspects, checks, adjusts, repairs, reconditions, or systematically standardizes the graduations of a weighing or measuring instrument or device.

(p) "Ton" means a unit of two thousand pounds avoirdupois weight.

(q) "Weighing or measuring instrument or device" means any equipment or apparatus used commercially to establish the size, quantity, capacity, count, extent, area, heaviness, or measurement of quantities, things, produce, or articles for distribution or consumption, that are purchased, offered or submitted for sale, hire, or award on the basis of weight, measure or count, including any accessory attached to or used in connection with a weighing or measuring instrument or device when such accessory is so designed or installed that its operation affects, or may effect, the accuracy or indication of the device. This definition shall be strictly limited to those weighing or measuring instruments or devices governed by Handbook 44 as adopted under RCW 19.94.195.

(r) "Weight" means net weight as defined in this section.

(s) "Weights and measures" means the recognized standards or units of measure used to indicate the size, quantity, capacity, count, extent, area, heaviness, or measurement of any consumable commodity.

(t) "Secondary weights and measures standard" means ~~((any object))~~ the physical standards that are traceable to the primary standards through comparisons, used by the director, a city sealer, or a service agent that under specified conditions defines or represents a recognized weight or measure during the inspection, adjustment, testing, or systematic standardization of the graduations of any weighing or measuring instrument or device.

(2) The director shall prescribe by rule other definitions as may be necessary for the implementation of this chapter.

**Sec. 2.** RCW 19.94.160 and 1992 c 237 s 5 are each amended to read as follows:

Weights and measures standards that are in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state weights and measures standards, shall, when the same shall have been certified as such by the national institute of standards and technology or any successor organization, be the ~~((state))~~ primary standards of weight and measure. The state weights and measures standards shall be kept in a place designated by the director and shall ~~((not be removed from such designated place except for repairs or for certification. These state weights and measures standards shall be submitted at least once every ten years to the national institute of standards and technology or any successor organization for certification))~~ be maintained in such calibration as prescribed by the national institute of standards and technology or any successor organization.

**Sec. 3.** RCW 19.94.165 and 1992 c 237 s 6 are each amended to read as follows:

(1) Unless otherwise provided by ~~((the department, all weighing or measuring instruments or devices used for commercial purposes within this state shall be inspected and tested for accuracy by the director or city sealer at least once every two years))~~ law, the director or city sealer, shall have the power to inspect and test all weighing or measuring instruments or devices to ascertain if they are correct. It shall be the duty of the director or city sealer, as often as they deem necessary, to inspect and test for accuracy all weighing or measuring instruments or devices used for commercial purposes within this state and, if found to be correct, the director or city sealer shall issue an official seal of approval for each such instrument or device.

(2) ~~((Beginning fiscal year 1993, the schedule of inspection and testing shall be staggered so as one half of the weighing or measuring instruments or devices under the jurisdiction of the inspecting and testing authority are approved in odd fiscal years and the remaining one half are inspected and tested in even fiscal years.~~

~~(3))~~ The department may provide, as needed, uniform, official seals of approval to city sealers for the purposes expressed in this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 19.94 RCW to read as follows:

(1) No person shall operate a weighing or measuring instrument or device for commercial purposes within this state without annually registering the instrument or device with the department unless the instrument or device is within a city that has a city sealer and a program for testing and inspecting weighing and measuring instruments and devices. If the commercial use is within a city having a city sealer and a program for testing and inspecting weighing or measuring instruments and devices, the instrument or device may be registered with the city.

(2) A city with such a sealer and program may establish an annual fee for registering the commercial use of such an instrument or device with the city. The annual fee shall not exceed the fee established in RCW 19.94.175 for registering the use of a similar instrument or device with the department.

(3) Any person applying with the department for registration of an instrument or device used commercially shall make such application through the master licensing system. The application shall be accompanied by the fees established in RCW 19.94.175. A separate application must be submitted for each business location. Application for weighing or measuring device registration shall be made upon a form prescribed by the department and shall contain such information as the department may require. The fees required by RCW 19.94.175 are in addition to any other fee or license required by law.

(4) The registration fee that must accompany an application for a new license or annual renewal shall be based upon the number and type of weighing or measuring devices at each business location.

(5) Device registrations shall expire on the master license expiration date unless the registration is revoked or suspended prior to that date. The master license shall be displayed in a conspicuous place in the location for which it was issued.

(6) The department may, during normal business hours, compare the number of devices listed on the master license with the number of devices at the business location to determine that appropriate registration fees have been paid.

**Sec. 5.** RCW 19.94.175 and 1992 c 237 s 7 are each amended to read as follows:

~~((1) The department shall establish reasonable, biennial inspection and testing fees for each type or class of weighing or measuring instrument or device required to be inspected and tested under this chapter. These inspection and testing fees shall be equitably prorated within each such type or class and shall be limited to those amounts necessary for the department to cover, to the extent possible, the direct costs associated with the inspection and testing of each type or class of weighing or measuring instrument or device.~~

~~(2) Prior to the establishment and each amendment of the fees authorized under this chapter, a weights and measures fee task force shall be convened under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair and one representative from each of the following: City sealers, service agents, service stations, grocery stores, retailers, food processors/dealers, oil heat dealers, the agricultural community, and liquid propane dealers. The task force shall recommend the appropriate level of fees to be assessed by the department pursuant to subsection (1) of this section, based upon the level necessary to cover the direct costs of administering and enforcing the provisions of this chapter and to the extent possible be consistent with fees reasonably and customarily charged in the private sector for similar services.~~

~~(3) The fees authorized under this chapter may be billed only after the director or a city sealer has issued an official seal of approval for a weighing or measuring instrument or device or a weight or measure standard.~~

~~(4) All fees shall become due and payable thirty days after billing by the department or a city sealer. A late penalty of one and one half percent per month may be assessed on the unpaid balance more than thirty days in arrears.)~~ (1) The following annual registration fees shall be charged for weighing or measuring instruments or devices required to be inspected and tested under this chapter:

(a) Weighing devices:

(i) Small scales "zero to four hundred pounds capacity" \$ 5.00

(ii) Intermediate scales "four hundred one pounds to five thousand pounds capacity" \$ 20.00

(iii) Large scales "over five thousand pounds capacity" \$ 52.00

(iv) Large scales with supplemental devices \$ 52.00

(v) Railroad track scales \$800.00

(b) Liquid fuel metering devices:

(i) Motor fuel meters with flows of less than twenty gallons per minute \$ 5.00

(ii) Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute \$ 16.00

(iii) Motor fuel meters with flows over one hundred fifty gallons per minute \$ 25.00

(c) Liquid petroleum gas meters:

(i) With one inch diameter or smaller dispensers \$ 10.00

(ii) With greater than one inch diameter dispensers \$ 30.00

(d) Fabric meters \$ 5.00

(e) Cordage meters \$ 5.00

(f) Mass flow meters \$ 14.00

(g) Taxi meters \$ 5.00

~~((5))~~ (2) Fees upon weighing or measuring instruments or devices within the jurisdiction of the city that are collected under this section by city sealers shall be deposited into the general fund, or other account, of the city as directed by the governing body of the city. ~~((On the thirtieth day of each month, city sealers shall, pursuant to procedures established and upon forms provided by the director, remit to the department for administrative costs ten percent of the total fees collected.~~

~~((6))~~ (3) With the exception of subsection ~~((7))~~ (4) of this section, no person shall be required to pay more than the established ~~((inspection and testing))~~ annual registration fee adopted under this



section for any weighing or measuring instrument or device (~~in any two year period~~) when the same has been found to be correct.

~~((7) Whenever a special request is made by the owner for the inspection and testing of a weighing or measuring instrument or device, the fee prescribed by the director for such a weighing or measuring instrument or device shall be paid by the owner.)~~

(4) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and testing. The fees established under this subsection shall not be set so as to compete with service agents normally engaged in such services.

**Sec. 6.** RCW 19.94.185 and 1992 c 237 s 8 are each amended to read as follows:

(1) All moneys collected under this chapter shall be paid to the director and placed in the weights and measures account hereby established in the ~~((state treasury))~~ agricultural local fund. Moneys deposited in this account ~~((may be spent only following appropriation by law and))~~ shall be used solely for the purposes ~~((of weighing or measuring instrument or device inspection and testing))~~ relating to the enforcement or implementation of this chapter. No appropriation is required for the disbursement of moneys from the account by the director.

(2) By January 1st of each odd-numbered year, the department shall provide a written report on the amount of revenues by major category received under this chapter for the administration of the weights and measures program by the department. The report shall include the amount of revenue generated for the two previous biennium, an estimate of the amount of funds to be received during the current biennium, and an estimate of the amount of funds to be generated during the next ensuing biennium. The report shall be submitted to the office of financial management and to each committee in the legislature with jurisdiction over programs administered by the department in the house and the senate.

The report shall also provide a summary that shows how the metrology laboratory is funded.

**Sec. 7.** RCW 19.94.190 and 1992 c 237 s 9 are each amended to read as follows:

(1) The director and duly appointed city sealers shall enforce the provisions of this chapter. The director shall adopt rules for enforcing and carrying out the purposes of this chapter including but not limited to the following:

(a) Establishing state standards of weight, measure, or count, and reasonable standards of fill for any commodity in package form;

(b) The establishment of technical and reporting procedures to be followed, any necessary report and record forms, and marks of rejection to be used by the director and city sealers in the discharge of their official duties as required by this chapter;

(c) The establishment of technical test procedures, reporting procedures, and any necessary record and reporting forms to be used by service agents when installing, repairing, inspecting, or standardizing the graduations of any weighing or measuring instruments or devices;

~~(d) ((The establishment of fee payment and reporting procedures and any necessary report and record forms to be used by city sealers when remitting the percentage of total fees collected as required under this chapter;~~

~~(e))~~ The establishment of exemptions from the sealing or marking inspection and testing requirements of RCW 19.94.250 with respect to weighing or measuring instruments or devices of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question;

~~((f))~~ (e) The establishment of exemptions from the inspection and testing requirements of RCW 19.94.165 with respect to classes of weighing or measuring instruments or devices found to be of such character that periodic inspection and testing is unnecessary to ensure continued accuracy; and

~~((g))~~ (f) The establishment of inspection and approval techniques, if any, to be used with respect to classes of weighing or measuring instruments or devices that are designed specifically to be used commercially only once and then discarded, or are uniformly mass-produced by means of a mold or die and are not individually adjustable.

(2) These rules shall also include specifications and tolerances for the acceptable range of accuracy required of weighing or measuring instruments or devices and shall be designed to eliminate

from use, without prejudice to weighing or measuring instruments or devices that conform as closely as practicable to official specifications and tolerances, those (a) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (b) that facilitate the perpetration of fraud.

**Sec. 8.** RCW 19.94.216 and 1992 c 237 s 12 are each amended to read as follows:

The department shall:

(1) Biennially inspect and test the secondary weights and measures standards of any city for which the appointment of a city sealer is provided by this chapter and shall issue an official seal of approval for same when found to be correct. The department shall ~~((, by rule, establish a reasonable fee))~~ charge an hourly fee of sixty dollars per hour for ~~((such))~~ this and any other inspection and testing services performed ~~((by))~~ at the department's metrology laboratory. Inspection and testing services performed at other than the metrology laboratory will be charged an hourly rate of sixty dollars per hour plus the current mileage and per diem rates established by the office of financial management.

(2) ~~((Biennially))~~ Inspect, test, and, if found to be correct, issue an official seal of approval for any weighing or measuring instrument or device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government and shall report any findings in writing to the executive officer of the agency or institution concerned. The department shall collect a reasonable fee, to be set by rule, for testing any such weighing or measuring instrument or device.

(3) Inspect, test, and, if found to be correct, issue a seal of approval for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential inspection and testing frequency is necessary including, but not limited to, railroad track scales and grain elevator scales. The department shall develop rules regarding the inspection and testing procedures to be used for such weighing or measuring instruments or devices which shall include requirements for the provision, maintenance, and transport of any weight or measure standard necessary for inspection and testing at no expense to the state. ~~((The department may collect a reasonable fee, to be set by rule, for inspecting and testing any such weighing and measuring instruments or devices. This fee shall not be unduly burdensome and shall cover, to the extent possible, the direct costs of performing such service.))~~

**Sec. 9.** RCW 19.94.255 and 1992 c 237 s 17 are each amended to read as follows:

(1) Weighing or measuring instruments or devices that have been rejected under the authority of the director or a city sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section.

(2) The owner of any weighing or measuring instrument or device that has been marked or tagged as rejected by the director or a city sealer shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority. In lieu of correction, the owner of such weighing and measuring instrument or device may dispose of the same, but only in the manner specifically authorized by the rejecting authority.

(3) Weighing and measuring instruments or devices that have been rejected shall not again be used commercially until they have been ~~((officially))~~ reexamined and ~~((, if))~~ found to be correct ~~((, had an official seal of approval placed upon or issued for such weighing or measuring instrument or device by the rejecting authority))~~ by the department, city sealer, or a service agent registered with the department.

(4) If a weighing or measuring instrument or device marked or tagged as rejected is found to be correct by a service agent registered with the department, the agent shall provide a signed certification to the owner or operator of the instrument or device so indicating and shall report to the rejecting authority as provided by rule under RCW 19.94.190(1)(c).

NEW SECTION. **Sec. 10.** A new section is added to chapter 19.94 RCW to read as follows:

(1) Except as authorized by the department, a service agent who intends to provide the examination that permits a weighing or measuring instrument or device to be placed back into commercial service under RCW 19.94.255(3) shall receive an official registration certificate from the director prior to performing such a service. This registration requirement does not apply to the department or a city sealer.

(2) Except as provided in section 12 of this act, a registration certificate is valid for one year. It may be renewed by submitting a request for renewal to the department.

**NEW SECTION. Sec. 11.** A new section is added to chapter 19.94 RCW to read as follows:

(1) Each request for an official registration certificate shall be in writing, under oath, and on a form prescribed by the department and shall contain any relevant information as the director may require, including but not limited to the following:

(a) The name and address of the person, corporation, partnership, or sole proprietorship requesting registration;

(b) The names and addresses of all individuals requesting an official registration certificate from the department; and

(c) The tax registration number as required under RCW 82.32.030 or uniform business identifier provided on a master license issued under RCW 19.02.070.

(2) Each individual when submitting a request for an official registration certificate or a renewal of such a certificate shall pay a fee to the department in the amount of eighty dollars per individual.

(3) The department shall issue a decision on a request for an official registration certificate within twenty days of receipt of the request. If an individual is denied their request for an official registration certificate, the department must notify that individual in writing stating the reasons for the denial and shall refund any payments made by that individual in connection with the request.

**NEW SECTION. Sec. 12.** A new section is added to chapter 19.94 RCW to read as follows:

(1) The department shall have the power to revoke, suspend, or refuse to renew the official registration certificate of any service agent for any of the following reasons:

(a) Fraud or deceit in obtaining an official registration certificate under this chapter;

(b) A finding by the department of a pattern of intentional fraudulent or negligent activities in the installation, inspection, testing, checking, adjusting, or systematically standardizing and approving the graduations of any weighing or measuring instrument or device;

(c) Knowingly placing back into commercial service any weighing or measuring instrument or device that is incorrect;

(d) A violation of any provision of this chapter; or

(e) Conviction of a crime or an act constituting a crime under the laws of this state, the laws of another state, or federal law.

(2) Upon the department's revocation of, suspension of, or refusal to renew an official registration certificate, an individual shall have the right to appeal this decision in accordance with the administrative procedure act, chapter 34.05 RCW.

**Sec. 13.** RCW 19.94.280 and 1992 c 237 s 20 are each amended to read as follows:

(1) There may be a city sealer in every city and such deputies as may be required by ordinance of each such city to administer and enforce the provisions of this chapter.

(2) Each city electing to have a city sealer shall adopt rules for the appointment and removal of the city sealer and any deputies required by local ordinance. The rules for appointment of a city sealer and any deputies must include provisions for the advice and consent of the local governing body of such city and, as necessary, any provisions for local civil service laws and regulations.

(3) A city sealer (~~shall~~) may adopt the fee amounts established (~~by the director pursuant to RCW 19.94.165~~) under RCW 19.94.175. However, no city shall adopt or charge an inspection, testing, or licensing fee or any other fee upon a weighing or measuring instrument or device that is in excess of the fee amounts (~~adopted under RCW 19.94.165~~) established by the department under the provisions of this chapter for substantially similar services.

(4) A city sealer shall keep a complete and accurate record of all official acts performed under the authority of this chapter and shall submit an annual report to the governing body of his or her city and shall make any reports as may be required by the director.

**Sec. 14.** RCW 19.94.320 and 1992 c 237 s 22 are each amended to read as follows:

(1) In cities for which city sealers have been appointed as provided for in this chapter, the director shall have general (~~supervisory powers over such~~) oversight of city (~~sealers~~) weights and

measures programs and may, when he or she deems it reasonably necessary, exercise concurrent authority to carry out the provisions of this chapter.

(2) When the director elects to exercise concurrent authority within a city with a duly appointed city sealer, the director's powers and duties relative to this chapter shall be in addition to the powers granted in any such city by law or charter.

**Sec. 15.** RCW 19.94.360 and 1969 c 67 s 36 are each amended to read as follows:

In addition to the declarations required by RCW 19.94.350, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity ~~((and bearing the total selling price of the package))~~ at the time it is exposed for sale at retail, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count and the total selling price of the package.

**Sec. 16.** RCW 19.94.390 and 1969 c 67 s 39 are each amended to read as follows:

(1) Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, poster or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and one-half the width of the numerals representing the whole cents.

(2) The examination procedure recommended for price verification by the price verification working group of the laws and regulations committee of the national conference on weights and measures (as reflected in the fourth draft, dated November 1, 1994) for devices such as electronic scanners shall govern such examinations conducted under this chapter. The procedure shall be deemed to be adopted under this chapter. However, the department may revise the procedure as follows: The department shall provide notice of and conduct a public hearing pursuant to chapter 34.05 RCW to determine whether any revisions to this procedure made by the national institute of standards and technology or its successor organization for incorporating the examination procedure into an official handbook of the institute or its successor, or any subsequent revisions of the handbook regarding such procedures shall also be adopted under this chapter. If the department determines that the procedure should be so revised, it may adopt the revisions. Violations of this section regarding the use of devices such as electronic scanners may be found only as provided by the examination procedures adopted by or under this subsection.

(3) Electronic scanner screens installed after January 1, 1996, and used in retail establishments must be visible to the consumer at the checkout line.

**Sec. 17.** RCW 19.94.410 and 1988 c 63 s 1 are each amended to read as follows:

~~((1) Except as provided in subsection (2) of this section,)) Butter, oleomargarine and margarine shall be offered and exposed for sale and sold by weight ~~((and only in units of one-quarter pound, one-half pound, one pound or multiples of one pound, avoirdupois weight.~~~~

~~(2) The director of agriculture may allow the sale of butter specialty products in nonstandard units of weight if the purpose achieved by using such nonstandard units is decorative in nature and the products are clearly labeled as to weight and price per pound)).~~

**NEW SECTION. Sec. 18.** A new section is added to chapter 15.80 RCW to read as follows:

All moneys collected under this chapter shall be placed in the weights and measures account in the agricultural local fund created in RCW 19.94.185.

**Sec. 19.** RCW 43.84.092 and 1994 c 2 s 6 (Initiative Measure No. 601), 1993 sp.s. c 25 s 511, 1993 sp.s. c 8 s 1, 1993 c 500 s 6, 1993 c 492 s 473, 1993 c 445 s 4, 1993 c 329 s 2, and 1993 c 4 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for

refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, the weights and measures account, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The marine operating fund, the motor vehicle fund, and the transportation fund.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 20. A new section is added to chapter 19.94 RCW to read as follows:

The department shall develop a written report on the implementation of chapter . . . , Laws of 1995 (this act) that provides information including but not limited to the number of inspections conducted, the results of the inspections, the number of warnings issued, and the number of enforcement actions taken. The report shall be submitted to the secretary of the senate and chief clerk of the house of representatives, on December 15th of each even-numbered year. This section shall expire January 1, 2000.

NEW SECTION. Sec. 21. A new section is added to chapter 19.94 RCW to read as follows:

No state general fund moneys may be utilized by the department to fund the operation of the metrology laboratory. Funding of the laboratory shall be based on the prorated usage by two major components: (1) Services performed for other persons or governmental agencies; and (2) services performed for the department that are connected with the administration of the program under this chapter.

NEW SECTION. Sec. 22. (1) Sections 1 through 3, 6 through 15, and 19 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995.

(2) Sections 4 and 5 of this act shall take effect January 1, 1996."

On page 1, line 1 of the title, after "measures;" strike the remainder of the title and insert "amending RCW 19.94.010, 19.94.160, 19.94.165, 19.94.175, 19.94.185, 19.94.190, 19.94.216, 19.94.255, 19.94.280, 19.94.320, 19.94.360, 19.94.390, and 19.94.410; reenacting and amending RCW 43.84.092; adding new sections to chapter 19.94 RCW; adding a new section to chapter 15.80 RCW; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative McMorris moved that the House not concur in the Senate amendments to Second Substitute House Bill No. 1524 and ask the Senate to recede therefrom.

Representative McMorris spoke in favor of the motion and it was carried.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1534 with the following amendments:

On page 7, after line 33, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 18.43 RCW to read as follows:

The board may adopt rules under this section authorizing a retired status certificate. An individual certificated under this chapter who has reached the age of sixty-five years and has retired from the active practice of engineering and land surveying may, upon application and at the discretion of the board, be exempted from payment of annual renewal fees thereafter."

On page 1, line 2 of the title, after "18.43.070;" insert "adding a new section to chapter 18.43 RCW;"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Lisk moved that the House concur in the Senate amendments to House Bill No. 1534 and pass the bill as amended by the Senate.

Representative Lisk spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1534 as amended by the Senate.

Representative Cairnes spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1534 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Loven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

House Bill No. 1534, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1658 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 75.20 RCW to read as follows: The department may not require mitigation for adverse impacts on fish life or habitat that occurred at the time a wetland was filled, if the wetland was filled under the provisions of RCW 75.20.300."

On page 1, line 1 of the title, after "wetlands;" strike the remainder of the title and insert "and adding a new section to chapter 75.20 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### MOTION

Representative McMorris moved that the House concur in the Senate amendments to Substitute House Bill No. 1658 and pass the bill as amended by the Senate.

Representative McMorris spoke in favor of the motion and it was carried.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1658 as amended by the Senate.

Representative Pennington spoke in favor of passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1658 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Loven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1658, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1669 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 67.28.210 and 1994 c 290 s 1 are each amended to read as follows:

All taxes levied and collected under RCW 67.28.180, 67.28.240, and 67.28.260 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for



advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. In addition such taxes may be used to develop strategies to expand tourism: PROVIDED, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to June 11, 1986: PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for the refurbishing and operation of a steam railway for tourism promotion purposes: PROVIDED FURTHER, That any city bordering on the Pacific Ocean or on Baker Bay with a population of not less than eight hundred and the county in which such a city is located, a city wholly located on an island, a city bordering on the Skagit river with a population of not less than twenty thousand, or any city with a population of not less than ten thousand within a county made up entirely of islands may use the proceeds of such taxes for funding special events or festivals, or for the acquisition, construction, or operation of publicly owned tourist promotional infrastructures, structures, or buildings including but not limited to an ocean beach boardwalk, public docks, and viewing towers: PROVIDED FURTHER, That any county which imposes a tax under RCW 67.28.182 or any city with a population less than fifty thousand in such county may use the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities available to and intended for use by visitors: PROVIDED FURTHER, That any county made up entirely of islands, and any city or town that has a population less than five thousand, may use the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities available to and intended for use by visitors: PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for funding a civic festival, if the following conditions are met: The festival is a community-wide event held not more than once annually; the festival is approved by the city, town, or county in which it is held; the festival is sponsored by an exempt organization defined in section 501(c)(3), (4), or (6) of the federal internal revenue code; the festival provides family-oriented events suiting a broad segment of the community; and the proceeds of such taxes are used solely for advertising and promotional materials intended to attract overnight visitors.

**Sec. 2.** RCW 67.28.270 and 1991 c 357 s 4 are each amended to read as follows:

In addition to the other uses authorized in this chapter, any city with a population of not less than one thousand people located on one of the San Juan islands or the county within which such city is located may impose the tax as provided in RCW 67.28.180, and use the ~~((tax))~~ proceeds from that tax as provided herein for the acquisition, construction, or operation of publicly owned facilities that are used either for county fairs occurring no more than once a year and not extending over a period of more than seven days or to mitigate the impacts of tourism. Mitigation may include paying all or any part of the cost of acquisition, construction, or operation of public information and educational facilities designed to inform visitors of the historical, cultural, ecological, and environmental resources of the county; of overnight or day use parks used by visitors; of kayak and canoe access to public tidelands; of rest, information, and assembly areas for bicycle visitors; of special signage to inform visitors of local points of interest; and of sport and recreational facilities that provide activities of interest to visitors."

On page 1, line 2 of the title, after "structures;" strike the remainder of the title and insert "and amending RCW 67.28.210 and 67.28.270."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative B. Thomas moved that the House concur in the Senate amendments to Substitute House Bill No. 1669 and pass the bill as amended by the Senate.

Representative Beeksma spoke in favor of the motion and it was carried.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1669 as amended by the Senate.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Clerk called the roll on the final passage of Substitute House Bill No. 1669 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Hargrove and Schmidt, K. - 2.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1669, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1673 with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 84.38.020 and 1991 c 213 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Claimant" means a person who either elects or is required under RCW ~~((84.64.030 or))~~ 84.64.050 to defer payment of the special assessments and/or real property taxes accrued on the claimant's residence by filing a declaration to defer as provided by this chapter.

When two or more individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant shall be.

(2) "Department" means the state department of revenue.

(3) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

(4) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year.

(5) "Residence" has the meaning given in RCW 84.36.383, except that a residence includes any additional property up to a total of five acres that comprises the residential parcel if this larger parcel size is required under land use regulations.

(6) "Special assessment" means the charge or obligation imposed by a city, town, county, or other municipal corporation upon property specially benefitted by a local improvement, including

assessments under chapters 35.44, 36.88, 36.94, 53.08, 54.16, 56.20, 57.16, 86.09, and 87.03 RCW and any other relevant chapter.

~~((5) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year.))~~

**Sec. 2.** RCW 84.38.030 and 1991 c 213 s 2 are each amended to read as follows:

A claimant may defer payment of special assessments and/or real property taxes on up to eighty percent of the amount of the claimant's equity value in the claimant's residence if the following conditions are met:

(1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the age and income limits under RCW 84.36.381 and the parcel size limit under RCW 84.36.383.

(2) The claimant must be sixty years of age or older on December 31st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving a deferral at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section.

(3) The claimant must have a combined disposable income, as defined in RCW 84.36.383, of ~~((thirty))~~ thirty-four thousand dollars or less.

~~((3))~~ (4) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

~~((4))~~ (5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value: PROVIDED, That if the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimant's equity value, the amount deferred shall not exceed one hundred percent of the claimant's equity value in the land or lot only.

~~((5))~~ (6) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available."

On page 1, line 2 of the title, after "'disability;" strike the remainder of the title and insert "and amending RCW 84.38.020 and 84.38.030."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative B. Thomas moved that the House concur in the Senate amendments to Substitute House Bill No. 1673 and pass the bill as amended by the Senate.

Representative B. Thomas spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1673 as amended by the Senate.

Representative Dickerson spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1673 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Goldsmith - 1.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1673, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 41.56.030 and 1993 c 398 s 1, 1993 c 397 s 1, and 1993 c 379 s 302 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such

obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

~~(7)((a) Until July 1, 1995, "uniformed personnel" means: (i) Law enforcement officers as defined in RCW 41.26.030 of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county with a population of seventy thousand or more; (ii) fire fighters as that term is defined in RCW 41.26.030; (iii) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (iv) security forces established under RCW 43.52.520; (v) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (vi) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (vii) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.~~

~~(b) Beginning on July 1, 1995,)~~ "Uniformed personnel" means: (a)(i) Until July 1, 1997, law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of seven thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of thirty-five thousand or more; (ii) beginning on July 1, 1997, law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; ~~((iii))~~ (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; ~~((iv))~~ (d) security forces established under RCW 43.52.520; ~~((v))~~ (e) fire fighters as that term is defined in RCW 41.26.030; ~~((vi))~~ (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; ~~((vii))~~ (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or ~~((viii))~~ (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

**Sec. 2.** RCW 41.56.465 and 1993 c 398 s 3 are each amended to read as follows:

(1) In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

~~((1))~~ (a) The constitutional and statutory authority of the employer;

~~((2))~~ (b) Stipulations of the parties;

~~((3)(a))~~ (c)(i) For employees listed in RCW 41.56.030(7)~~((b)(i))~~ (a) through ~~((iii))~~ (d), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

~~((b))~~ (ii) For employees listed in RCW 41.56.030(7)~~((b)(iv))~~ (e) through ~~((vii))~~ (h), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered;

~~((4))~~ (d) The average consumer prices for goods and services, commonly known as the cost of living;

~~((5))~~ (e) Changes in any of the circumstances under ~~((subsections (1)))~~ (a) through ~~((4))~~ (d) of this ~~((section))~~ subsection during the pendency of the proceedings; and

~~((6))~~ (f) Such other factors, not confined to the factors under ~~((subsections (1)))~~ (a) through ~~((5))~~ (e) of this ~~((section))~~ subsection, that are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment. For those employees listed in RCW 41.56.030(7)~~((b)(i))~~ (a) who are employed by the governing body of a city or town with a population of less than fifteen thousand, or a county with a population of less than seventy thousand, consideration must also be given to regional differences in the cost of living.

(2) Subsection (1)(c) of this section may not be construed to authorize the panel to require the employer to pay, directly or indirectly, the increased employee contributions resulting from chapter 502, Laws of 1993 or chapter 517, Laws of 1993 as required under chapter 41.26 RCW.

**NEW SECTION. Sec. 3.** The senate committee on ways and means and the house of representatives committee on appropriations shall jointly compile a report to the legislature by December 15, 1996, which shall analyze and review all arbitration awards made involving law enforcement officers under chapter 41.56 RCW since enactment of binding arbitration procedures for law enforcement officers in 1973. This review shall include a brief procedural history of each arbitration including the date, the identity of the parties, the evidence and arguments presented by the parties, the names of the members of the arbitration panel, and the findings and final determination of the issues in dispute.

**NEW SECTION. Sec. 4.** RCW 41.56.460 and 1993 c 517 s 10, 1993 c 502 s 5, 1993 c 398 s 2, & 1993 c 397 s 2 are each repealed.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 2 of the title, after "counties;" strike the remainder of the title and insert "amending RCW 41.56.465; reenacting and amending RCW 41.56.030; creating a new section; repealing RCW 41.56.460; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative Cairnes moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1730 and pass the bill as amended by the Senate.

Representative Cairnes spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1730 as amended by the Senate.

Representative Delvin spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1730 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Beeksma, Goldsmith, Hargrove, Koster, Lisk, McMahan, Sherstad and Stevens - 8.

Excused: Representatives Benton and Patterson - 2.

Engrossed Substitute House Bill No. 1730, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1810 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The department of ecology shall establish a policy advisory committee to provide advice to the legislature and the department on administrative and legislative actions to more effectively implement the model toxics control act, chapter 70.105D RCW. The committee shall consist of the following members:

- (a) Four legislative members selected as provided in subsection (2) of this section;
- (b) Four representatives of citizen and environmental organizations;
- (c) Four representatives of business, including two representatives of small business and two representatives of large business;
- (d) One representative of counties;
- (e) One representative of cities;
- (f) One representative of ports;
- (g) One member of the scientific advisory board created under RCW 70.105D.030(4);
- (h) One representative of an environmental consulting firm engaged in the remediation of contaminated sites;
- (i) Not more than three additional members selected by the department from recommendations provided by the committee; and
- (j) The directors of the departments of ecology and health or their designees.

(2) The president of the senate and the speaker of the house of representatives may each appoint one member from each major caucus in the senate and the house of representatives, respectively, to serve as members of the committee.

(3) In making appointments under subsection (1) (b), (c), (d), (e), (f), (g), and (h) of this section, the department shall select from the lists of recommendations submitted by recognized regional or state-wide organizations representing the interests of that category.

(4) The initial meeting of the committee shall be scheduled no later than August 1, 1995. At the initial meeting the members shall select a presiding officer and adopt procedures for carrying out their duties under sections 2 and 3 of this act. In conducting its review the committee shall, wherever possible, operate on a consensus basis and, when consensus is not possible to achieve, the committee

should encourage the development of recommendations that are broadly supported within the committee. Where consensus is not achieved, other views within the committee shall be included in any reports required by sections 2 and 3 this act.

(5) The committee may divide itself into subcommittees. The committee should seek input from people who are interested in its work and who will, in the committee's view, bring experience or technical or interdisciplinary insight to a thoughtful consideration of the issues before the committee.

(6) The department shall provide staffing and other assistance to the committee, including facilitators from within or outside of state government if requested. Such assistance shall include information in response to reasonable requests from the committee, provided that the information is not protected by attorney-client privilege.

(7) Legislative members of the committee shall be reimbursed for travel expenses as provided in RCW 44.04.120. If other members would not be able to participate in the committee's activities because of travel expenses or other financial limitations on the ability to participate fully, the department shall certify the members as entitled to reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(8) At the initial meeting attended by a committee member, the member shall identify the nature of his or her interest in the outcome of matters before the committee. This information shall include the type of organization to which the member belongs and the general nature of the membership and/or business interest of that organization. Thereafter, a committee member shall disclose any potential conflicts of interest or bias that subsequently arise or of which the committee member subsequently becomes aware. A member shall refrain from participating in any matter that the member for any reason cannot act fairly, objectively, and in the public interest with regard to that matter.

**NEW SECTION. Sec. 2.** (1) The policy advisory committee shall review, provide advice, and develop recommendations on the following subjects, at a minimum:

(a) Clean-up standards and clean-up levels, including the use of site-specific risk assessment;

(b) Policies, rules, and procedures, including the use of cost, current and future land use, and other criteria in the selection of clean-up remedies;

(c) How the department carries out the clean-up program in practice, including training, and accountability for clean-up decisions and their implementation;

(d) Improving the clean-up process to provide additional incentives to potentially liable parties to fully and expeditiously fund cleanups;

(e) The need for adoption of and recommended levels for ecologically based clean-up standards; and

(f) A review of the effectiveness of independent cleanups.

(2) The committee shall begin meeting no later than August 1, 1995, to review the model toxics control act and its implementation to date. The committee is encouraged to submit recommendations on policies of state-wide or regional significance to the department at any point during its review. The committee shall submit a preliminary report not later than December 15, 1995, to the appropriate legislative committees, that identifies priority questions and issues that the committee intends to address. The preliminary report shall identify the schedule and approach planned for analyzing these priority issues. The committee shall develop a procedure to allow other interested parties to propose additional questions and issues for review. Any questions and issues the committee chooses to address shall be of regional or state-wide significance. It is not the intent that this committee become engaged in site-specific clean-up decisions at pilot projects or any other sites.

(3) The committee shall submit a final report to the department and the appropriate legislative committees not later than December 15, 1996, on the priority issues it has identified for review. In addition to action recommendations, the final report may identify issues and priorities for further study, including a recommendation as to whether the committee should continue in existence.

(4) The department shall assist the committee's review under this section by preparing case studies of a variety of site cleanups involving differing contaminants, quantities of contaminants, media affected, populations exposed, present and future land and resource uses, and other factors. The committee shall seek input from the affected community, potentially liable persons involved in the cleanup and other participants in the clean-up process at the site and include this input in the information included on the case study. The case studies, along with the other information gathered in



the review, shall be used by the committee to provide advice and develop recommendations on the questions and issues addressed by the committee.

**NEW SECTION. Sec. 3.** (1) Not later than October 1, 1995, the policy advisory committee shall select two pilot projects from a list of proposed pilot project sites provided by the department. The purpose of the pilot projects is to evaluate alternative methods for accomplishing faster, less-expensive, and an equally protective degree of cleanup at complex sites, within the framework provided by the model toxics control act and the rules adopted under the model toxics control act. Pilot projects shall comply with the model toxics control act and the rules adopted under the model toxics control act. Public participation in the clean-up process for these sites shall be as provided in such rules. In order to be eligible for a pilot project, a site shall be conducting remedial actions under an order, agreed order, or consent decree under the model toxics control act and there shall not be significant opposition from the public potentially affected by the site. In addition, the following criteria shall be used by the department and the committee when recommending and selecting a site as a pilot project site:

(a) The presence of multiple parties at the site and the willingness of these persons to participate in a pilot project;

(b) The source of contamination at the site. Sites contaminated as a result of current or past industrial activities shall be given a preference over other sites;

(c) The stage of cleanup at the site. Sites that are in the process of preparing or for which there is recently completed a remedial investigation/feasibility study shall be given preference over other sites; and

(d) The degree of community support for selecting a site as a pilot project site. To determine the degree of community support, the department shall first consult with interested community and environmental groups. Thereafter, before proposing a site as a pilot project the department shall issue a public notice identifying the site and seeking public comment on the potential for the site to be a pilot project site.

(2) In the pilot projects the department shall include with the remedial investigation/feasibility study required under the model toxics control act any additional or alternative risk assessments or other analyses that potentially liable persons may wish to prepare at their expense for the purpose of exploration of improved methods to accomplish cleanup under the model toxics control act. The department shall provide technical assistance to identify an appropriate scope for such supplemental analyses, so that the analyses may prove useful in considering improvements to existing practices, policies, rules, and procedures. The department may establish a reasonable schedule for the preparation of any supplemental analyses. The preparation and evaluation of any supplemental analyses shall not result in a delay in remedial actions at the pilot sites. The analyses shall be included in the remedial investigation/feasibility study regardless of whether the department fully concurred in their scope. The department may simultaneously prepare or commission its own supplemental analyses at its own expense, as distinct from department-conducted or department-commissioned or contracted technical review of supplemental analyses prepared by potentially liable persons, which shall remain subject to cost recovery under the model toxics control act.

(3) In consultation with the potentially liable persons and affected public for each site, the department's site managers shall to the fullest extent possible use the administrative principles set forth, for both the clean-up process and for clean-up standards, as well as other flexible tools available in the rules adopted under the model toxics control act.

(4) In order to avoid misunderstanding and promote constructive dialogue, the public participation plan for each site shall be designed or revised to educate and involve the public on the nature of the pilot project, the specific issues being explored at the site, and the purpose and scope of any alternative or supplemental analyses.

(5) The department shall prepare a report on each pilot project highlighting any policy issues raised as a result of the pilot project and providing a copy of the remedial investigation/feasibility study and any supplemental analyses and public comments received for each pilot project to the policy advisory committee. The report shall be submitted to the committee within ninety days after the comment period ends on the remedial investigation/feasibility study for that site. The department shall also keep the committee informed about decisions made regarding the pilot project sites and progress made in implementation of cleanup at these sites. The intent is for the committee to use the information acquired from the pilot projects to supplement other information used in developing policy

recommendations under section 2 of this act. The department shall submit a status report to the policy advisory committee no later than March 31, 1996, including an estimated schedule for reporting on each pilot project.

(6) Nothing in this act shall be construed to prevent or limit the department from fully employing all procedures and standards available under the model toxics control act or the rules adopted to implement the model toxics control act with respect to any site, whether or not it is being considered as a possible pilot project under this section.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 5.** This act shall expire January 15, 1997."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative McMorris moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1810 and pass the bill as amended by the Senate. The motion was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1810 as amended by the Senate.

Representatives McMorris and Rust spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Talcott, Representatives Hargrove and Cairnes were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1810 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Campbell and Smith - 2.

Excused: Representatives Benton, Cairnes, Hargrove and Patterson - 4.

Engrossed Substitute House Bill No. 1810, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the following Representatives were excused: Representative Conway, Representative K. Schmidt, Representative Mitchell, Representative R. Fisher, Representative Silver, Representative Foreman and Representative Sommers.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1865 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 11.88.030 and 1991 c 289 s 2 are each amended to read as follows:

(1) Any person or entity may petition for the appointment of a qualified person, trust company, national bank, or nonprofit corporation authorized in RCW 11.88.020 as now or hereafter amended as the guardian or limited guardian of an incapacitated person. No liability for filing a petition for guardianship or limited guardianship shall attach to a petitioner acting in good faith and upon reasonable basis. A petition for guardianship or limited guardianship shall state:

- (a) The name, age, residence, and post office address of the alleged incapacitated person;
- (b) The nature of the alleged incapacity in accordance with RCW 11.88.010;
- (c) The approximate value and description of property, including any compensation, pension, insurance, or allowance, to which the alleged incapacitated person may be entitled;
- (d) Whether there is, in any state, a guardian or limited guardian, or pending guardianship action for the person or estate of the alleged incapacitated person;
- (e) The residence and post office address of the person whom petitioner asks to be appointed guardian or limited guardian;
- (f) The names and addresses, and nature of the relationship, so far as known or can be reasonably ascertained, of the persons most closely related by blood or marriage to the alleged incapacitated person;
- (g) The name and address of the person or facility having the care and custody of the alleged incapacitated person;
- (h) The reason why the appointment of a guardian or limited guardian is sought and the interest of the petitioner in the appointment, and whether the appointment is sought as guardian or limited guardian of the person, the estate, or both, and why no alternative to guardianship is appropriate;
- (i) The nature and degree of the alleged incapacity and the specific areas of protection and assistance requested and the limitation of rights requested to be included in the court's order of appointment;
- (j) The requested term of the limited guardianship to be included in the court's order of appointment;
- (k) Whether the petitioner is proposing a specific individual to act as guardian ad litem and, if so, the individual's knowledge of or relationship to any of the parties, and why the individual is proposed.

(2)(a) The attorney general may petition for the appointment of a guardian or limited guardian in any case in which there is cause to believe that a guardianship is necessary and no private party is able and willing to petition.

(b) Prepayment of a filing fee shall not be required in any guardianship or limited guardianship brought by the attorney general. Payment of the filing fee shall be ordered from the estate of the incapacitated person at the hearing on the merits of the petition, unless in the judgment of the court, such payment would impose a hardship upon the incapacitated person, in which case the filing shall be waived.

(3) No filing fee shall be charged by the court for filing either a petition for guardianship or a petition for limited guardianship if the petition alleges that the alleged incapacitated person has total assets of a value of less than three thousand dollars.

(4)(a) Notice that a guardianship proceeding has been commenced shall be personally served upon the alleged incapacitated person and the guardian ad litem along with a copy of the petition for appointment of a guardian. Such notice shall be served not more than five court days after the petition has been filed.

(b) Notice under this subsection shall include a clear and easily readable statement of the legal rights of the alleged incapacitated person that could be restricted or transferred to a guardian by a guardianship order as well as the right to counsel of choice and to a jury trial on the issue of incapacity. Such notice shall be in substantially the following form and shall be in capital letters, double-spaced, and in a type size not smaller than ten-point type:

**IMPORTANT NOTICE  
PLEASE READ CAREFULLY**

A PETITION TO HAVE A GUARDIAN APPOINTED FOR YOU HAS BEEN FILED IN THE . . . . . COUNTY SUPERIOR COURT BY . . . . . IF A GUARDIAN IS APPOINTED, YOU COULD LOSE ONE OR MORE OF THE FOLLOWING RIGHTS:

- (1) TO MARRY OR DIVORCE;
- (2) TO VOTE OR HOLD AN ELECTED OFFICE;
- (3) TO ENTER INTO A CONTRACT OR MAKE OR REVOKE A WILL;
- (4) TO APPOINT SOMEONE TO ACT ON YOUR BEHALF;
- (5) TO SUE AND BE SUED OTHER THAN THROUGH A GUARDIAN;
- (6) TO POSSESS A LICENSE TO DRIVE;
- (7) TO BUY, SELL, OWN, MORTGAGE, OR LEASE PROPERTY;
- (8) TO CONSENT TO OR REFUSE MEDICAL TREATMENT;
- (9) TO DECIDE WHO SHALL PROVIDE CARE AND ASSISTANCE;
- (10) TO MAKE DECISIONS REGARDING SOCIAL ASPECTS OF YOUR LIFE.

UNDER THE LAW, YOU HAVE CERTAIN RIGHTS.

YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER OF YOUR OWN CHOOSING. THE COURT WILL APPOINT A LAWYER TO REPRESENT YOU IF YOU ARE UNABLE TO PAY OR PAYMENT WOULD RESULT IN A SUBSTANTIAL HARDSHIP TO YOU.

YOU HAVE THE RIGHT TO ASK FOR A JURY TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN TO HELP YOU.

YOU HAVE THE RIGHT TO BE PRESENT IN COURT WHEN THE HEARING IS HELD TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN.

(5) All petitions filed under the provisions of this section shall be heard within sixty days unless an extension of time is requested by a party within such sixty day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

**Sec. 2.** RCW 11.88.040 and 1991 c 289 s 3 are each amended to read as follows:

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be served personally (~~((to))~~) upon the alleged incapacitated person, if over fourteen years of age, and served upon the guardian ad litem.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given by registered or certified mail to the last known address requesting a return receipt signed by the addressee or an agent appointed by the addressee, or by personal service in the manner provided for services of summons, to the following:

- (1) The alleged incapacitated person, or minor, if under fourteen years of age;
- (2) A parent, if the alleged incapacitated person is a minor, all known children not residing with a notified person, and the spouse of the alleged incapacitated person if any;

(3) Any other person who has been appointed as guardian or limited guardian, or the person with whom the alleged incapacitated person resides. No notice need be given to those persons named in subsections (2) and (3) of this section if they have signed the petition for the appointment of the guardian or limited guardian or have waived notice of the hearing.

(4) If the petition is by a parent asking for appointment as guardian or limited guardian of a minor child under the age of fourteen years, or if the petition is accompanied by the written consent of a minor of the age of fourteen years or upward, who consents to the appointment of the guardian or limited guardian asked for, or if the petition is by a nonresident guardian of any minor or incapacitated person, then the court may appoint the guardian without notice of the hearing. The court for good cause may reduce the number of days of notice, but in every case, at least three days notice shall be given.

The alleged incapacitated person shall be present in court at the final hearing on the petition: PROVIDED, That this requirement may be waived at the discretion of the court for good cause other than mere inconvenience shown in the report to be provided by the guardian ad litem pursuant to RCW 11.88.090 as now or hereafter amended, or if no guardian ad litem is required to be appointed pursuant to RCW 11.88.090, as now or hereafter amended, at the discretion of the court for good cause shown by a party. Alternatively, the court may remove itself to the place of residence of the alleged incapacitated person and conduct the final hearing in the presence of the alleged incapacitated person. Final hearings on the petition may be held in closed court without admittance of any person other than those necessary to the action or proceeding.

If presence of the alleged incapacitated person is waived and the court does not remove itself to the place of residence of such person, the guardian ad litem shall appear in person at the final hearing on the petition.

**Sec. 3.** RCW 11.88.045 and 1991 c 289 s 4 are each amended to read as follows:

(1)(a) Alleged incapacitated individuals shall have the right to be represented by counsel at any stage in guardianship proceedings. The court shall provide counsel to represent any alleged incapacitated person at public expense when either: (i) The individual is unable to afford counsel, or (ii) the expense of counsel would result in substantial hardship to the individual, or (iii) the individual does not have practical access to funds with which to pay counsel. If the individual can afford counsel but lacks practical access to funds, the court shall provide counsel and may impose a reimbursement requirement as part of a final order. When, in the opinion of the court, the rights and interests of an alleged or adjudicated incapacitated person cannot otherwise be adequately protected and represented, the court on its own motion shall appoint an attorney at any time to represent such person. Counsel shall be provided as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks shall be presumed by a reviewing court to be inadequate time for consultation and preparation.

(b) Counsel for an alleged incapacitated individual shall act as an advocate for the client and shall not substitute counsel's own judgment for that of the client on the subject of what may be in the client's best interests. Counsel's role shall be distinct from that of the guardian ad litem, who is expected to promote the best interest of the alleged incapacitated individual, rather than the alleged incapacitated individual's expressed preferences.

(c) If an alleged incapacitated person is represented by counsel and does not communicate with counsel, counsel may ask the court for leave to withdraw for that reason. If satisfied, after affording the alleged incapacitated person an opportunity for a hearing, that the request is justified, the court may grant the request and allow the case to proceed with the alleged incapacitated person unrepresented.

(2) During the pendency of any guardianship, any attorney purporting to represent a person alleged or adjudicated to be incapacitated shall petition to be appointed to represent the incapacitated or alleged incapacitated person. Fees for representation described in this section shall be subject to approval by the court pursuant to the provisions of RCW 11.92.180.

(3) The alleged incapacitated person is further entitled upon request to a jury trial on the issues of his or her alleged incapacity. The standard of proof to be applied in a contested case, whether before a jury or the court, shall be that of clear, cogent, and convincing evidence.

(4) In all proceedings for appointment of a guardian or limited guardian, the court must be presented with a written report from a physician licensed to practice under chapter 18.71 or 18.57 RCW or licensed or certified psychologist selected by the guardian ad litem. The physician or

psychologist shall have personally examined and interviewed the alleged incapacitated person within thirty days of preparation of the report to the court and shall have expertise in the type of disorder or incapacity the alleged incapacitated person is believed to have. The report shall contain the following information and shall be set forth in substantially the following format:

- (a) The name and address of the examining physician or psychologist;
- (b) The education and experience of the physician or psychologist pertinent to the case;
- (c) The dates of examinations of the alleged incapacitated person;
- (d) A summary of the relevant medical, functional, neurological, psychological, or psychiatric history of the alleged incapacitated person as known to the examining physician or psychologist;
- (e) The findings of the examining physician or psychologist as to the condition of the alleged incapacitated person;
- (f) Current medications;
- (g) The effect of current medications on the alleged incapacitated person's ability to understand or participate in guardianship proceedings;
- (h) Opinions on the specific assistance the alleged incapacitated person needs;
- (i) Identification of persons with whom the physician or psychologist has met or spoken regarding the alleged incapacitated person.

The court shall not enter an order appointing a guardian or limited guardian until a medical or psychological report meeting the above requirements is filed.

The requirement of filing a medical report is waived if the basis of the guardianship is minority.

**Sec. 4.** RCW 11.88.090 and 1991 c 289 s 5 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180, as now or hereafter amended, shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his behalf.

(2) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to

- (a) be free of influence from anyone interested in the result of the proceeding;
- (b) have the requisite knowledge, training, or expertise to perform the duties required by this section.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection (5) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

(3)(a) The superior court of each county shall develop by September 1, 1991, a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardians ad litem only persons whose names appear on the registry, except in extraordinary circumstances.

(b) To be eligible for the registry a person shall:

(i) Present a written statement of qualifications describing the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW; and

(ii) Complete a training program adopted by the court, or, in the absence of a locally adopted program, a candidate for inclusion upon the registry shall have completed a model training program as described in (d) of this subsection.

(c) The superior court of each county shall approve training programs designed to:

(i) Train otherwise qualified human service professionals in those aspects of legal procedure and the requirements of chapters 11.88 and 11.92 RCW with which a guardian ad litem should be familiar;

(ii) Train otherwise qualified legal professionals in those aspects of medicine, social welfare, and social service delivery systems with which a guardian ad litem should be familiar.

(d) The superior court of each county may approve a guardian ad litem training program on or before June 1, 1991. The department of social and health services, aging and adult services administration, shall convene an advisory group to develop a model guardian ad litem training program. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, aging, legal, court administration, and other interested parties.

(e) Any superior court that has not adopted a guardian ad litem training program by September 1, 1991, shall require utilization of a model program developed by the advisory group as described in (d) of this subsection, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem.

(4) The guardian ad litem's written statement of qualifications required by RCW 11.88.090(3)(b)(i) shall be made part of the record in each matter in which the person is appointed guardian ad litem.

(5) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

(iv) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;

(v) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

(vi) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

(vii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; and

(viii) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least ten days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her spouse, all children not residing with a notified person, those persons described in ~~((d))~~ (e)(vii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150;

(f) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

(6) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to RCW 11.88.090(5)(e) as now or hereafter amended.

(7) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

(8) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the alleged incapacitated person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(9) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

**Sec. 5.** RCW 11.88.095 and 1991 c 289 s 6 are each amended to read as follows:

(1) In determining the disposition of a petition for guardianship, the court's order shall be based upon findings as to the capacities, condition, and needs of the alleged incapacitated person, and shall not be based solely upon agreements made by the parties.

(2) Every order appointing a full or limited guardian of the person or estate shall include:

- (a) Findings as to the capacities, condition, and needs of the alleged incapacitated person;
- (b) The amount of the bond, if any, or a bond review period;
- (c) When the next report of the guardian is due;
- (d) Whether the guardian ad litem shall continue acting as guardian ad litem;
- (e) Whether a review hearing shall be required upon the filing of the inventory;
- (f) The authority of the guardian, if any, for investment and expenditure of the ward's estate;

and

(g) Names and addresses of those persons described in RCW 11.88.090(5)(d), if any, whom the court believes should receive copies of further pleadings filed by the guardian with respect to the guardianship.

(3) If the court determines that a limited guardian should be appointed, the order shall specifically set forth the limits by either stating exceptions to the otherwise full authority of the guardian or by stating the specific authority of the guardian.



(4) In determining the disposition of a petition for appointment of a guardian or limited guardian of the estate only, the court shall consider whether the alleged incapacitated person is capable of giving informed medical consent or of making other personal decisions and, if not, whether a guardian or limited guardian of the person of the alleged incapacitated person should be appointed for that purpose.

(5) Unless otherwise ordered, any powers of attorney or durable powers of attorney shall be revoked upon appointment of a guardian or limited guardian of the estate.

If there is an existing medical power of attorney, the court must make a specific finding of fact regarding the continued validity of that medical power of attorney before appointing a guardian or limited guardian for the person.

**Sec. 6.** RCW 11.92.050 and 1990 c 122 s 23 are each amended to read as follows:

(1) Upon the filing of any intermediate guardianship or limited guardianship account required by statute, or of any intermediate account required by court rule or order, the guardian or limited guardian may petition the court for an order settling his or her account with regard to any ~~((and all))~~ receipts, expenditures, and investments made and acts done by the guardian or limited guardian to the date of ~~((said))~~ the interim report. Upon such petition being filed, the court may in its discretion, where the size or condition of the estate warrants it, set a date for the hearing of ~~((such))~~ the petition and require the service of the petition and a notice of ~~((such))~~ the hearing as provided in RCW 11.88.040 as now or hereafter amended; and, in the event ~~((such))~~ a hearing ~~((be))~~ is ordered, the court ~~((shall))~~ may also appoint a guardian ad litem, whose duty it shall be to investigate the report of the guardian or limited guardian of the estate and to advise the court thereon at ~~((said))~~ the hearing, in writing. At ~~((such))~~ the hearing on ~~((said))~~ the report of the guardian or limited guardian, if the court ~~((be))~~ is satisfied that the actions of the guardian or limited guardian have been proper, and that the guardian or limited guardian has in all respects discharged his or her trust with relation to ~~((such))~~ the receipts, expenditures, investments, and acts, then, in such event, the court shall enter an order approving such account~~(, and such)~~. If the court has appointed a guardian ad litem, the order shall be final and binding upon the incapacitated person, subject only to the right of appeal as upon a final order; provided that at the time of final account of said guardian or limited guardian or within one year after ~~((said))~~ the incapacitated person attains his or her majority any such interim account may be challenged by ~~((said))~~ the incapacitated person on the ground of fraud.

(2) The procedure established in subsection (1) of this section for financial accounts by guardians or limited guardians of the estate shall apply to personal care reports filed by guardians or limited guardians of the person under RCW 11.92.043.

**Sec. 7.** RCW 11.92.053 and 1990 c 122 s 24 are each amended to read as follows:

~~Within ninety days after the termination of a guardianship for any reason ((other than the death of the incapacitated person intestate)),~~ the guardian or limited guardian of the estate shall petition the court for an order settling his or her account as filed in accordance with RCW 11.92.040(2) with regard to any ~~((and all))~~ receipts, expenditures, and investments made and acts done by the guardian to the date of ~~((said))~~ the termination. Upon ~~((such))~~ the filing of the petition ~~((being filed))~~, the court shall set a date for the hearing of ~~((such))~~ the petition after notice has been given in accordance with RCW 11.88.040. Any person interested may file objections to ~~((such))~~ the petition or may appear at the time and place fixed for the hearing thereof and present his or her objections thereto. The court may take such testimony as it deems proper or necessary to determine whether an order settling the account should be issued and the transactions of the guardian be approved, and the court may appoint a guardian ad litem to review the report.

At ~~((such))~~ the hearing on ~~((said))~~ the petition of the guardian or limited guardian, if the court ~~((be))~~ is satisfied that the actions of the guardian or limited guardian have been proper, and that the guardian has in all respects discharged his or her trust with relation to ~~((such))~~ the receipts, expenditures, investments, and acts, then, in such event, the court shall enter an order approving ~~((such))~~ the account, and ~~((such))~~ the order shall be final and binding upon the incapacitated person, subject only to the right of appeal as upon a final order~~(: PROVIDED, That)~~. However, within one year after ~~((said))~~ the incompetent attains his or her majority any such account may be challenged by the incapacitated person on the ground of fraud.

**Sec. 8.** RCW 11.92.180 and 1994 c 68 s 1 are each amended to read as follows:

A guardian or limited guardian shall be allowed such compensation for his or her services as guardian or limited guardian as the court shall deem just and reasonable. Guardians and limited guardians shall not be compensated at county or state expense. Additional compensation may be allowed for other administrative costs, including services of an attorney and for other services not provided by the guardian or limited guardian. Where a guardian or limited guardian is an attorney, the guardian or limited guardian shall separately account for time for which compensation is requested for services as a guardian or limited guardian as contrasted to time for which compensation for legal services provided to the guardianship is requested. In all cases, compensation of the guardian or limited guardian and his or her expenses including attorney's fees shall be fixed by the court and may be allowed at any annual or final accounting; but at any time during the administration of the estate, the guardian or limited guardian or his or her attorney may apply to the court for an allowance upon the compensation or necessary expenses of the guardian or limited guardian and for attorney's fees for services already performed. If the court finds that the guardian or limited guardian has failed to discharge his or her duties as such in any respect, it may deny the guardian any compensation whatsoever or may reduce the compensation which would otherwise be allowed. Where the incapacitated person is a department of social and health services client residing in a nursing facility or in a residential or home setting and is required by the department of social and health services to contribute a portion of their income towards the cost of residential or supportive services then the department shall be entitled to notice of proceedings as described in RCW 11.92.150. The amount of guardianship fees and additional compensation for administrative costs shall not exceed the amount allowed by the department of social and health services by rule(~~(, and shall not include compensation for services provided or funded by the department or a department contractor that the incapacitated person is eligible to receive)~~).

**Sec. 9.** RCW 11.94.010 and 1989 c 211 s 1 are each amended to read as follows:

(1) Whenever a principal designates another as his or her attorney in fact or agent, by a power of attorney in writing, and the writing contains the words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's disability, the authority of the attorney in fact or agent is exercisable on behalf of the principal as provided notwithstanding later disability or incapacity of the principal at law or later uncertainty as to whether the principal is dead or alive. All acts done by the attorney in fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether the principal is dead or alive have the same effect and inure to the benefit of and bind the principal or the principal's guardian or heirs, devisees, and personal representative as if the principal were alive, competent, and not disabled. A principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if protective proceedings for the principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification. If a guardian thereafter is appointed for the principal, the attorney in fact or agent, during the continuance of the appointment, shall account to the guardian rather than the principal. The guardian has the same power the principal would have had if the principal were not disabled or incompetent, to revoke, suspend or terminate all or any part of the power of attorney or agency.

(2) Persons shall place reasonable reliance on any determination of disability or incompetence as provided in the instrument that specifies the time and the circumstances under which the power of attorney document becomes effective.

(3) A principal may authorize his or her attorney-in-fact to provide informed consent for health care decisions on the principal's behalf. Unless he or she is the spouse, or adult child or brother or sister of the principal, none of the following persons may act as the attorney-in-fact for the principal: Any of the principal's physicians, the physicians' employees, or the owners, administrators, or employees of the health care facility where the principal resides or receives care. This authorization is subject to the same limitations as those that apply to a guardian under RCW (~~11.92.040(3) (a) through (d))~~ 11.92.043(5) (a) through (c)."

On page 1, line 1 of the title, after "guardianship;" strike the remainder of the title and insert "and amending RCW 11.88.030, 11.88.040, 11.88.045, 11.88.090, 11.88.095, 11.92.050, 11.92.053, 11.92.180, and 11.94.010."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Substitute House Bill No. 1865 and pass the bill as amended by the Senate.

Representatives Sheahan and Costa spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1865 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1865 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Excused: Representatives Benton, Cairnes, Conway, Fisher, R., Foreman, Hargrove, Mitchell, Patterson, Schmidt, K. and Silver - 10.

Substitute House Bill No. 1865, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2033 with the following amendments:

On page 4, after line 15, insert the following:

"(6) Subsection (5) of this section shall expire on the earlier of the following dates: (a) July 1, 1998; or (b) the date upon which the North Bend fire training center is fully operational for aircraft crash rescue fire training activities."

and the same are herewith transmitted.

MOTION

Representative D. Schmidt moved that the House concur in the Senate amendments to Engrossed House Bill No. 2033 and pass the bill as amended by the Senate.

Representative D. Schmidt spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2033 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2033 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 88.

Excused: Representatives Benton, Cairnes, Conway, Fisher, R., Foreman, Hargrove, Mitchell, Patterson, Schmidt, K. and Silver - 10.

Engrossed House Bill No. 2033, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2057 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 2.10.100 and 1988 c 109 s 3 are each amended to read as follows:

Retirement of a member for service shall be made by the retirement board as follows:

(1) Any judge who, on August 9, 1971 or within one year thereafter, shall have completed as a judge the years of actual service required under chapter 2.12 RCW and who shall elect to become a member of this system, shall in all respects be deemed qualified to retire under this retirement system upon ~~((his))~~ the member's written request.

(2) Any member who has completed fifteen or more years of service may be retired upon ~~((his))~~ the member's written request but shall not be eligible to receive a retirement allowance until the member attains the age of sixty years.

(3) Any member who attains the age of seventy-five years shall be retired at the end of the calendar year in which ~~((he))~~ the member attains such age.

(4) Any judge who involuntarily leaves service or who is appointed to a position as a federal judge or federal magistrate at any time after having served an aggregate of twelve years shall be eligible to a partial retirement allowance computed according to RCW 2.10.110 and shall receive this allowance upon the attainment of the age of sixty years and fifteen years after the beginning of ~~(his)~~ the member's judicial service."

On page 1, line 1 of the title, after "eligibility;" strike the remainder of the title and insert "and amending RCW 2.10.100."

and the same are herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative Sheahan moved that the House insists on its position regarding the Senate amendments to Engrossed House Bill No. 2057 and ask the Senate to recede therefrom.

Representatives Sheahan and Sommers spoke in favor of the motion and it was carried.

There being no objection, the House resumed consideration of Substitute House Bill No. 2058.

#### SPEAKER'S RULING

Representative Sheldon, the Speaker is prepared to Rule on your Point of Order which challenges the Senate amendment to Substitute House Bill No. 2058 as being beyond the Scope and Object of the bill.

The title of Substitute House Bill No. 2058 is "AN ACT Relating to independent contractors or outside agents who sell or arrange for travel services.

The title is narrow. The bill adds a new section to 50.04 RCW, and creates a new section.

The bill provides that for purposes of unemployment insurance coverage the term "employment" does not include services performed by an outside agent who sells or arranges for travel services that are provided to a travel agent to the extent the outside agent is paid by commission.

Senate amendment 333 would prohibit state and local government officials and employees from using first class and business class airline accommodations at public expense when using commercial airlines in the performance of their duties unless otherwise required as a reasonable accommodation for persons with disabilities or in an emergency.

The object of the bill is to clarify under what circumstances certain persons are not considered employees for purposes of coverage under unemployment insurance and to exempt such persons by statute.

Senate amendment 333 prevents certain public employees from flying a certain class at public expense.

The amendment goes beyond the object of Substitute House Bill No. 2058.

The Speaker finds that the Senate amendment is beyond the scope and object of the bill.

Representative Sheldon, Your Point of Order is well taken.

#### MOTION

Representative Lisk moved that the House not concur in the Senate amendments to Substitute House Bill No. 2058 and ask the Senate to recede therefrom.

Representative Lisk spoke in favor of the motion and it was carried.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House resumed consideration of House Bill No. 1225.

#### SPEAKER'S RULING

Representative K. Schmidt, the Speaker is prepared to Rule on your Point of Order which challenges the Senate amendment to House Bill No. 1225 as being beyond the Scope and Object of the bill.

The title of House Bill No. 1225 is "AN ACT Relating to licenses.

The title is very broad. The bill amends numerous RCW's and repeals numerous RCW's.

The bill provides that applications for certificates of ownership of motor vehicles may be made on forms approved by the department of licensing, exempts certain ride-sharing vehicles from the retail sales tax, and repeals the motor vehicle fuel importer tax in lieu of certain other taxes collected.

The Senate amendment would provide refunds of the MVET to certain persons who qualify.

The amendment goes beyond the object of House Bill No. 1225.

The Speaker finds that the Senate amendment is beyond the scope and object of the bill.

Representative K. Schmidt, your Point of Order is well taken.

The motion to not concur in the Senate amendments to House Bill No. 1225 was carried.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1401 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.40.215 and 1994 c 129 s 6 and 1994 c 78 s 1 are each reenacted and amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside; ~~((and))~~

(ii) The sheriff of the county in which the juvenile will reside; and

(iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty-one years old; is not required to return to school under chapter 28A.225 RCW; or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice

are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Upon discharge, parole, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public elementary, middle, or high school that is attended by a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. Upon discharge, parole, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate.

(6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;

(d) "Next of kin" means a person's spouse, parents, siblings, and children.

**Sec. 2.** RCW 28A.225.330 and 1994 c 304 s 2 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior;

- (d) Any unpaid fines or fees imposed by other schools; and
- (e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action. If the student has not paid a fine or fee under RCW 28A.635.060, the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, and records of disciplinary action. If the official transcript is not sent due to unpaid fees or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible.

(4) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith."

On page 1, line 2 of the title, after "agencies;" strike the remainder of the title and insert "amending RCW 28A.225.330; and reenacting and amending RCW 13.40.215."

and the same are herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative Brumsickle moved that the House concur in the Senate amendments to Substitute House Bill No. 1401 and pass the bill as amended by the Senate.

Representatives Brumsickle and Cole spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1401 as amended by the Senate.

Representative Brumsickle spoke in favor of passage of the bill.

Representative McMahan spoke against passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1401 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 80, Nays - 14, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Kessler, Kremen, Lambert, Lisk, Mastin, Mielke, Morris, Mulliken, Ogden, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 80.

Voting nay: Representatives Beekma, Boldt, Casada, Elliot, Goldsmith, Hargrove, Johnson, Koster, Mason, McMahan, McMorris, Pelesky, Stevens and Thompson - 14.

Excused: Representatives Benton, Foreman, Mitchell and Patterson - 4.



Substitute House Bill No. 1401, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5053 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Mastin moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5053 and ask the Senate to recede therefrom.

#### MOTION

Representative Cairnes moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5053 and ask the Senate for a conference thereon.

Representative Cairnes spoke in favor of the motion and it was carried.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Van Luven, Cairnes and Hatfield as Conferees on Substitute Senate Bill No. 5053.

#### MOTION FOR RECONSIDERATION

Representative G. Fisher: Having voted on the prevailing side moved that the House immediately consider the vote on Engrossed House Bill No. 2033.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2033 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2033 on reconsideration, and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott,

Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Fisher, G., Poulsen and Valle - 3.

Excused: Representatives Benton, Foreman and Patterson - 3.

Engrossed House Bill No. 2033, on reconsideration, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5092 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Reams moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5092 and again ask the Senate to recede therefrom. The motion was carried.

#### MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5119 and asks the House to recede therefrom.

and the same are herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative Carlson moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5119 and ask the Senate to receded therefrom.

Representative Carlson spoke in favor of the motion and it was carried.

#### MOTION

On motion of Representative Talcott, Representative Delvin was excused.

#### MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5121 and asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

### MOTION

On motion of Representative Chandler, the rules were suspended, and Engrossed Substitute Senate Bill No. 5121 was returned to second reading for the purpose of an amendment.

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

### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, by Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Morton, Snyder, Newhouse, Loveland, A. Anderson, Hochstatter, Haugen and Deccio)

Providing for agricultural safety standards.

The bill was read the second time.

With the consent of the House, amendment number 888 to Engrossed Substitute Senate Bill No. 5121 was withdrawn.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

- (1) The state's highly productive and efficient agricultural sector is composed predominately of family-owned and managed farms and an industrious and efficient work force;
- (2) A reasonable level of safety regulations is needed to protect workers;
- (3) The smaller but highly efficient farming operations would benefit from safety rules that are easily referenced and agriculture-specific to the extent possible; and
- (4) There should be lead time between the adoption of agriculture safety rules and their effective date in order to allow the department of labor and industries to provide training, education, and enhanced consultation services to family-owned and managed farms.

**NEW SECTION. Sec. 2.** A new section is added to chapter 49.17 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, no rules adopted under this chapter amending or establishing agricultural safety standards shall take effect during the period beginning January 1, 1995, and ending January 15, 1996. This subsection applies, but is not limited to applying, to a rule adopted before January 1, 1995, but with an effective date which is during the period beginning January 1, 1995, and ending January 15, 1996, and to provisions of rules adopted prior to January 1, 1995, which provisions are to become effective during the period beginning January 1, 1995, and ending January 15, 1996.

(b) Subsection (1)(a) of this section does not apply to: Provisions of rules that were in effect before January 1, 1995; emergency rules adopted under RCW 34.05.350; or revisions to chapter 296-306 WAC regarding rollover protective structures that were adopted in 1994 and effective March 1, 1995, and that are additionally revised to refer to the variance process available under this chapter.

(2) The rules for agricultural safety adopted under this chapter must:

(a) Establish, for agricultural employers, an agriculture safety standard that includes agriculture-specific rules and specific references to the general industry safety standard adopted under chapter 49.17 RCW; and

(b) Exempt agricultural employers from the general industry safety standard adopted under chapter 49.17 RCW for all rules not specifically referenced in the agriculture safety standard.

(3) The department shall publish in one volume all of the occupational safety rules that apply to agricultural employers and shall make this volume available to all agricultural employers before January 15, 1996. This volume must be available in both English and Spanish.

(4) The department shall provide training, education, and enhanced consultation services concerning its agricultural safety rules to agricultural employers before the rules' effective dates. The training, education, and consultation must continue throughout the winter of 1995-1996. Training and education programs must be provided throughout the state and must be coordinated with agricultural associations in order to meet their members' needs.

(5) The department shall provide, for informational purposes, a list of commercially available rollover protective structures for tractors used in agricultural operations manufactured before October 25, 1976. The list must include the name and address of the manufacturer and the approximate price of the structure. Included with the list shall be a statement indicating that an employer may apply for a variance from the rules requiring rollover protective structures under this chapter and that variances may be granted in appropriate circumstances on a case-by-case basis. The statement shall also provide examples of circumstances under which a variance may be granted. The list and statement shall be generally available to the agricultural community before the department may take any action to enforce rules requiring rollover protective structures for tractors used in agricultural operations manufactured before October 25, 1976.

**NEW SECTION. Sec. 3.** A new section is added to chapter 49.17 RCW to read as follows: Other than rules published under section 2(3) of this act, the director may adopt, in accordance with chapter 34.05 RCW, rules concerning agriculture safety, other than emergency rules, only:

- (1) As specifically required by federal law, and only to the extent specifically required; or
- (2) As specifically authorized by statute enacted after the effective date of this section.

**NEW SECTION. Sec. 4.** Section 2(1) of this act is remedial in nature and applies to rules and provisions of rules regarding agricultural safety that would take effect after December 31, 1994."

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "adding new sections to chapter 49.17 RCW; and creating new sections."

Representative Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Mastin spoke in favor of passage of the bill.

Representative Romero spoke against passage of the bill.

#### FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5121 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5121 as amended by the House, and the bill passed the House by the following vote: Yeas - 77, Nays - 17, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cooke, Costa, Crouse, Dyer, Ebersole, Elliot, Fisher, G., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven and Mr. Speaker - 77.

Voting nay: Representatives Brown, Cody, Cole, Conway, Dellwo, Dickerson, Fisher, R., Mason, Ogden, Regala, Romero, Rust, Sommers, Thibaudeau, Valle, Veloria and Wolfe - 17.

Excused: Representatives Benton, Delvin, Foreman and Patterson - 4.

Engrossed Substitute Senate Bill No. 5121, as amended by the House, having received the constitutional majority, was declared passed.

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

#### MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The President of the Senate ruled the House amendments to SUBSTITUTE SENATE BILL NO. 5155 beyond the scope and object of the bill. The Senate refuses to concur in said amendments and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Reams moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5155 and ask the Senate for a conference thereon. The motion was carried.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Goldsmith, Hymes and Rust as Conferees on Substitute Senate Bill No. 5155.

#### MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5315 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

On motion of Representative Chandler, the rules were suspended, and Substitute Senate Bill No. 5315 was returned to second reading for the purpose of an amendment.

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

## SECOND READING

SUBSTITUTE SENATE BILL NO. 5315, by Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Morton, Loveland, Newhouse and Roach; by request of Department of Agriculture)

Modifying agriculture regulations.

The bill was read the second time.

With the consent of the House, amendment number 903 to Substitute Senate Bill No. 5315 was withdrawn.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

On page 8, line 23 of the amendment adopted by the House, after "director." strike all material through "dollars." on line 27 and insert "Application for a license or license renewal shall be on a form prescribed by the director and accompanied by the license fee. The license fee is fifty dollars.

For a food storage warehouse that has been inspected on at least an annual basis for compliance with the provisions of the current good manufacturing practices (Title 21 C.F.R. part 110) by a federal agency or by a state agency acting on behalf of and under contract with a federal agency and that is not exempted from licensure by section 11 of this act, the annual license fee for the warehouse is twenty-five dollars."

On page 9, line 9 of the amendment adopted by the House, after "basis" strike "by a state or federal agency or"

Representative Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

On page 10, line 34 of the amendment adopted by the House, after "chapter" insert ", except moneys collected for civil penalties levied under this chapter,"

On page 10, line 36 of the amendment adopted by the House, after "69.04 RCW." insert "All moneys collected for civil penalties levied under this chapter shall be deposited in the state general fund."

On page 11, line 1 of the amendment adopted by the House, after "**Sec. 17.**" strike "The" and insert "(1) Except as provided in subsection (2) of this section, the"

On page 11, after line 3 of the amendment adopted by the House, insert the following:

"(2) Civil penalties are intended to be used to obtain compliance and shall not be collected if a warehouse successfully completes a mutually agreed upon compliance agreement with the department. A warehouse that enters into a compliance agreement with the department shall pay only for inspections conducted by the department and any laboratory analyses as required by the inspections as outlined and

agreed to in the compliance agreement. In no event shall the fee for these inspections and analyses exceed four hundred dollars per inspection or one thousand dollars in total."

Representatives Kremen and Mastin spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Chappell spoke in favor of passage of the bill.

#### FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5315 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5315 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Benton, Delvin, Foreman and Patterson - 4.

Substitute Senate Bill No. 5315, as amended by the House, having received the constitutional majority, was declared passed.

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

#### MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5365 and asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative Backlund moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5365 and ask the Senate for a conference thereon.

## APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Dyer, Backlund and Cody as Conferees on Substitute Senate Bill No. 5365.

## MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5374 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

## MOTION

On motion of Representative Sheahan, the rules were suspended, and Substitute Senate Bill No. 5374 was returned to second reading for the purpose of an amendment.

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

## SECOND READING

SUBSTITUTE SENATE BILL NO. 5374, by Senate Committee on Law & Justice (originally sponsored by Senators Smith and Roach)

Creating registered limited liability partnerships.

The bill was read the second time.

Representative Sheahan moved adoption of the following amendment by Representative Sheahan:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** This subchapter applies to limited liability partnerships. All other provisions of this chapter, not in conflict with this subchapter, also apply.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this subchapter.

(1) "Limited liability partnership" or "partnership" means a partnership formed pursuant to an agreement governed by the laws of this state, registered under section 6 of this act.

(2) "Foreign limited liability partnership" means a limited liability partnership formed pursuant to an agreement governed by the laws of another jurisdiction.

**NEW SECTION. Sec. 3.** (1) To become and to continue as a limited liability partnership, a partnership shall file with the secretary of state an application stating the name of the partnership; the address of its principal office; if the partnership's principal office is not located in this state, the address of a registered office and the name and address of a registered agent for service of process in this state which the partnership will be required to maintain; the number of partners; a brief statement of the business in which the partnership engages; any other matters that the partnership determines to include; and that the partnership thereby applies for status as a limited liability partnership.



(2) The application shall be executed by a majority in interest of the partners or by one or more partners authorized to execute an application.

(3) The application shall be accompanied by a fee of one hundred seventy-five dollars for each partnership.

(4) The secretary of state shall register as a limited liability partnership any partnership that submits a completed application with the required fee.

(5) A partnership registered under this section shall pay an annual fee, in each year following the year in which its application is filed, on a date and in an amount specified by the secretary of state. The fee must be accompanied by a notice, on a form provided by the secretary of state, of the number of partners currently in the partnership and of any material changes in the information contained in the partnership's application for registration.

(6) Registration is effective immediately after the date an application is filed, and remains effective until: (a) It is voluntarily withdrawn by filing with the secretary of state a written withdrawal notice executed by a majority in interest of the partners or by one or more partners authorized to execute a withdrawal notice; or (b) thirty days after receipt by the partnership of a notice from the secretary of state, which notice shall be sent by certified mail, return receipt requested, that the partnership has failed to make timely payment of the annual fee specified in subsection (5) of this section, unless the fee is paid within such a thirty-day period.

(7) The status of a partnership as a limited liability partnership, and the liability of the partners thereof, shall not be affected by: (a) Errors in the information stated in an application under subsection (1) of this section or a notice under subsection (5) of this section; or (b) changes after the filing of such an application or notice in the information stated in the application or notice.

(8) The secretary of state may provide forms for the application under subsection (1) of this section or a notice under subsection (5) of this section.

**NEW SECTION. Sec. 4.** The name of a limited liability partnership shall contain the words "limited liability partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of its name.

**NEW SECTION. Sec. 5.** A person or group of persons licensed or otherwise legally authorized to render professional services, as defined in RCW 18.100.030, within this state may organize and become a member or members of a limited liability partnership under the provisions of this chapter for the purposes of rendering professional service. Nothing in this section prohibits a person duly licensed or otherwise legally authorized to render professional services in any jurisdiction other than this state from becoming a member of a limited liability partnership organized for the purpose of rendering the same professional services. Nothing in this section prohibits a limited liability partnership from rendering professional services outside this state through individuals who are not duly licensed or otherwise legally authorized to render such professional services within this state.

**NEW SECTION. Sec. 6.** (1) A limited liability partnership formed and existing under this chapter, may conduct its business, carry on its operations, and have and exercise the powers granted by this chapter in any state, territory, district, or possession of the United States or in any foreign country.

(2) It is the intent of the legislature that the legal existence of a limited liability partnership formed and existing under this chapter be recognized outside the boundaries of this state and that the laws of this state governing a limited liability partnership transacting business outside this state be granted the protection of full faith and credit under the Constitution of the United States.

(3) The internal affairs of a partnership, including a limited liability partnership formed and existing under this chapter, including the liability of partners for debts, obligations, and liabilities of or chargeable to the partnership, shall be subject to and governed by the laws of this state.

(4) Subject to any statutes for the regulation and control of specific types of business, a foreign limited liability partnership, formed and existing under the laws of another jurisdiction, may do business in this state provided it registers with the secretary of state under this chapter in the same manner as a limited liability partnership.

(5) It is the policy of this state that the internal affairs of a foreign limited liability partnership, including the liability of partners for debts, obligations, and liabilities of or chargeable to partnerships, shall be subject to and governed by the laws of such other jurisdiction. However, a foreign limited

liability partnership formed and existing under the laws of another jurisdiction is subject to section 7 of this act if it renders professional services, as defined in RCW 18.100.030, in this state.

**NEW SECTION. Sec. 7.** (1) Except as provided in subsection (2) of this section, all partners are liable:

(a) Jointly and severally for everything chargeable to the partnership under RCW 25.04.130 and 25.04.140; and

(b) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract;

(c) Except that:

(i) In no event shall a trustee or personal representative, a fiduciary, acting as a partner have personal liability except as provided in RCW 11.98.110 (2) and (4);

(ii) Any such liability under this section shall be satisfied first from the partnership assets and second from the trust or estate; and

(iii) If a fiduciary is liable, the fiduciary is entitled to indemnification first from the partnership assets and second from the trust or estate.

(2) Subject to subsections (3) and (5) of this section, a partner in a limited liability partnership is not liable directly or indirectly, including by way of indemnification, contribution, assessment, or otherwise for debts, obligations, and liabilities of or chargeable to the partnership, whether in tort, contract or otherwise, arising from omissions, negligence, wrongful acts, misconduct, or malpractice committed in the course of the partnership business by another partner or an employee, agent, or representative of the partnership.

(3) Subsection (2) of this section shall not affect the liability of a partner in a limited liability partnership for his or her own omissions, negligence, wrongful acts, misconduct, or malpractice or that of any person under his or her direct supervision and control.

(4) A partner in a limited liability partnership is not a proper party to a proceeding by or against a limited liability partnership, the object of which is to recover damages or enforce the obligations arising from omissions, negligence, wrongful acts, misconduct, or malpractice described in subsection (2) of this section, unless such partner is personally liable under subsection (3) or (5) of this section.

(5) If the partners of a limited liability partnership or foreign limited liability partnership are required to be licensed to provide professional services, as defined in RCW 18.100.030, and the partnership fails to maintain for itself and for its members practicing in this state a policy of professional liability insurance, bond, deposit in trust, bank escrow of cash, bank certificates of deposit, United States Treasury obligations, bank letter of credit, insurance company bond, or other evidence of financial responsibility of a kind designated by rule by the state insurance commissioner and in the amount of at least one million dollars or such greater amount, not to exceed three million dollars, as the state insurance commissioner may establish by rule for a licensed profession or for any specialty within a profession, taking into account the nature and size of the businesses within the profession or specialty, then the partners shall be personally liable to the extent that, had such insurance, bond, deposit in trust, bank escrow of cash, bank certificates of deposit, United States Treasury obligations, bank letter of credit, insurance company bond, or other evidence of responsibility been maintained, it would have covered the liability in question.

**NEW SECTION. Sec. 8.** The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

(1) Each partner shall be repaid his or her contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and except as provided in section 7(2) of this act, each partner must contribute toward the losses, whether of capital or otherwise, sustained by the partnership according to his or her share in the profits.

(2) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him or her in the ordinary and proper conduct of its business, or for the preservation of its business or property.

(3) A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he or she agreed to contribute, shall be paid interest from the date of the payment or advance.

(4) A partner shall receive interest on the capital contributed by him or her only from the date when repayment should be made.

(5) All partners have equal rights in the management and conduct of the partnership business.

(6) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his or her services in winding up the partnership affairs.

(7) No person can become a member of a partnership without the consent of all the partners.

(8) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners.

**NEW SECTION. Sec. 9.** Where a dissolution is caused by the act, death, or bankruptcy of a partner, each partner is liable to his or her copartners for his or her share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless:

(1) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution; or

(2) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy; or

(3) The liability is for a debt, obligation, or liability for which the partner is not liable as provided in section 7(2) of this act.

**NEW SECTION. Sec. 10.** (1) The dissolution of the partnership does not of itself discharge the existing liability of any partner.

(2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself or herself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

(3) Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

(4) The individual property of a deceased partner shall be liable for those obligations of the partnership incurred while he or she was a partner and for which he or she was liable under section 7 of this act, but subject to the prior payment of his or her separate debts.

**NEW SECTION. Sec. 11.** In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:

(1) The assets of the partnership are:

(a) The partnership property;

(b) The contributions of the partners specified in subsection (4) of this section.

(2) The liabilities of the partnership shall rank in order of payment, as follows:

(a) Those owing to creditors other than partners;

(b) Those owing to partners other than for capital and profits;

(c) Those owing to partners in respect of capital;

(d) Those owing to partners in respect of profits.

(3) The assets shall be applied in the order of their declaration in subsection (1) of this section to the satisfaction of the liabilities.

(4) Except as provided in section 7(2) of this act: (a) The partners shall contribute, as provided by section 8(1) of this act the amount necessary to satisfy the liabilities; and (b) if any, but not all, of the partners are insolvent, or, not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and, in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.

(5) An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contribution specified in subsection (4) of this section.

(6) Any partner or his or her legal representative shall have the right to enforce the contributions specified in subsection (4) of this section, to the extent of the amount which he or she has paid in excess of his or her share of the liability.

(7) The individual property of a deceased partner shall be liable for the contributions specified in subsection (4) of this section.

(8) When partnership property and the individual properties of the partners are in possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

(9) Where a partner has become bankrupt or his or her estate is insolvent the claims against his or her separate property shall rank in the following order:

- (a) Those owing to separate creditors;
- (b) Those owing to partnership creditors;
- (c) Those owing to partners by way of contribution.

**NEW SECTION. Sec. 12.** Sections 1 through 11 of this act are each added to chapter 25.04 RCW and codified with the subchapter heading of "limited liability partnerships."

**Sec. 13.** RCW 25.15.005 and 1994 c 211 s 101 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Certificate of formation" means the certificate referred to in RCW 25.15.070, and the certificate as amended.

(2) "Event of dissociation" means an event that causes a person to cease to be a member as provided in RCW 25.15.130.

(3) "Foreign limited liability company" means an entity that is formed under:

(a) ~~((An unincorporated enterprise;~~  
(b) ~~Organized under the))~~ The limited liability company laws of ((a)) any state other than ((the laws of)) this state, or ((under the))

(b) The laws of any foreign country((;  
(c) ~~Organized))~~ that is: (A) An unincorporated association, (B) formed under a statute pursuant to which an ((enterprise)) association may be formed that affords to each of its members limited liability with respect to the liabilities of the entity((;)), and ((d) Is)) (C) not required, in order to transact business or conduct affairs in this state, to be registered or ((organized under any statute of this state other than this chapter)) qualified under Title 23B or 24 RCW, or any other chapter of the Revised Code of Washington authorizing the formation of a domestic entity and the registration or qualification in this state of similar entities formed under the laws of a jurisdiction other than this state.

(4) "Limited liability company" and "domestic limited liability company" means a limited liability company organized and existing under this chapter.

(5) "Limited liability company agreement" means any written agreement as to the affairs of a limited liability company and the conduct of its business which is binding upon all of the members.

(6) "Limited liability company interest" means a member's share of the profits and losses of a limited liability company and a member's right to receive distributions of the limited liability company's assets.

(7) "Manager" or "managers" means, with respect to a limited liability company that has set forth in its certificate of formation that it is to be managed by managers, the person, or persons designated in accordance with RCW 25.15.150(2).

(8) "Member" means a person who has been admitted to a limited liability company as a member as provided in RCW 25.15.115 and who has not been dissociated from the limited liability company.

(9) "Person" means a natural person, partnership (whether general or limited and whether domestic or foreign), limited liability company, foreign limited liability company, trust, estate, association, corporation, custodian, nominee, or any other individual or entity in its own or any representative capacity.

(10) "Professional limited liability company" means a limited liability company which is organized for the purpose of rendering professional service and whose certificate of formation sets forth that it is a professional limited liability company subject to RCW 25.15.045.

(11) "Professional service" means ~~((any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal~~

authorization, including, but not by way of limitation, certified public accountants, architects, veterinarians, attorneys at law, and health professions regulated under chapter 18.130 RCW)) the same as defined under RCW 18.100.030.

(12) "State" means the District of Columbia or the Commonwealth of Puerto Rico or any state, territory, possession, or other jurisdiction of the United States other than the state of Washington.

**Sec. 14.** RCW 25.15.045 and 1994 c 211 s 109 are each amended to read as follows:

(1) A person or group of persons licensed or otherwise legally authorized to render professional services within this state may organize and become a member or members of a professional limited liability company under the provisions of this chapter for the purposes of rendering professional service. A "professional limited liability company" is subject to all the provisions of chapter 18.100 RCW that apply to a professional corporation, and its managers, members, agents, and employees shall be subject to all the provisions of chapter 18.100 RCW that apply to the directors, officers, shareholders, agents, or employees of a professional corporation, except as provided otherwise in this section. Nothing in this section prohibits a person duly licensed or otherwise legally authorized to render professional services in any jurisdiction other than this state from becoming a member of a professional limited liability company organized for the purpose of rendering the same professional services. Nothing in this section prohibits a professional limited liability company from rendering professional services outside this state through individuals who are not duly licensed or otherwise legally authorized to render such professional services within this state. Notwithstanding RCW 18.100.065, persons engaged in a profession and otherwise meeting the requirements of this chapter may operate under this chapter as a professional limited liability company so long as each member personally engaged in the practice of the profession in this state is duly licensed or otherwise legally authorized to practice the profession in this state and:

(a) At least one manager of the company is duly licensed or otherwise legally authorized to practice the profession in this state; ~~((and))~~ or

(b) Each ~~((resident manager or))~~ member in charge of an office of the company in this state ~~((and each resident manager or member personally engaged in this state in the practice of the profession))~~ is duly licensed or otherwise legally authorized to practice the profession in this state.

(2) If the company's members are required to be licensed to practice such profession, and the company fails to maintain for itself and for its members practicing in this state a policy of professional liability insurance, bond, or other evidence of financial responsibility of a kind designated by rule by the state insurance commissioner and in the amount of at least one million dollars or such greater amount as the state insurance commissioner may establish by rule for a licensed profession or for any specialty within a profession, taking into account the nature and size of the business, then the company's members shall be personally liable to the extent that, had such insurance, bond, or other evidence of responsibility been maintained, it would have covered the liability in question.

(3) For purposes of applying the provisions of chapter 18.100 RCW to a professional limited liability company, the terms "director" or "officer" shall mean manager, "shareholder" shall mean member, "corporation" shall mean professional limited liability company, "articles of incorporation" shall mean certificate of formation, "shares" or "capital stock" shall mean a limited liability company interest, "incorporator" shall mean the person who executes the certificate of formation, and "bylaws" shall mean the limited liability company agreement.

(4) The name of a professional limited liability company must contain either the words "Professional Limited Liability Company," or the words "Professional Limited Liability" and the abbreviation "Co.," or the abbreviation "P.L.L.C." provided that the name of a professional limited liability company organized to render dental services shall contain the full names or surnames of all members and no other word than "chartered" or the words "professional services" or the abbreviation "P.L.L.C."

(5) Subject to the provisions in article VII of this chapter, the following may be a member of a professional limited liability company and may be the transferee of the interest of an ineligible person or deceased member of the professional limited liability company:

(a) A professional corporation, if its shareholders, directors, and its officers other than the secretary and the treasurer, are licensed or otherwise legally authorized to render the same specific professional services as the professional limited liability company; and

(b) Another professional limited liability company, if the managers and members of both professional limited liability companies are licensed or otherwise legally authorized to render the same specific professional services.

**Sec. 15.** RCW 25.15.060 and 1994 c 211 s 112 are each amended to read as follows:

Members of a limited liability company shall be personally liable for any act, debt, obligation, or liability of the limited liability company to the extent that shareholders of a Washington business corporation would be liable in analogous circumstances. In this regard, the court may consider the factors and policies set forth in established case law with regard to piercing the corporate veil, except that the failure to hold meetings of members or managers or the failure to observe formalities pertaining to the calling or conduct of meetings shall not be considered a factor tending to establish that the members have personal liability for any act, debt, obligation, or liability of the limited liability company if the certificate of formation and limited liability company agreement do not expressly require the holding of meetings of members or managers.

**Sec. 16.** RCW 25.15.085 and 1994 c 211 s 204 are each amended to read as follows:

(1) Each document required by this chapter to be filed in the office of the secretary of state shall be executed in the following manner:

(a) Each original certificate of formation must be signed by the person or persons forming the limited liability company;

(b) A reservation of name may be signed by any person;

(c) A transfer of reservation of name must be signed by, or on behalf of, the applicant for the reserved name;

(d) A registration of name must be signed by any member or manager of the foreign limited liability company;

(e) A certificate of amendment or restatement must be signed by at least one manager, or by a member if management of the limited liability company is reserved to the members;

(f) A certificate of cancellation must be signed by the person or persons authorized to wind up the limited liability company's affairs pursuant to RCW 25.15.295(1);

(g) If a surviving domestic limited liability company is filing articles of merger, the articles of merger must be signed by at least one manager, or by a member if management of the limited liability company is reserved to the members, or if the articles of merger are being filed by a surviving foreign limited liability company, limited partnership, or corporation, the articles of merger must be signed by a person authorized by such foreign limited liability company, limited partnership, or corporation; and

(h) A foreign limited liability company's application for registration as a foreign limited liability company doing business within the state must be signed by any member or manager of the foreign limited liability company.

(2) Any person may sign a certificate, articles of merger, ~~((or))~~ limited liability company agreement, or other document by an attorney-in-fact or other person acting in a valid representative capacity, so long as each document signed in such manner identifies the capacity in which the signator signed.

(3) The person executing the document shall sign it and state beneath or opposite the signature the name of the person and capacity in which the person signs. The document must be typewritten or printed, and must meet such legibility or other standards as may be prescribed by the secretary of state.

(4) The execution of a certificate or articles of merger by any person constitutes an affirmation under the penalties of perjury that the facts stated therein are true.

**Sec. 17.** RCW 25.15.130 and 1994 c 211 s 304 are each amended to read as follows:

(1) A person ceases to be a member of a limited liability company upon the occurrence of one or more of the following events:

(a) The member dies or withdraws by voluntary act from the limited liability company as provided in subsection (3) of this section;

(b) The member ceases to be a member as provided in RCW 25.15.250(2)(b) following an assignment of all the member's limited liability company interest;

(c) The member is removed as a member in accordance with the limited liability company agreement;

(d) Unless otherwise provided in the limited liability company agreement, or with the written consent of all other members at the time, the member (i) makes a general assignment for the benefit of creditors; (ii) files a voluntary petition in bankruptcy; (iii) becomes the subject of an order for relief in bankruptcy proceedings; (iv) files a petition or answer seeking for himself or herself any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation; (v) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him or her in any proceeding of the nature described in (d) (i) through (iv) of this subsection; or (vi) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the member or of all or any substantial part of the member's properties;

(e) Unless otherwise provided in the limited liability company agreement, or with the consent of all other members at the time, one hundred twenty days after the commencement of any proceeding against the member seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation, the proceeding has not been dismissed, or if within ninety days after the appointment without his or her consent or acquiescence of a trustee, receiver, or liquidator of the member or of all or any substantial part of the member's properties, the appointment is not vacated or stayed, or within ninety days after the expiration of any stay, the appointment is not vacated;

(f) Unless otherwise provided in the limited liability company agreement, or with written consent of all other members at the time, in the case of a member who is an individual, the entry of an order by a court of competent jurisdiction adjudicating the member (~~(incompetent to manage his or her person or estate)~~) incapacitated, as used and defined under chapter 11.88 RCW, as to his or her estate;

(g) Unless otherwise provided in the limited liability company agreement, or with written consent of all other members at the time, in the case of a member that is another limited liability company, the dissolution and commencement of winding up of such limited liability company;

(h) Unless otherwise provided in the limited liability company agreement, or with written consent of all other members at the time, in the case of a member that is a corporation, the filing of articles of dissolution or the equivalent for the corporation or the administrative dissolution of the corporation and the lapse of any period authorized for application for reinstatement; or

(i) Unless otherwise provided in the limited liability company agreement, or with written consent of all other members at the time, in the case of a member that is a limited partnership, the dissolution and commencement of winding up of such limited partnership.

(2) The limited liability company agreement may provide for other events the occurrence of which result in a person ceasing to be a member of the limited liability company.

(3) (~~Unless otherwise provided in the limited liability company agreement,~~) A member may withdraw from a limited liability company at ((any time by giving thirty days' written notice to the other members)) the time or upon the happening of events specified in and in accordance with the limited liability company agreement. If the limited liability company agreement does not specify the time or the events upon the happening of which a member may withdraw, a member may not withdraw prior to the time for the dissolution and commencement of winding up of the limited liability company, without the written consent of all other members at the time.

**Sec. 18.** RCW 25.15.220 and 1994 c 211 s 602 are each amended to read as follows:

Unless otherwise provided in the limited liability company agreement, upon the occurrence of an event of dissociation under RCW 25.15.130 which does not cause dissolution (other than an event of dissociation specified in RCW 25.15.130((2)) (1)(b) where the dissociating member's assignee is admitted as a member), a dissociating member (or the member's assignee) is entitled to receive any distribution to which ((the member (or assignee) is entitled under the limited liability company agreement and, if not otherwise provided in a limited liability company agreement, the member (or the member's assignee) is entitled to receive, within a reasonable time after dissociation, the fair value of the member's limited liability company interest as of the date of the dissociation based upon the member's right to share in distributions from the limited liability company)) an assignee would be entitled.

**Sec. 19.** RCW 25.15.250 and 1994 c 211 s 702 are each amended to read as follows:

(1) A limited liability company interest is assignable in whole or in part except as provided in a limited liability company agreement. The assignee of a member's limited liability company interest

shall have no right to participate in the management of the business and affairs of a limited liability company except:

(a) Upon the approval of all of the members of the limited liability company other than the member assigning his or her limited liability company interest; or

(b) As provided in a limited liability company agreement.

(2) Unless otherwise provided in a limited liability company agreement:

(a) An assignment entitles the assignee to share in such profits and losses, to receive such distributions, and to receive such allocation of income, gain, loss, deduction, or credit or similar item to which the assignor was entitled, to the extent assigned; and

(b) A member ceases to be a member and to have the power to exercise any rights or powers of a member upon assignment of all of his or her limited liability company interest.

(3) For the purposes of this chapter, unless otherwise provided in a limited liability company agreement:

(a) The pledge of, or granting of a security interest, lien, or other encumbrance in or against, any or all of the limited liability company interest of a member shall not be deemed to be an assignment of the member's limited liability company interest, but a foreclosure or execution sale or exercise of similar rights with respect to all of a member's limited liability company interest shall be deemed to be an assignment of the member's limited liability company interest to the transferee pursuant to such foreclosure or execution sale or exercise of similar rights;

~~(b) ((The death of a member who is an individual shall be deemed to be an assignment of that member's entire limited liability company interest to his or her personal representative;~~

~~(c))~~ Where a limited liability company interest is held in a trust or estate, or is held by a trustee, personal representative, or other fiduciary, the transfer of the limited liability company interest, whether to a beneficiary of the trust or estate or otherwise, shall be deemed to be an assignment of such limited liability company interest, but the mere substitution or replacement of the trustee, personal representative, or other fiduciary shall not constitute an assignment of any portion of such limited liability company interest.

(4) Unless otherwise provided in a limited liability company agreement and except to the extent assumed by agreement, until an assignee of a limited liability company interest becomes a member, the assignee shall have no liability as a member solely as a result of the assignment.

**Sec. 20.** RCW 25.15.280 and 1994 c 211 s 803 are each amended to read as follows:

The secretary of state may commence a proceeding under RCW 25.15.285 to administratively dissolve a limited liability company if:

(1) The limited liability company does not pay any license fees or penalties, imposed by this chapter, when they become due;

(2) The limited liability company does not deliver its completed initial report or annual report to the secretary of state when it is due;

(3) The limited liability company is without a registered agent or registered office in this state for sixty days or more; or

~~((2))~~ (4) The limited liability company does not notify the secretary of state within sixty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.

**Sec. 21.** RCW 25.15.310 and 1994 c 211 s 901 are each amended to read as follows:

(1) Subject to the Constitution of the state of Washington:

(a) The laws of the state, territory, possession, or other jurisdiction or country under which a foreign limited liability company is organized govern its organization and internal affairs and the liability of its members and managers; and

(b) A foreign limited liability company may not be denied registration by reason of any difference between those laws and the laws of this state.

(2) A foreign limited liability company is subject to RCW 25.15.030 and, notwithstanding subsection (1)(a) of this section, a foreign limited liability company rendering professional services in this state is also subject to RCW 25.15.045(2).

(3) A foreign limited liability company and its members and managers doing business in this state thereby submit to personal jurisdiction of the courts of this state and are subject to RCW 25.15.125.



**Sec. 22.** RCW 24.06.045 and 1994 c 211 s 1307 are each amended to read as follows:

The corporate name:

(1) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

(2) Shall not be the same as, or deceptively similar to, the name of any corporation existing under any act of this state, or any foreign corporation authorized to transact business or conduct affairs in this state under any act of this state, or the name of any limited liability (~~corporation~~) company organized or authorized to transact business under any act of this state, the name of a domestic or foreign limited partnership on file with the secretary, or a corporate name reserved or registered as permitted by the laws of this state. This subsection shall not apply if the applicant files with the secretary of state either of the following: (a) The written consent of the other corporation, limited liability company, limited partnership, or holder of a reserved name to use the same or deceptively similar name and one or more words are added or deleted to make the name distinguishable from the other name as determined by the secretary of state, or (b) a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of the name in this state.

(3) Shall be transliterated into letters of the English alphabet if it is not in English.

(4) The name of any corporation formed under this section shall not include nor end with "incorporated", "company", or "corporation" or any abbreviation thereof, but may use "club", "league", "association", "services", "committee", "fund", "society", "foundation", ". . . . ., a nonprofit mutual corporation", or any name of like import.

**NEW SECTION. Sec. 23.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "partnerships;" strike the remainder of the title and insert "amending RCW 25.15.005, 25.15.045, 25.15.060, 25.15.085, 25.15.130, 25.15.220, 25.15.250, 25.15.280, 25.15.310, and 24.06.045; adding new sections to chapter 25.04 RCW; providing an effective date; and declaring an emergency."

Representative Sheahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5374 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5374 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Benton, Delvin, Foreman and Patterson - 4.

Substitute Senate Bill No. 5374, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5516 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House grant the Senate request for a conference on Substitute Senate Bill No. 5516. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Lisk, Elliot and Romero as Conferees on Substitute Senate Bill No. 5516.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5544 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Crouse moved that the House insists on its position regarding the House amendments to Senate Bill No. 5544 and ask the Senate to concur.

Representative Crouse spoke in favor of the motion and it was carried.

MESSAGE FROM THE SENATE

April 18, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5567 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Reams moved that the insists on its position regarding the House amendments to Substitute Senate Bill No. 5567 and ask the Senate for a conference thereon. The motion was carried.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Mulliken, D. Schmidt and Chopp as Conferees on Substitute Senate Bill No. 5567.

There being no objection, the House deferred consideration of Engrossed Substitute Senate Bill No. 5607 and the bill held it's place on today's calendar.

#### MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5632 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Chandler moved that the House recede from it's position and pass Engrossed Second Substitute Senate Bill No. 5632 without the House amendments. The motion was carried.

Representatives Rust and Mastin spoke against passage of the bill.

Representative Johnson spoke in favor of passage of the bill.

#### FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5632 without the House amendments.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5632 without the House amendments, and the bill passed the House by the following vote: Yeas - 67, Nays - 27, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Dyer, Elliot, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,

Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 67.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Mastin, Ogden, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Excused: Representatives Benton, Delvin, Foreman and Patterson - 4.

Engrossed Second Substitute Senate Bill No. 5632, without the House amendments, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5653 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Cooke moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5653 and ask the Senate for a conference thereon.

Representative Cooke spoke in favor of the motion and it was carried.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cooke, Boldt and Tokuda as Conferees on Substitute Senate Bill No. 5653.

#### MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5655 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative K. Schmidt moved that the House insists on its position regarding the House amendments to Senate Bill No. 5655 and again ask the Senate to concur therein. The motion was carried.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5676 and the bill held its place on today's calendar.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5677 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House insists on its position regarding the House amendments to Senate Bill No. 5677 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Horn, Hargrove and Cody as Conferees on Senate Bill No. 5677.

There being no objection, the House deferred consideration of Engrossed Substitute Senate Bill No. 5648 and Substitute Senate Bill No. 5739 and the bills held their place on today's calendar.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5770 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House grant the request for a conference on Engrossed Senate Bill No. 5770. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Lisk, Thompson and Romero as Conferees on Engrossed Senate Bill No. 5770.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5795 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Reams moved that the House recede from its position and pass Substitute Senate Bill No. 5795 without the House amendments.

Representatives Rust and Sommers spoke against the motion.

Representative Campbell spoke in favor of the motion and it was carried.

#### MOTION

On motion of Representative Brown, Representatives Dellwo and Tokuda were excused.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5795 without the House amendments.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5795 without the House amendments, and the bill passed the House by the following vote: Yeas - 62, Nays - 31, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Poulsen, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 62.

Voting nay: Representatives Appelwick, Basich, Brown, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Morris, Ogden, Quall, Regala, Robertson, Romero, Rust, Scott, Sehlin, Sommers, Thibaudeau, Valle, Voloria and Wolfe - 31.

Excused: Representatives Benton, Dellwo, Delvin, Patterson and Tokuda - 5.

Substitute Senate Bill No. 5795, without the House amendments, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5854 and asks the House for a conference thereon.

and the same is herewith transmitted.

Marty Brown, Secretary

## MOTION

Representative Backlund moved that the House grant the request for a conference on Substitute Senate Bill No. 5854. The motion was carried.

## APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Backlund, Hymes and Kessler as Conferees on Substitute Senate Bill No. 5854.

## MESSAGES FROM THE SENATE

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on SENATE BILL NO. 5434. The President has appointed the following members as Conferees:

Senators Prentice, Hale and Fraser

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010. The President has appointed the following members as Conferees:

Senators Hargrove, Long and Franklin

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1173. The President has appointed the following members as Conferees:

Senators Hargrove, Long and Fairley

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941. The President has appointed the following members as Conferees:

Senators McAuliffe, Johnson and Pelz

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The President has appointed the following members as Conferees on ENGROSSED SENATE BILL NO. 5011:

Senators Owen, Strannigan and Drew

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The President has appointed the following members as conferees on ENGROSSED SENATE BILL NO. 5770:

Senators Pelz, Newhouse and Sheldon

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The Senate has passed:  
and the same is herewith transmitted.

SENATE INITIATIVE NO. 159,

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The Senate has passed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5880,  
and the same are herewith transmitted.

SUBSTITUTE SENATE BILL NO. 5118,



Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1017,  
SECOND SUBSTITUTE HOUSE BILL NO. 1027,  
SUBSTITUTE HOUSE BILL NO. 1047,  
HOUSE BILL NO. 1060,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080,  
HOUSE BILL NO. 1136,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1156,  
HOUSE BILL NO. 1176,  
HOUSE BILL NO. 1186,  
HOUSE BILL NO. 1425,  
SUBSTITUTE HOUSE BILL NO. 1429,

and the same are herewith transmitted.

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5089,  
SENATE BILL NO. 5120,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5219,  
SENATE BILL NO. 5292,  
SUBSTITUTE SENATE BILL NO. 5326,  
SUBSTITUTE SENATE BILL NO. 5333,  
SECOND SUBSTITUTE SENATE BILL NO. 5387,  
SUBSTITUTE SENATE BILL NO. 5406,  
SUBSTITUTE SENATE BILL NO. 5421,  
SUBSTITUTE SENATE BILL NO. 5443,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5592,  
ENGROSSED SENATE BILL NO. 5610,  
ENGROSSED SENATE BILL NO. 5613,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5629,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5633,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5662,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5685,  
SENATE BILL NO. 5718,  
SUBSTITUTE SENATE BILL NO. 5724,  
SUBSTITUTE SENATE BILL NO. 5742,  
SENATE BILL NO. 5748,  
SUBSTITUTE SENATE BILL NO. 5751,  
SENATE BILL NO. 5898,  
SENATE BILL NO. 5931,  
SENATE BILL NO. 5956,  
ENGROSSED SENATE BILL NO. 5962,  
SUBSTITUTE SENATE BILL NO. 5977,

ENGROSSED SENATE BILL NO. 5998,  
ENGROSSED SENATE BILL NO. 6037,  
ENGROSSED SENATE BILL NO. 6045,

SENATE JOINT MEMORIAL NO. 8014,  
and the same are herewith transmitted.

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5799,  
SUBSTITUTE SENATE BILL NO. 5905,

and the same are herewith transmitted.

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1140 and passed the bill without said amendments.

and the same is herewith transmitted.

Marty Brown, Secretary

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5873 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Sheahan moved that the House grant the request for a conference on Engrossed Senate Bill No. 5873.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Sheahan, Hickel and Costa as Conferees on Engrossed Senate Bill No. 5873.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5885 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Cooke moved that the House grant the request for a conference on Engrossed Substitute Senate Bill No. 5885.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cooke, Lambert and Tokuda as Conferees on Engrossed Substitute Senate Bill No. 5885.

#### MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 6004 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Goldsmith moved that the House recede from its position and pass Senate Bill No. 6004 without the House amendments. The motion was carried.

The Speaker stated the question before the House to be final passage of Senate Bill No. 6004 without the House amendments.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6004 without the House amendments, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Dellwo, Delvin, Patterson and Tokuda - 5.

Senate Bill No. 6004, without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5607 and asks the House for a conference thereon.

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Goldsmith moved that the House insists on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 5607 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Hargrove, Ogden and Backlund as Conferees on Engrossed Substitute Senate Bill No. 5607.

MESSAGES FROM THE SENATE

April 20, 1995

Mr. Speaker:

The President has appointed the following members as Conferees to SUBSTITUTE SENATE BILL NO. 5854:

Senators Haugen, Moyer and Fairley

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The President has appointed the following members as Conferees to ENGROSSED SUBSTITUTE SENATE BILL NO. 5885:

Senators Hargrove, Long and Prentice

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The President has appointed the following members as Conferees on ENGROSSED SUBSTITUTE SENATE BILL NO. 5607:

Senators Rinehart, West and Loveland

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1088,  
SUBSTITUTE HOUSE BILL NO. 1110,  
SUBSTITUTE HOUSE BILL NO. 1123,  
SUBSTITUTE HOUSE BILL NO. 1195,  
SUBSTITUTE HOUSE BILL NO. 1350,  
SUBSTITUTE HOUSE BILL NO. 1430,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431,  
SUBSTITUTE HOUSE BILL NO. 1434,  
SUBSTITUTE HOUSE BILL NO. 1517,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1527,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1557,  
HOUSE BILL NO. 1583,  
SUBSTITUTE HOUSE BILL NO. 1610,  
SUBSTITUTE HOUSE BILL NO. 1632,  
SUBSTITUTE HOUSE BILL NO. 1660,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679,  
SUBSTITUTE HOUSE BILL NO. 1680,  
SUBSTITUTE HOUSE BILL NO. 1692,  
HOUSE BILL NO. 1858,  
HOUSE BILL NO. 1879,  
SUBSTITUTE HOUSE BILL NO. 2067,  
SUBSTITUTE SENATE BILL NO. 5089,  
SENATE BILL NO. 5120,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5219,  
SENATE BILL NO. 5292,  
SUBSTITUTE SENATE BILL NO. 5326,  
SUBSTITUTE SENATE BILL NO. 5333,  
SECOND SUBSTITUTE SENATE BILL NO. 5387,  
SUBSTITUTE SENATE BILL NO. 5406,  
SUBSTITUTE SENATE BILL NO. 5421,  
SUBSTITUTE SENATE BILL NO. 5443,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5592,  
ENGROSSED SENATE BILL NO. 5610,  
ENGROSSED SENATE BILL NO. 5613,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5629,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5633,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5662,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5685,  
SENATE BILL NO. 5718,  
SUBSTITUTE SENATE BILL NO. 5724,  
SUBSTITUTE SENATE BILL NO. 5742,

SENATE BILL NO. 5748,  
SUBSTITUTE SENATE BILL NO. 5751,  
SUBSTITUTE SENATE BILL NO. 5799,  
SENATE BILL NO. 5898,  
SUBSTITUTE SENATE BILL NO. 5905,  
SENATE BILL NO. 5931,  
SENATE BILL NO. 5956,  
ENGROSSED SENATE BILL NO. 5962,  
SUBSTITUTE SENATE BILL NO. 5977,  
ENGROSSED SENATE BILL NO. 5998,  
ENGROSSED SENATE BILL NO. 6037,  
ENGROSSED SENATE BILL NO. 6045,  
SENATE JOINT MEMORIAL NO. 8014,

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Friday, April 21, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

ONE HUNDRED-SECOND DAY, APRIL 20, 1995

JOURNAL OF THE HOUSE

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**ONE HUNDRED-THIRD DAY**

—————  
MORNING SESSION  
—————

House Chamber, Olympia, Friday, April 21, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mary Hammond and Alisa Blomstrand. Prayer was offered by Pastor Bruce Sanders of the Capitol Vision Christian Church of Olympia.

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

RESOLUTION

HOUSE RESOLUTION NO. 95-4686, by Representatives Thibaudeau and Chopp

WHEREAS, On March 16, 1995, ten-year-old Quintin Griffin, with little thought for his own safety, dashed into a Seattle street to rescue a toddler from oncoming traffic; and

WHEREAS, Quintin's quick-thinking and selfless act is solely responsible for saving the life of Ronnie White; and

WHEREAS, Quintin's heroic act occurred on his first day of training for the Lowell School Safety Patrol; and

WHEREAS, Quintin's deed earned him not only an award from the school, but also a gold medal, a fifty-dollar check, and a framed certificate praising his action from the Seattle Police Department and the American Automobile Association; and

WHEREAS, The American Automobile Association also plans to nominate Quintin for the 1996 Washington School Safety Patrol Hall of Fame; and

WHEREAS, Quintin also will be nominated to receive the President's Award, one of the highest awards offered for acts of bravery and heroism; and

WHEREAS, Quintin is also active in the Northwest Boys Choir and the St. Louis Stars, a Little League baseball team; and

WHEREAS, Quintin exemplifies the compassionate, modest, generous, and courageous person we all aspire to be;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Quintin Griffin for his brave and selfless action and encourage all state residents to be aware of the unsung, daily contributions of the school safety patrol program; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. Quintin Griffin.

Representative Thibaudeau moved adoption of the resolution.

Representatives Thibaudeau, Cole and Tokuda spoke in favor of the resolution.

House Resolution No. 4686 was adopted.

#### MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The President has signed:

SENATE INITIATIVE 159,  
and the same is herewith transmitted.

Marty Brown, Secretary

There being no objection, the House resumed consideration of House Bill No. 1725.

#### SPEAKER'S RULING

Representative Brumsickle, the Speaker (Representative Horn presiding) is prepared to Rule on your Point of Order which challenges the Senate amendment to House Bill No. 1725 as being beyond the Scope and Object of the bill.

The title of House Bill No. 1725 is "AN ACT Relating to housing authorities.

The title is very broad. The bill amends RCW 35.82.040 and 35.82.130.

The bill provides that housing authority commissioners may also be public employees under certain circumstances in counties where total government employment exceeds a percentage of total employment, and repeals a requirement that pledges to secure housing authority bonds be filed or recorded.

Senate amendment 304 would allow local governing authorities to designate public housing projects as drug-free zones, and provide that certain drug offenses committed in such zones may be punished up to twice the otherwise applicable maximum penalty.

The object of the bill is to change the requirements for persons to serve as housing commissioners, and to remove a filing requirement for certain pledges.

Senate amendment 304 would authorize creation of certain drug-free zones and allow enhanced penalties to be imposed on persons who commit certain offenses within those zones.

The amendment goes beyond the object of House Bill No. 1725.

The Speaker (Representative Horn presiding) finds that the Senate amendment is beyond the scope and object of the bill.

Representative Brumsickle, Your Point of Order is well taken.

#### MOTION

Representative Brumsickle moved that the House not concur in the Senate amendments to House Bill No. 1725 and ask the Senate to recede therefrom.

Representative Brumsickle spoke in favor of the motion. The motion was carried.

#### MOTION

On motion of Representative Talcott, Representative Dyer was excused.

#### SENATE AMENDMENTS TO HOUSE BILL



April 12, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.46.010 and 1993 c 370 s 1 are each amended to read as follows:

The legislature finds and declares:

It is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system.

The ability of the state to provide an efficient transportation system will be enhanced by a public-private sector program providing for private entities to undertake all or a portion of the study, planning, design, development, financing, acquisition, installation, construction or improvement, operation, and maintenance of transportation systems and facility projects.

A public-private initiatives program will provide benefits to both the public and private sectors. Public-private initiatives provide a sound economic investment opportunity for the private sector. Such initiatives will provide the state with increased access to property development and project opportunities, financial and development expertise, and will supplement state transportation revenues, allowing the state to use its limited resources for other needed projects.

The public-private initiatives program, to the fullest extent possible, should encourage and promote business and employment opportunities for Washington state citizens.

The public-private initiatives program should be implemented in cooperation and consultation with affected local jurisdictions.

The secretary of transportation should be permitted and encouraged to test the feasibility of building privately funded transportation systems and facilities or segments thereof through the use of innovative agreements with the private sector. The secretary of transportation should be vested with the authority to solicit, evaluate, negotiate, and administer public-private agreements with the private sector relating to the planning, construction, upgrading, or reconstruction of transportation systems and facilities.

Agreements negotiated under a public-private initiatives program will not bestow on private entities an immediate right to construct and operate the proposed transportation facilities. Rather, agreements will grant to private entities the opportunity to design the proposed facilities, demonstrate public support for proposed facilities, and complete the planning processes required in order to obtain a future decision by the department of transportation and other state and local lead agencies on whether the facilities should be permitted and built.

The legislature finds that in the case of Highway 522, selected under this chapter, public support has not been demonstrated and therefore the secretary shall not proceed. Among the demonstrations of nonsupport for inclusion of Highway 522 are:

(1) Over sixteen thousand citizens have signed petitions in opposition to the toll project;

(2) The majority of city council members in Monroe, Duvall, and Index have made public statements opposing the toll project, and that the Woodinville chamber of commerce has officially opposed the toll project;

(3) No city council or chamber of commerce in the area has favored the toll project;

(4) Of the five hundred individuals who attended the public information hearings on the toll proposal, four hundred fifty-eight signed a petition requesting that the proposal be rejected;

(5) Businesses in Monroe, Woodinville, Duvall, Snohomish, Sultan, Startup, Gold Bar, Index, Skykomish, and Stevens Pass are extremely dependent on Highway 522 for commerce, that due to the rural nature of these areas no alternative for commerce exists, and that a toll on Highway 522 would severely inhibit their ability to stay in business; and

(6) In an informal poll of residents who currently use Highway 522 to shop, eighty-one and one-half percent of the respondents claimed they would be unlikely to continue shopping at these stores if a toll were imposed.

Agreements negotiated under the public-private initiative's program should establish the conditions under which the private developer may secure the approval necessary to develop and operate

the proposed transportation facilities; create a framework to attract the private capital necessary to finance their development; and ensure that the transportation facilities will be designed, constructed, and operated in accordance with applicable local, regional, state, and federal laws and the applicable standards and policies of the department of transportation.

The department of transportation should be encouraged to take advantage of new opportunities provided by federal legislation under section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That section establishes a new program authorizing federal participation in construction or improvement or improvement of publicly or privately owned toll roads, bridges, and tunnels, and allows states to leverage available federal funds as a means for attracting private sector capital.

**Sec. 2.** RCW 47.46.030 and 1993 c 370 s 3 are each amended to read as follows:

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of financing.

The public-private initiative program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project. The commission shall approve each of the selected projects.

~~((Proposals and demonstration projects may be selected by the public and private sectors at their discretion.))~~

(2) A state transportation system or facility selected as a demonstration project under this chapter, that is designated by the commission as a prioritized improvement project under the comprehensive six-year investment program set forth in RCW 47.05.051, shall not be reprioritized as a result of its selection as a demonstration project. As state funds become available, the funds must be used toward the capital costs of the demonstration project, or in the case of a project developed in phases, for the phase or segment. If no state funding is required to finance the demonstration project, state funds that become available for such project under RCW 47.05.051 instead must be used (a) to reduce the rate of tolls or user fees imposed on the demonstration project, or (b) for improvements on alternative state or local nontoll routes that provide a reasonable, free, and convenient access alternative to the demonstration project.

(3) Projects selected prior to and after September 1, 1994, must comply with the requirements of subsections (4) through (9) of this section.

(4) No projects selected or agreements entered into under this chapter take effect until the department conducts a comprehensive analysis of traffic patterns and economic impact to determine and define the geographical boundary of the area of the project that is most affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department in consultation with the legislative transportation committee shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of and impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) anticipated traffic diversion patterns; and (c) potential economic impact resulting from proposed toll rates or user fee rates imposed on residents of and commercial traffic and commercial entities in communities in the vicinity of and impacted by the project. The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project.

(5) After a determination and definition by the department of the affected project area, the department shall conduct a minimum thirty-day public comment period. Within fifteen days following the public comment period, the legislative transportation committee may conduct a hearing on the defined affected project area. The department may make adjustments to the definition of the geographical boundary of the affected project area, based on comments received from the public and a hearing by the legislative transportation committee. Within thirty days after the public comment period, the department shall establish the boundaries of the affected project area in units no smaller than a precinct as defined by RCW 29.01.120.

(6) The department shall establish a process that provides for public involvement in decision making with respect to the affected project area. In carrying out the public involvement process the department shall proactively seek public participation through a process appropriate to the

characteristics of the affected project area that assesses overall public support among users and residents of the affected project area. Such public involvement process shall provide opportunities for users and residents of the affected project area to comment upon key issues regarding the project including, but not limited to: (a) Alternative sizes and scopes; (b) design; (c) environmental assessment; (d) right of way and access plans; (e) traffic impacts; (f) tolling or user fee strategies and tolling or user fee ranges; (g) project cost; (h) construction impacts; (i) facility operation; and (j) any other salient characteristics.

(7) The results of the public involvement process shall be made available for public review and comment.

The department shall provide the legislative transportation committee with progress reports on the status of the public involvement process. The results of such public involvement process, including public comment, shall be forwarded to the legislative transportation committee for its review. Within forty-five calendar days of submission of such information, the legislative transportation committee shall conduct a public hearing regarding the results of the public involvement process. Taking into account the information submitted, the legislative transportation committee shall adopt a resolution making a recommendation to the secretary of the department of transportation regarding the appropriateness of the definition of the affected project area and the project description and characteristics.

(8) In response to the recommendation of the legislative transportation committee, the secretary, within two weeks after receipt of legislative transportation committee recommendation, shall transmit a copy of the map depicting the affected project area and the project description and characteristics to the county auditor of the county in which any portion of the affected project area is located.

(9) Upon receipt of the map and the project description and characteristics, the county auditor shall, within sixty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project and shall set a special election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees within the affected project area. The text of the project must appear in a voter's pamphlet for the affected project area. The department shall pay for the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days but, if authorized under RCW 29.13.020, no more than ninety days after receipt of the final map and project description and characteristics by the auditor. The department shall pay the costs of an election held under this section. A simple majority of those voting within the affected project area to authorize tolls or user fees within the project area is required for approval. If the vote is affirmative, the department is authorized to solicit proposals for replacement projects. If the vote is affirmative for a project selected prior to September 1, 1994, the department may enter into an agreement authorized under RCW 47.46.040 with a private entity.

(10) All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

(11) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

**Sec. 3.** RCW 47.46.040 and 1993 c 370 s 4 are each amended to read as follows:

Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

The department may exercise any power possessed by it to facilitate the development, construction, financing, operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects developed under ((the)) agreements ((may)) shall be entered into with ((any

~~qualified law enforcement agency, and shall provide for full reimbursement for services rendered by that agency))~~ the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred on other state highway facilities. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

**Sec. 4.** RCW 47.46.050 and 1993 c 370 s 5 are each amended to read as follows:

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEPA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to

the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of the private entity's capital outlay costs for the project, including interest expense, the costs associated with construction, operations, toll collection, maintenance and administration of the ~~((facility))~~ project, reimbursement to the state for all costs associated with an election as required under RCW 47.46.030, the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. ~~((The use of any excess toll revenues or user fees may be negotiated between the parties.~~

~~After expiration of the lease of a facility to a private entity, the secretary may continue to charge user fees or tolls for the use of the facility, with these revenues to be used for operations and maintenance of the facility, or to be paid to the local transportation planning agency, or any combination of such uses--))~~ A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under subsection (4) of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 47.05 RCW to read as follows:  
RCW 47.46.030(2) applies to this chapter."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 47.46.010, 47.46.030, 47.46.040, and 47.46.050; and adding a new section to chapter 47.05 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative K. Schmidt moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1317 and ask the Senate to recede therefrom.

Representative K. Schmidt spoke in favor of the motion and it was carried.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.16.010 and 1993 c 238 s 1 are each amended to read as follows:

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(2) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to ~~((three))~~ four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred. For fines levied under this subsection (b), an amount equal to the delinquent taxes and fees owed shall be deposited in the vehicle licensing fraud account created in the state treasury;

(c) The delinquent taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(3) These provisions shall not apply to farm ~~((vehicle[s]))~~ vehicles as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: PROVIDED FURTHER, That these provisions shall not apply to spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation: PROVIDED FURTHER, That these provisions shall not apply to fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to equipment defined as follows:

"Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(4) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

**Sec. 2.** RCW 46.16.160 and 1993 c 102 s 2 are each amended to read as follows:

(1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles. Trip permits may also be issued for movement of mobile homes pursuant to RCW 46.44.170. For the purpose of this section, a vehicle is considered unlicensed if the licensed gross weight currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried. Vehicles registered under RCW 46.16.135 shall not be operated under authority of trip permits in lieu of further registration within the same registration year.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for any one vehicle in any period of thirty consecutive days. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) ~~((Blank))~~ Trip permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. For each permit issued, there shall be collected a filing fee as provided by RCW 46.01.140, an administrative fee of eight dollars, and an excise tax of one dollar. If the filing fee amount of one dollar prescribed by RCW 46.01.140 is increased or decreased after January 1, 1981, the administrative fee shall be adjusted to compensate for such change to insure that the total amount collected for the filing fee, administrative fee, and excise tax remain at ten dollars. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) A violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

(9) All administrative fees and excise taxes collected under the provisions of this ~~((chapter))~~ section shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.

**Sec. 3.** RCW 47.68.255 and 1993 c 238 s 2 are each amended to read as follows:

A person who is required to register an aircraft under this chapter and who registers an aircraft in another state or foreign country evading the Washington aircraft excise tax is guilty of a gross misdemeanor. For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed shall be deposited and distributed in the manner provided under RCW 46.16.010(2).

**Sec. 4.** RCW 88.02.118 and 1993 c 238 s 4 are each amended to read as follows:

It is a gross misdemeanor punishable as provided under chapter 9A.20 RCW for any person owning a vessel subject to taxation under chapter 82.49 RCW to register a vessel in another state to avoid Washington state vessel excise tax required under chapter 82.49 RCW or to obtain a vessel dealer's registration for the purpose of evading excise tax on vessels under chapter 82.49 RCW. For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed shall be deposited in the manner provided under RCW 46.16.010(2).

**Sec. 5.** RCW 82.32.330 and 1991 c 330 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to RCW 82.32.410, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: PROVIDED, That data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by RCW 82.32.410, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency; and

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer.

(2) Returns and tax information shall be confidential and privileged, and except as authorized by this section, neither the department of revenue nor any officer, employee, agent, or representative thereof nor any other person may disclose any return or tax information.

(3) The foregoing, however, shall not prohibit the department of revenue or an officer, employee, agent, or representative thereof from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding:

(i) In respect of any tax imposed under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: PROVIDED, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires



confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or (~~failed to be~~) filed and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(f) Disclosing such return or tax information, for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(g) Permitting the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

(h) Disclosing any such return or tax information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure shall be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecuting attorney who receives such return or tax information may disclose that return or tax information only for use in the investigation and any related court proceeding, or in the court proceeding for which the return or tax information originally was sought;

(i) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state; or

~~((h))~~ (j) Disclosing any such return or tax information to the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, the Department of Defense, the United States customs service, the coast guard of the United States, and the United States department of transportation, or any authorized representative thereof, for official purposes;

~~((h))~~ (k) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410; or

~~((h))~~ (l) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, business address, mailing address, revenue tax registration numbers, standard industrial classification code of a taxpayer, and the dates of opening and closing of business.

(4) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of any return or tax information as provided under subsection (3) (f), (g), (h), ~~((f))~~ (i), or (j) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, shall ~~((upon conviction be punished by a fine not exceeding one thousand dollars and,))~~ be guilty of a misdemeanor. If the person found guilty of such violation is an officer or employee of the state, such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

**NEW SECTION. Sec. 6.** A new section is added to chapter 46.68 RCW to read as follows:

The vehicle licensing fraud account is created in the state treasury. All receipts from penalties and fines paid under RCW 46.16.010, 47.68.255, and 88.02.118 shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for vehicle license fraud enforcement and collections by the Washington state patrol and the department of revenue.

NEW SECTION. **Sec. 7.** This act takes effect January 1, 1996."

In line 1 of the title, after "crimes;" strike the remainder of the title and insert "amending RCW 46.16.010, 46.16.160, 47.68.255, 88.02.118, and 82.32.330; adding a new section to chapter 46.68 RCW; prescribing penalties; and providing an effective date."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative K. Schmidt moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1967 and ask the Senate to recede therefrom.

Representative K. Schmidt spoke in favor of the motion and it was carried.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

#### SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1995 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.14.022 and 1987 c 431 s 23 are each amended to read as follows:

(1) The taxes imposed in RCW 48.14.020 and 48.14.0201 do not apply to premiums and prepayments collected or received for policies of insurance issued under RCW 48.41.010 through 48.41.210.

(2) In computing tax due under RCW 48.14.020 and 48.14.0201, there may be deducted from taxable premiums and prepayments the amount of any assessment against the taxpayer under RCW 48.41.010 through 48.41.210. Any portion of the deduction allowed in this section which cannot be deducted in a tax year without reducing taxable premiums below zero may be carried forward and deducted in successive years until the deduction is exhausted.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "act;" strike the remainder of the title and insert "amending RCW 48.14.022; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Dyer moved that the House concur in the Senate amendments to Substitute House Bill No. 1995 and pass the bill as amended by the Senate.

Representative Dyer spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1995 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1995 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Chopp - 1.

Excused: Representative Benton - 1.

Substitute House Bill No. 1995, as amended by the Senate, having received the constitutional majority, was declared passed.

#### RESOLUTION

HOUSE RESOLUTION NO. 95-4666, by Representatives Ogden, Thibaudeau, Romero, Costa, Cody, Mitchell, Brown, Jacobsen, Basich, Dickerson, Carlson, Grant, Ebersole, Poulsen, G. Fisher, Cole, Hankins, Radcliff and Ballasiotes

WHEREAS, The National Foundation for Women Legislators, Inc. which serves as the educational arm of the National Order of Women Legislators, the oldest professional association for women legislators in the country, is coordinating state, regional, and national celebrations to commemorate the 100th Year of Women serving in a State Legislature; and

WHEREAS, Women state legislators were elected to serve before American women had the universal right to vote; and

WHEREAS, In January 1895, the first three women were sworn in to serve as state legislators; and

WHEREAS, The members of the House of Representatives recognizes the 100th Year of Women in State Legislature; and

WHEREAS, The House of Representatives proudly recognizes the women currently and formerly serving from across the state for their outstanding contributions and accomplishments as America's true "Timeless Pioneers"; and

WHEREAS, The celebration of this centennial will elevate public knowledge and awareness of women in state history; and

WHEREAS, These women have served diligently and enthusiastically and have devoted most of their lives to their communities and to our great state; and

WHEREAS, Their knowledge, expertise, and wise leadership are valuable tools to carry Washington into the twenty-first century; and

WHEREAS, The members of the House of Representatives, by this resolution, would like to congratulate and extend their sincerest appreciation to all women who have unselfishly served the Washington State Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the 100th Year Celebration of Women in State Legislatures and the many contributions women serving, or formerly serving, in various capacities in the Legislature in the State of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the National Foundation for Women Legislators, Inc.

Representative Ogden moved adoption of the resolution.

Representatives Ogden, Brown, Basich, Valle, Veloria, Skinner and Hankins spoke in favor of adoption of the resolution.

House Resolution No. 4666 was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: House Bill No. 1117, House Bill No. 1445, Second Substitute Senate Bill No. 5003, Substitute Senate Bill No. 5141, Substitute Senate Bill No. 5155 and Engrossed Substitute Senate Bill No. 5169.

#### SENATE AMENDMENTS TO HOUSE BILL

April 20, 1995

Mr. Speaker:

The Senate receded from its amendments (Committee on Human Services and Corrections amendment) to HOUSE BILL NO. 1117. Under suspension of the rules returned the bill to second reading and adopted the following amendments (FI Amd 414):

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 9.94.010 and 1955 c 241 s 1 are each amended to read as follows:

Whenever two or more inmates of a ~~((state penal))~~ correctional institution assemble for any purpose, and act in such a manner as to disturb the good order of ~~((such))~~ the institution and contrary to the commands of the officers of ~~((such))~~ the institution, by the use of force or violence, or the threat thereof, and whether acting in concert or not, they shall be guilty of prison riot.

**Sec. 2.** RCW 9.94.020 and 1992 c 7 s 19 are each amended to read as follows:

Every inmate of a ~~((state))~~ correctional ~~((facility))~~ institution who is guilty of prison riot or of voluntarily participating therein by being present at, or by instigating, aiding or abetting the same, shall be punished by imprisonment in a state correctional ~~((facility))~~ institution for not less than one year nor more than ten years, which shall be in addition to the sentence being served.

**Sec. 3.** RCW 9.94.030 and 1992 c 7 s 20 are each amended to read as follows:

Whenever any inmate of a ~~((state))~~ correctional ~~((facility))~~ institution shall hold, or participate in holding, any person as a hostage, by force or violence, or the threat thereof, or shall prevent, or participate in preventing an officer of such institution from carrying out his or her duties, by force or violence, or the threat thereof, he or she shall be guilty of a felony and upon conviction shall be punished by imprisonment in a state correctional ~~((facility))~~ institution for not less than one year nor more than ten years.

**Sec. 4.** RCW 9.94.040 and 1979 c 121 s 1 are each amended to read as follows:

(1) Every person serving a sentence in any (~~penal~~) state correctional institution (~~(of this state)~~) who, without legal authorization (~~(pursuant to law)~~), while in (~~such penal~~) the institution or while being conveyed to or from (~~such penal~~) the institution (~~(, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place)~~), or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a class B felony.

(2) Every person confined in a county or local correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or has under his or her control a deadly weapon, as defined in RCW 9A.04.110, is guilty of a class B felony.

(3) The sentence imposed under this section shall be in addition to any sentence being served.

**Sec. 5.** RCW 9.94.041 and 1979 c 121 s 2 are each amended to read as follows:

(1) Every person serving a sentence in any (~~penal~~) state correctional institution (~~(of this state)~~) who, without legal authorization, while in (~~such penal~~) the institution or while being conveyed to or from (~~such penal~~) the institution, (~~(or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place.)~~) or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any narcotic drug or controlled substance as defined in chapter 69.50 RCW is guilty of a class C felony.

(2) Every person confined in a county or local correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or has under his or her control any narcotic drug or controlled substance, as defined in chapter 69.50 RCW, is guilty of a class C felony.

(3) The sentence imposed under this section shall be in addition to any sentence being served.

**Sec. 6.** RCW 9.94.049 and 1992 c 7 s 21 are each amended to read as follows:

(1) For the purposes of this chapter, the term "correctional institution" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, and other facilities operated by the department of corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense.

(2) For the purposes of RCW 9.94.043 and 9.94.045, "state correctional institution" means all state correctional facilities under the supervision of the secretary of the department of corrections used solely for the purpose of confinement of convicted felons."

On page 1, line 1 of the title, after "institutions;" strike the remainder of the title and insert "and amending RCW 9.94.010, 9.94.020, 9.94.030, 9.94.040, 9.94.041, and 9.94.049."

and the same are herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative Lambert moved that the House concur in the Senate amendments to House Bill No. 1117 and pass the bill as amended by the Senate.

Representative Lambert spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1117 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1117 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Dickerson, Mason and Tokuda - 3.

Excused: Representative Benton - 1.

House Bill No. 1117, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1445 with the following amendments:

On page 1, line 16, after "organizations." insert "The department shall adopt standards that are at least equal to recognized applicable national standards pertaining to medical gas piping systems."

On page 2, after line 16, insert the following:

**"Sec. 2.** RCW 18.106.010 and 1983 c 124 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

- (1) "Advisory board" means the state advisory board of plumbers;
- (2) "Department" means the department of labor and industries;
- (3) "Director" means the director of department of labor and industries;
- (4) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;
- (5) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and medical vacuum systems;
- (6) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to installation, maintenance, and repair of the plumbing of single family dwellings, duplexes, and apartment buildings which do not exceed three stories;
- ~~((6))~~ (7) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems ~~((and))~~, liquid waste systems, and medical gas piping systems within a building: PROVIDED, That installation in a water system of water softening or water treatment equipment shall not be within the meaning of plumbing as used in this chapter."

Renumber the remaining sections, correct internal references, and correct the title.

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Silver moved that the House insists on its position regarding the Senate amendments to House Bill No. 1445 and ask the Senate for a conference thereon.

Representative Silver spoke in favor of the motion and it was carried.

#### MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5003 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Chandler moved that the House recede from its position and pass Second Substitute Senate Bill No. 5003 without the House amendments. The motion was carried.

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5003 without the House amendments.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5003 without the House amendments, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Sheldon - 1.

Excused: Representatives Benton and Quall - 2.

Second Substitute Senate Bill No. 5003, without the House amendments, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5141 and asks the House for a conference thereon. The President has appointed the following members as Conferees:

Senators Smith, Schow and Quigley

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Sheahan moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5141 and ask the Senate to again concur therein.

Representative Sheahan spoke in favor of the motion and it was carried.

#### MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5155, insists on its position and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Hymes moved that the House recede from its position and pass Substitute Senate Bill No. 5155 without the House amendments. The motion was carried.

Representative Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5155 without the House amendments.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5155 without the House amendments, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,



Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.  
Excused: Representatives Benton and Quall - 2.

Substitute Senate Bill No. 5155, without the House amendments, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5169, insists on its position regarding the House amendments and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Brumsickle moved that the rules be suspended and Engrossed Substitute Senate Bill No. 5169 be returned to second reading for the purpose of an amendment.

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

#### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5169, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Cantu, Pelz, Hochstatter, Drew, A. Anderson, Rasmussen and Kohl; by request of Joint Select Committee on Education Restructuring)

Changing education provisions.

The bill was read the second time.

Representative Brumsickle moved adoption of the following amendment by Representative Brumsickle:

On page 11, after line 9 of the amendment, insert the following:

"**Sec. 304.** RCW 28A.600.--- and 1995 c . . . (SSB 5440) s 2 are each amended to read as follows:

(1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, state school for the deaf, or state school for the blind may modify the expulsion of a student on a case-by-case basis.

(2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9.41.010.

(3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq.

(4) Nothing in this section prevents a public school district, educational service district, the state school for the deaf, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

(5) This section does not apply to:

(a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or

(c) Any student while participating in a rifle competition authorized by school authorities."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Brumsickle and Cole spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Brumsickle moved adoption of the following amendment by Representative Brumsickle:

On page 29, after line 18 of the amendment, insert the following:

"**Sec. 702.** RCW 28A.405.460 and 1991 c 116 s 15 are each amended to read as follows:

All certificated employees of school districts shall be allowed a reasonable lunch period of not less than thirty continuous minutes per day during the regular school lunch periods and during which they shall have no assigned duties: PROVIDED, That local districts may work out other arrangements with the consent of all affected parties."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Brumsickle and Cole spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5169 as amended by the House.

#### FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5169 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K.,

Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Goldsmith and Hargrove - 2.

Excused: Representatives Benton and Quall - 2.

Engrossed Substitute Senate Bill No. 5169, as amended by the House, having received the constitutional majority, was declared passed.

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

#### MESSAGES FROM THE SENATE

April 20, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5880,  
and the same is herewith transmitted.

SUBSTITUTE SENATE BILL NO. 5118,

Brad Hendrickson, Deputy Secretary

April 21, 1995

Mr. Speaker:

The President has appointed the following members as Conferees on SUBSTITUTE SENATE BILL NO. 5516:

Senators Owen, Newhouse and Bauer

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1995

Mr. Speaker:

The Senate granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5365. The President has appointed the following members as Conferees:

Senators Quigley, Deccio and Fairley

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1995

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1547 and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1995

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1560 and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1995

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1088,  
SUBSTITUTE HOUSE BILL NO. 1110,  
SUBSTITUTE HOUSE BILL NO. 1123,  
SUBSTITUTE HOUSE BILL NO. 1195,  
SUBSTITUTE HOUSE BILL NO. 1350,  
SUBSTITUTE HOUSE BILL NO. 1430,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431,  
SUBSTITUTE HOUSE BILL NO. 1434,  
SUBSTITUTE HOUSE BILL NO. 1517,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1527,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1557,  
HOUSE BILL NO. 1583,  
SUBSTITUTE HOUSE BILL NO. 1610,  
SUBSTITUTE HOUSE BILL NO. 1632,  
SUBSTITUTE HOUSE BILL NO. 1660,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679,  
SUBSTITUTE HOUSE BILL NO. 1680,  
SUBSTITUTE HOUSE BILL NO. 1692,  
HOUSE BILL NO. 1858,  
HOUSE BILL NO. 1879,  
SUBSTITUTE HOUSE BILL NO. 2067,

and the same are herewith transmitted.

Marty Brown, Secretary

April 21, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5118,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5880,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5632,  
SUBSTITUTE SENATE BILL NO. 5795,  
SENATE BILL NO. 6004,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5269 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Mielke moved that the House adhere to its position regarding the House amendments to Engrossed Senate Bill No. 5269. The motion was carried.

#### MESSAGE FROM THE SENATE

April 20, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448, and asks the House for a conference thereon. The President has appointed the following members as Conferees:

Senators Sutherland, Swecker and Fraser

and the same is herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative Chandler moved that the House insists on its position regarding the House amendments to Engrossed Second Substitute Senate Bill No. 5448 and ask the Senate for a conference thereon. The motion was carried.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Chandler, McMorris and Sheldon as Conferees on Engrossed Second Substitute Senate Bill No. 5448.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Sherstad, Backlund and Dellwo as Conferees on House Bill No. 1445.

#### MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5466 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

On motion of Representative Sheahan, the rules were suspended, and Engrossed Substitute Senate Bill No. 5466 was returned to second reading for the purpose of an amendment. The motion was carried.

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

#### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5466, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Oke, Heavey, Winsley and Franklin)

Protecting children from sexually explicit films, publications, and devices.

The bill was read the second time.

Representative McMahan moved adoption of the following amendment by Representative McMahan:

On page 2, line 25, after "that" strike "may be found to be"

On page 2, line 25, after "that" insert "is"

Representative McMahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McMahan spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Representative McMahan yielded to a question by Representative Chappell.

Representative Chappell: Representative McMahan, is Engrossed Substitute Senate Bill No. 5466 intended to apply to video programming distributed by franchised cable television operators who are precluded from exercising editorial control over programming content or delivery by federal law or as a result of binding court decision?

Representative McMahan: No it is not. In 1993 Congress enacted legislation authorizing franchised cable television operators to restrict indecent, obscene, or unlawful programming on public access channels. The federal court of appeals for the District of Columbia has subsequently stayed implementation of that legislation.

It is not intended that Engrossed Substitute Senate Bill No. 5466 be enforced against franchised cable television operators as a result of their compliance with either federal law or binding court decisions.

#### FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5466 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5466 as amended by the House, and the bill passed the House by the following vote: Yeas - 79, Nays - 17, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 79.

Voting nay: Representatives Brown, Chopp, Cody, Cole, Dellwo, Dickerson, Fisher, R., Hatfield, Mason, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Veloria and Wolfe - 17.

Excused: Representatives Benton and Quall - 2.

Engrossed Substitute Senate Bill No. 5466, as amended by the House, having received the constitutional majority, was declared passed.

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

#### MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5684 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

### MOTION

On motion of Representative Sheahan, the rules were suspended, and Engrossed Substitute Senate Bill No. 5684 was returned to second reading for the purpose of an amendment. The motion was carried.

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

### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5684, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Winsley, Gaspard, Oke, Wood and Hale; by request of Public Disclosure Commission)

Consolidating and revising public disclosure laws.

The bill was read the second time.

Representative Mielke moved adoption of the following amendment by Representative Appelwick:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.020 and 1992 c 139 s 1 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(3) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

~~((3))~~ (4) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(5) "Bona fide political party" means:

(a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter 29.24 RCW;

(b) The governing body of the state organization of a major political party, as defined in RCW 29.01.090, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(6) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

~~((4))~~ (7) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.



~~((5))~~ (8) "Candidate" means any individual who seeks nomination for election or election to public office. An individual ~~((shall be deemed to seek))~~ seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; ~~((or))~~

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy;

or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(9) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

~~((6))~~ (10) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

~~((7))~~ (11) "Commission" means the agency established under RCW 42.17.350.

~~((8))~~ (12) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((9))~~ (13) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

~~((10))~~ (14)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or ~~((transfer of))~~ anything of value, including personal and professional services for less than full consideration~~((, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. Volunteer services, for the purposes of this chapter, means services or labor for which the individual is not compensated by any person. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution));~~

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders

of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

~~((41))~~ (15) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

~~((42))~~ (16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

~~((43))~~ (17) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

~~((44))~~ (18) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.

(19) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

~~((45))~~ (20) "Final report" means the report described as a final report in RCW 42.17.080(2).

~~((46))~~ (21) "General election" means the election that results in the election of a person to a state office. It does not include a primary.

~~(22) "Gift," ((for the purposes of RCW 42.17.170 and 42.17.2415, means a rendering of anything of value in return for which reasonable consideration is not given and received and includes a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or reimbursements from or payments by persons (other than the federal government, or the state of Washington or any agency or political subdivision thereof) for travel or anything else of value. The term "reasonable consideration" refers to the approximate range of consideration that exists in transactions not involving donative intent. However, the value of the gift of partaking in a single hosted reception shall be determined by dividing the total amount of the cost of conducting the~~

reception by the total number of persons partaking in the reception. "Gift" for the purposes of RCW 42.17.170 and 42.17.2415 does not include:

(a) A gift, other than a gift of partaking in a hosted reception, with a value of fifty dollars or less;

(b) The gift of partaking in a hosted reception if the value of the gift is one hundred dollars or less;

(c) A contribution that is required to be reported under RCW 42.17.090 or 42.17.243;

(d) Informational material that is transferred for the purpose of informing the recipient about matters pertaining to official business of the governmental entity of which the recipient is an official or officer, and that is not intended to confer on that recipient any commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of any commercial, proprietary, financial, economic, or monetary disadvantage;

(e) A gift that is not used and that, within thirty days after receipt, is returned to the donor or delivered to a charitable organization. However, this exclusion from the definition does not apply if the recipient of the gift delivers the gift to a charitable organization and claims the delivery as a charitable contribution for tax purposes;

(f) A gift given under circumstances where it is clear beyond any doubt that the gift was not made as part of any design to gain or maintain influence in the governmental entity of which the recipient is an officer or official or with respect to any legislative matter or matters of that governmental entity; or

(g) A gift given prior to September 29, 1994)) is as defined in RCW 42.52.010.

((17)) (23) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household. For the purposes of RCW 42.17.640 through 42.17.790, "immediate family" means an individual's spouse, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse and the spouse of any such person.

(24) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

(25)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family as defined for purposes of RCW 42.17.640 through 42.17.790, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

((18)) (26) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((19))~~ (27) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((20))~~ (28) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((21))~~ (29) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((22))~~ (30) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((23))~~ (31) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

~~((24))~~ (32) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

~~((25))~~ (33) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((26))~~ (34) "Primary" means the procedure for nominating a candidate to state office under chapter 29.18 or 29.21 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29.18 or 29.21 RCW.

(35) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((27))~~ (36) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

~~((28))~~ (37) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29.82.015 and ending thirty days after the recall election.

(38) "State legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

(39) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(40) "State official" means a person who holds a state office.

(41) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

~~((29))~~ (42) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

**Sec. 2.** RCW 42.17.080 and 1989 c 280 s 8 are each amended to read as follows:

(1) On the day the treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, in addition to any statement of organization required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the treasurer resides, a report containing the information required by RCW 42.17.090:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, each Friday the treasurer shall file with the commission and the appropriate county elections officer a report of each ~~((contribution received))~~ bank deposit made during ~~((that period at the time that contribution is deposited pursuant to RCW 42.17.060(1)))~~ the previous seven calendar days. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer ~~((to be retained by him))~~ for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission. The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(5) All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(6) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

(7) The commission shall adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports.

**Sec. 3.** RCW 42.17.090 and 1993 c 256 s 6 are each amended to read as follows:

(1) Each report required under RCW 42.17.080 (1) and (2) shall disclose the following:

(a) The funds on hand at the beginning of the period;

(b) Only the name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing political committee, the current calendar year: PROVIDED, That pledges in the aggregate of less than one hundred dollars from any one person need not be reported: PROVIDED FURTHER, That the income which results from a fund-raising activity conducted in accordance with RCW 42.17.067 may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by RCW 42.17.067: PROVIDED FURTHER, That contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the name, address, and amount of each such contributor: PROVIDED FURTHER, That the money value of contributions of postage shall be the face value of such postage;

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) All other contributions not otherwise listed or exempted;

~~(e) ((The name and address of each candidate or political committee to which any transfer of funds was made, together with the amounts and dates of such transfers;~~

~~((f)) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, and the amount, date, and purpose of each such expenditure. ((A candidate for state executive or state legislative office or the political committee of such a candidate shall report this information for an expenditure under one of the following categories, whichever is appropriate: (i) Expenditures for the election of the candidate; (ii) expenditures for nonreimbursed public office related expenses; (iii) expenditures required to be reported under (e) of this subsection; or (iv) expenditures of surplus funds and other expenditures. The report of such a candidate or committee shall contain a separate total of expenditures for each category and a total sum of all expenditures. Other candidates and political committees need not report information regarding expenditures under the categories listed in (i) through (iv) of this subsection or under similar such categories unless required to do so by the commission by rule.)) The report ((of such an other candidate or committee shall)) must also contain the total sum of all expenditures;~~

~~((g))~~ (f) The name and address of each person to whom any expenditure was made directly or indirectly to compensate the person for soliciting or procuring signatures on an initiative or referendum petition, the amount of such compensation to each such person, and the total of the expenditures made for this purpose. Such expenditures shall be reported under this subsection ~~(1)((g))~~ (f) whether the expenditures are or are not also required to be reported under ~~((f))~~ (e) of this subsection;

~~((h))~~ (g) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;

~~((i))~~ (h) The surplus or deficit of contributions over expenditures;

~~((j))~~ (i) The disposition made in accordance with RCW 42.17.095 of any surplus funds;

~~((k))~~ (j) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter; and

~~((4))~~ (k) Funds received from a political committee not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee has filed or within ten days following such receipt files with the commission a statement disclosing: (i) Its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (v) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vi) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the nonreporting committee during the current calendar year, together with the money value and date of such contributions; (vii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (viii) such other information as the commission may prescribe by rule, in keeping with the policies and purposes of this chapter. A nonreporting committee incurring an obligation to file additional reports in a calendar year may satisfy the obligation by filing with the commission a letter providing updating or amending information.

(2) The treasurer and the candidate shall certify the correctness of each report.

**Sec. 4.** RCW 42.17.105 and 1991 c 157 s 1 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution or aggregate of contributions which: Exceeds five hundred dollars; is from a single person or entity; and is received during a special reporting period.

Any political committee making a contribution or an aggregate of contributions to a single entity which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution or aggregate of contributions is made during a special reporting period.

For the purposes of subsections (1) through (7) of this section:

(a) Each of the following intervals is a special reporting period: (i) The interval beginning after the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before a primary and concluding on the end of the day before that primary; and (ii) the interval composed of the twenty-one days preceding a general election; and

(b) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.

(2) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.

(3) Except as provided in subsection (4) of this section, the special report required by this section shall be delivered electronically or in written form, including but not limited to mailgram, telegram, or nightletter. The special report required of a contribution recipient by subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after: The contribution exceeding five hundred dollars is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first exceeds five hundred dollars; or the subsequent contribution that must be reported under subsection (2) of this section is received by the candidate or treasurer. The special report required of a contributor by subsection (1) of this section or RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within twenty-four hours of the time, or on the first working day after: The contribution is made; the aggregate of contributions made first exceeds five

hundred dollars; or the subsequent contribution that must be reported under subsection (2) of this section is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) of this section if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3) of this section or the file transfer date of the electronic filing is within the delivery period established in subsection (3) of this section.

(5) The special report shall include at least:

(a) The amount of the contribution or contributions;

(b) The date or dates of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall ~~((publish))~~ prepare daily a summary of the special reports made under this section and RCW 42.17.175.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for state-wide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a ~~((major Washington state))~~ bona fide political party as defined in ((RCW 29.01.090)) this chapter, excluding the county central committee or legislative district committee.

(9) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17.135.

**Sec. 5.** RCW 42.17.132 and 1993 c 2 s 25 are each amended to read as follows:

~~((During the twelve-month period preceding the expiration of a state legislator's term in office, no incumbent to that office may mail to a constituent at public expense a letter, newsletter, brochure, or other piece of literature that is not in direct response to that constituent's request for a response or for information. However,))~~

During the twelve-month period preceding the last day for certification of the election results for a state legislator's election to office, the legislator may not mail to a constituent at public expense a letter, newsletter, brochure, or other piece of literature except as provided in this section.

The legislator may mail one mailing ~~((mailed within))~~ no later than thirty days after the start of a regular legislative session and one mailing ~~((mailed within))~~ no later than sixty days after the end of a regular legislative session of identical newsletters to constituents ~~((are permitted)).~~

The legislator may mail an individual letter to an individual constituent who (1) has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; or (2) holds a governmental office with jurisdiction over the subject matter of the letter.

A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW ~~((42.17.130))~~ 42.52.180.

The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings, including but not limited to production costs, printing costs, and postage.

**Sec. 6.** RCW 42.17.155 and 1985 c 367 s 8 are each amended to read as follows:

Each lobbyist shall at the time he or she registers submit to the commission a recent photograph of himself or herself of a size and format as determined by rule of the commission, together with the name of the lobbyist's employer, the length of his or her employment as a lobbyist before the legislature, a brief biographical description, and any other information he or she may wish to submit not to exceed fifty words in length. Such photograph and information shall be published at least ~~((annually))~~ biennially in a booklet form by the commission for distribution to legislators and the public.

**Sec. 7.** RCW 42.17.190 and 1986 c 239 s 1 are each amended to read as follows:



(1) ~~((Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.))~~ The house of representatives and the senate shall report annually: The total budget; the portion of the total attributed to staff; and the number of full-time and part-time staff positions by assignment, with dollar figures as well as number of positions.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying: PROVIDED, This does not prevent officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency: PROVIDED, That public funds may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" means a voluntary transfer of any thing of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business(~~PROVIDED FURTHER, That~~). This section does not permit the printing of a state publication which has been otherwise prohibited by law.

(4) No elective official or any employee of his or her office or any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, in any effort to support or oppose an initiative to the legislature. "Facilities of a public office or agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The provisions of this subsection shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose an initiative to the legislature so long as (i) any required notice of the meeting includes the title and number of the initiative to the legislature, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any initiative to the legislature at an open press conference or in response to a specific inquiry;

(c) Activities which are part of the normal and regular conduct of the office or agency;

(d) Activities conducted regarding an initiative to the legislature that would be permitted under RCW 42.17.130 and 42.52.180 if conducted regarding other ballot measures.

(5) Each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying shall file with the commission, except as exempted by (d) of this subsection, quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each elected official, officer, or employee who lobbied, a general description of the nature of the lobbying, and the proportionate amount of time spent on the lobbying;

(c) A listing of expenditures incurred by the agency for lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

(d) For purposes of this subsection the term "lobbying" does not include:

(i) Requests for appropriations by a state agency to the office of financial management pursuant to chapter 43.88 RCW nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;

(ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;

(iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;

(iv) Requests, recommendations, or other communication between or within state agencies or between or within local agencies;

(v) Any other lobbying to the extent that it includes:

(A) Telephone conversations or preparation of written correspondence;

(B) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period by officers or employees of that agency and in-person lobbying by any elected official of such agency on behalf of such agency or in connection with the powers, duties, or compensation of such official: PROVIDED, That the total expenditures of nonpublic funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington do not exceed fifteen dollars for any three-month period: PROVIDED FURTHER, That the exemption under this subsection is in addition to the exemption provided in (A) of this subsection;

(C) Preparation or adoption of policy positions.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within one month after the end of the quarter covered by the report.

(6) In lieu of reporting under subsection (5) of this section any county, city, town, municipal corporation, quasi municipal corporation, or special purpose district may determine and so notify the public disclosure commission, that elected officials, officers, or employees who on behalf of any such local agency engage in lobbying reportable under subsection (5) of this section shall register and report such reportable lobbying in the same manner as a lobbyist who is required to register and report under RCW 42.17.150 and 42.17.170. Each such local agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

(7) The provisions of this section do not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

(8) The purpose of this section is to require each state agency and certain local agencies to report the identities of those persons who lobby on behalf of the agency for compensation, together with certain separately identifiable and measurable expenditures of an agency's funds for that purpose. This section shall be reasonably construed to accomplish that purpose and not to require any agency to report any of its general overhead cost or any other costs which relate only indirectly or incidentally to lobbying or which are equally attributable to or inseparable from nonlobbying activities of the agency.

The public disclosure commission may adopt rules clarifying and implementing this legislative interpretation and policy.

**Sec. 8.** RCW 42.17.240 and 1993 c 2 s 31 are each amended to read as follows:

(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year. However, any local elected official whose term of office expires immediately after December 31st shall file the statement required to be filed by this section for the year that ended on that December 31st. ~~((In addition to and in conjunction with the statement of financial affairs, every official and officer shall file a statement describing any gifts received during the preceding calendar year.))~~

(2) Every candidate shall within two weeks of becoming a candidate file with the commission a statement of financial affairs for the preceding twelve months.

(3) Every person appointed to a vacancy in an elective office or executive state officer position shall within two weeks of being so appointed file with the commission a statement of financial affairs for the preceding twelve months.

(4) A statement of a candidate or appointee filed during the period from January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or

appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

(5) No individual may be required to file more than once in any calendar year.

(6) Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

(7) Every elected official and every executive state officer shall file with their statement of financial affairs a statement certifying that they have read and are familiar with RCW 42.17.130 or 42.52.180, whichever is applicable.

(8) For the purposes of this section, the term "executive state officer" includes those listed in RCW 42.17.2401.

~~((8))~~ (9) This section does not apply to incumbents or candidates for a federal office or the office of precinct committee officer.

**Sec. 9.** RCW 42.17.241 and 1984 c 34 s 3 are each amended to read as follows:

**FINANCIAL AFFAIRS REPORT--GIFTS.** (1) The statement of financial affairs required by RCW 42.17.240 shall disclose for the reporting individual and each member of his or her immediate family:

(a) Occupation, name of employer, and business address; and

(b) Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest that exceeded five thousand dollars at any time during the reporting period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded five hundred dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship, and position held as trustee; and

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation: PROVIDED, That for the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which such person serves as an elected official or state executive officer or professional staff member for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation: PROVIDED, That the term "compensation" for purposes of this subsection (1)(g)(ii) does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service: PROVIDED, FURTHER, That with respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address,

and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of the property has been included in a report previously filed, the property may be listed, for purposes of this provision, by reference to the previously filed report; and

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held; and

(l) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(9) (d) and (f) were accepted;

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2) Where an amount is required to be reported under subsection (1)~~((-paragraphs))~~ ~~((+))~~ (m) of this section, it shall be sufficient to comply with the requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Items of value given to an official's or employee's spouse or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse or family member.

**Sec. 10.** RCW 42.17.2401 and 1993 sp.s. c 2 s 18, 1993 c 492 s 488, and 1993 c 281 s 43 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher

education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, (~~the director of trade and economic development,~~) the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, (~~oil and gas conservation committee,~~) Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

**Sec. 11.** RCW 42.17.260 and 1992 c 139 s 3 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

(3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990; and

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes.

(6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(7) This chapter shall not be construed as giving authority to any agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall not do so unless specifically authorized or directed by law: **PROVIDED, HOWEVER,** That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: **PROVIDED FURTHER,** That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

**Sec. 12.** RCW 42.17.280 and 1973 c 1 s 28 are each amended to read as follows:

Public records shall be available for inspection and copying during the customary office hours of the agency, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives: **PROVIDED,** That if the ~~((agency))~~ entity does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m. Monday through Friday, excluding legal holidays, unless the person making the request and the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives or its representative agree on a different time.

**Sec. 13.** RCW 42.17.290 and 1992 c 139 s 4 are each amended to read as follows:

Agencies shall adopt and enforce reasonable rules and regulations, and the office of the secretary of the senate and the office of the chief clerk of the house of representatives shall adopt reasonable procedures allowing for the time, resource, and personnel constraints associated with legislative sessions, consonant with the intent of this chapter to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. Nothing in this section shall relieve agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives from honoring requests received by mail for copies of identifiable public records.

If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives shall retain possession of the record, and may not destroy or erase the record until the request is resolved.

**Sec. 14.** RCW 42.17.300 and 1973 c 1 s 30 are each amended to read as follows:

No fee shall be charged for the inspection of public records. ~~((Agencies may impose))~~ A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs incident to such copying.

**Sec. 15.** RCW 42.17.320 and 1992 c 139 s 6 are each amended to read as follows:

Requests to requests for public records shall be made promptly by agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives. Within five business days of receiving a public record request, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives must respond by either (1) providing the record; (2) acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and providing a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request; or (3) denying the public record request. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives need not respond to it. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action or final action by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review.

**NEW SECTION. Sec. 16.** A new section is added to chapter 42.17 RCW, to be codified after RCW 42.17.340, to read as follows:

The procedures in RCW 42.17.340 govern denials of an opportunity to inspect or copy a public record by the office of the secretary of the senate or the office of the chief clerk of the house of representatives.

**Sec. 17.** RCW 42.17.370 and 1994 c 40 s 3 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint and set, within the limits established by the committee on agency officials' salaries under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Make from time to time, on its own motion, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt and promulgate a code of fair campaign practices;

(8) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars;

(9) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his or her examination reports concerning those agencies;

(10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his or her immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Requests for renewals of reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. No initial request may be heard in a brief adjudicative proceeding and no request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted. The commission shall adopt administrative rules governing the proceedings. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and

(11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by



the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.05 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985;

(12) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

**Sec. 18.** RCW 42.17.420 and 1983 c 176 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, when any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. The provisions of this section do not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175.

**Sec. 19.** RCW 42.17.510 and 1993 c 2 s 22 are each amended to read as follows:

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name shall be unlawful. The party with which a candidate files shall be clearly identified in political advertising for partisan office.

(2) In addition to the materials required by subsection (1) of this section, all political advertising undertaken as an independent expenditure by a person or entity other than a party organization must include the following statement on the communication "NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state)." If the advertisement undertaken as an independent expenditure is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors," followed by a listing of the names of the five persons or entities making the largest contributions reportable under this chapter during the twelve-month period before the date of the advertisement.

(3) The statements and listings of contributors required by subsections (1) and (2) of this section shall:

(a) Appear on ~~((each))~~ the first page or fold of the written communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process;

(c) Be ~~((in a printed or drawn box))~~ set apart from any other printed matter; and

(d) Be clearly spoken on any broadcast advertisement.

(4) Political yard signs are exempt from the requirement of subsections (1) and (2) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of subsections (1) and (2) of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

(5) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet.

**Sec. 20.** RCW 42.17.640 and 1993 c 2 s 4 are each amended to read as follows:

(1) No person, other than a bona fide political party or a caucus (~~(of the state legislature)~~) political committee, may make contributions to a candidate for a state legislative office that in the aggregate exceed five hundred dollars or to a candidate for a state office other than a state legislative office that in the aggregate exceed one thousand dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) No person, other than a bona fide political party or a caucus (~~(of the state legislature)~~) political committee, may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, during a recall campaign that in the aggregate exceed five hundred dollars if for a state legislative office or one thousand dollars if for a state office other than a state legislative office.

(3)(a) Notwithstanding subsection (1) of this section, no bona fide political party or caucus (~~(of the state legislature)~~) political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus (~~(of the state legislature)~~) political committee or the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus (~~(of the state legislature)~~) political committee may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, during a recall campaign that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus (~~(of the state legislature of for)~~) political committee or the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No state official against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of a state official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(5) For purposes of determining contribution limits under subsections (3) and (4) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(6) Notwithstanding subsections (1) through (4) of this section, no person other than an individual, bona fide political party, or caucus (~~(of the state legislature)~~) political committee may make contributions reportable under this chapter to a caucus (~~(of the state legislature)~~) political committee that in the aggregate exceed five hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed two thousand five hundred dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

~~((6))~~ (7) For the purposes of RCW 42.17.640 through 42.17.790, a contribution to the authorized political committee of a candidate, or of a state official against whom recall charges have been filed, is considered to be a contribution to the candidate or state official.

~~((7))~~ (8) A contribution received within the twelve-month period after a recall election concerning a state office is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

~~((8))~~ (9) The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, and the contributions allowed by subsection (4) of this section are in addition to those allowed by subsection (3) of this section.

~~((9))~~ (10) RCW 42.17.640 through 42.17.790 apply to a special election conducted to fill a vacancy in a state office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

~~((10))~~ (11) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

~~((11))~~ (12) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate, state official against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of a state official if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the state official.

~~((12))~~ (13) No person may accept contributions that exceed the contribution limitations provided in this section.

(14) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates; or

(b) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates.

**Sec. 21.** RCW 42.17.680 and 1993 c 2 s 8 are each amended to read as follows:

(1) No employer or labor organization may increase the salary of an officer or employee, or give an emolument to an officer, employee, or other person or entity, with the intention that the increase in salary, or the emolument, or a part of it, be contributed or spent to support or oppose a candidate, state official against whom recall charges have been filed, political party, or political committee.

(2) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for ~~((a))~~ the failure to contribute to ~~((, (b)))~~ or the failure in any way to support or oppose ~~((, or (c) in any way supporting or opposing))~~ a candidate, ballot proposition, political party, or political committee.

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. The request must be made on a form prescribed by the commission informing the employee of the prohibition against employer and labor organization discrimination described in subsection (2) of this section. The request is valid for no more than twelve months from the date it is made by the employee.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

**Sec. 22.** RCW 42.17.720 and 1993 c 2 s 12 are each amended to read as follows:

(1) A loan is considered to be a contribution from the ~~((maker))~~ lender and ~~((the))~~ any guarantor of the loan and is subject to the contribution limitations of this chapter. The full amount of the loan shall be attributed to the lender and to each guarantor.

(2) A loan to a candidate for public office or the candidate's political committee must be by written agreement.

(3) The proceeds of a loan made to a candidate for public office:

(a) By a commercial lending institution;

(b) Made in the regular course of business; and

(c) On the same terms ordinarily available to members of the public(~~;~~ ~~and~~

~~(d) That is secured or guaranteed)),~~

are not subject to the contribution limits of this chapter.

**Sec. 23.** RCW 42.17.740 and 1993 c 2 s 14 are each amended to read as follows:

TECHNICAL CORRECTIONS. (1) (~~An individual~~) A person may not make a contribution of more than fifty dollars, other than an in-kind contribution, except by a written instrument containing the name of the donor and the name of the payee.

(2) A political committee may not make a contribution, other than in-kind, except by a written instrument containing the name of the donor and the name of the payee.

**Sec. 24.** RCW 42.17.750 and 1993 c 2 s 15 are each amended to read as follows:

(1) No state or local official or state or local official's agent may knowingly solicit, directly or indirectly, a contribution to a candidate for public office, political party, or political committee from an employee in the state or local official's agency.

(2) No state or local official or (~~state~~) public employee may provide an advantage or disadvantage to an employee or applicant for employment in the classified civil service concerning the applicant's or employee's:

(a) Employment;

(b) Conditions of employment; or

(c) Application for employment,

based on the employee's or applicant's contribution or promise to contribute or failure to make a contribution or contribute to a political party or political committee.

**Sec. 25.** RCW 42.17.770 and 1993 c 2 s 17 are each amended to read as follows:

A person (~~or entity~~) may not solicit from a candidate for public office, political committee, political party, or other person (~~or entity~~) money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate for public office, political committee, or political party.

**Sec. 26.** RCW 42.17.780 and 1993 c 2 s 18 are each amended to read as follows:

A person (~~or entity~~) may not, directly or indirectly, reimburse another person (~~or entity~~) for a contribution to a candidate for public office, political committee, or political party.

**Sec. 27.** RCW 42.17.790 and 1993 c 2 s 19 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a candidate for public office or the candidate's political committee may not use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate for public office or the candidate's political committee to further the candidacy of the individual for an office other than the office designated on the statement of organization. A contribution solicited for or received on behalf of the candidate for public office is considered solicited or received for the candidacy for which the individual is then a candidate if the contribution is solicited or received before the general elections for which the candidate for public office is a nominee or is unopposed.

(2) With the written approval of the contributor, a candidate for public office or the candidate's political committee may use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate for public office or the candidate's political committee from that contributor to further the candidacy of the individual for an office other than the office designated on the statement of organization. If the contributor does not approve the use of his or her contribution to further the candidacy of the individual for an office other than the office designated on the statement of organization at the time of the contribution, the contribution must be considered surplus funds and disposed of in accordance with RCW 42.17.095.

**Sec. 28.** RCW 42.17.100 and 1989 c 280 s 10 are each amended to read as follows:

**INTERNAL POLITICAL COMMUNICATIONS--INDEPENDENT EXPENDITURE.** (1) For the purposes of this section and RCW 42.17.550 the term "independent ((campaign)) expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, 42.17.080, or 42.17.090. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent ((campaign)) expenditure that by itself or when added to all other such independent ((campaign)) expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent ((campaign)) expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent ((campaign)) expenditure shall file with the commission and the county elections officer of the county of residence for the candidate supported or opposed by the independent ((campaign)) expenditure (or in the case of an expenditure made in support of or in opposition to a local ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent ((campaign)) expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission and the county elections officer of the county of residence for the candidate supported or opposed by the independent ((campaign)) expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent ((campaign)) expenditures made since the date of the last report:

(a) On the twenty-first day and the seventh day preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be filed if the reporting person has made an independent ((campaign)) expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent ((campaign)) expenditure, and ending not more than one business day before the date the report is due:

(a) The name and address of the person filing the report;

(b) The name and address of each person to whom an independent ((campaign)) expenditure was made in the aggregate amount of more than fifty dollars, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent ((campaign)) expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent ((campaign)) expenditures made during the campaign to date; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

**Sec. 29.** RCW 42.17.125 and 1993 c 2 s 21 are each amended to read as follows:

**TECHNICAL CORRECTIONS.** Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 may only be transferred to the personal account of a candidate, or of a treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the political committee. Such lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the individual or the individual's political committee. The political committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the political committee with written documentation as to the amount, date, and description of each expense, and the political committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(3) Repayment of loans made by the individual to political committees, which repayment shall be reported pursuant to RCW 42.17.090. However, contributions may not be used to reimburse a candidate for loans totaling more than three thousand dollars made by the candidate to the candidate's own ~~((authorized))~~ political committee or campaign.

**Sec. 30.** RCW 42.52.180 and 1994 c 154 s 118 are each amended to read as follows:

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The ~~((public disclosure commission shall, after consultation with the))~~ ethics boards~~((s))~~ shall adopt by rule a definition of measurable expenditure;

(c) Activities that are part of the normal and regular conduct of the office or agency; and

(d) De minimis use of public facilities by state-wide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17.130.

**Sec. 31.** RCW 42.17.095 and 1993 c 2 s 20 are each amended to read as follows:

The surplus funds of a candidate, or of a political committee supporting or opposing a candidate, may only be disposed of in any one or more of the following ways:

(1) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;

(2) Transfer the surplus to the candidate's personal account as reimbursement for lost earnings incurred as a result of that candidate's election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090;

(3) Transfer the surplus without limit to a political party or to a caucus ~~((of the state legislature))~~ political committee;

(4) Donate the surplus to a charitable organization registered in accordance with chapter 19.09 RCW;

(5) Transmit the surplus to the state treasurer for deposit in the general fund; or

(6) Hold the surplus in the campaign depository or depositories designated in accordance with RCW 42.17.050 for possible use in a future election campaign for the same office last sought by the candidate and report any such disposition in accordance with RCW 42.17.090: PROVIDED, That if the candidate subsequently announces or publicly files for office, information as appropriate is reported to the commission in accordance with RCW 42.17.040 through 42.17.090. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

(7) Hold the surplus campaign funds in a separate account for nonreimbursed public office-related expenses or as provided in this section, and report any such disposition in accordance with RCW 42.17.090. The separate account required under this subsection shall not be used for deposits of campaign funds that are not surplus.

(8) No candidate or authorized committee may transfer funds to any other candidate or other political committee.

The disposal of surplus funds under this section shall not be considered a contribution for purposes of this chapter.

**Sec. 32.** RCW 42.17.160 and 1982 c 147 s 12 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, and 42.17.200:

(1) Persons who limit their lobbying activities to appearing before public sessions of committees of the legislature, or public hearings of state agencies;

(2) Activities by lobbyists or other persons whose participation has been solicited by an agency under RCW 34.05.310(2);

(3) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station;

~~((3))~~ (4) Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. The exemption contained in this subsection is intended to permit and encourage citizens of this state to lobby any legislator, public official, or state agency without incurring any registration or reporting obligation provided they do not exceed the limits stated above. Any person exempt under this subsection ~~((3))~~ (4) may at his or her option register and report under this chapter;

~~((4))~~ (5) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed twenty-five ~~((dollars))~~ dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection ~~((4))~~ (5) may at his or her option register and report under this chapter;

~~((5))~~ (6) The governor;

~~((6))~~ (7) The lieutenant governor;

~~((7))~~ (8) Except as provided by RCW 42.17.190(1), members of the legislature;

~~((8))~~ (9) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties;

~~((9))~~ (10) Elected officials, and officers and employees of any agency reporting under RCW 42.17.190(4) as now or hereafter amended.

**Sec. 33.** RCW 42.17.170 and 1991 sp.s. c 18 s 2 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his or her activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein, ~~((without))~~ and shall include amounts actually expended on each person where calculable, or allocating any portion of ~~((such))~~ the expenditure to individual participants. ~~((However, if the expenditure for a single hosted reception is more than one hundred dollars per person partaking therein, the report shall specify the per person amount, which shall be determined by dividing the total amount of the expenditure by the total number of persons partaking in the reception.))~~

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(ii) Any expenses incurred for his or her own living accommodations;

(iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure, whether contributed by the lobbyist personally or delivered or transmitted by the lobbyist, in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefitted by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.05 RCW, the state Administrative Procedure Act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period, unless exempt under RCW 42.17.160(2).

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

(f) ~~((A listing of each gift, as defined in RCW 42.17.020, made to a state elected official or executive state officer or to a member of the immediate family of such an official or officer. Such a gift shall be separately identified by the date it was given, the approximate value of the gift, and the name of the recipient. However, for a hosted reception where the average per person amount is reported under (a) of this subsection, the approximate value for the gift of partaking in the event is such average per person amount. The commission shall adopt forms to be used for reporting the giving of gifts under this subsection (2)(f). The forms shall be designed to permit a lobbyist to report on a separate form for each recipient the reportable gifts given to that recipient during the reporting period~~



~~or, alternatively, to report on one form all reportable gifts given by the lobbyist during the reporting period))~~ A listing of each payment for an item specified in RCW 42.52.150(5) in excess of fifty dollars and each item specified in RCW 42.52.010(9) (d) and (f) made to a state elected official, state officer, or state employee. Each item shall be identified by recipient, date, and approximate value of the item.

(g) The total expenditures made during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist or otherwise. As used in this subsection, "expenditures" includes amounts paid or incurred during the reporting period for (i) political advertising as defined in RCW 42.17.020; and (ii) public relations, telemarketing, polling, or similar activities if such activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule, standard, or rate by an agency under the administrative procedure act. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(3) If a state elected official or a member of such an official's immediate family is identified by a lobbyist in such a report as having received from the lobbyist ((a gift, as defined in RCW 42.17.020)) an item specified in RCW 42.52.150(5) or 42.52.010(9) (d) or (f), the lobbyist shall transmit to the official a copy of the completed form used to identify the ((gift)) item in the report at the same time the report is filed with the commission.

(4) The commission may adopt rules to vary the content of lobbyist reports to address specific circumstances, consistent with this section.

NEW SECTION. Sec. 34. The following acts or parts of acts are each repealed:

- (1) RCW 42.17.021 and 1993 c 2 s 30;
- (2) RCW 42.17.630 and 1993 c 2 s 3;
- (3) RCW 42.17.2415 and 1991 sp.s. c 18 s 3; and
- (4) RCW 42.52.210 and 1959 c 320 s 5.

NEW SECTION. Sec. 35. Sections 1 through 32, 34, and 37 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

NEW SECTION. Sec. 36. Section 33 of this act takes effect September 1, 1995.

NEW SECTION. Sec. 37. Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.080, 42.17.090, 42.17.105, 42.17.132, 42.17.155, 42.17.190, 42.17.240, 42.17.241, 42.17.260, 42.17.280, 42.17.290, 42.17.300, 42.17.320, 42.17.370, 42.17.420, 42.17.510, 42.17.640, 42.17.680, 42.17.720, 42.17.740, 42.17.750, 42.17.770, 42.17.780, 42.17.790, 42.17.100, 42.17.125, 42.52.180, 42.17.095, 42.17.160, and 42.17.170; reenacting and amending RCW 42.17.2401; adding a new section to chapter 42.17 RCW; creating a new section; repealing RCW 42.17.021, 42.17.630, 42.17.2415, and 42.52.210; providing effective dates; and declaring an emergency."

Representatives Mielke and Appelwick spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5684 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5684 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Quall - 2.

Engrossed Substitute Senate Bill No. 5684, as amended by the House, having received the constitutional majority, was declared passed.

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

#### MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5739 and asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative B. Thomas moved that the House adhere to its position on Substitute Senate Bill No. 5739. The motion was carried.

#### MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5990 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

## MOTION

On motion of Representative Carlson, the rules were suspended, and Senate Bill No. 5990 was returned to second reading for the purpose of an amendment. The motion was carried.

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

## SECOND READING

SENATE BILL NO. 5990, by Senators Long, Bauer, Cantu, Rinehart, Newhouse, Winsley, Wood, Deccio, Johnson, Finkbeiner, Loveland and Hochstatter

Requiring public notice regarding excess compensation.

The bill was read the second time.

Representative Carlson moved adoption of the following amendment by Representative Carlson:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 41.50 RCW to read as follows:

(1) Except as limited by subsection (3) of this section, the governing body of an employer under chapter 41.32 or 41.40 RCW shall comply with the provisions of subsection (2) of this section prior to executing a contract or collective bargaining agreement with members under chapter 41.32 or 41.40 RCW which provides for:

(a) A cash out of unused annual leave in excess of two hundred forty hours of such leave. "Cash out" for purposes of this subsection means any payment in lieu of an accrual of annual leave or any payment added to regular salary, concurrent with a reduction of annual leave;

(b) A cash out of any other form of leave;

(c) A payment for, or in lieu of, any personal expense or transportation allowance;

(d) The portion of any payment, including overtime payments, that exceeds twice the regular rate of pay; or

(e) Any other termination or severance payment.

(2) Any governing body entering into a contract that includes a compensation provision listed in subsection (1) of this section shall do so only after public notice in compliance with the open public meetings act, chapter 42.30 RCW. This notification requirement may be accomplished as part of the approval process for adopting a contract in whole, and does not require separate or additional open public meetings. At the public meeting, full disclosure shall be made of the nature of the proposed compensation provision, and the employer's estimate of the excess compensation billings under RCW 41.50.150 that the employing entity would have to pay as a result of the proposed compensation provision. The employer shall notify the department of its compliance with this section at the time the department bills the employer under RCW 41.40.150 for the pension impact of compensation provisions listed in subsection (1) of this section that are adopted after the effective date of this act.

(3) The requirements of subsection (2) of this section shall not apply to the adoption of a compensation provision listed in subsection (1) of this section if the compensation would not be includable in calculating benefits under chapter 41.32 or 41.40 RCW for the employees covered by the compensation provision."

On page 1, line 2 of the title, after "compensation;" strike the remainder of the title and insert "and adding a new section to chapter 41.50 RCW."

Representative Carlson spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Senate Bill No. 5990 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5990 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Quall - 2.

Senate Bill No. 5990, as amended by the House, having received the constitutional majority, was declared passed.

#### MOTION FOR RECONSIDERATION

Representative Lisk: Having voted on the prevailing side moved that the House immediately reconsider the vote on Second Substitute Senate Bill No. 5003. The motion was carried.

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5003 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5003 on reconsideration, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Quall - 2.

Second Substitute Senate Bill No. 5003, on reconsideration, having received the constitutional majority, was declared passed.

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

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5053, insists on its position regarding the House amendments and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Cairnes moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5053.

Representative Cairnes spoke in favor of the motion and it was carried.

SPEAKER'S PRIVILEGE

The Speaker is pleased to announce the following appointments:

Displaced Homemakers Advisory Committee  
Representative Johnson

Education Commission of the States  
Representative Brumsickle

Legislative Education Fiscal Study Committee  
Representative Elliot  
Representative McMahan  
Representative Dickerson  
Representative G. Fisher  
Representative L. Thomas will continue to serve.  
Representative Patterson will continue to serve.

Joint Select Committee on Education Restructuring  
Representative Cole  
Representative G. Fisher  
Representative Quall  
Representative Brumsickle will continue to serve.  
Representative B. Thomas will continue to serve.  
Representative L. Thomas will continue to serve.

Washington State Geographic Information Council  
Representative Stevens

Advisory Committee on Gifted Education  
Representative Clements

Leap  
Representative Hymes

Representative Koster  
Representative Brown  
Representative Poulsen

Legislative Systems Committee  
Representative Horn  
Representative Chappell

Minority and Women's Business Enterprises  
Representative Buck  
Representative Ogden will continue to serve.

Oral History Advisory Committee  
Representative Lambert  
Representative Carlson will continue to serve.  
Representative Jacobsen will continue to serve.  
Representative Romero will continue to serve.

Tax Advisory Council  
Representative Smith  
Representative Morris will continue to serve.

Unemployment Insurance Joint Task Force  
Representative Conway  
Representative Romero  
Representative Chandler will continue to serve.  
Representative Lisk will continue to serve.

Chairman of Joint Committee on Pension Policy Board  
Representative Carlson

Title and Registration Advisory Board  
Representative McMahan  
Representative Tokuda

Law and Justice Advisory Council  
Representative Koster

#### MESSAGES FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 2058, and passed the bill without said amendments,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724, insists on its position regarding the Senate amendments and asks the House to concur therein.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House insists on its position regarding the Senate amendments to Engrossed Substitute House Bill No. 1724 and again ask the Senate to recede therefrom.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

- SUBSTITUTE HOUSE BILL NO. 1144,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165,
- SUBSTITUTE HOUSE BILL NO. 1270,
- SUBSTITUTE HOUSE BILL NO. 1273,
- ENGROSSED HOUSE BILL NO. 1305,
- SUBSTITUTE HOUSE BILL NO. 1387,
- SUBSTITUTE HOUSE BILL NO. 1398,
- SUBSTITUTE HOUSE BILL NO. 1497,
- HOUSE BILL NO. 1534,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1611,
- SUBSTITUTE HOUSE BILL NO. 1673,
- SUBSTITUTE HOUSE BILL NO. 1700,
- SUBSTITUTE HOUSE BILL NO. 1722,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730,
- SUBSTITUTE HOUSE BILL NO. 1809,
- HOUSE BILL NO. 1872,
- ENGROSSED HOUSE BILL NO. 2033,
- SUBSTITUTE SENATE BILL NO. 5118,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5632,
- SUBSTITUTE SENATE BILL NO. 5795,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5880,
- SENATE BILL NO. 6004,

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

MOTION

There being no objection, the House adjourned until 9:00 a.m., Saturday, April 22, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

ONE HUNDRED-THIRD DAY, APRIL 21, 1995

JOURNAL OF THE HOUSE

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

**ONE HUNDRED-FOURTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Saturday, April 22, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Whitney Jones and Kelly Smith. Prayer was offered by Reverend Nicholas Krantz, Foster Tukwila Presbyterian Church of Seattle.

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

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

**SENATE AMENDMENTS TO HOUSE BILL**

April 20, 1995

Mr. Speaker:

Under suspension of rules, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209 was returned to second reading for further amendment, and the bill was passed with the adoption of floor no. 415 to the Transportation Committee amendments previously adopted on 4/5/95:

On page 2, line 1, after "motor" strike "vehicles regulated: and insert "carriers subject to economic regulation"

On page 4, beginning with "(3)" on line 1, strike everything through "transferred." on line 4, and insert the following:

"(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Washington state patrol. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state patrol to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. These employees will only be transferred upon successful completion of the Washington state patrol background investigation."

On page 5, line 10, after "**Sec. 7.**" strike "This act takes" and insert "Section 2 of this act becomes effective with motor vehicle registration fees due or to become due January 1, 1996. Sections 1 and 3 through 6 of this act take"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

**MOTION**

Representative K. Schmidt moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1209 and pass the bill as amended by the Senate.

Representatives K. Schmidt and R. Fisher spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1209 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1209 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 3, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Absent: Representatives Basich, Foreman and Reams - 3.

Excused: Representatives Benton, Fuhrman, Patterson and Poulsen - 4.

Engrossed Substitute House Bill No. 1209, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

#### MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to ENGROSSED HOUSE BILL NO. 1461, and again asks the House to concur therein.

and the same is herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative K. Schmidt moved that the House adhere to its position on Engrossed House Bill No. 1461. The motion was carried.

#### MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 5119, and again asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative Carlson moved that the House adhere to its position on Substitute Senate Bill No. 5119.

Representative Valle demanded an electronic roll call vote on the motion and the demand was sustained.

#### ROLL CALL

The Clerk called the roll on the motion to adhere to its position on Substitute Senate Bill No. 5119, and the motion was adopted by the following vote: Yeas - 61, Nays - 32, Absent - 1, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Voting nay: Representatives Appelwick, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Ogden, Quall, Regala, Romero, Rust, Scott, Sheldon, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 32.

Absent: Representative Basich - 1.

Excused: Representatives Benton, Fuhrman, Patterson and Poulsen - 4.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on the motion to adhere to its position on Substitute Senate Bill No. 5119.

BETTY SUE MORRIS, 18th District

#### MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate insists on its position regarding the House amendments to SENATE BILL NO. 5655, and again asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

## MOTION

Representative K. Schmidt moved that the House insists on its position regarding the House amendments to Senate Bill No. 5655 and ask the Senate to recede therefrom. The motion was carried.

## MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5244 and asks the House for a conference thereon. The President has appointed the following members as Conferees.

Senators Owen, Palmer and Fairley

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

## MOTION

Representative Cooke moved that the House grant the Senate request for a conference on Engrossed Substitute Senate Bill No. 5244. The motion was carried.

## APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives Boldt, Buck and Thibaudeau as Conferees on Engrossed Substitute Senate Bill No. 5244.

## MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5325 and asks the House for a conference thereon. The President has appointed the following members as Conferees:

Senators Bauer, Wood and Spanel

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

## MOTION

Representative Carlson moved that the House grant the Senate request for a conference on Substitute Senate Bill No. 5325. The motion was carried.

## APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives Carlson, Mulliken and Jacobsen as Conferees on Substitute Senate Bill No. 5325.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SENATE BILL NO. 5677, insists on its position regarding the House amendments) and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House insists on its position regarding the House amendments to Senate Bill No. 5677 and ask the Senate to concur therein. The motion was carried.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5567, insists on its position regarding the House amendments and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Mulliken moved that the House recede from its position and pass Substitute Senate Bill No. 5567 without the House amendments.

Representative Chopp spoke against the motion.

Representatives Mulliken and D. Schmidt spoke in favor of the motion and it was carried.

MOTION

On motion of Representative Talcott, Representative Foreman was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5567 without the House amendments.

Representative Reams spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5567 without the House amendments, and the bill passed the House by the following vote: Yeas - 70, Nays - 24, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Delvin, Dyer, Elliot, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Brown, Carlson, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Mason, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 24.

Excused: Representatives Benton, Foreman, Fuhrman and Patterson - 4.

Substitute Senate Bill No. 5567, without the House amendments, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

The Speaker called on Representative Horn to preside.

## MOTION FOR RECONSIDERATION

Representative K. Schmidt: Having voted on the prevailing side moved that the House immediately reconsider Senate Bill No. 5655. The motion was carried.

## MOTION

On motion of Representative K. Schmidt, the rules were suspended, and Senate Bill No. 5655 was returned to second reading for the purpose of an amendment.

## SECOND READING

SENATE BILL NO. 5655, by Senators Rasmussen and Sellar

Revising state freight rail service programs.

The bill was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

On page 5, line 12, after "state" insert "freight"

On page 5, line 13, strike "development" and insert "advisory"

On page 7, following line 13, insert a new subsection to read as follows:

"(11) Moneys distributed under this chapter should be provided as loans wherever practicable. For improvements on or to privately owned railroads, railroad property, or other private property, moneys distributed shall be provided solely as loans."

On page 9, line 20, after "rail." insert "The purpose of this committee will be to provide policy direction and program oversight."

Representatives K. Schmidt and R. Fisher spoke in favor of the adoption of the amendment.

Representative K. Schmidt again spoke in favor of passage of the bill.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

#### FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5655 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5655 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 1, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Absent: Representative Quall - 1.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Patterson and Robertson - 6.

Senate Bill No. 5655, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the Committee on Trade & Economic Development Committee was further relieved of Substitute Senate Joint Memorial No. 8008 and Substitute Senate Joint Memorial No. 8008 took its place on second reading.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8008, by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Wojahn, Sellar, Snyder, Newhouse, Gaspard, Fairley, Swecker, Deccio, Palmer, Drew, McDonald, Oke, Sutherland and Schow)

Requesting the United States to advocate for the admission of Taiwan to the United Nations.

The memorial was read the second time.

Representative Van Luven moved adoption of the following amendment by Representative Van Luven:

On page 1, line 9, after "Taiwan" strike ", the Republic of China"

On page 1, line 11, after "Taiwan" strike ", the Republic of China,"

On page 1, line 16, after "Taiwan" strike ", the Republic of China"

On page 2, line 5, after "Taiwan" strike ", the Republic of China,"

On page 2, line 11, after "Taiwan" strike ", the Republic of China,"

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Van Luven, Ebersole, Chandler and Sheldon spoke in favor of passage of the memorial.

#### MOTION

On motion of Representative Chopp, Representative Brown was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Joint Memorial No. 8008 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8008 as amended by the House, and the memorial passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Brown, Delvin, Foreman, Fuhrman, Patterson and Robertson - 7.

Substitute Senate Joint Memorial No. 8008, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended, and the Conference Committee on Engrossed Senate Bill No. 5011 was considered.

#### REPORT OF CONFERENCE COMMITTEE

ESB 5011 Date: April 22, 1995

Includes "new item": YES

Mr. Speaker:  
Mr. President:



We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5011, AN ACT Relating to forest products, have had the same under consideration and we recommend that:

The House Natural Resources Committee amendment not be adopted, and the striking amendment by the Conference Committee (attached 5011.E AMC CONF H3156.1) be adopted;

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.48.020 and 1992 c 184 s 1 are each amended to read as follows:

Unless otherwise required by the context, as used in this chapter:

(1) "Christmas trees" ~~((shall))~~ means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(2) "Native ornamental trees and shrubs" ~~((shall))~~ means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(3) "Cut or picked evergreen foliage," commonly known as brush, ~~((shall))~~ means evergreen boughs, huckleberry, salal, fern, Oregon grape, rhododendron, mosses, bear grass, scotch broom (Cytisus scoparius) and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not mean cones or seeds.

(4) "Cedar products" ~~((shall))~~ means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(5) "Cedar salvage" ~~((shall))~~ means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(6) "Processed cedar products" ~~((shall))~~ means cedar shakes, shingles, fence posts, hop poles, pickets, stakes, ~~((or))~~ rails~~((;))~~, or rounds less than one foot in length.

(7) "Cedar processor" ~~((shall))~~ means any person who purchases ~~((and/or))~~, takes, or retains possession of cedar products or cedar salvage~~((;))~~ for later sale in the same or modified form~~((;))~~ following ~~((their))~~ removal and delivery from the land where harvested.

(8) "Cascara bark" ~~((shall))~~ means the bark of a Cascara tree.

(9) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means.

(10) "Specialized forest products" ~~((shall))~~ means Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, wild edible mushrooms, and Cascara bark.

(11) "Person" ~~((shall))~~ includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

(12) "Harvest" ~~((shall))~~ means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection ~~((with))~~ or contact with the land or vegetation upon which it ~~((was or has been))~~ is or was growing~~((;))~~ or (b) from the position in which it ~~((has been))~~ is lying upon ~~((such))~~ the land.

(13) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site~~((, including but not limited to conveyance by a motorized vehicle designed for use on improved roadways, or by vessel, barge, raft, or other waterborne conveyance. "Transportation" also means any conveyance of specialized forest products by helicopter))~~ by any means.

(14) "Landowner" means, with regard to ~~((any))~~ real property, the private owner ~~((thereof))~~, the state of Washington or any political subdivision ~~((thereof))~~, the federal government, or ~~((any))~~ a person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at ~~((any))~~ a public or private timber sale.

(15) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees~~((;))~~ which ~~((form))~~ contains the information required by RCW 76.48.080, ~~((and))~~ a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

(16) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

(17) "Specialized forest products permit" (~~shall~~) means a printed document in a form specified by the department of natural resources, or true copy thereof, that is signed by a landowner or his (~~duly~~) or her authorized agent or representative (~~herein~~), referred to in this chapter as "permitters"(~~(-)~~) and validated by the county sheriff(~~(-authorizing)~~) and authorizes a designated person (~~herein~~), referred to in this chapter as "permittee"(~~(-)~~), who (~~shall~~) has also (~~have~~) signed the permit, to harvest (~~and/or~~) and transport a designated specialized forest product from land owned or controlled and specified by the permittor(~~(-)~~) and that is located in the county where (~~such~~) the permit is issued.

(18) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office or an agent of the office.

(19) "True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permittor signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permittor specify an earlier date. A permittor may require the actual signatures of both the permittee and permittor for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permittor, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

(20) "Permit area" means a designated tract of land that may contain single or multiple harvest sites.

**Sec. 2.** RCW 76.48.030 and 1979 ex.s. c 94 s 2 are each amended to read as follows:

It (~~shall be~~) is unlawful for any person to:

- (1) Harvest specialized forest products as described in RCW 76.48.020, in the quantities specified in RCW 76.48.060, without first obtaining a validated specialized forest products permit;
- (2) Engage in activities or phases of harvesting specialized forest products not authorized by the permit; or
- (3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060, as now or hereafter amended, without first obtaining permission from the landowner or his or her duly authorized agent or representative.

**Sec. 3.** RCW 76.48.040 and 1994 c 264 s 51 are each amended to read as follows:

Agencies charged with the enforcement of this chapter shall include, but not be limited to, the Washington state patrol, county sheriffs and their deputies, county or municipal police forces, authorized personnel of the United States forest service, and authorized personnel of the departments of natural resources and fish and wildlife. Primary enforcement responsibility lies in the county sheriffs and their deputies. The legislature encourages county sheriffs' offices to enter into interlocal agreements with these other agencies in order to receive additional assistance with their enforcement responsibilities.

**Sec. 4.** RCW 76.48.050 and 1979 ex.s. c 94 s 4 are each amended to read as follows:

Specialized forest products permits shall consist of properly completed permit forms validated by the sheriff of the county in which the specialized forest products are to be harvested. Each permit shall be separately numbered and the permits shall be issued by consecutive numbers. All specialized forest products permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the permittor. A properly completed specialized forest products permit form shall include:

- (1) The date of its execution and expiration;
- (2) The name, address, telephone number, if any, and signature of the permittor;
- (3) The name, address, telephone number, if any, and signature of the permittee;
- (4) The type of specialized forest products to be harvested or transported;

(5) The approximate amount or volume of specialized forest products to be harvested or transported;

(6) The legal description of the property from which the specialized forest products are to be harvested or transported, including the name of the county, or the state or province if outside the state of Washington;

(7) A description by local landmarks of where the harvesting is to occur, or from where the specialized forest products are to be transported;

(8) The number from some type of valid picture identification; and

(9) Any other condition or limitation which the permittor may specify.

Except for the harvesting of Christmas trees, the permit or true copy thereof must be carried by the permittee and available for inspection at all times. For the harvesting of Christmas trees only a single permit or true copy thereof is necessary to be available at the harvest site.

**Sec. 5.** RCW 76.48.060 and 1992 c 184 s 2 are each amended to read as follows:

A specialized forest products permit validated by the county sheriff shall be obtained by ~~((any))~~ a person prior to harvesting from any lands, including his or her own, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any cedar products, cedar salvage, processed cedar products, or more than five pounds of Cascara bark, or more than three United States gallons of a single species of wild edible mushroom and ~~((not))~~ more than an aggregate total of nine United States gallons of wild edible mushrooms, plus one wild edible mushroom. Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or permittors in reasonable quantities. A permit form shall be completed in triplicate for each permittor's property on which a permittee harvests specialized forest products. A properly completed permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested. Before a permit form is validated by the sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct ~~((such))~~ other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff is reasonably satisfied as to the truth of ~~((such))~~ the information, the form shall be validated with the sheriff's validation stamp ~~((provided by the department of natural resources))~~. Upon validation, the form shall become the specialized forest products permit authorizing the harvesting, possession ~~((and/or))~~, or transportation of specialized forest products, subject to any other conditions or limitations which the permittor may specify. Two copies of the permit shall be given or mailed to the permittor, or one copy shall be given or mailed to the permittor and the other copy given or mailed to the permittee. The original permit shall be retained in the office of the county sheriff validating the permit. In the event a single land ownership is situated in two or more counties, a specialized forest product permit shall be completed as to the land situated in each county. While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.

**Sec. 6.** RCW 76.48.070 and 1992 c 184 s 3 are each amended to read as follows:

(1) Except as provided in RCW 76.48.100 and 76.48.075, it ~~((shall be))~~ is unlawful for any person (a) to possess, ~~((and/or))~~ (b) to transport, or (c) to possess and transport within the state of Washington, subject to any other conditions or limitations specified in the specialized forest products permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any processed cedar products, or more than five pounds of Cascara bark, or more than three gallons of a single species of wild edible mushrooms and ~~((not))~~ more than an aggregate total of nine gallons of wild edible mushrooms, plus one wild edible mushroom without having in his or her possession a written authorization, sales invoice, bill of lading, or specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of specialized forest products being so possessed or transported.

(2) It ~~((shall be))~~ is unlawful for any person either (a) to possess ~~((and/or))~~, (b) to transport, or (c) to possess and transport within the state of Washington any cedar products or cedar salvage without having in his or her possession a specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of the materials being so possessed or transported.

**Sec. 7.** RCW 76.48.075 and 1979 ex.s. c 94 s 15 are each amended to read as follows:

(1) It is unlawful for any person to transport or cause to be transported into this state from any other state or province specialized forest products, except those harvested from that person's own property, without: (a) First acquiring and having readily available for inspection a document indicating the true origin of the specialized forest products as being outside the state, or (b) without acquiring a specialized forest products permit as provided in subsection (4) of this section.

(2) Any person transporting or causing to be transported specialized forest products into this state from any other state or province shall, upon request of any person to whom the specialized forest products are sold or delivered or upon request of any law enforcement officer, prepare and sign a statement indicating the true origin of the specialized forest products, the date of delivery, and the license number of the vehicle making delivery, and shall leave the statement with the person making the request.

(3) It is unlawful for any person to possess specialized forest products, transported into this state, with knowledge that the products were introduced into this state in violation of this chapter.

(4) When any person transporting or causing to be transported into this state specialized forest products elects to acquire a specialized forest products permit, the specialized forest products transported into this state shall be deemed to be harvested in the county of entry, and the sheriff of that county may validate the permit as if the products were so harvested, except that the permit shall also indicate the actual harvest site outside the state.

(5) A cedar processor shall comply with RCW 76.48.096 by requiring a person transporting specialized forest products into this state from any other state or province to display a specialized forest products permit, or true copy thereof, or other document indicating the true origin of the specialized forest products as being outside the state. The cedar processor shall make and maintain a record of the purchase, taking possession, or retention of cedar products and cedar salvage in compliance with RCW 76.48.094.

(6) If, ~~((pursuant to))~~ under official inquiry, investigation, or other authorized proceeding regarding specialized forest products not covered by a valid specialized forest products permit or other acceptable document, the inspecting law enforcement officer has probable cause to believe that the specialized forest products were harvested in this state or wrongfully obtained in another state or province, the officer may take into custody and detain, for a reasonable time, the specialized forest products, all supporting documents, invoices, and bills of lading, and the vehicle in which the products were transported until the true origin of the specialized forest products can be determined.

**Sec. 8.** RCW 76.48.096 and 1979 ex.s. c 94 s 10 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any cedar processor to purchase, take possession, or retain cedar products or cedar salvage subsequent to the harvesting and prior to the retail sale of ~~((such))~~ the products, unless the supplier thereof displays a specialized forest products permit, or true copy thereof~~((, which))~~ that appears to be valid, or obtains the information ~~((pursuant to))~~ under RCW 76.48.075(5).

**Sec. 9.** RCW 76.48.098 and 1979 ex.s. c 94 s 11 are each amended to read as follows:

Every cedar processor shall prominently display a valid registration certificate, or copy thereof, obtained from the department of revenue ~~((pursuant to))~~ under RCW 82.32.030 at each location where ~~((such))~~ the processor receives cedar products or cedar salvage.

Permittees shall sell cedar products or cedar salvage only to cedar processors displaying registration certificates which appear to be valid.

**Sec. 10.** RCW 76.48.100 and 1979 ex.s. c 94 s 12 are each amended to read as follows:

The provisions of this chapter ~~((shall))~~ do not apply to:

(1) Nursery grown products.

(2) Logs (except as included in the definition of "cedar salvage" under RCW 76.48.020), poles, pilings, or other major forest products from which substantially all of the limbs and branches have been removed, and cedar salvage when harvested concurrently with timber stands (a) under an approved forest practices application or notification, or (b) under a contract or permit issued by an agency of the United States government.

(3) The activities of a landowner, his or her agent, or representative, or of a lessee of land in carrying on noncommercial property management, maintenance, or improvements on or in connection with the land of ~~((such))~~ the landowner or lessee.

**Sec. 11.** RCW 76.48.110 and 1979 ex.s. c 94 s 13 are each amended to read as follows:

Whenever any law enforcement officer has probable cause to believe that a person is harvesting or is in possession of or transporting specialized forest products in violation of the provisions of this chapter, he or she may, at the time of making an arrest, seize and take possession of any ~~((such))~~ specialized forest products found. The law enforcement officer shall provide reasonable protection for the specialized forest products involved during the period of litigation or he or she shall dispose of ~~((such))~~ the specialized forest products at the discretion or order of the court before which the arrested person is ordered to appear.

Upon any disposition of the case by the court, the court shall make a reasonable effort to return the specialized forest products to ~~((their))~~ its rightful owner or pay the proceeds of any sale of specialized forest products less any reasonable expenses of ~~((such))~~ the sale to the rightful owner. If for any reason, the proceeds of ~~((such))~~ the sale cannot be disposed of to the rightful owner, ~~((such))~~ the proceeds, less the reasonable expenses of the sale, shall be paid to the treasurer of the county in which the violation occurred. The county treasurer shall deposit the same in the county general fund. The return of the specialized forest products or the payment of the proceeds of any sale of products seized to the owner shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

**Sec. 12.** RCW 76.48.120 and 1979 ex.s. c 94 s 14 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to offer as genuine any paper, document, or other instrument in writing purporting to be a specialized forest products permit, or true copy thereof, authorization, sales invoice, or bill of lading, or to make any representation of authority to possess or conduct harvesting or transporting of specialized forest products, knowing the same to be in any manner false, fraudulent, forged, or stolen.

Any person who knowingly or intentionally violates this section ~~((shall be))~~ is guilty of forgery, and shall be punished as a class C felony providing for imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars, or by both ~~((such))~~ imprisonment and fine.

Whenever any law enforcement officer reasonably suspects that a specialized forest products permit or true copy thereof, authorization, sales invoice, or bill of lading is forged, fraudulent, or stolen, it may be retained by the officer until its authenticity can be verified.

**Sec. 13.** RCW 76.48.130 and 1977 ex.s. c 147 s 10 are each amended to read as follows:

~~((Any))~~ A person who violates ~~((any))~~ a provision of this chapter, other than the provisions contained in RCW 76.48.120, as now or hereafter amended, ~~((shall be))~~ is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not to exceed one year or by both ~~((such))~~ a fine and imprisonment.

**NEW SECTION. Sec. 14.** A new section is added to chapter 76.48 RCW to read as follows:

Buyers who purchase specialized forest products are required to record (1) the permit number; (2) the type of forest product purchased; (3) the permit holder's name; and (4) the amount of forest product purchased. The buyer shall keep a record of this information for a period of one year from the date of purchase and make the records available for inspection by authorized enforcement officials.

The buyer of specialized forest products must record the license plate number of the vehicle transporting the forest products on the bill of sale, as well as the seller's permit number on the bill of sale. This section shall not apply to transactions involving Christmas trees.

The section shall not apply to buyers of specialized forest products at the retail sales level.

**NEW SECTION. Sec. 15.** A new section is added to chapter 76.48 RCW to read as follows:

County sheriffs may contract with other entities to serve as authorized agents to validate specialized forest product permits. These entities include the United States forest service, the bureau of

land management, the department of natural resources, local police departments, and other entities as decided upon by the county sheriffs' departments. An entity that contracts with a county sheriff to serve as an authorized agent to validate specialized forest product permits may make reasonable efforts to verify the information provided on the permit form such as the section, township, and range of the area where harvesting is to occur.

**NEW SECTION. Sec. 16.** A new section is added to chapter 76.48 RCW to read as follows:  
Records of buyers of specialized forest products collected under the requirements of section 14 of this act may be made available to colleges and universities for the purpose of research.

**NEW SECTION. Sec. 17.** A new section is added to chapter 76.48 RCW to read as follows:  
Minority groups have long been participants in the specialized forest products industry. The legislature encourages agencies serving minority communities, community-based organizations, refugee centers, social service agencies, agencies and organizations with expertise in the specialized forest products industry, and other interested groups to work cooperatively to accomplish the following purposes:

(1) To provide assistance and make referrals on translation services and to assist in translating educational materials, laws, and rules regarding specialized forest products;

(2) To hold clinics to teach techniques for effective picking; and

(3) To work with both minority and nonminority permittees in order to protect resources and foster understanding between minority and nonminority permittees.

To the extent practicable within their existing resources, the commission on Asian-American affairs, the commission on Hispanic affairs, and the department of natural resources are encouraged to coordinate this effort.

**NEW SECTION. Sec. 18.** RCW 76.48.092 and 1979 ex.s. c 94 s 8 & 1977 ex.s. c 147 s 14 are each repealed.

**NEW SECTION. Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 76.48.020, 76.48.030, 76.48.040, 76.48.050, 76.48.060, 76.48.070, 76.48.075, 76.48.096, 76.48.098, 76.48.100, 76.48.110, 76.48.120, and 76.48.130; adding new sections to chapter 76.48 RCW; and repealing RCW 76.48.092."

and that the bill do pass as amended by the Conference Committee.

Signed by Senators Owen, Strannigan, Drew and Representatives Buck, Beeksma and Sheldon

#### MOTION

Representative Buck moved that the House adopt the Report of the Conference Committee on Engrossed Senate Bill No. 5011 and pass the bill as recommended by the Conference Committee.

Representative Buck spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

#### MOTION

On motion of Representative Brown, Representative Valle was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5011 as recommended by the Conference Committee.

Representative Sheldon spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5011 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 82, Nays - 8, Absent - 1, Excused - 7.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Poulsen, Quall, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 82.

Voting nay: Representatives Backlund, Beeksmas, Crouse, Goldsmith, McMorris, Pennington, Sherstad and Sterk - 8.

Absent: Representative Radcliff - 1.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Patterson, Robertson and Valle - 7.

Engrossed Senate Bill No. 5011, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### CONFERENCE COMMITTEE REPORT

SSB 5365 Date: April 21, 1995

Includes "new item": NO

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5365, revising the uniform disciplinary act, have had the same under consideration and we recommend that: the House Committee on Health Care amendment be adopted with the following change:

On page 14, beginning on line 21, after "standards", strike everything through "act" on line 23

On page 14, beginning on line 33, strike all of section 11  
and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Quigley, Fairley, Deccio; Representatives Dyer, Cody, Backlund

#### MOTION

Representative Dyer moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5365 and pass the bill as recommended by the Conference Committee. The motion was carried.

#### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5365 as recommended by the Conference Committee.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5365 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Patterson, Robertson and Valle - 7.

Substitute Senate Bill No. 5365, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

## REPORT OF CONFERENCE COMMITTEE

SB 5434 April 21, 1995

Includes "new item": NO

Mr. Speaker:  
Mr. President:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5434, amending licensing requirements of general agents, have had the same under consideration and we recommend:  
that the bill do pass without the amendment adopted by the House.

Signed by Senators Prentice, Fraser, Hale; Representatives L. Thomas, Smith, Wolfe.

## MOTION

Representative L. Thomas moved that the House adopt the Report of the Conference Committee on Senate Bill No. 5434 and pass the bill as recommended by the Conference Committee.

Representative L. Thomas spoke in favor of the motion and it was carried.

## FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5434 as recommended by the Conference Committee.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5434 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole,



Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Patterson, Robertson and Valle - 7.

Senate Bill No. 5434, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: Engrossed Second Substitute House Bill No. 1941 and Engrossed Substitute House Bill No. 1821.

#### MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941, and passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### REPORT OF CONFERENCE COMMITTEE

E2SHB 1941 April 21, 1995

Includes "NEW ITEM": YES

Improving student learning by focusing on reading literacy.

Mr. President:  
Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941, Reading literacy, have had the same under consideration and we recommend that:

The Senate amendments by Senators Johnson and McAuliffe adopted on April 13, 1995, not be adopted; and

That the Conference Committee striking amendments (S-3401.1) be adopted,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the ability to read with comprehension and skill is essential for success in school, and for success in future life. As we enter into the twenty-first century, the ability to read is critical to personal and family prosperity.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) The elementary grades assessment developed by the commission on student learning under RCW 28A.630.885(3)(b)(i) shall require that all public school students are assessed for reading literacy skills in the third grade no later than March 31st.

(2) The reading assessment in subsection (1) of this section shall be available for use by elementary schools no later than the 1996-97 school year. Elementary schools are encouraged to begin implementation of the assessment in the 1996-97 and 1997-98 school years.

(3) Notwithstanding the assessment implementation dates in RCW 28A.630.885, the reading assessment in subsection (1) of this section shall be implemented state-wide to all public school third-grade students in the 1998-99 school year.

(4) The information provided by the reading assessment shall be used by educators as a tool to evaluate instructional practices and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements for reading. The type of support to be provided to students shall be determined by school districts. School districts shall periodically reassess students who have not mastered the essential academic learning requirements for reading, and shall continue to provide appropriate reading support for students who have not mastered these essential academic learning requirements. The results of the reading assessment shall not be used for school or school district accountability purposes."

On page 1, line 1 of the title, after "literacy;" strike the remainder of the title and insert "adding a new section to chapter 28A.630 RCW; and creating a new section."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators McAuliffe, Johnson, Pelz; Representatives Brumsickle, Johnson, Cole.

#### MOTION

Representative Brumsickle moved that the House adopt the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 1941 and pass the bill as recommended by the Conference Committee.

Representatives Brumsickle, Cole and Johnson spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1941 as recommended by the Conference Committee.

Representative Brumsickle spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1941 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Patterson, Robertson and Valle - 7.

Engrossed Second Substitute House Bill No. 1941, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, and passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 1821 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821

Includes "NEW ITEM": YES

Modifying unemployment compensation for persons employed under public employment contracts.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, Unemployment comp disqualify, have had the same under consideration and we recommend that:

The Senate Committee on Labor, Commerce and Trade amendments adopted on April 5, 1995, not be adopted; and

That the Conference Committee striking amendments (H-3145.1) be adopted,

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 50.04.320 and 1986 c 21 s 1 are each amended to read as follows:

(1) For the purpose of payment of contributions, "wages" means the remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in RCW 50.24.010. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in the individual's trade or business an individual who immediately before the acquisition was employed in the trade or business of the predecessor employer, then, for the purposes of determining the amount of remuneration paid by the successor employer to the individual during the calendar year which is subject to contributions, any remuneration paid to the individual by the predecessor employer during that calendar year and before the acquisition shall be considered as having been paid by the successor employer.

(2) For the purpose of payment of benefits, "wages" means the remuneration paid by one or more employers to an individual for employment under this title during his base year: PROVIDED, That at the request of a claimant, wages may be calculated on the basis of remuneration payable. The

department shall notify each claimant that wages are calculated on the basis of remuneration paid, but at the claimant's request a redetermination may be performed and based on remuneration payable.

(3) For the purpose of payment of benefits and payment of contributions, the term "wages" includes tips which are received after January 1, 1987, while performing services which constitute employment, and which are reported to the employer for federal income tax purposes.

(4)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner. Remuneration does not include payments to members of a reserve component of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, shall be considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an employment contract with a public agency prior to its expiration date shall be considered remuneration. The proceeds shall be deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Except as provided in (c) of this subsection, the provisions of this ((section)) subsection (4) pertaining to the assignment of previously accrued compensation shall not apply to individuals subject to RCW 50.44.050.

**Sec. 2.** RCW 50.44.050 and 1990 c 33 s 587 are each amended to read as follows:

Except as otherwise provided in subsections (1) through (4) of this section, benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title.

(1) Benefits based on service in an instructional, research or principal administrative capacity for an educational institution shall not be paid to an individual for any week of unemployment which commences during the period between two successive academic years or between two successive academic terms within an academic year (or, when an agreement provides instead for a similar period between two regular but not successive terms within an academic year, during such period) if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms. Any employee of a common school district who is presumed to be reemployed pursuant to RCW 28A.405.210 shall be deemed to have a contract for the ensuing term.

(2) Benefits shall not be paid based on services in any other capacity for an educational institution for any week of unemployment which commences during the period between two successive academic years or between two successive academic terms within an academic year, if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms: PROVIDED, That if benefits are denied to any individual under this subsection and that individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.

(3) Benefits shall not be paid based on any services described in subsections (1) and (2) of this section for any week of unemployment which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(4) Benefits shall not be paid (as specified in subsections (1), (2), or (3) of this section) based on any services described in subsections (1) or (2) of this section to any individual who performed such

services in an educational institution while in the employ of an educational service district which is established pursuant to chapter 28A.310 RCW and exists to provide services to local school districts.

(5) As used in subsection (1) of this section, "academic year" means, with respect to services described in subsection (1) of this section performed by part-time faculty at community colleges and technical colleges: Fall, winter, spring, and summer quarters or comparable semesters unless, based upon objective criteria including enrollment and staffing, the quarter or comparable semester is not in fact a part of the academic year for the particular institution.

**Sec. 3.** RCW 50.44.053 and 1985 ex.s. c 5 s 9 are each amended to read as follows:

The term "reasonable assurance," as used in RCW 50.44.050, means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term as in the first academic year or term. However, with respect to services described in RCW 50.44.050(1) performed by part-time faculty for community colleges and technical colleges, the term "reasonable assurance" does not include an agreement that is contingent on enrollment, funding, or program changes. A person shall not be deemed to be performing services "in the same capacity" unless those services are rendered under the same terms or conditions of employment in the ensuing year as in the first academic year or term.

NEW SECTION. **Sec. 4.** The legislature finds that, as a general rule with limited exceptions, employees of educational institutions expect to be employed for no more than a nine or ten-month school year with a break between school years for the traditional summer vacation.

Because of the decision in *Evans v. Employment Security Department*, 72 Wn. App. 862 (1994), the legislature finds it necessary to clarify legislative intent with regard to unemployment compensation for employees of educational institutions. The 1995 c . . . s 2 (section 2 of this act) amendment to RCW 50.44.050 is intended to clarify that for the part-time faculty at two-year institutions of higher education, summer quarter may be expected to be a time of employment, unless otherwise shown. However, the 1995 c . . . s 2 (section 2 of this act) amendment to RCW 50.44.050 is not intended to change the general rules used by the employment security department prior to the *Evans* decision regarding unemployment compensation for other employees of educational institutions.

NEW SECTION. **Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 50.04.320, 50.44.050, and 50.44.053; creating new sections; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Pelz, Newhouse, Kohl; Representatives Lisk, Carlson, Kessler.

#### MOTION

Representative Lisk moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1821 and pass the bill as recommended by the Conference Committee.

Representatives Lisk, Mastin, Carlson and Jacobsen spoke in favor of the motion and it was carried.

#### POINT OF INQUIRY

Representative Lisk yielded to a question by Representative Dyer.

Representative Dyer: Representative Lisk, on page 4 of the bill it's unclear to me what's going to happen on the services described under RCW 50.44.050, subsection 1 performed by part time faculty, could you explain that for me please?

Representative Lisk: No.

#### FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1821 as recommended by the Conference Committee.

Representatives Lisk, Kessler and Brown spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1821 as recommended by the Conference Committee, and the bill passed the House by the following vote:  
Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Patterson, Robertson and Valle - 7.

Engrossed Substitute House Bill No. 1821, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

April 22, 1995

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5003,  
SUBSTITUTE SENATE BILL NO. 5092,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,  
SUBSTITUTE SENATE BILL NO. 5155,  
SECOND SUBSTITUTE SENATE BILL NO. 5157,  
SUBSTITUTE SENATE BILL NO. 5162,  
SUBSTITUTE SENATE BILL NO. 5315,

SUBSTITUTE SENATE BILL NO. 5374,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5386,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5597,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5616,

and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1995

Mr. Speaker:

The Senate receded from its amendments to ENGROSSED HOUSE BILL NO. 1770 and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The Senate receded from its amendments to ENGROSSED HOUSE BILL NO. 2057 and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 1225, and passed the bill without said amendments:

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 1725, and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5092,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,  
SECOND SUBSTITUTE SENATE BILL NO. 5157,  
SUBSTITUTE SENATE BILL NO. 5162,  
SUBSTITUTE SENATE BILL NO. 5315,  
SUBSTITUTE SENATE BILL NO. 5374,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5386,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5597,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5616,

and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1144,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165,  
SUBSTITUTE HOUSE BILL NO. 1270,  
SUBSTITUTE HOUSE BILL NO. 1273,  
ENGROSSED HOUSE BILL NO. 1305,  
SUBSTITUTE HOUSE BILL NO. 1387,  
SUBSTITUTE HOUSE BILL NO. 1398,  
SUBSTITUTE HOUSE BILL NO. 1497,  
HOUSE BILL NO. 1534,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1611,  
SUBSTITUTE HOUSE BILL NO. 1673,  
SUBSTITUTE HOUSE BILL NO. 1700,  
SUBSTITUTE HOUSE BILL NO. 1722,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730,  
SUBSTITUTE HOUSE BILL NO. 1809,  
HOUSE BILL NO. 1872,  
ENGROSSED HOUSE BILL NO. 2033,

and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5466 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary



## MOTION

On motion of Representative Sheahan, the rules were suspended, and Engrossed Substitute Senate Bill No. 5466 was returned to second reading for the purpose of an amendment. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5466, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Oke, Heavey, Winsley and Franklin)

Protecting children from sexually explicit films, publications, and devices.

The bill was read the second time.

Representative McMahan moved adoption of the following amendment by Representative McMahan:

On page 3, line 1, after "(b)" strike "Where it" and insert "It"

On page 3, beginning on line 2, after "subsection" strike all matter through "only'" on line 3

Representatives McMahan and Chappell spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

## MOTIONS

On motion of Representative Brown, Representative Ogden was excused.

On motion of Representative Talcott, Representative Stevens was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5466 as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5466 as amended by the House, and the bill passed the House by the following vote: Yeas - 71, Nays - 18, Absent - 0, Excused - 9.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Dyer, Ebersole, Elliot, Fisher, G., Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Quall, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 71.

Voting nay: Representatives Brown, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Fisher, R., Hatfield, Mason, Poulsen, Regala, Romero, Rust, Thibaudeau, Tokuda, Veloria and Wolfe - 18.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Ogden, Patterson, Robertson, Stevens and Valle - 9.

Engrossed Substitute Senate Bill No. 5466, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1140,  
SUBSTITUTE HOUSE BILL NO. 1152,  
SUBSTITUTE HOUSE BILL NO. 1205,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1298,  
SUBSTITUTE HOUSE BILL NO. 1401,  
SUBSTITUTE HOUSE BILL NO. 1547,  
SUBSTITUTE HOUSE BILL NO. 1658,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1810,  
SUBSTITUTE HOUSE BILL NO. 1865,  
ENGROSSED HOUSE BILL NO. 1889,  
SUBSTITUTE HOUSE BILL NO. 1906,  
SUBSTITUTE HOUSE BILL NO. 1995,  
ENGROSSED HOUSE BILL NO. 2005,  
SUBSTITUTE HOUSE BILL NO. 2058,  
SECOND SUBSTITUTE SENATE BILL NO. 5003,  
SUBSTITUTE SENATE BILL NO. 5092,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,  
SUBSTITUTE SENATE BILL NO. 5155,  
SECOND SUBSTITUTE SENATE BILL NO. 5157,  
SUBSTITUTE SENATE BILL NO. 5162,  
SUBSTITUTE SENATE BILL NO. 5315,  
SUBSTITUTE SENATE BILL NO. 5374,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5386,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5597,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5616,

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

MOTION

There being no objection, the House adjourned until 1:00 p.m., Sunday, April 23, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

ONE HUNDRED-FOURTH DAY, APRIL 22, 1995

JOURNAL OF THE HOUSE

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**ONE HUNDRED-FIFTH DAY**

—————  
AFTERNOON SESSION  
—————

House Chamber, Olympia, Sunday, April 23, 1995

The House was called to order at 1:00 p.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brace Rigby and Jeremy Daggett. Prayer was offered by Representative Clements.

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

MESSAGES FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5119,  
SENATE BILL NO. 5677,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The President ruled the Conference Committee amendment (s-3388.4) to ENGROSSED HOUSE BILL NO. 1173 beyond the scope and object of the bill. On Motion, the Conference Committee Report was returned to the Conference Committee for further consideration.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The President has appointed the following members as Conferees to ENGROSSED SENATE BILL NO. 5873:

Senators Fairley, Sellar and A. Smith

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8407,  
and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### RESOLUTION

HOUSE RESOLUTION NO. 95-4687, by Representatives Mason, Costa, Appelwick, Backlund, Ballard, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, G. Fisher, R. Fisher, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, D. Schmidt, K. Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, B. Thomas, L. Thomas, Thompson, Tokuda, Valle, Van Luven, Veloria and Wolfe

WHEREAS, The entire nation is shocked and saddened by Wednesday's terrorist bombing of the Alfred P. Murrah Building in Oklahoma City; and

WHEREAS, Our thoughts and deepest sympathies go out to the victims of this terrible tragedy and their families as we observe Sunday, April 23, as a national day of mourning; and

WHEREAS, The emotional aftermath of this tragedy is especially difficult for our nation's children; and

WHEREAS, We pray for the rescue of any survivors who may still be left in the building; and

WHEREAS, We owe an immeasurable debt of gratitude to the public safety and rescue workers who have risked their own lives to search for and save victims of the bombing; and

WHEREAS, We are also proud of and grateful for the outstanding investigative work of state and federal law enforcement officers; and

WHEREAS, This tragedy has brought about compassion and caring among our fellow Americans that has shown the United States to be a great nation; and

WHEREAS, We must not tolerate such brutal acts of terrorism and wanton disregard for human life;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize that we must do everything within our power and resources to ensure the protection of our children and families from random acts of violence; and

BE IT FURTHER RESOLVED, That we, the members of the Washington State House of Representatives, take this moment to offer our prayers and condolences to the victims of Wednesday's terrorist bombing, to their families, and to everyone whose lives have been touched by this unspeakable tragedy.

Representative Mason moved adoption of the resolution.

Representatives Mason and Costa spoke in favor of adoption of the resolution.

House Resolution No. 4687 was adopted.

#### MOTION

Representative Ebersole moved that all members names be added to House Resolution No. 4687. The motion was carried.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

The Speaker announced he was receiving Petitions to be delivered to the Secretary of State.

The Speaker instructed the Sergeant at Arms to deliver the Petitions to the Secretary of State.

#### SENATE AMENDMENTS TO HOUSE BILL

April 22, 1995

Mr. Speaker:

Under suspension of rules, the Senate returned SUBSTITUTE HOUSE BILL NO. 1250 to second reading for purpose of amendment. The Senate adopted floor amendment #421, and passed the bill as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32 RCW to read as follows:

(1)(a) If the worker or beneficiary in a state fund claim prevails in an appeal by any party to the board or the court, the department shall comply with the board or court's order with respect to the payment of compensation within the later of the following time periods:

(i) Sixty days after the compensation order has become final and is not subject to review or appeal; or

(ii) If the order has become final and is not subject to review or appeal and the department has, within the period specified in (a)(i) of this subsection, requested the filing by the worker or beneficiary of documents necessary to make payment of compensation, sixty days after all requested documents are filed with the department.

The department may extend the sixty-day time period for an additional thirty days for good cause.

(b) If the department fails to comply with (a) of this subsection, any person entitled to compensation under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the claimant resides, or, if the claimant is not then a resident of this state, in the superior court for Thurston county.

(2) In a proceeding under this section, the court shall enforce obedience to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order. The court may issue such writs and processes as are necessary to carry out its orders and may award a penalty of up to one thousand dollars to the person entitled to compensation under the order.

(3) A proceeding under this section does not preclude other methods of enforcement provided for in this title.

NEW SECTION. **Sec. 2.** This act applies to all appeals in state fund claims determined under Title 51 RCW on or after the effective date of this act, regardless of the date of filing of the claim."

On page 1, line 1 of the title, after "awards;" strike the remainder of the title and insert "adding a new section to chapter 51.32 RCW; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Lisk moved that the House concur in the Senate amendments to Substitute House Bill No. 1250 and pass the bill as amended by the Senate.

Representative Lisk spoke in favor of the motion and it was carried.

#### MOTION

On motion of Representative Brown, Representative Patterson was excused.

Representative Cole spoke in favor of passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1250 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1250 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Fuhrman and Patterson - 2.

Substitute House Bill No. 1250, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 22, 1995

Mr. Speaker:

Under suspension of rules, the Senate receded from the Senate Committee on Ways and Means striking amendments adopted on April 10, 1995 to HOUSE BILL NO. 1296, returned the bill to

second reading for purpose of amendment, and passed the bill with the attached striking amendments (Floor No. 425):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Since enactment of chapter 227, Laws of 1984 most employers that participate in state retirement systems have been responsible for ensuring that member retirement contributions are transferred to the retirement trust funds, even in situations where service credit is being established on a retroactive basis for a member who is no longer employed by the employer.

(2) It is the responsibility of employers to accurately report their employees' compensation and service, and to ensure that all required member and employer contributions are transferred to the department of retirement systems. However, in situations where an employer determines that a former employee should have had contributions transferred, it is more reasonable and efficient to bill the employee for the past due member contributions than to make the employer responsible for them.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.50 RCW to read as follows:

(1) If an employer, pursuant to RCW 41.50.140(2), does not transfer member contributions for a former employee's prior period of service, the member shall not receive service credit for the period of service unless the member pays the required member contributions as provided in this section. In such cases the member shall have the option, but shall not be obligated, to pay the member contributions necessary to receive credit for the period of service. As provided by RCW 41.50.140(1), the department shall collect from the employer all employer contributions due for periods of service, regardless of whether the member elects to pay the member contributions necessary to receive credit for the period of service.

(2) The department shall adopt, by rule, a process by which separated and active members may pay member contributions needed to establish service credit for prior periods of service for which their employers did not transmit member contributions.

**Sec. 3.** RCW 41.50.140 and 1982 1st ex.s. c 52 s 33 are each amended to read as follows:

(1) Every employer participating in one or more of the retirement systems listed in RCW 41.50.030 shall fully cooperate in the administration of the systems in which its employees participate, including the distribution of information to employees, and shall accept and carry out all other duties as required by law, regulation, or administrative instruction. Every employer shall transmit to the department all member and employer contributions due for periods of service rendered in the retirement systems, except as provided in subsection (2) of this section.

(2) When the department bills an employer for member and employer contributions owed for a prior period of service, the employer shall transmit the required contributions if the member is still an employee of the employer at the time of the billing. The employer shall have no duty to transfer member contributions for persons who are not employees on the date the department bills the employer but shall transfer the required employer contributions for the prior service.

(3) Members for whom member contributions for a prior period of service are not transferred by the employer pursuant to subsection (2) of this section shall have the option of paying the required member contributions pursuant to section 2 of this act.

~~((2) If an employee is entitled to retroactive service credit which was not previously established through no fault of the employee, or through an employer error which has caused a member's compensation or contributions to be understated or overstated so as to cause a loss to the retirement funds, the director may bill the employer for the loss, to include interest, if applicable. The employer contributions, with interest thereon, will be treated as if in fact the interest was part of the normal employer contribution and no distribution of interest received shall be required.~~

~~(3) Employer paid employee contributions will not be credited to a member's account until the employer notifies the director in writing that the employer has been reimbursed by the employee or beneficiary for the payment. The employer shall have the right to collect from the employee the amount of the employee's obligation. Failure on the part of the employer to collect all or any part of the sums which may be due from the employee or beneficiary shall in no way cause the employer obligation for the total liability to be lessened.))~~

(4) If an employer transfers member contributions which were not paid by the member, the employer shall have the right to collect the amount of the employee's obligation from the employee.

**Sec. 4.** RCW 41.54.020 and 1994 c 197 s 32 are each amended to read as follows:

(1) Those persons who are dual members on or after July 1, 1988, shall not receive a retirement benefit from any prior system while dual members without the loss of all benefits under this chapter. Retroactive retirement in any prior system will cancel membership in any subsequent systems except as allowed under RCW 41.04.270 and will result in the refund of all employee and employer contributions made to such systems.

(2) If a member has withdrawn contributions from a prior system, the member may restore the contributions, together with interest since the date of withdrawal as determined by the system, and recover the service represented by the contributions. Such restoration must be completed within two years of establishing dual membership or prior to retirement, whichever occurs first.

(3) If a member does not meet the time limitation under subsection (2) of this section, the member, prior to retirement, may restore the service credit destroyed by the withdrawn contributions by paying the amount required under RCW 41.50.165(2). However, if a member failed to meet the applicable statutory deadline and filed a petition with the director of the department of retirement systems prior to January 1, 1995, requesting an extension of the applicable period; and if the director's findings in denying the petition affirmatively show that the failure was due to the fact that the department's customary bulletins and other notifications that were furnished to the member's employer for distribution were not furnished to the member by the employer, and that the member did not otherwise receive notice through other channels of communication and was not at fault, the member may elect to restore the required contributions and interest and regain service credit under subsection (2) of this section under the same terms and conditions and without further liability as if the election had been made on a timely basis. The election must be made not later than July 1, 1995, or prior to retirement, whichever comes first. The department shall provide written notice and an application directly to the affected members, and any further assistance as may be necessary to implement this section.

(4) Any service accrued in one system by the member shall not accrue in any other system.

NEW SECTION. **Sec. 5.** Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately and the remainder of this act shall take effect July 1, 1996."

On page 1, line 2 of the title, after "contributions;" strike the remainder of the title and insert "amending RCW 41.50.140 and 41.54.020; adding a new section to chapter 41.50 RCW; creating a new section; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Carlson moved that the House adhere to its position on House Bill No. 1296.

Representative Carlson spoke in favor of the motion and it was carried.

#### SENATE AMENDMENTS TO HOUSE BILL

April 22, 1995

Mr. Speaker:

Under suspension of rules, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471 was returned to second reading. The Senate further amended the Senate Committee on Law and Justice



striking amendments adopted April 12, 1995 by adopting floor amendment #418, and passed the bill with the attached Law and Justice Committee amendments as amended:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The intent of this chapter is to provide consistent laws regarding the formation and legal administration of homeowners' associations.

**NEW SECTION. Sec. 2.** For purposes of this chapter:

(1) "Homeowners' association" or "association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the association's jurisdiction, as described in the governing documents, and by virtue of membership or ownership of property is obligated to pay real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned by the member. "Homeowners' association" does not mean an association created under chapter 64.32 or 64.34 RCW.

(2) "Governing documents" means the articles of incorporation, bylaws, plat, declaration of covenants, conditions, and restrictions, rules and regulations of the association, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

(3) "Board of directors" or "board" means the body, regardless of name, with primary authority to manage the affairs of the association.

(4) "Common areas" means property owned, or otherwise maintained, repaired or administered by the association.

(5) "Common expense" means the costs incurred by the association to exercise any of the powers provided for in this chapter.

(6) "Residential real property" means any real property, the use of which is limited by law, covenant or otherwise to primarily residential or recreational purposes.

**NEW SECTION. Sec. 3.** The membership of an association at all times shall consist exclusively of the owners of all real property over which the association has jurisdiction, both developed and undeveloped.

**NEW SECTION. Sec. 4.** Unless otherwise provided in the governing documents, an association may:

(1) Adopt and amend bylaws, rules, and regulations;

(2) Adopt and amend budgets for revenues, expenditures, and reserves, and impose and collect assessments for common expenses from owners;

(3) Hire and discharge or contract with managing agents and other employees, agents, and independent contractors;

(4) Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more owners on matters affecting the homeowners' association, but not on behalf of owners involved in disputes that are not the responsibility of the association;

(5) Make contracts and incur liabilities;

(6) Regulate the use, maintenance, repair, replacement, and modification of common areas;

(7) Cause additional improvements to be made as a part of the common areas;

(8) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property;

(9) Grant easements, leases, licenses, and concessions through or over the common areas and petition for or consent to the vacation of streets and alleys;

(10) Impose and collect any payments, fees, or charges for the use, rental, or operation of the common areas;

(11) Impose and collect charges for late payments of assessments and, after notice and an opportunity to be heard by the board of directors or by the representative designated by the board of directors and in accordance with the procedures as provided in the bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established

schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association;

(12) Exercise any other powers conferred by the bylaws;

(13) Exercise all other powers that may be exercised in this state by the same type of corporation as the association; and

(14) Exercise any other powers necessary and proper for the governance and operation of the association.

**NEW SECTION. Sec. 5.** (1) Except as provided in the association's governing documents or this chapter, the board of directors shall act in all instances on behalf of the association. In the performance of their duties, the officers and members of the board of directors shall exercise the degree of care and loyalty required of an officer or director of a corporation organized under chapter 24.03 RCW.

(2) The board of directors shall not act on behalf of the association to amend the articles of incorporation, to take any action that requires the vote or approval of the owners, to terminate the association, to elect members of the board of directors, or to determine the qualifications, powers, and duties, or terms of office of members of the board of directors; but the board of directors may fill vacancies in its membership of the unexpired portion of any term.

(3) Within thirty days after adoption by the board of directors of any proposed regular or special budget of the association, the board shall set a date for a meeting of the owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the owners of a majority of the votes in the association are allocated or any larger percentage specified in the governing documents reject the budget, in person or by proxy, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the owners shall be continued until such time as the owners ratify a subsequent budget proposed by the board of directors.

(4) The owners by a majority vote of the voting power in the association present, in person or by proxy, and entitled to vote at any meeting of the owners at which a quorum is present, may remove any member of the board of directors with or without cause.

**NEW SECTION. Sec. 6.** Unless provided for in the governing documents, the bylaws of the association shall provide for:

(1) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers and filling vacancies;

(2) Election by the board of directors of the officers of the association as the bylaws specify;

(3) Which, if any, of its powers the board of directors or officers may delegate to other persons or to a managing agent;

(4) Which of its officers may prepare, execute, certify, and record amendments to the governing documents on behalf of the association;

(5) The method of amending the bylaws; and

(6) Subject to the provisions of the governing documents, any other matters the association deems necessary and appropriate.

**NEW SECTION. Sec. 7.** (1) A meeting of the association must be held at least once each year. Special meetings of the association may be called by the president, a majority of the board of directors, or by owners having ten percent of the votes in the association. Not less than fourteen nor more than sixty days in advance of any meeting, the secretary or other officers specified in the bylaws shall cause notice to be hand-delivered or sent prepaid by first class United States mail to the mailing address of each owner or to any other mailing address designated in writing by the owner. The notice of any meeting shall state the time and place of the meeting and the business to be placed on the agenda by the board of directors for a vote by the owners, including the general nature of any proposed amendment to the articles of incorporation, bylaws, any budget or changes in the previously approved budget that result in a change in assessment obligation, and any proposal to remove a director.

(2) Except as provided in this subsection, all meetings of the board of directors shall be open for observation by all owners of record and their authorized agents. The board of directors shall keep minutes of all actions taken by the board, which shall be available to all owners. Upon the affirmative vote in open meeting to assemble in closed session, the board of directors may convene in closed

executive session to consider personnel matters; consult with legal counsel or consider communications with legal counsel; and discuss likely or pending litigation, matters involving possible violations of the governing documents of the association, and matters involving the possible liability of an owner to the association. The motion shall state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the closed session shall be included in the minutes. The board of directors shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. No motion, or other action adopted, passed, or agreed to in closed session may become effective unless the board of directors, following the closed session, reconvenes in open meeting and votes in the open meeting on such motion, or other action which is reasonably identified. The requirements of this subsection shall not require the disclosure of information in violation of law or which is otherwise exempt from disclosure.

**NEW SECTION. Sec. 8.** Unless the governing documents specify a different percentage, a quorum is present throughout any meeting of the association if the owners to which thirty-four percent of the votes of the association are allocated are present in person or by proxy at the beginning of the meeting.

**NEW SECTION. Sec. 9.** (1) The association or its managing agent shall keep financial and other records sufficiently detailed to enable the association to fully declare to each owner the true statement of its financial status. All financial and other records of the association, including but not limited to checks, bank records, and invoices, in whatever form they are kept, are the property of the association. Each association managing agent shall turn over all original books and records to the association immediately upon termination of the management relationship with the association, or upon such other demand as is made by the board of directors. An association managing agent is entitled to keep copies of association records. All records which the managing agent has turned over to the association shall be made reasonably available for the examination and copying by the managing agent.

(2) All records of the association, including the names and addresses of owners and other occupants of the lots, shall be available for examination by all owners, holders of mortgages on the lots, and their respective authorized agents on reasonable advance notice during normal working hours at the offices of the association or its managing agent. The association shall not release the unlisted telephone number of any owner. The association may impose and collect a reasonable charge for copies and any reasonable costs incurred by the association in providing access to records.

(3) At least annually, the association shall prepare, or cause to be prepared, a financial statement of the association. The financial statements of associations with annual assessments of fifty thousand dollars or more shall be audited at least annually by an independent certified public accountant, but the audit may be waived if sixty-seven percent of the votes cast by owners, in person or by proxy, at a meeting of the association at which a quorum is present, vote each year to waive the audit.

(4) The funds of the association shall be kept in accounts in the name of the association and shall not be commingled with the funds of any other association, nor with the funds of any manager of the association or any other person responsible for the custody of such funds.

**NEW SECTION. Sec. 10.** Any violation of the provisions of this chapter entitles an aggrieved party to any remedy provided by law or in equity. The court, in an appropriate case, may award reasonable attorneys' fees to the prevailing party.

**NEW SECTION. Sec. 11.** Sections 1 through 10 of this act constitute a new chapter in Title 64 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1471 and pass the bill as amended by the Senate.

Representatives Sheahan and Costa spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1471 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1471 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Crouse, Goldsmith, Hargrove, McMahan, McMorris, Pennington, Sherstad and Sterk - 8.

Excused: Representatives Fuhrman and Patterson - 2.

Engrossed Substitute House Bill No. 1471, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 22, 1995

Mr. Speaker:

Under suspension of rules, the Senate reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 1560 passed. Under further suspension of rules, the Senate returned SUBSTITUTE HOUSE BILL NO. 1560 to second reading for purpose of amendment. The Senate adopted floor amendment #419, and passed the bill as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 82.36.010 and 1993 c 54 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle that is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas or liquid, by whatsoever name such gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state; also every person who acquires motor vehicle fuel, on which the tax has not been paid, and

exports it by commercial motor vehicle as defined in RCW 82.37.020 to a location outside the state. For the purposes of liability for a county fuel tax, "distributor" has that meaning defined in the county ordinance imposing the tax;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of licensing;

(6) "Director" means the director of licensing;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

(15) "Alcohol" means alcohol that is produced from renewable resources;

(16) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account;

(17) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement, misrepresentation of fact, or other act of deception; or

(b) An intentional: Omission, failure to file a return or report, or other act of deception.

**Sec. 2.** RCW 82.36.380 and 1961 c 15 s 82.36.380 are each amended to read as follows:

~~((Any person failing to pay the tax as herein provided, or violating any of the other provisions of this chapter, or making any false statement, or concealing any material fact in any report, record, affidavit, or claim provided for herein, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.))~~

(1) It is unlawful for a person or corporation to evade a tax or fee imposed under this chapter.

(2) Evasion of taxes or fees under this chapter is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the transportation fund of the state.

**Sec. 3.** RCW 82.38.020 and 1994 c 262 s 22 are each amended to read as follows:

As ~~((hereinafter))~~ used in this chapter:

(1) "Person" means every natural person, fiduciary, association, or corporation. The term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

- (2) "Department" means the department of licensing.
- (3) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.
- (4) "Motor vehicle" means every self-propelled vehicle designed for operation upon land utilizing special fuel as the means of propulsion.
- (5) "Special fuel" means and includes all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor vehicle fuel as defined in chapter 82.36 RCW.
- (6) "Bulk storage" means the placing of special fuel by a special fuel dealer into a receptacle other than the fuel supply tank of a motor vehicle.
- (7) "Special fuel dealer" means any person engaged in the business of delivering special fuel into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him, or into bulk storage facilities for subsequent use in a motor vehicle. For this purpose the term "fuel supply tank or tanks" does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.
- (8) "Special fuel user" means any person purchasing special fuel into bulk storage without payment of the special fuel tax for subsequent use in a motor vehicle, or any person engaged in interstate commercial operation of motor vehicles any part of which is within this state.
- (9) "Service station" means any location at which fueling of motor vehicles is offered to the general public.
- (10) "Unbonded service station" means any service station at which an unbonded special fuel dealer regularly makes sales of special fuel by means of delivery thereof into the fuel supply tanks of motor vehicles.
- (11) "Bond" means: (a) A bond duly executed by such special fuel dealer or special fuel user as principal with a corporate surety qualified under the provisions of chapter 48.28 RCW which bond shall be payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations of such dealer, arising out of this chapter; or (b) a deposit with the state treasurer by the special fuel dealer or special fuel user, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Washington, or any county of said state, of an actual market value not less than the amount so fixed by the department; or (c) such other instruments as the department may determine and prescribe by rule to protect the interests of the state and to insure compliance of the requirements of this chapter.
- (12) "Lessor" means any person (a) whose principal business is the bona fide leasing or renting of motor vehicles without drivers for compensation to the general public, and (b) who maintains established places of business and whose lease or rental contracts require such motor vehicles to be returned to the established places of business.
- (13) "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form.
- (14) "Standard pressure and temperature" means fourteen and seventy-three hundredths pounds of pressure per square inch at sixty degrees Fahrenheit.
- (15) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:
- (a) A knowing: False statement, misrepresentation of fact, or other act of deception; or
- (b) An intentional: Omission, failure to file a return or report, or other act of deception.

**Sec. 4.** RCW 82.38.270 and 1979 c 40 s 19 are each amended to read as follows:

- ~~((It shall be unlawful for any person to:~~
- ~~(1) Refuse, or knowingly and intentionally fail to make and file any statement required by this chapter in the manner or within the time required;~~
- ~~(2) Knowingly and with intent to evade or to aid in the evasion of the tax imposed herein to make any false statement or conceal any material fact in any record, return, or affidavit provided for in this chapter;~~
- ~~(3) Conduct any activities requiring a license under this chapter without a license or after a license has been suspended, surrendered, canceled, or revoked;~~
- ~~(4) Fail to keep and maintain the books and records required by this chapter;~~

~~(5) Divert special fuel purchased for a nontaxable use to a use subject to the taxes imposed by this chapter without payment of the taxes as required by this chapter.~~

~~Except as otherwise provided by law, any person violating any of the provisions of this chapter shall be guilty of a gross misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, or imprisonment for not more than one year, or both.~~

~~The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of this chapter.)~~ (1) It is unlawful for a person or corporation to evade a tax or fee imposed under this chapter.

(2) Evasion of taxes or fees under this chapter is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the transportation fund of the state.

**Sec. 5.** RCW 9A.04.080 and 1993 c 214 s 1 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder;

(ii) Arson if a death results.

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results; or

(iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission; except that if the victim is under fourteen years of age when the rape is committed and the rape is reported to a law enforcement agency within one year of its commission, the violation may be prosecuted up to three years after the victim's eighteenth birthday or up to ten years after the rape's commission, whichever is later. If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted: (A) More than three years after its commission if the violation was committed against a victim fourteen years of age or older; or (B) more than three years after the victim's eighteenth birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under fourteen years of age.

(c) Violations of the following statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, 9A.44.100(1)(b), or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) No other felony may be prosecuted more than three years after its commission.

(h) No gross misdemeanor may be prosecuted more than two years after its commission.

(i) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside."

On page 1, line 1 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 82.36.010, 82.36.380, 82.38.020, 82.38.270, and 9A.04.080; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Substitute House Bill No. 1560 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1560 as amended by the Senate.

Representative K. Schmidt spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1560 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Fuhrman and Patterson - 2.

Substitute House Bill No. 1560, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to HOUSE BILL NO. 1436 and again asks the House to concur therein.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION



Representative B. Thomas moved that the House adhere to its position on House Bill No. 1436. The motion was carried.

#### MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on HOUSE BILL NO. 1445, insists on its position regarding the Senate amendments and again asks the House to concur therein.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Silver moved that the House recede from its position and pass House Bill No. 1445 as amended by the Senate.

Representatives Silver and Dellwo spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1445 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1445 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Fuhrman and Patterson - 2.

House Bill No. 1445, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5053 and Engrossed Senate Bill No. 5529 and the bills held their place on today's calendar.

#### MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5653, insists on its position regarding the House amendments and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Cooke moved that the House adhere to its position on Substitute Senate Bill No. 5653.

Representative Cooke spoke in favor of the motion and it was carried.

#### CONFERENCE COMMITTEE REPORT

SSB 5854 Date: April 22, 1995

Includes "new item": YES

Mr. Speaker:  
Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5854, requiring that health plans must allow women a choice of Health Care providers, have had the same under consideration and we recommend that:

The House Health Care Committee amendment not be adopted, and the striking amendment by the Conference Committee (attached 5854-S AMC CONF S3410.1) be adopted; and

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.42 RCW to read as follows:

(1) For purposes of this section, health care carriers includes disability insurers regulated under chapter 48.20 or 48.21 RCW, health care services contractors regulated under chapter 48.44 RCW, health maintenance organizations regulated under chapter 48.46 RCW, plans operating under the health care authority under chapter 41.05 RCW, the state health insurance pool operating under chapter 48.41 RCW, and insuring entities regulated under chapter 48.43 RCW.

(2) For purposes of this section and consistent with their lawful scopes of practice, types of health care practitioners that provide women's health care services shall include, but need not be limited by a health care carrier to, the following: Any generally recognized medical specialty of practitioners licensed under chapter 18.57 or 18.71 RCW who provides women's health care services; practitioners licensed under chapters 18.57A and 18.71A RCW when providing women's health care services; and advanced registered nurse practitioner specialists in women's health and midwifery under chapter 18.79 RCW.

(3) For purposes of this section, women's health care services shall include, but need not be limited by a health care carrier to, the following: Maternity care; reproductive health services; gynecological care; general examination; and preventive care as medically appropriate and medically appropriate follow-up visits for the services listed in this subsection.

(4) Health care carriers shall ensure that enrolled female patients have direct access to timely and appropriate covered women's health care services from the type of health care practitioner of their choice in accordance with subsection (5) of this section.

(5)(a) Health care carrier policies, plans, and programs written, amended, or renewed after the effective date of this act shall provide women patients with direct access to the type of health care practitioner of their choice for appropriate covered women's health care services without the necessity of prior referral from another type of health care practitioner.

(b) Health care carriers may comply with this section by including all the types of health care practitioners listed in this section for women's health care services for women patients.

(c) Nothing in this section shall prevent health care carriers from restricting women patients to seeing only health care practitioners who have signed participating provider agreements with the health care carrier."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "and adding a new section to chapter 48.42 RCW." that the bill do pass as amended by the Conference Committee.

Signed by Senators Haugen, Moyer, Fairley; Representatives Hymes, Kessler

#### MOTION

Representative Hymes moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5854 and pass the bill as recommended by the Conference Committee.

Representatives Hymes, Lambert, Kessler, Ebersole, Dyer and Campbell spoke in favor of the motion.

Representative Backlund spoke against the motion.

#### POINT OF INQUIRY

Representative Hymes yielded to a question by Representative Kessler.

Representative Kessler: Does anything in this bill in any way designate abortion as a mandated benefit?

Representative Hymes: No it does not. In fact we've very carefully put the word "covered women's health services" so that it protects carriers from handling a mandated benefit, it does not.

Representative Hymes again spoke in favor of the motion.

The motion was carried.

#### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5854 as recommended by the Conference Committee.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5854 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky,

Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Backlund and Sherstad - 2.

Excused: Representatives Fuhrman and Patterson - 2.

Substitute Senate Bill No. 5854, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

## CONFERENCE COMMITTEE REPORT

E2SSB 5439 Date: April 22, 1995

Includes "new item": YES

Mr. Speaker:  
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439, revising procedures for nonoffender at-risk youth and their families, have had the same under consideration and we recommend that all previous amendments not be adopted; that the Committee's striking amendment (attached CONF S3377.5) and the Committee's amendment (CONF S3418.1) to the striking amendment be adopted;

On page 70, beginning on line 13 of the conference report, strike all of section 75 and insert the following:

**"Sec. 75.** RCW 28A.225.110 and 1990 c 33 s 228 are each amended to read as follows:

Notwithstanding the provisions of RCW 10.82.070, fifty percent of all fines except as otherwise provided in RCW 28A.225.010 through 28A.225.140 shall ~~((insure and))~~ be applied to the support of the public schools in the school district where such offense was committed: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW ~~((as now exists or is later amended))~~ and fifty percent shall be paid to the county treasurer who shall deposit such amount to the credit of the courts in the county for the exclusive purpose of enforcing the provisions of RCW 28A.225.010 through 28A.225.140."

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 13.32A.010 and 1979 c 155 s 15 are each amended to read as follows:

The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, the experience and maturity ~~((are))~~ of parents make them better ~~((qualifications for establishing))~~ qualified to establish guidelines beneficial to and protective of ~~((individual members and the group as a whole than are youth and inexperience))~~ their children. The legislature further finds that it is the right and responsibility of adults to establish laws for the benefit and protection of the society; and that, in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. Further, absent abuse or neglect, parents should have the right to exercise control over their children. The legislature reaffirms its position stated in RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that it should remain intact in the absence of compelling evidence to the contrary.

The legislature recognizes there is a need for services and assistance for parents and children who are in conflict. These conflicts are manifested by children who exhibit various behaviors including: Running away, substance abuse, serious acting out problems, mental health needs, and other behaviors that endanger themselves or others.

The legislature finds many parents do not know their rights regarding their adolescent children and law enforcement. Parents and courts feel they have insufficient legal recourse for the chronic runaway child who is endangering himself or herself through his or her behavior. The legislature further recognizes that for chronic runaways whose behavior puts them in serious danger of harming themselves or others, secure facilities must be provided to allow opportunities for assessment, treatment, and to assist parents and protect their children. The legislature intends to give tools to parents, courts, and law enforcement to keep families together and reunite them whenever possible.

The legislature recognizes that some children run away to protect themselves from abuse or neglect in their homes. Abused and neglected children should be dealt with pursuant to chapter 13.34 RCW and it is not the intent of the legislature to handle dependency matters under this chapter.

The legislature intends services offered under this chapter be on a voluntary basis whenever possible to children and their families and that the courts be used as a last resort.

The legislature intends to increase the safety of children through the preservation of families and the provision of assessment, treatment, and placement services for children in need of services and at-risk youth including services and assessments conducted under chapter 13.32A RCW and RCW 74.13.033. Within available funds, the legislature intends to provide these services through crisis residential centers in which children and youth may safely reside for a limited period of time. The time in residence shall be used to conduct an assessment of the needs of the children, youth, and their families. The assessments are necessary to identify appropriate services and placement options that will reduce the likelihood that children will place themselves in dangerous or life-threatening situations.

The legislature recognizes that crisis residential centers provide an opportunity for children to receive short-term necessary support and nurturing in cases where there may be abuse or neglect. The legislature intends that center staff provide an atmosphere of concern, care, and respect for children in the center and their parents.

The legislature intends to provide for the protection of children who, through their behavior, are endangering themselves. The legislature intends to provide appropriate residential services, including secure facilities, to protect, stabilize, and treat children with serious problems. The legislature further intends to empower parents by providing them with the assistance they require to raise their children.

**NEW SECTION. Sec. 2.** This act may be known and cited as the "Becca bill."

**Sec. 3.** RCW 13.32A.030 and 1990 c 276 s 3 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "At-risk youth" means a juvenile:

(a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent;

(b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or

(c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.

(2) "Child," "juvenile," and "youth" mean any unemancipated individual who is under the chronological age of eighteen years.

(3) "Child in need of services" means a juvenile:

(a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or other person;

(b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours from the parent's home, a crisis residential center, an out-of-home placement, or a court-ordered placement on two or more separate occasions; and

(i) Has exhibited a serious substance abuse problem; or

(ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or

(c)(i) Who is in need of necessary services, including food, shelter, health care, clothing, educational, or services designed to maintain or reunite the family;

(ii) Who lacks access, or has declined, to utilize these services; and

(iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

(4) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department seeking adjudication of placement of the child.

(5) "Custodian" means the person or entity who has the legal right to the custody of the child.

(6) "Department" means the department of social and health services((;

(2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;)).

((3)) (7) "Extended family member" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

(8) "Guardian" means that person or agency that (a) has been appointed as the guardian of a child in a legal proceeding other than a proceeding under chapter 13.34 RCW, and (b) has the right to legal custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW.

(9) "Multidisciplinary team" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and his or her parent. The team shall include the parent, a department case worker, a local government representative when authorized by the local government, and when appropriate, members from the mental health and substance abuse disciplines. The team may also include, but is not limited to, the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, therapists, medical personnel, social service providers, placement providers, and extended family members. The team members shall be volunteers who do not receive compensation while acting in a capacity as a team member, unless the member's employer chooses to provide compensation or the member is a state employee.

(10) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(11) "Parent" means the ((legal)) parent or parents who have the legal right to custody of the child. "Parent" includes custodian(((s))) or guardian(((s) of a child;)).

((4)) (12) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(13) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away((: PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93 415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder)). Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. ((The facility administrator shall notify a parent and the appropriate law enforcement agency within four hours of all unauthorized leaves;

(5) "At risk youth" means an individual under the chronological age of eighteen years who:

(a) Is absent from home for more than seventy two consecutive hours without consent of his or her parent;

(b) Is beyond the control of his or her parent such that the child's behavior substantially endangers the health, safety, or welfare of the child or any other person; or

(c) Has a serious substance abuse problem for which there are no pending criminal charges related to the substance abuse.))

(14) "Temporary out-of-home placement" means an out-of-home placement of not more than fourteen days ordered by the court at a fact-finding hearing on a child in need of services petition.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.32A RCW to read as follows:

Whenever a child in need of services petition is filed by a youth pursuant to RCW 13.32A.130, or the department pursuant to RCW 13.32A.150, the youth or the department shall have a copy of the petition served on the parents of the youth. Service shall first be attempted in person and if unsuccessful, then by certified mail with return receipt.

**Sec. 5.** RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read as follows:

Families who are in conflict or who are experiencing problems with at-risk youth or a child who may be in need of services may request family reconciliation services from the department. The department may involve a local multidisciplinary team in its response in determining the services to be provided and in providing those services. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth, children in need of services, or family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, mental health, drug or alcohol treatment, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family. ~~((Upon a referral by a school or other appropriate agency-))~~ Family reconciliation services may also include training in parenting, conflict management, and dispute resolution skills.

**Sec. 6.** RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

~~((1))~~ (a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

~~((2))~~ (b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

~~((3))~~ (c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

~~((4))~~ (d) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

~~((An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty four hours-))~~

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer receives a report that causes the officer to have reasonable suspicion that a child is being harbored under RCW 13.32A.080 or for other reasons has a reasonable suspicion that a child is being ~~((unlawfully))~~ harbored under RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060.

(7) No child may be placed in a secure facility except as provided in this chapter.

**Sec. 7.** RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050 (1) ~~(a)~~ or ~~((2))~~ (b) shall inform the child of the reason for such custody and shall either:

~~(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The officer releasing a child into the custody of the parent shall inform the parent of the reason for the taking of the child into custody and shall inform the child and the parent of the nature and location of appropriate services available in their community. The parent may direct the officer to take the child to the home of an adult extended family member, responsible adult, or a licensed youth shelter. The officer releasing a child into the custody of an adult extended family member, responsible adult, or a licensed youth shelter shall inform the child and the person receiving the child of the nature and location of appropriate services available in the community; or~~

~~(b) After attempting to notify the parent, take the child to ~~((the home of an adult extended family member,))~~ a designated crisis residential ~~((center, or the home of a responsible adult after attempting to notify the parent or legal guardian))~~ center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance:~~

~~(i) If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing ~~((in the home))~~ some type of child abuse or neglect, as defined in RCW 26.44.020~~((, as now law or hereafter amended))~~; or~~

~~(ii) If it is not practical to transport the child to his or her home or place of the parent's employment; or~~

~~(iii) If there is no parent available to accept custody of the child.~~

~~((The officer releasing a child into the custody of an extended family member or a responsible adult shall inform the child and the extended family member or responsible adult of the nature and location of appropriate services available in the community.))~~

(2) An officer taking a child into custody under RCW 13.32A.050 ~~((3))~~ (1) (c) or ~~((4))~~ (d) shall inform the child of the reason for custody~~((, and))~~. An officer taking a child into custody under RCW 13.32A.050(1)(c) shall take the child to a designated crisis residential center's secure facility or, if not available or located within a reasonable distance, to a semi-secure facility within a crisis residential center, licensed by the department and established pursuant to chapter 74.13 RCW. ~~((However,))~~ An officer taking a child into custody under RCW 13.32A.050~~((4))~~ (1)(d) may place the child in a juvenile detention facility as provided in RCW 13.32A.065 or a secure facility. The department shall ensure that all ~~((the))~~ law enforcement authorities are informed on a regular basis as to the location of ~~((the))~~ all designated secure and semi-secure facilities within crisis residential center or centers in their ~~((judicial district))~~ jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

~~((3) "Extended family members" means a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.))~~

**Sec. 8.** RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read as follows:

~~(1) ((An officer taking a child into custody under RCW 13.32A.050 may, at his or her discretion, transport the child to the home of a responsible adult who is other than the child's parent where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a child with a responsible adult other than his or her parent shall immediately notify the department's local community service office of this fact and of the reason for taking the child into custody.~~

~~(2)) A law enforcement officer acting in good faith pursuant to this chapter in failing to take a child into custody, in taking a child into custody, in placing a child in a crisis residential center, or in releasing a child to a person ~~((other than))~~ at the request of a parent ~~((of such child))~~ is immune from civil or criminal liability for such action.~~

~~((3)) (2) A person ~~((other than a parent of such child who receives))~~ with whom a child is placed pursuant to this chapter and who acts reasonably and in good faith ~~((in doing so))~~ is immune from civil or criminal liability for the act of receiving ~~((such))~~ the child. ~~((Such))~~ The immunity does not release ~~((such))~~ the person from liability under any other law ~~((including the laws regulating licensed child care and prohibiting child abuse)).~~~~



**NEW SECTION. Sec. 9.** A new section is added to chapter 13.32A RCW to read as follows:

The parents of a child placed in a crisis residential center shall contribute fifty dollars per day, for not more than five consecutive days, for the expense of the child's placement. However, the secretary may establish a payment schedule that requires a lesser payment based on a parent's ability to pay. The payment shall be made to the department. No child may be denied placement in, or removed from, a crisis residential center based solely on the income of the parent.

**Sec. 10.** RCW 13.32A.090 and 1990 c 276 s 6 are each amended to read as follows:

(1) The person in charge of a designated crisis residential center or the department (~~pursuant to RCW 13.32A.070~~) shall perform the duties under subsection (2) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under RCW 13.32A.060;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under RCW 13.32A.080(3) that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to RCW (~~13.32A.070~~) 13.32A.060.

(2) When any of the circumstances under subsection (1) of this section are present, the person in charge of a center shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state;

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department, when the child and his or her parent agrees to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home;

(e) Arrange transportation for the child to an (~~alternative residential~~) out-of-home placement which may include a licensed group care facility or foster family when agreed to by the child and parent at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department;

(f) Immediately notify the department of the placement.

**Sec. 11.** RCW 13.32A.120 and 1990 c 276 s 7 are each amended to read as follows:

(1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an (~~alternative residential~~) out-of-home placement arrived at pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an (~~alternative residential~~) out-of-home placement under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an (~~alternative residential~~) out-of-home placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

(3) If a child and his or her parent cannot agree to the continuation of an (~~alternative residential~~) out-of-home placement arrived at under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an (~~alternative residential~~) out-of-home placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

**Sec. 12.** RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended to read as follows:

(1) A child admitted to a secure facility within a crisis residential center (~~under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2),~~ reside in the placement under the rules established for the center for a period not to exceed five consecutive days from the time of intake, ~~except as otherwise provided by this chapter~~) shall remain in the facility for not more than five consecutive days, but for at least twenty-four hours after admission.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child can be safely admitted to a semi-secure facility and may transfer the child to a semi-secure facility. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall include consideration of the following information if known: (A) A child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away which has endangered the health, safety, and welfare of the child; and (F) the child's willingness to cooperate in conducting the assessment.

(b) If the administrator determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever the administrator reasonably believes that the child is likely to leave the semi-secure facility and not return.

(3) If no parent is available or willing to remove the child during the five-day period, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) The requirements of this section shall not apply to a child who is: (a) Returned to the home of his or her parent; (b) placed in a semi-secure facility within a crisis residential center pursuant to a temporary out-of-home placement order authorized under section 44 of this act; (c) placed in an out-of-home placement; or (d) is subject to a petition under section 25 of this act.

(5) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time during the five-day period unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department may remove the child whenever a dependency petition is filed under chapter 13.34 RCW.

(6) Crisis residential center staff shall make (~~a concerted~~) reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the person in charge shall inform the parent and child of (~~((+))~~) (a) the availability of counseling services; (~~((2))~~) (b) the right to file a child in need of services petition for an (~~alternative residential~~) out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; and (~~((3))~~) (d) the right to request a review of any (~~alternative residential~~) out-of-home placement.

(7) At no time shall information regarding a parent's or child's rights be withheld (~~if requested~~). The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(8) A crisis residential center and its administrator or his or her designee acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

**NEW SECTION. Sec. 13.** A new section is added to chapter 13.32A RCW to read as follows:

(1)(a) The administrator of a crisis residential center may convene a multidisciplinary team, which is to be locally based and administered, at the request of a child placed at the center or the child's parent.

(b) If the administrator has reasonable cause to believe that a child is a child in need of services and the parent is unavailable or unwilling to continue efforts to maintain the family structure, the administrator shall immediately convene a multidisciplinary team.

(c) A parent may disband a team twenty-four hours, excluding weekends and holidays, after receiving notice of formation of the team under (b) of this subsection unless a petition has been filed under RCW 13.32A.140. If a petition has been filed the parent may not disband the team until the hearing is held under section 20 of this act. The court may allow the team to continue if an out-of-home placement is ordered under section 20(3) of this act. Upon the filing of an at-risk youth or dependency petition the team shall cease to exist, unless the parent requests continuation of the team or unless the out-of-home placement was ordered under section 20(3) of this act.

(2) The secretary shall request participation of appropriate state agencies to assist in the coordination and delivery of services through the multidisciplinary teams. Those agencies that agree to participate shall provide the secretary all information necessary to facilitate forming a multidisciplinary team and the secretary shall provide this information to the administrator of each crisis residential center.

(3) The secretary shall designate within each region a department employee who shall have responsibility for coordination of the state response to a request for creation of a multidisciplinary team. The secretary shall advise the administrator of each crisis residential center of the name of the appropriate employee. Upon a request of the administrator to form a multidisciplinary team the employee shall provide a list of the agencies that have agreed to participate in the multidisciplinary team.

(4) The administrator shall also seek participation from representatives of mental health and drug and alcohol treatment providers as appropriate.

(5) A parent shall be advised of the request to form a multidisciplinary team and may select additional members of the multidisciplinary team. The parent or child may request any person or persons to participate including, but not limited to, educators, law enforcement personnel, court personnel, family therapists, licensed health care practitioners, social service providers, youth residential placement providers, other family members, church representatives, and members of their own community. The administrator shall assist in obtaining the prompt participation of persons requested by the parent or child.

(6) When an administrator of a crisis residential center requests the formation of a team, the state agencies must respond as soon as possible. The team shall have the authority to evaluate the juvenile, and family members, if appropriate and agreed to by the parent, and shall:

(a) With parental input, develop a plan of appropriate available services and assist the family in obtaining those services;

(b) Make a referral to the designated chemical dependency specialist or the county designated mental health professional, if appropriate;

(c) Recommend no further intervention because the juvenile and his or her family have resolved the problem causing the family conflict; or

(d) With the parent's consent, work with them to achieve reconciliation of the child and family.

**NEW SECTION. Sec. 14.** A new section is added to chapter 13.32A RCW to read as follows:

(1) The purpose of the multidisciplinary team is to assist in a coordinated referral of the family to available social and health-related services.

(2) At the first meeting of the multidisciplinary team, it shall choose a member to coordinate the team's efforts. The parent member of the multidisciplinary team must agree with the choice of coordinator. The team shall meet or communicate as often as necessary to assist the family.

(3) The coordinator of the multidisciplinary team may assist in filing a child in need of services petition when requested by the parent or child or an at-risk youth petition when requested by the parent. The multidisciplinary team shall have no standing as a party in any action under this title.

(4) If the administrator is unable to contact the child's parent, the multidisciplinary team may be used for assistance. If the parent has not been contacted within five days the administrator shall contact the department and request the case be reviewed for a dependency filing under chapter 13.34 RCW.

**Sec. 15.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to read as follows:

The department shall file a child in need of services petition to approve an ~~((alternative residential))~~ out-of-home placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No child in need of services petition ~~((requesting approval of an alternative residential placement))~~ has been filed by either the child or parent ~~((or legal custodian))~~;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

(a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No child in need of services petition ~~((requesting approval of an alternative residential placement))~~ has been filed by either the child or the parent;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in ~~((a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until))~~ an ~~((alternative residential))~~ out-of-home placement until a child in need of services petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a child in need of services petition ~~((for alternative residential placement))~~ under this section, shall be represented as provided for in RCW 13.04.093.

If the department files a petition under this section, the department shall submit in a supporting affidavit any information provided under section 38 of this act.

**Sec. 16.** RCW 13.32A.150 and 1992 c 205 s 208 are each amended to read as follows:

(1) Except as otherwise provided in this ~~((section))~~ chapter, the juvenile court shall not accept the filing of ~~((an alternative residential placement))~~ a child in need of services petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment provided by the department shall involve the multidisciplinary team as provided in RCW 13.32A.040, if one exists.

The family assessment or plan of services developed by the multidisciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under ~~((subsection (3) of this))~~ section 25 of this act.

(2) A child or a child's parent may file with the juvenile court a child in need of services petition to approve an ~~((alternative residential))~~ out-of-home placement for the child ~~((outside the parent's home))~~. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve ~~((such))~~ the placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an ~~((alternative residential))~~ out-of-home placement.

~~((3) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioning parent resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:~~

- ~~(a) The child is an at risk youth as defined in this chapter;~~
- ~~(b) The petitioning parent has the right to legal custody of the child;~~
- ~~(c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and~~
- ~~(d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.~~

~~The petition shall set forth facts that support the allegations in this subsection and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child. An at risk youth petition may not be filed if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. A petition may be accepted for filing only if alternatives to court intervention have been attempted. Juvenile court personnel may screen all at risk youth petitions and may refuse to allow the filing of any petition that lacks merit, fails to comply with the requirements of this section, or fails to allege sufficient facts in support of allegations in the petition.)~~

**Sec. 17.** RCW 13.32A.160 and 1990 c 276 s 11 are each amended to read as follows:

(1) When a proper child in need of services petition to approve an ~~((alternative residential))~~ out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a) Schedule a ~~((date for a))~~ fact-finding hearing to be held within three judicial days; notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving an ~~((alternative residential))~~ out-of-home placement petition; (e) notify the parents of their rights under this chapter and chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to file an at-risk youth petition, the right to submit on application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition; and ~~((e))~~ (f) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of ~~((an alternative residential placement))~~ a child in need of services petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the ~~((alternative residential placement))~~ petition by the court. Any

placement may be reviewed by the court within three (~~court~~) judicial days upon the request of the juvenile or the juvenile's parent.

**Sec. 18.** RCW 13.32A.170 and 1989 c 269 s 3 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper child in need of services petition (~~(and may approve or deny alternative residential placement)~~), giving due weight to the intent of the legislature that families have the right to place reasonable restrictions and rules upon their children, appropriate to the individual child's developmental level. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence, including a departmental recommendation for approval or dismissal of the petition, that:

- (a) The petition is not capricious;
- (b) The petitioner, if a (~~parent or the~~) child, has made a reasonable effort to resolve the conflict;
- (c) The conflict (~~(which exists)~~) cannot be resolved by delivery of services to the family during continued placement of the child in the parental home;
- (d) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and
- (e) A suitable out-of-home placement resource is available.

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent.

~~(2) ((The order approving out of home placement shall direct the department to submit a disposition plan for a three month placement of the child that is designed to reunite the family and resolve the family conflict. Such plan shall delineate any conditions or limitations on parental involvement. In making the order, the court shall further direct the department to make recommendations, as to which agency or person should have physical custody of the child, as to which parental powers should be awarded to such agency or person, and as to parental visitation rights. The court may direct the department to consider the cultural heritage of the child in making its recommendations.~~

~~(3) The hearing to consider the recommendations of the department for a three month disposition plan shall be set no later than fourteen days after the approval of the court of a petition to approve alternative residential placement. Each party shall be notified of the time and place of such disposition hearing.~~

~~(4) If the court approves or denies a petition for an alternative residential placement, a written statement of the reasons shall be filed. If the court denies a petition requesting that a child be placed in a residence other than the home of his or her parent, the court shall enter an order requiring the child to remain at or return to the home of his or her parent.~~

~~(5) If the court denies the petition, the court shall impress upon the party filing the petition of the legislative intent to restrict the proceedings to situations where a family conflict is so great that it cannot be resolved by the provision of in home services.~~

~~(6) A child who fails to comply with a court order directing that the child remain at or return to the home of his or her parent shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within ninety calendar days after the day of the order.~~

~~(7) The department may request, and the juvenile court may grant, dismissal of an alternative residential placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:~~

- ~~(a) The child has been absent from court approved placement for thirty consecutive days or more;~~
- ~~(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or~~
- ~~(c) The department has exhausted all available and appropriate resources that would result in reunification.))~~

Following the fact-finding hearing the court shall: (a) Enter a temporary out-of-home placement for a period not to exceed fourteen days pending approval of a disposition decision to be made under section 20(2) of this act; (b) approve an at-risk youth petition filed by the parents; (c)

dismiss the petition; or (d) order the department to review the case to determine whether the case is appropriate for a dependency petition under chapter 13.34 RCW.

**Sec. 19.** RCW 13.32A.175 and 1987 c 435 s 13 are each amended to read as follows:

In any proceeding in which the court approves an (~~alternative residential~~) out-of-home placement, the court shall inquire into the ability of parents to contribute to the child's support. If the court finds that the parents are able to contribute to the support of the child, the court shall order them to make such support payments as the court deems equitable. The court may enforce such an order by execution or in any way in which a court of equity may enforce its orders. However, payments shall not be required of a parent who has both opposed the placement and continuously sought reconciliation with, and the return of, the child. All orders entered in a proceeding approving (~~alternative residential~~) out-of-home placement shall be in compliance with the provisions of RCW 26.23.050.

NEW SECTION. **Sec. 20.** A new section is added to chapter 13.32A RCW to read as follows:

(1) A hearing shall be held no later than fourteen days after the approval of the temporary out-of-home placement. The parents, child, and department shall be notified of the time and place of the hearing.

(2) At the commencement of the hearing the court shall advise the parents of their rights as set forth in RCW 13.32A.160(1)(e). If the court approves or denies a child in need of services petition, a written statement of the reasons shall be filed. At the conclusion of the hearing the court may: (a) Reunite the family and dismiss the petition; (b) approve an at-risk youth petition filed by the parents; (c) approve a voluntary out-of-home placement requested by the parents; (d) order any conditions set forth in RCW 13.32A.196(2); or (e) order the department to file a petition for dependency under chapter 13.34 RCW.

(3) At the conclusion of the hearing, if the court has not taken action under subsection (2) of this section it may, at the request of the child or department, enter an order for out-of-home placement for not more than ninety days. The court may only enter an order under this subsection if it finds by clear, cogent, and convincing evidence that: (a)(i) The order is in the best interest of the family; (ii) the parents have not requested an out-of-home placement; (iii) the parents have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable efforts to resolve the conflict; (v) the conflict cannot be resolved by delivery of services to the family during continued placement of the child in the parental home; (vi) reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and (vii) a suitable out-of-home placement resource is available; (b)(i) the order is in the best interest of the child; and (ii) the parents are unavailable; or (c) the parent's actions cause an imminent threat to the child's health or safety. If the court has entered an order under this section, it may order any conditions set forth in RCW 13.32A.196(2).

(4) A child who fails to comply with a court order issued under this section shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within one year after the entry of the order.

(5) The parents or the department may request, and the court may grant, dismissal of a placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:

(a) The child has been absent from court approved placement for thirty consecutive days or more;

(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or

(c) The department has exhausted all available and appropriate resources that would result in reunification.

(6) The court shall dismiss a placement made under subsection (2)(c) of this section upon the request of the parents.

NEW SECTION. **Sec. 21.** A new section is added to chapter 13.32A RCW to read as follows:

The crisis residential center administrator shall notify parents and the appropriate law enforcement agency immediately as to any unauthorized leave from the center by a child placed at the center.

**Sec. 22.** RCW 13.32A.177 and 1988 c 275 s 14 are each amended to read as follows:

A determination of ~~((child))~~ support payments ordered under RCW 13.32A.175 shall be based upon ~~((the child support schedule and standards adopted under))~~ chapter 26.19 RCW ((26.19.040)).

**Sec. 23.** RCW 13.32A.180 and 1979 c 155 s 32 are each amended to read as follows:

(1) ~~((At a dispositional hearing held to consider the three month dispositional plan presented by the department the court shall consider all such recommendations included therein. The court, consistent with the stated goal of resolving the family conflict and reuniting the family, may modify such plan and shall make its dispositional order for))~~ If the court orders a three-month out-of-home placement for the child~~((s))~~, the court ~~((dispositional order))~~ shall specify the person or agency with whom the child shall be placed, those parental powers which will be temporarily awarded to such agency or person including but not limited to the right to authorize medical, dental, and optical treatment, and parental visitation rights. Any agency or residence at which the child is placed must, at a minimum, comply with minimum standards for licensed family foster homes.

(2) No placement made pursuant to this section may be in a secure residence as defined by the federal Juvenile Justice and Delinquency Prevention Act of 1974 ~~((and clarifying interpretations and regulations promulgated thereunder))~~.

**Sec. 24.** RCW 13.32A.190 and 1989 c 269 s 5 are each amended to read as follows:

(1) Upon making a dispositional order under ~~((RCW 13.32A.180))~~ section 20 of this act, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel and/or a guardian ad litem to represent the child at the review hearing, advise parents of their right to be represented by legal counsel at the review hearing, and notify the parties of their rights to present evidence at the hearing. Where resources are available, the court shall encourage the parent and child to participate in ~~((mediation))~~ programs for reconciliation of their conflict.

(2) At the review hearing, the court shall approve or disapprove the continuation of the dispositional plan in accordance with ~~((the goal of resolving the conflict and reuniting the family which governed the initial approval))~~ this chapter. The court shall determine whether reasonable efforts have been made to reunify the family and make it possible for the child to return home. The court ~~((is authorized to))~~ shall discontinue the placement and order that the child return home if the court has reasonable grounds to believe that the parents have ~~((displayed concerted))~~ made reasonable efforts to ~~((utilize services and))~~ resolve the conflict and the court has reason to believe that the child's refusal to return home is capricious. If out-of-home placement is continued, the court may modify the dispositional plan.

(3) Out-of-home placement may not be continued past one hundred eighty days from the day the review hearing commenced. The court shall order ~~((that))~~ the child to return to the home of the parent at the expiration of the placement. If ~~((continued))~~ an out-of-home placement is disapproved prior to one hundred eighty days, the court shall enter an order requiring ~~((that))~~ the child to return to the home of the child's parent.

(4) The parents and the department may request, and the juvenile court may grant, dismissal of an ~~((alternative residential))~~ out-of-home placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:

(a) The child has been absent from court approved placement for thirty consecutive days or more;

(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or

(c) The department has exhausted all available and appropriate resources that would result in reunification.

(5) The court shall terminate a placement made under this section upon the request of a parent unless the placement is made pursuant to section 20(3) of this act.



**NEW SECTION. Sec. 25.** A new section is added to chapter 13.32A RCW to read as follows:

(1) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioner resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

- (a) The child is an at-risk youth as defined in this chapter;
- (b) The petitioner has the right to legal custody of the child;
- (c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and
- (d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

(2) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child.

(3) A petition may not be filed if a dependency petition is pending under chapter 13.34 RCW.

**Sec. 26.** RCW 13.32A.192 and 1990 c 276 s 12 are each amended to read as follows:

(1) When a proper at-risk youth petition is filed by a child's parent under ~~((RCW 13.32A.120 or 13.32A.150))~~ this chapter, the juvenile court shall:

- (a) Schedule a fact-finding hearing to be held within three judicial days and notify the parent and the child of such date;
- (b) Notify the parent of the right to be represented by counsel at the parent's own expense;
- (c) Appoint legal counsel for the child;
- (d) Inform the child and his or her parent of the legal consequences of the court finding the child to be an at-risk youth; and
- (e) Notify the parent and the child of their rights to present evidence at the fact-finding hearing.

(2) Unless out-of-home placement of the child is otherwise authorized or required by law, the child shall reside in the home of his or her parent or in an ~~((alternative residential))~~ out-of-home placement requested by the parent or child and approved by the parent. ~~((Upon request by the parent, the court may enter a court order requiring the child to reside in the home of his or her parent or an alternative residential placement approved by the parent.))~~

(3) If upon sworn written or oral declaration of the petitioning parent, the court has reason to believe that a child has willfully and knowingly violated a court order issued pursuant to subsection (2) of this section, the court may issue an order directing law enforcement to take the child into custody and place the child in a juvenile detention facility or in a secure facility within a crisis residential center ~~((licensed by the department and established pursuant to chapter 74.13 RCW)).~~ If the child is placed in detention, a review shall be held as provided in RCW 13.32A.065.

(4) If both ~~((an alternative residential placement))~~ a child in need of services petition and an at-risk youth petition have been filed with regard to the same child, the petitions and proceedings shall be consolidated ~~((for purposes of fact finding))~~ as an at-risk youth petition. Pending a fact-finding hearing regarding the petition, the child may be placed~~((;-))~~ in the parent's home or in an out-of-home placement if not already placed~~((;-))~~ in ~~((an alternative residential))~~ a temporary out-of-home placement ~~((as provided in RCW 13.32A.160 unless the court has previously entered an order requiring the child to reside in the home of his or her parent)).~~ The child or the parent may request a review of the child's placement including a review of any court order requiring the child to reside in the parent's home. ~~((At the review the court, in its discretion, may order the child placed in the parent's home or in an alternative residential placement pending the hearing.))~~

**Sec. 27.** RCW 13.32A.194 and 1990 c 276 s 13 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper at-risk youth petition. The court ~~((may))~~ shall grant the petition and enter an order finding the child to be an at-risk youth if the allegations in the petition are established by a preponderance of the evidence~~((The court shall not~~

~~enter such an order if the court has approved an alternative residential placement petition regarding the child or if), unless the child is the subject of a proceeding under chapter 13.34 RCW. If the petition is granted, the court shall enter an order requiring the child to reside in the home of his or her parent or ((in an alternative residential placement approved by the parent)) in an out-of-home placement as provided in RCW 13.32A.192(2).~~

(2) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided timely notification of all court hearings.

(3) A dispositional hearing shall be held no later than fourteen days after the court has granted an at-risk youth petition. Each party shall be notified of the time and date of the hearing.

(4) If the court grants or denies an at-risk youth petition, a statement of the written reasons shall be entered into the records. If the court denies an at-risk youth petition, the court shall verbally advise the parties that the child is required to remain within the care, custody, and control of his or her parent.

**Sec. 28.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to read as follows:

(1) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(2) The court may set conditions of supervision for the child that include:

- (a) Regular school attendance;
- (b) Counseling;
- (c) Participation in a substance abuse or mental health outpatient treatment program;
- (d) Reporting on a regular basis to the department or any other designated person or agency;

and

(e) Any other condition the court deems an appropriate condition of supervision including but not limited to: Employment, participation in an anger management program, and refraining from using alcohol or drugs.

(3) No dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

(4) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled.

(5) The parent may request dismissal of an at-risk youth proceeding or out-of-home placement at any time and upon such a request, the court shall dismiss the matter and cease court supervision of the child unless: (a) A contempt action is pending in the case; (b) a petition has been filed under RCW 13.32A.150 and a hearing has not yet been held under section 20 of this act; or (c) an order has been entered under section 20(3) of this act and the court retains jurisdiction under that subsection. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

~~((S))~~ (6) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

**Sec. 29.** RCW 13.32A.250 and 1990 c 276 s 16 are each amended to read as follows:

(1) In all ~~((alternative residential placement))~~ child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter. The court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a contempt of court as provided in chapter 7.21 RCW, subject to the limitations of subsection ~~((2))~~ (3) of this section.

(3) The court may impose a fine of up to one hundred dollars and ~~((imprisonment))~~ confinement for up to seven days, or both for contempt of court under this section.

(4) A child ~~((imprisoned))~~ placed in confinement for contempt under this section shall be ~~((imprisoned))~~ placed in confinement only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

**NEW SECTION. Sec. 30.** A new section is added to chapter 13.32A RCW to read as follows:

(1) This section contains special provisions to deal with the extraordinary dangers to children who are habitual runaways and to assist families to cope with the acute problems presented by such children.

(2) In disposition proceedings involving a child in need of services or an at-risk youth, the court may adopt the additional orders authorized under this section if it finds that the child involved in those proceedings is an habitual runaway. The court may include in its dispositional orders a requirement that the child be placed, for up to one hundred eighty consecutive days, in a facility that the court finds operates with a level of security adequate to prevent the child from leaving the facility without authorization and that will provide for the child's participation in a program designed to remedy his or her behavior difficulties. The court may not include this requirement unless, at the disposition hearing, it finds that the placement is clearly necessary in order to protect the child and that less-restrictive orders not requiring such placement would be inadequate to protect the child, given the child's age, maturity, propensity to run away from home, past exposure to serious risk when the child ran away from home, and possible future exposure to serious risk should the child run away from home again. The orders shall also contain provisions providing for periodic court review of the placement, with the first review hearing conducted not more than thirty days after the date of the placement. Prior to each review hearing, the court shall advise the parents of their right to counsel and shall have appointed counsel to represent the child. At each review hearing the court shall review the orders to determine the progress of the child and whether the orders are still necessary for the protection of the child and whether a less-restrictive order of placement would be adequate. The court shall make such modifications in its orders as it finds necessary to protect the child. Unless the court provides to the contrary, review hearings of orders adopted under this section shall be held exclusively under this section and shall not be subject to the review provisions applicable under this chapter to disposition orders pertaining to a child in need of services or to at-risk youth.

(3) In disposition proceedings involving a child in need of services or an at-risk youth, the court may impose the following additional sanction on an habitual runaway for violation of any court order: The court may order the department of licensing to suspend the child's driver's license for ninety days.

(4) For purposes of this section, a child is an "habitual runaway" if the child, on three or more separate occasions within the twelve-month period before the commencement of the disposition proceedings, has been absent from the parent's home, or other residence lawfully prescribed for the child, for more than seventy-two consecutive hours without consent of the parent; or if the child during such twelve-month period has been absent from such home or residence without consent of the parent for more than thirty consecutive days.

(5) State funds may only be used to pay for placements under this section if, and to the extent that, such funds are appropriated to expressly pay for them.

**NEW SECTION. Sec. 31.** A new section is added to chapter 46.20 RCW to read as follows:

When the department of licensing is provided with a court order under section 30 of this act, the department shall suspend for ninety days all driving privileges of the juvenile identified in the order.

**NEW SECTION. Sec. 32.** A new section is added to chapter 13.32A RCW to read as follows:

No superior court may refuse to accept for filing a properly completed and presented child in need of services petition or an at-risk youth petition. To be properly presented, the petitioner shall verify that the family assessment required under RCW 13.32A.150 has been completed. In the event of an improper refusal that is appealed and reversed, the petitioner shall be awarded actual damages, costs, and attorneys' fees.

**NEW SECTION. Sec. 33.** A new section is added to chapter 13.32A RCW to read as follows:

(1) If any child under the age of ten has remained in out-of-home placement for a period exceeding nine months pursuant to a court order entered under this chapter, the court shall schedule a hearing to take place no later than one year after the initial placement. For a child over ten who has remained in out-of-home placement for a period exceeding fifteen months, the court shall schedule a hearing to take place no later than eighteen months after the initial placement.

(2) At the hearing the court shall determine whether the case should be referred to the department for the purpose of considering the filing of a dependency petition under chapter 13.34 RCW. In determining whether to refer the case to the department, the court shall determine whether it is in the child's or family's best interest to begin permanency planning as required under chapter 13.34 RCW.

(3) If the court refers the case to the department, it may identify one of the following outcomes as the primary goal for the referral and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; or, where age-appropriate, independent living or emancipation.

(4) If the court does not refer the case to the department under subsection (2) of this section, the court shall continue to review the case every six months, for as long as the child remains out-of-home under a court order.

**NEW SECTION. Sec. 34.** A new section is added to chapter 13.32A RCW to read as follows:

(1) Any person who, without legal authorization, provides shelter to a minor and who knows at the time of providing the shelter that the minor is away from the parent's home, or other lawfully prescribed residence, without the permission of the parent, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department. The report may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from home without parental permission.

(c) "Parent" means any parent having legal custody of the child, whether individually or jointly.

**NEW SECTION. Sec. 35.** A new section is added to chapter 13.32A RCW to read as follows:

Violation of section 34 of this act is a misdemeanor.

**NEW SECTION. Sec. 36.** A new section is added to chapter 13.32A RCW to read as follows:

If a person provides the notice required in section 34 of this act, he or she is immune from liability for any cause of action arising from providing shelter to the child. The immunity shall not extend to acts of intentional misconduct or gross negligence by the person providing the shelter.

**NEW SECTION. Sec. 37.** A new section is added to chapter 13.32A RCW to read as follows:

Whenever a law enforcement agency receives a report from a parent that his or her child, or child over whom the parent has custody, has without permission of the parent left the home or

residence lawfully prescribed for the child under circumstances where the parent believes that the child has run away from the home or the residence, the agency shall provide for placing information identifying the child in files under RCW 43.43.510.

**NEW SECTION. Sec. 38.** A new section is added to chapter 13.32A RCW to read as follows:

Upon the admissions of a child to a crisis residential center the administrator of the facility shall request the department to provide: (1) The name of any sibling of the child who has been: (a) Placed under the jurisdiction of the juvenile rehabilitation administration; or (b) subject to a proceeding under chapter 13.34 RCW; and (2) information regarding whether the child has run away multiple times.

The department shall provide the information as soon as feasible. The administrator may utilize the information in assessing the needs of the child but a petition filed under this chapter may not be based solely on this information.

**Sec. 39.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove (~~alternative residential~~) out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110; or

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

(iv) The juvenile is sixteen or seventeen years old and the alleged offense is: (A) A serious violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994; or (B) a violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994, and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately. In such a case the adult criminal court shall have exclusive original jurisdiction.

If the juvenile challenges the state's determination of the juvenile's criminal history, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age; and

(h) Relating to court validation of a voluntary consent to foster care placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) A juvenile subject to adult superior court jurisdiction under subsection (1)(e) (i) through (iv) of this section, who is detained pending trial, may be detained in a county detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

**Sec. 40.** RCW 13.04.040 and 1983 c 191 s 14 are each amended to read as follows:

The administrator shall, in any county or judicial district in the state, appoint or designate one or more persons of good character to serve as probation counselors during the pleasure of the administrator. The probation counselor shall:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition or information pursuant to chapter 13.32A or 13.34 RCW (~~(13.34.040, 13.34.180, and)~~) or RCW 13.40.070 (~~(as now or hereafter amended, and RCW 13.32A.150)~~);

(2) Make recommendations to the court regarding the need for continued detention or shelter care of a child unless otherwise provided in this title;

(3) Arrange and supervise diversion agreements as provided in RCW 13.40.080, (~~(as now or hereafter amended)~~) and ensure that the requirements of such agreements are met except as otherwise provided in this title;

(4) Prepare predisposition studies as required in RCW 13.34.120 and 13.40.130, (~~(as now or hereafter amended)~~) and be present at the disposition hearing to respond to questions regarding the predisposition study: PROVIDED, That such duties shall be performed by the department (~~(of social and health services)~~) for cases relating to dependency or to the termination of a parent and child relationship which is filed by the department (~~(of social and health services)~~) unless otherwise ordered by the court; and

(5) Supervise court orders of disposition to ensure that all requirements of the order are met.

All probation counselors shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests of juveniles under their supervision for the violation of any state law or county or city ordinance.

The administrator may, in any county or judicial district in the state, appoint one or more persons who shall have charge of detention rooms or houses of detention.

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the legislative authority of the county, or in cases of joint counties, judicial districts of more than one county, or joint judicial districts such sums as shall be agreed upon by the legislative authorities of the counties affected, and such persons shall be paid as other county officers are paid.

The administrator is hereby authorized, and to the extent possible is encouraged to, contract with private agencies existing within the community for the provision of services to youthful offenders and youth who have entered into diversion agreements pursuant to RCW 13.40.080(~~(, as now or hereafter amended)~~).

The administrator shall establish procedures for the collection of fines assessed under RCW 13.40.080 (2)(d) and (13) and for the payment of the fines into the county general fund.

**Sec. 41.** RCW 13.04.093 and 1991 c 363 s 11 are each amended to read as follows:

It shall be the duty of the prosecuting attorney to act in proceedings relating to the commission of a juvenile offense as provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney to handle delinquency cases under chapter 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under chapter 13.24 RCW. It shall be the duty of the attorney general in contested cases brought by the department to present the evidence supporting any petition alleging dependency or seeking the termination of a parent and child relationship or any contested case filed under RCW 26.33.100 or approving or disapproving (~~(alternative residential)~~) out-of-home placement: PROVIDED, That in each county with a population of less than two hundred ten thousand, the attorney general may contract

with the prosecuting attorney of the county to perform (~~said~~) the duties of the attorney general under this section.

**NEW SECTION. Sec. 42.** The department of social and health services shall develop a plan for the development of an intensive treatment system for children whose behavior puts them at serious risk of harm to themselves or others. In developing this plan, the department shall work with service providers, community leaders, representatives of different cultural communities, businesses, educational institutions, community networks, and others to propose a continuum of services, including placement alternatives, for children who might otherwise be on the street.

In developing this plan, the department shall identify existing local and state services and barriers to those services for children. The plan for intensive treatment services, to the extent possible, shall build upon those existing resources.

The plan shall be presented to the legislature and the governor no later than December 1, 1995.

**NEW SECTION. Sec. 43.** A new section is added to chapter 13.32A RCW to read as follows:

Nothing in this chapter shall be construed to create an entitlement to services nor to create judicial authority to order the provision at public expense of services to any person or family where the department has determined that such services are unavailable or unsuitable or that the child or family are not eligible for such services.

**NEW SECTION. Sec. 44.** A new section is added to chapter 13.32A RCW to read as follows:

In approving a petition under this chapter, a child may be placed in a semi-secure crisis residential center as a temporary out-of-home placement under the following conditions: (1) No other suitable out-of-home placement is available; (2) space is available in the semi-secure crisis residential center; and (3) no child will be denied access for a five-day placement due to this placement.

Any child referred to a semi-secure crisis residential center by a law enforcement officer, the department, or himself or herself shall have priority over a temporary out-of-home placement in the facility. Any out-of-home placement order shall be subject to this priority, and the administrator of the semi-secure crisis residential center shall transfer the temporary out-of-home placement youth to a new out-of-home placement as necessary to ensure access for youth needing the semi-secure crisis residential center.

**Sec. 45.** RCW 43.43.510 and 1967 ex.s. c 27 s 2 are each amended to read as follows:

As soon as is practical and feasible there shall be established, by means of data processing, files listing stolen and wanted vehicles, outstanding warrants, identifying children whose parents, custodians, or legal guardians have reported as having run away from home or the custodial residence, identifiable stolen property, and such other files as may be of general assistance to law enforcement agencies.

**Sec. 46.** RCW 70.96A.090 and 1990 c 151 s 5 are each amended to read as follows:

(1) The department shall adopt rules establishing standards for approved treatment programs, the process for the review and inspection program applying to the department for certification as an approved treatment program, and fixing the fees to be charged by the department for the required inspections. The standards may concern the health standards to be met and standards of services and treatment to be afforded patients.

(2) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(3) No treatment program may advertise or represent itself as an approved treatment program if approval has not been granted, has been denied, suspended, revoked, or canceled.

(4) Certification as an approved treatment program is effective for one calendar year from the date of issuance of the certificate. The certification shall specify the types of services provided by the approved treatment program that meet the standards adopted under this chapter. Renewal of

certification shall be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(5) Approved treatment programs shall not provide alcoholism or other drug addiction treatment services for which the approved treatment program has not been certified. Approved treatment programs may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.

(6) The department periodically shall inspect approved public and private treatment programs at reasonable times and in a reasonable manner.

(7) The department shall maintain and periodically publish a current list of approved treatment programs.

(8) Each approved treatment program shall file with the department on request, data, statistics, schedules, and information the department reasonably requires. An approved treatment program that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may be removed from the list of approved treatment programs, and its certification revoked or suspended.

(9) The department shall use the data provided in subsection (8) of this section to evaluate each program that admits children to inpatient treatment upon application of their parents. The evaluation shall be done at least once every twelve months. In addition, the department shall randomly select and review the information on individual children who are admitted on application of the child's parent for the purpose of determining whether the child was appropriately placed into treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

(10) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any approved public or private treatment program refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.

**Sec. 47.** RCW 70.96A.095 and 1991 c 364 s 9 are each amended to read as follows:

(1) Any person (~~fourteen~~) thirteen years of age or older may give consent for himself or herself to the furnishing of counseling, care, treatment, or rehabilitation by a treatment program or by any person. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age is not necessary to authorize the care, except that the person shall not become a resident of the treatment program without such permission except as provided in RCW 70.96A.120 or 70.96A.140. The parent, parents, or legal guardian of a person less than eighteen years of age are not liable for payment of care for such persons pursuant to this chapter, unless they have joined in the consent to the counseling, care, treatment, or rehabilitation.

(2) The parent of any minor child may apply to an approved treatment program for the admission of his or her minor child for purposes authorized in this chapter. The consent of the minor child shall not be required for the application or admission. The approved treatment program shall accept the application and evaluate the child for admission. The ability of a parent to apply to an approved treatment program for the involuntary admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state. However, the state may provide services for indigent minors to the extent that funds are available therefor.

NEW SECTION. **Sec. 48.** A new section is added to chapter 70.96A RCW to read as follows:

(1) The admission of any child under RCW 70.96A.095 may be reviewed by the county-designated chemical dependency specialist between fifteen and thirty days following admission. The county-designated chemical dependency specialist may undertake the review on his or her own initiative and may seek reimbursement from the parents, their insurance, or medicaid for the expense of the review.

(2) The department shall ensure a review is conducted no later than sixty days following admission to determine whether it is medically appropriate to continue the child's treatment on an inpatient basis. The department may, subject to available funds, contract with a county for the conduct of the review conducted under this subsection and may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.



If the county-designated chemical dependency specialist determines that continued inpatient treatment of the child is no longer medically appropriate, the specialist shall notify the facility, the child, the child's parents, and the department of the finding within twenty-four hours of the determination.

(3) For purposes of eligibility for medical assistance under chapter 74.09 RCW, children in inpatient mental health or chemical dependency treatment shall be considered to be part of their parent's or legal guardian's household, unless the child has been assessed by the department of social and health services or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the child's parents are found to not be exercising responsibility for care and control of the child. Payment for such care by the department of social and health services shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.

**Sec. 49.** RCW 70.96A.140 and 1993 c 362 s 1 are each amended to read as follows:

(1) When a designated chemical dependency specialist receives information alleging that a person is incapacitated as a result of chemical dependency, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020. If placement in a chemical dependency program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and is incapacitated by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for detoxification or chemical dependency treatment pursuant to RCW 70.96A.110, and is in need of a more sustained treatment program, or that the person is chemically dependent and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or 71.34.050, ~~((as now or hereafter amended,))~~ in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the designated chemical dependency specialist on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the

public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is chemically dependent shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment program. It shall not order commitment of a person unless it determines that an approved treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed under this section shall remain in the program for treatment for a period of sixty days unless sooner discharged. At the end of the sixty-day period, he or she shall be discharged automatically unless the program, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she is chemically dependent and likely to inflict physical harm on another, the program shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(7) The approved treatment program shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to the custody of a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of a chemically dependent person committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a chemically dependent person committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating

to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

**NEW SECTION. Sec. 50.** A new section is added to chapter 70.96A RCW to read as follows:

Any provider of treatment in an approved treatment program who provides treatment to a minor under RCW 70.96A.095(1) must provide notice of the request for treatment to the minor's parents. The notice must be made within forty-eight hours of the request for treatment, excluding Saturdays, Sundays, and holidays, and must contain the same information as required under RCW 71.34.030(2)(b).

**NEW SECTION. Sec. 51.** A new section is added to chapter 70.96A RCW to read as follows:

Nothing in this chapter authorizes school district personnel to refer minors to any treatment program or treatment provider without providing notice of the referral to the parent, parents, or guardians.

**Sec. 52.** RCW 71.34.030 and 1985 c 354 s 3 are each amended to read as follows:

(1) Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent. Parental authorization is required for outpatient treatment of a minor under the age of thirteen.

(2) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility in accordance with the following requirements:

~~(a) ((A minor under thirteen years of age may only be admitted on the application of the minor's parent.~~

~~(b)) A minor ((thirteen years or older)) may be voluntarily admitted by application of the parent. ((Such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor.)) The consent of the minor is not required for the minor to be evaluated and admitted as appropriate.~~

~~((e)) (b)~~ A minor thirteen years or older may, with the concurrence of the professional person in charge of an evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility, provided that notice is given by the facility to the minor's parent in accordance with the following requirements:

(i) Notice of the minor's admission shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent that the minor has been admitted to inpatient treatment; the location and telephone number of the facility providing such treatment; and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent.

(ii) The minor shall be released to the parent at the parent's request for release unless the facility files a petition with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(iii) The petition shall be signed by the professional person in charge of the facility or that person's designee.

(iv) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(v) There shall be a hearing on the petition, which shall be held within three judicial days from the filing of the petition.

(vi) The hearing shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility.

(vii) At such hearing, the facility must demonstrate by a preponderance of the evidence presented at the hearing that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

~~((d)) (c)~~ Written renewal of voluntary consent must be obtained from the applicant ~~((and the minor thirteen years or older))~~ no less than once every twelve months.

~~((e)) (d)~~ The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

(3) A notice of intent to leave shall result in the following:

(a) Any minor under the age of thirteen must be discharged immediately upon written request of the parent.

(b) Any minor thirteen years or older voluntarily admitted may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(c) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, thirteen years or older, from the facility within twenty-four hours after receipt of the minor's

notice of intent to leave, unless the county-designated mental health professional or a parent or legal guardian files a petition or an application for initial detention within the time prescribed by this chapter.

(4) The ability of a parent to apply to a certified evaluation and treatment program for the involuntary admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state. However, the state may provide services for indigent minors to the extent that funds are available therefor.

**Sec. 53.** RCW 71.34.050 and 1985 c 354 s 5 are each amended to read as follows:

(1) When a county-designated mental health professional receives information that a minor, thirteen years or older, as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the county-designated mental health professional may take the minor, or cause the minor to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

If the minor is not taken into custody for evaluation and treatment, the parent who has custody of the minor may seek review of that decision made by the county designated mental health professional in court. The parent shall file notice with the court and provide a copy of the county designated mental health professional's report or notes.

(2) Within twelve hours of the minor's arrival at the evaluation and treatment facility, the county-designated mental health professional shall serve on the minor a copy of the petition for initial detention, notice of initial detention, and statement of rights. The county-designated mental health professional shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The county-designated mental health professional shall commence service of the petition for initial detention and notice of the initial detention on the minor's parent and the minor's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the county-designated mental health professional shall advise the minor both orally and in writing that if admitted to the evaluation and treatment facility for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the minor's provisional acceptance to determine whether probable cause exists to commit the minor for further mental health treatment.

The minor shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the minor is indigent.

(4) Whenever the county designated mental health professional petitions for detention of a minor under this chapter, an evaluation and treatment facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the minor's arrival, the facility must evaluate the minor's condition and either admit or release the minor in accordance with this chapter.

(5) If a minor is not approved for admission by the inpatient evaluation and treatment facility, the facility shall make such recommendations and referrals for further care and treatment of the minor as necessary.

**Sec. 54.** RCW 71.34.070 and 1985 c 354 s 7 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the treatment and evaluation facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is residing or being detained.

(a) A petition for a fourteen-day commitment shall be signed either by two physicians or by one physician and a mental health professional who have examined the minor and shall contain the following:

- (i) The name and address of the petitioner;
- (ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;
- (iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;
- (iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;
- (v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;
- (vi) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and
- (vii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(b) A copy of the petition shall be personally delivered to the minor by the petitioner or petitioner's designee. A copy of the petition shall be sent to the minor's attorney and the minor's parent.

**NEW SECTION. Sec. 55.** A new section is added to chapter 71.34 RCW to read as follows:

Any provider of treatment at an evaluation and treatment facility who provides treatment to a minor under RCW 71.34.030(1) must provide notice of the request for treatment to the minor's parents. The notice must be made within forty-eight hours of the request for treatment, excluding Saturdays, Sundays, and holidays, and must contain the same information as required under RCW 71.34.030(2)(b).

**NEW SECTION. Sec. 56.** A new section is added to chapter 71.34 RCW to read as follows:

(1) The admission of any child under RCW 71.34.030 may be reviewed by the county-designated mental health professional between fifteen and thirty days following admission. The county-designated mental health professional may undertake the review on his or her own initiative and may seek reimbursement from the parents, their insurance, or medicaid for the expense of the review.

(2) The department shall ensure a review is conducted no later than sixty days following admission to determine whether it is medically appropriate to continue the child's treatment on an inpatient basis. The department may, subject to available funds, contract with a county for the conduct of the review conducted under this subsection and may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.

If the county-designated mental health professional determines that continued inpatient treatment of the child is no longer medically appropriate, the professional shall notify the facility, the child, the child's parents, and the department of the finding within twenty-four hours of the determination.

(3) For purposes of eligibility for medical assistance under chapter 74.09 RCW, children in inpatient mental health or chemical dependency treatment shall be considered to be part of their parent's or legal guardian's household, unless the child has been assessed by the department of social and health services or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the child's parents are found to not be exercising responsibility for care and control of the child. Payment for such care by the department of social and health services shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.

**NEW SECTION. Sec. 57.** A new section is added to chapter 71.34 RCW to read as follows:

Nothing in this chapter authorizes school district personnel to refer minors to any evaluation and treatment program or mental health professional without providing notice of the referral to the minor's parent.

**NEW SECTION. Sec. 58.** A new section is added to chapter 71.34 RCW to read as follows:

The department shall randomly select and review the information on children who are admitted to in-patient treatment on application of the child's parent. The review shall determine whether the

children reviewed were appropriately admitted into treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

**Sec. 59.** RCW 74.13.031 and 1990 c 146 s 9 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, or neglected children.

(2) Develop a recruiting plan for recruiting an adequate number of prospective adoptive and foster homes, both regular and specialized, ~~((i.e.))~~ including homes for children of ethnic minority, ~~((including))~~ Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, and annually submit the plan for review to the ~~((house and senate committees on social and health services))~~ legislature. The plan shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of neglect, abuse, or abandonment of children, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency ~~((: PROVIDED, That an))~~. No investigation is ~~((not))~~ required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If ~~((the))~~ an investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report delineating the results to the ~~((house and senate committees on social and health services))~~ legislature.

(6) Have authority to accept custody of children from parents and ~~((to accept custody of children from))~~ juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children ~~((;))~~ and ~~((shall follow in general the policy of using))~~ use properly approved private agency services for the ~~((actual))~~ care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, day care, licensing of child care agencies, adoption, and related services ~~((related thereto))~~. At least one-third of the membership shall be ~~((composed of))~~ child care providers, and at least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order ~~((; and))~~. The purchase of such care ~~((shall be))~~ is subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section, all services to be provided by the department of social and health services under subsections (4) ~~((;))~~ and (6) ~~((; and (7))~~ of this section, subject to the limitations of these

subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

**Sec. 60.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to read as follows:

(1) The department shall establish, by contracts with private vendors, ~~((not less than eight))~~ regional crisis residential centers ~~((, which))~~ with semi-secure facilities. These facilities shall be structured group care facilities licensed under rules adopted by the department ~~((Each regional center))~~ and shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children. ~~((The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in RCW 13.32A.090.))~~

(2) Within available funds appropriated for this purpose, the department shall establish, by contracts with private vendors, regional crisis residential centers with secure facilities. These facilities shall be facilities licensed under rules adopted by the department. These centers may also include semi-secure facilities and to such extent shall be subject to subsection (1) of this section.

(3) The department shall, in addition to the ~~((regional))~~ facilities established under subsections (1) and (2) of this section, establish ~~((not less than thirty))~~ additional crisis residential centers pursuant to contract with licensed private group care ~~((or specialized foster home))~~ facilities.

(4) The staff at the facilities established under this section shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles that recognize the need for support and the varying circumstances that cause children to leave their families, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

(5) The secure facilities located within crisis residential ~~((facilities))~~ centers shall be operated ~~((as semi-secure facilities))~~ to conform with the definition in RCW 13.32A.030. The facilities shall have an average of no more than three adult staff members to every eight children. The staffing ratio shall continue to ensure the safety of the children.

(6) A center with secure facilities created under this section may not be located within, or on the same grounds as, other secure structures including jails, juvenile detention facilities operated by the state, or units of local government. However, the secretary may, following consultation with the appropriate county legislative authority, make a written finding that location of a center with secure facilities on the same grounds as another secure structure is the only practical location for a secure facility. Upon the written finding a secure facility may be located on the same grounds as the secure structure. Where a center is located in or adjacent to a secure juvenile detention facility, the center shall be operated in a manner that prevents in-person contact between the residents of the center and the persons held in such facility.

NEW SECTION. **Sec. 61.** A new section is added to chapter 74.13 RCW to read as follows:

No contract may provide reimbursement or compensation to a crisis residential center's secure facility for any service delivered or provided to a resident child after five consecutive days of residence.

**Sec. 62.** RCW 74.13.033 and 1992 c 205 s 213 are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises ~~((, which procedures are consistent with the federal juvenile justice and delinquency prevention act of 1974 and regulations and clarifying instructions promulgated thereunder. Nothing in this section shall prohibit a center from referring any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW or to a mental health professional pursuant to chapter 71.05 RCW whenever such action is deemed appropriate and consistent with law))~~.



(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible; ~~((and))~~

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed five consecutive days; and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the facility staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive, or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from ~~((this residence may))~~ a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile ~~((may))~~ shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed five consecutive days.

**Sec. 63.** RCW 74.13.034 and 1992 c 205 s 214 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032~~((2))~~ may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center ~~((or))~~, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032. Placement in both ~~((centers))~~ locations shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

~~((5) It is the intent of the legislature that by July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.))~~

**Sec. 64.** RCW 74.13.035 and 1979 c 155 s 81 are each amended to read as follows:

Crisis residential centers shall compile ~~((yearly))~~ quarterly records which shall be transmitted to the department and which shall contain information regarding population profiles of the children admitted to the centers during each past calendar year. Such information shall include but shall not be limited to the following:

- (1) The number, county of residency, age, and sex of children admitted to custody;
- (2) Who brought the children to the center;
- (3) Services provided to children admitted to the center;
- (4) The circumstances which necessitated the children being brought to the center;
- (5) The ultimate disposition of cases;
- (6) The number of children admitted to custody who ran away from the center and their ultimate disposition, if any;
- (7) Length of stay.

The department may require the provision of additional information and may require each center to provide all such necessary information in a uniform manner.

The department shall report to the legislature within one year of the initial contracts establishing crisis residential centers operated as a secure facility. The report shall evaluate and compare the information required to be compiled in this section for the secure and semi-secure facilities of crisis residential centers. The department shall include plans for establishing secure facilities as funds are appropriated.

A center may, in addition to being licensed as such, also be licensed as a ~~((family foster home~~ ~~ø))~~ group care facility and may house on the premises juveniles assigned for temporary out-of-home placement or foster or group care.

**Sec. 65.** RCW 74.13.036 and 1989 c 175 s 147 are each amended to read as follows:

(1) The department of social and health services shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall ~~((, by January 1, 1986,))~~ develop a plan and procedures, in cooperation with the state-wide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

- (a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the ~~((alternative residential))~~ child in need of services placement process;
- (b) Procedures for designating department staff responsible for family reconciliation services;
- (c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and
- (d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

~~((The plan and procedures required under this subsection shall be submitted to the appropriate standing committees of the legislature by January 1, 1986.))~~

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

- (3) In addition to its other oversight duties, the department shall:
  - (a) Identify and evaluate resource needs in each region of the state;
  - (b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

(4) The secretary shall submit a quarterly report to the appropriate local government entities.

~~((5) Where appropriate, the department shall request opinions from the attorney general regarding correct construction of these laws.))~~

**NEW SECTION. Sec. 66.** A new section is added to chapter 28A.225 RCW to read as follows:

For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. The local school district boards of directors may create a community truancy board. Members of the board shall be selected from representatives of the community. Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance.

**Sec. 67.** RCW 28A.225.020 and 1992 c 205 s 202 are each amended to read as follows:

If a ~~((juvenile))~~ child required to attend school under the laws of the state of Washington fails to attend school without valid justification, the ~~((juvenile's))~~ child's school shall:

(1) Inform the ~~((juvenile's))~~ child's custodial parent, parents, or guardian by a notice in writing or by telephone ~~((that))~~ whenever the ~~((juvenile))~~ child has failed to attend school ~~((without valid justification))~~ after one unexcused absence within any month during the current school year;

(2) Schedule a conference or conferences with the custodial parent, parents, or guardian and ~~((juvenile))~~ child at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the ~~((juvenile's))~~ child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(3) Take steps to eliminate or reduce the ~~((juvenile's))~~ child's absences. These steps shall include, where appropriate, adjusting the ~~((juvenile's))~~ child's school program or school or course assignment, providing more individualized or remedial instruction, ~~((preparing the juvenile for employment with specific))~~ providing appropriate vocational courses or work experience, or ~~((both))~~ refer the child to a community truancy board, ((and)) or assisting the parent or ((student)) child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

**Sec. 68.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to read as follows:

If the actions taken by a school ~~((pursuant to))~~ district under RCW 28A.225.020 ((is)) are not successful in substantially reducing ~~((a))~~ an enrolled student's absences from school, ~~((any of the following actions may be taken after five or more))~~ upon the fifth unexcused absence((s)) by a child within any month during the current school year or upon the tenth unexcused absence during the current school year((: (1) The attendance officer of)) the school district ~~((through its attorney may))~~ shall file a petition with the juvenile court ~~((to assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150 for the purpose of))~~ alleging a violation of RCW 28A.225.010: (1) By the parent; ((or)) (2) ((a petition alleging a violation of RCW 28A.225.010 by a)) by the child ((may be filed with the juvenile court by the parent of such child or by the attendance officer of the school district through its attorney at the request of the parent. If the court assumes jurisdiction in such an instance, the provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except where otherwise stated, shall apply)); or (3) by the parent and the child.

If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

**NEW SECTION. Sec. 69.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) A petition under RCW 28A.225.030 shall consist of a written notification to the court alleging that:

(a) The child has five or more unexcused absences within any month during the current school year or ten or more unexcused absences in the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter.

(4) When a petition is filed under RCW 28A.225.030, the juvenile court may:

(a) Schedule a fact-finding hearing at which the court shall consider the petition;

(b) Separately notify the child, the parent of the child, and the school district of the fact-finding hearing;

(c) Notify the parent and the child of their rights to present evidence at the fact-finding hearing; and

(d) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(5) The court may require the attendance of both the child and the parents at any hearing on a petition filed under RCW 28A.225.030.

(6) The court shall grant the petition and enter an order assuming jurisdiction to intervene for the remainder of the school year, if the allegations in the petition are established by a preponderance of the evidence.

(7) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

**Sec. 70.** RCW 36.18.020 and 1993 c 435 s 1 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time (~~said~~) the paper is filed, a fee of one hundred ten dollars except in proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee, or an unlawful detainer action under chapter 59.18 or 59.20 RCW where the plaintiff shall pay a filing fee of thirty dollars. If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional eighty dollars which shall be considered part of the filing fee. The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when (~~said~~) the paper is filed, a fee of one hundred ten dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of fifty dollars; if the demand is for a jury of twelve the fee shall be one hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action

requests a jury of twelve, an additional fifty-dollar fee will be required of the party demanding the increased number of jurors.

(7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect twenty dollars.

(8) For preparing, transcribing or certifying any instrument on file or of record in the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of twenty dollars shall be charged.

(11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of twenty dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of one hundred ten dollars.

(14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(15) For the preparation of a passport application the clerk may collect an execution fee as authorized by the federal government.

(16) For clerks' special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(17) For duplicated recordings of court's proceedings there shall be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

(18) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of one hundred ten dollars.

(19) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(20) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

**NEW SECTION. Sec. 71.** A new section is added to chapter 28A.225 RCW to read as follows:

In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under RCW 28A.225.030, 28A.225.090, and section 69 of this act and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases under RCW 28A.225.030, 28A.225.090, and section 69 of this act and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

**NEW SECTION. Sec. 72.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) Each school shall document the actions taken under RCW 28A.225.020 and 28A.225.030 and report this information at the end of each grading period to the school district superintendent who shall compile the data for all the schools in the district and prepare an annual school district report for each school year and submit the report to the superintendent of public instruction. The reports shall be made upon forms furnished by the superintendent of public instruction and shall be transmitted as determined by the superintendent of public instruction.

(2) The reports under subsection (1) of this section shall include:

(a) The number of enrolled students and the number of excused and unexcused absences;

(b) Documentation of the steps taken by the school district under each subsection of RCW 28A.225.020;

(c) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;

(d) Documentation of success by the school district in substantially reducing enrolled student absences for students with five or more absences in any month or ten or more unexcused absences in any school year;

(e) The number of petitions filed by a school district or a parent with the juvenile court; and

(f) The disposition of cases filed with the juvenile court, including the frequency of contempt orders issued to enforce a court's order under RCW 28A.225.090.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The superintendent of public instruction shall collect these reports from all school districts and prepare an annual report for each school year to be submitted to the legislature no later than December 15th of each year.

**Sec. 73.** RCW 28A.225.060 and 1990 c 33 s 223 are each amended to read as follows:

Any ~~((attendance officer))~~ school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, ~~((shall))~~ may take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school ~~((, such child then being a truant from instruction at the school which he or she is lawfully required to attend))~~ and is absent from school without an approved excuse, and shall ~~((forthwith))~~ deliver ~~((a child so detained either))~~ the child to: (1) ~~((to))~~ The custody of a person in parental relation to the child ~~((or))~~; (2) ~~((to))~~ the school from which the child is ~~((then a truant))~~ absent; or (3) a program designated by the school district.

**Sec. 74.** RCW 28A.225.090 and 1992 c 205 s 204 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of RCW 28A.225.010 shall be required to attend school and shall not be fined. If the child fails to comply with the court order to attend school, the court may: (1) Order the child be punished by detention; or ~~((may))~~ (2) impose alternatives to detention such as community service hours or participation in dropout prevention programs or referral to a community truancy board, if available. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the ~~((juvenile's))~~ child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service at the child's school instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the ~~((juvenile))~~ child in a supervised plan for the ~~((juvenile's))~~ child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

~~((Attendance officers))~~ School districts shall make complaint for violation of the provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the ~~((superior or district))~~ juvenile court.

**Sec. 75.** RCW 28A.225.110 and 1990 c 33 s 228 are each amended to read as follows:

Notwithstanding the provisions of RCW 10.82.070, all fines except as otherwise provided in RCW 28A.225.010 through 28A.225.140 shall ~~((inure and be applied to the support of the public schools in the school district where such offense was committed: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended))~~ be paid to the county treasurer who shall deposit the fine to the credit of the courts in the county for the exclusive purpose of enforcing the provisions of RCW 28A.225.010 through 28A.225.140.

**NEW SECTION. Sec. 76.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) Prior to the beginning of each new semester, quarter, or other academic period followed by a district, each district shall prepare a list of its enrolled students who, during the previous one hundred eighty days, have substantially failed to carry out their school attendance responsibility under RCW 28A.225.010(1). The list shall be effective for the duration of the new semester, quarter, or other academic period. A student shall be considered to have "substantially failed" to carry out this responsibility if the student has been absent from school without excuse for five or more school days during the one hundred eighty school days preceding the date on which the list is published. For purposes of this subsection, the number of "school days" absent without excuse shall be determined by dividing the number of hours the student was absent without excuse by the number of hours in the student's average school day.

(2) No student on the district's list prepared under subsection (1) of this section shall be permitted to enroll in a traffic safety education course offered by a school district or offered by a driver training school under chapter 46.82 RCW or shall be permitted to obtain an application for a driver's license under chapter 46.20 RCW. A school district shall provide the notice specified under section 79 of this act, resulting in the suspension of the student's driving privilege.

**NEW SECTION. Sec. 77.** A new section is added to chapter 46.82 RCW to read as follows:

A driver training school may not provide instruction in the operation of an automobile to a minor who is subject to section 76 of this act, unless the driver training school is provided with a statement by the principal of the minor's school that the minor is not on the school district's list of students who have substantially failed to carry out their school attendance responsibilities.

**Sec. 78.** RCW 46.20.100 and 1990 c 250 s 36 are each amended to read as follows:

The department of licensing shall not consider an application of any minor under the age of eighteen years for a driver's license or the issuance of a motorcycle endorsement for a particular category unless:

(1) The application is also signed by a parent or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his or her application is also signed by the minor's employer; ~~((and))~~

(2) If the applicant is a student subject to section 76 of this act, the department is provided with proof that the applicant is not on the district's list of students who have substantially failed to carry out their school attendance responsibilities.

(3) The applicant has satisfactorily completed a traffic safety education course as defined in RCW 28A.220.020, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the applicant has satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That the director may upon a showing that an applicant was unable to take or complete a driver education course waive that requirement if the applicant shows to the satisfaction of the department that a need exists for the applicant to operate a motor vehicle and he or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction. For a person under the age of eighteen years to obtain a

motorcycle endorsement, he or she must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

The department may waive any education requirement under this subsection for an applicant previously licensed to drive a motor vehicle or motorcycle outside this state if the applicant provides proof satisfactory to the department that he or she has had education equivalent to that required under this subsection.

**NEW SECTION. Sec. 79.** A new section is added to chapter 46.20 RCW to read as follows:

Upon receipt of a notice from a school district that a juvenile is on the district's list of students who have substantially failed to carry out their school attendance responsibilities under section 76 of this act, the department shall suspend for ninety days all driving privileges of such student. The department shall adopt rules to implement this section.

**NEW SECTION. Sec. 80.** The superintendent of public instruction, in consultation with school districts and the department of licensing, shall develop necessary forms and procedures for demonstrating that juveniles are not on the school district's list of students who have substantially failed to carry out their school attendance responsibilities. The procedures shall be established and operational by September 1, 1996.

**NEW SECTION. Sec. 81.** (1) The Washington state institute for public policy shall review and evaluate the process of filing petitions under RCW 28A.225.030 and section 69 of this act, including:

- (a) The number of petitions filed by school districts;
- (b) The disposition of petitions filed;
- (c) The frequency of penalties and fines ordered by the courts;
- (d) The frequency of contempt orders issued to enforce court orders; and
- (e) The effectiveness of the petition process in reducing unexcused absences.

The institute shall submit a report of its findings to the legislature by January 1, 1998.

(2) The institute, in consultation with the superintendent of public instruction and other members of the education community, shall review and evaluate the need to develop a state-wide definition of excused and unexcused absences. The institute shall submit a report of its findings to the legislature by January 1, 1996.

(3) The institute, in consultation with the superintendent of public instruction, the state board of education, and other members of the education community, shall review and evaluate the need to prohibit school districts from suspending or expelling students as disciplinary measures in response to unexcused absences of the students. The institute shall submit a report of its findings to the legislature by January 1, 1996.

(4) If specific funding for the purpose of this section is not provided by June 30, 1995, in the omnibus appropriations act, this section is null and void.

**NEW SECTION. Sec. 82.** A new section is added to chapter 28A.600 RCW to read as follows:

School district boards of directors shall review school district policies regarding access and egress by students from secondary school grounds during school hours. Each school district board of directors shall adopt a policy specifying any restrictions on students leaving secondary school grounds during school hours.

**Sec. 83.** RCW 82.14.300 and 1990 2nd ex.s. c 1 s 1 are each amended to read as follows:

The legislature finds and declares that local government criminal justice systems are in need of assistance. Many counties and cities are unable to provide sufficient funding for additional police protection, mitigation of congested court systems, public safety education, and relief of overcrowded jails.

In order to ensure public safety, it is necessary to provide fiscal assistance to help local governments to respond immediately to these criminal justice problems, while initiating a review of the criminal justice needs of cities and counties and the resources available to address those needs.



To provide for a more efficient and effective response to these problems, the legislature encourages cities and counties to coordinate strategies against crime and use multijurisdictional and innovative approaches in addressing criminal justice problems.

~~((The legislature intends to provide fiscal assistance to counties and cities in the manner provided in this act until the report of the task force created under RCW 82.14.301 is available for consideration by the legislature.))~~

**Sec. 84.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to read as follows:

(1) The municipal criminal justice assistance account is created in the state treasury.

(2) No city may receive a distribution under this section from the municipal criminal justice assistance account unless:

(a) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010(3) at the maximum rate; and

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the state-wide average per capita yield for all cities from such local sales and use tax.

(3) The moneys deposited in the municipal criminal justice assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150. The distributions shall be made as follows:

(a) Unless reduced by this subsection, thirty percent of the moneys shall be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than one hundred seventy-five percent of the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a) but, if a city distribution is reduced as a result of exceeding the fifty percent limitation, the amount not distributed shall be distributed under (b) of this subsection.

(b) The remainder of the moneys, including any moneys not distributed in subsection (2)(a) of this section, shall be distributed to all cities eligible under subsection (2) of this section ratably based on population as last determined by the office of financial management.

(4) No city may receive more than thirty percent of all moneys distributed under subsection (3) of this section.

(5) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.

(6) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and publications and public educational efforts designed to provide information and assistance to parents in dealing with runaway or at-risk youth. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

**NEW SECTION. Sec. 85.** (1) Section 71 of this act shall take effect September 1, 1995.

(2) Section 82 of this act shall take effect September 1, 1996.

**NEW SECTION. Sec. 86.** The following acts or parts of acts are each repealed:

(1) RCW 28A.225.040 and 1990 c 33 s 221 & 1969 ex.s. c 223 s 28A.27.030;

(2) RCW 28A.225.050 and 1990 c 33 s 222, 1986 c 132 s 4, 1975 1st ex.s. c 275 s 56, 1971 c 48 s 9, 1969 ex.s. c 176 s 105, & 1969 ex.s. c 223 s 28A.27.040;

(3) RCW 28A.225.070 and 1990 c 33 s 224, 1975 1st ex.s. c 275 s 57, 1969 ex.s. c 176 s 106, & 1969 ex.s. c 223 s 28A.27.080;

(4) RCW 28A.225.100 and 1990 c 33 s 227, 1987 c 202 s 190, 1975 1st ex.s. c 275 s 58, & 1970 ex.s. c 15 s 14;

(5) RCW 28A.225.120 and 1990 c 33 s 229, 1986 c 132 s 6, 1979 ex.s. c 201 s 7, & 1969 ex.s. c 223 s 28A.27.110;

(6) RCW 28A.225.130 and 1990 c 33 s 230, 1987 c 202 s 192, & 1969 ex.s. c 223 s 28A.27.120; and

(7) RCW 28A.225.150 and 1992 c 205 s 205, 1990 c 33 s 232, & 1986 c 132 s 7.

**NEW SECTION. Sec. 87.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "amending RCW 13.32A.010, 13.32A.030, 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.070, 13.32A.090, 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.175, 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.196, 13.32A.250, 13.04.030, 13.04.040, 13.04.093, 43.43.510, 70.96A.090, 70.96A.095, 70.96A.140, 71.34.030, 71.34.050, 71.34.070, 74.13.031, 74.13.032, 74.13.033, 74.13.034, 74.13.035, 74.13.036, 28A.225.020, 28A.225.030, 36.18.020, 28A.225.060, 28A.225.090, 28A.225.110, 46.20.100, 82.14.300, and 82.14.320; adding new sections to chapter 13.32A RCW; adding new sections to chapter 46.20 RCW; adding new sections to chapter 70.96A RCW; adding new sections to chapter 71.34 RCW; adding a new section to chapter 74.13 RCW; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 46.82 RCW; adding a new section to chapter 28A.600 RCW; creating new sections; repealing RCW 28A.225.040, 28A.225.050, 28A.225.070, 28A.225.100, 28A.225.120, 28A.225.130, and 28A.225.150; prescribing penalties; and providing effective dates."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Hargrove, Kohl, Long; Representatives Carrell, Cooke, Wolfe.

#### MOTION

Representative Carrell moved that the House adopt the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5439 and pass the bill as recommended by the Conference Committee.

Representatives Carrell, Wolfe, Johnson, Kremen, Cooke, Ebersole, Lambert, Sterk, Campbell and Sommers spoke in favor of the motion.

Representatives Appelwick and Cole spoke against the motion.

Representatives Carrell, Ebersole and Johnson again spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5439 as recommended by the Conference Committee.

Representatives Carrell, Ebersole and Wolfe spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5439 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 90, Nays - 6, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 90.

Voting nay: Representatives Appelwick, Chopp, Cole, Jacobsen, Mason and Veloria - 6.

Excused: Representatives Fuhrman and Patterson - 2.

Engrossed Second Substitute Senate Bill No. 5439, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 1359 and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5169,  
SENATE BILL NO. 5990,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1140,  
SUBSTITUTE HOUSE BILL NO. 1152,  
SUBSTITUTE HOUSE BILL NO. 1205,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1298,

SUBSTITUTE HOUSE BILL NO. 1401,  
SUBSTITUTE HOUSE BILL NO. 1547,  
SUBSTITUTE HOUSE BILL NO. 1658,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1810,  
SUBSTITUTE HOUSE BILL NO. 1865,  
ENGROSSED HOUSE BILL NO. 1889,  
SUBSTITUTE HOUSE BILL NO. 1906,  
SUBSTITUTE HOUSE BILL NO. 1995,  
ENGROSSED HOUSE BILL NO. 2005,  
SUBSTITUTE HOUSE BILL NO. 2058,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5169,  
SENATE BILL NO. 5990,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5119,  
SUBSTITUTE SENATE BILL NO. 5567,  
SENATE BILL NO. 5677,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1117,  
SECOND ENGROSSED HOUSE BILL NO. 1130,  
HOUSE BILL NO. 1193,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209,  
SUBSTITUTE HOUSE BILL NO. 1237,  
SUBSTITUTE HOUSE BILL NO. 1336,  
SUBSTITUTE HOUSE BILL NO. 1383,  
HOUSE BILL NO. 1725,  
SUBSTITUTE HOUSE BILL NO. 1756,  
ENGROSSED HOUSE BILL NO. 1770,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,  
SUBSTITUTE SENATE BILL NO. 5119,  
SUBSTITUTE SENATE BILL NO. 5567,  
SENATE BILL NO. 5677,

The Speaker declared the House to be at ease.

The Speaker called the House to order.

#### CONFERENCE COMMITTEE REPORT

ESSB 5244 Date: April 23, 1995

Includes "new item": YES

Mr. Speaker:  
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5244, Revising the definition of "dependent child" for purposes of aid to families with dependent children, have had the same under consideration and we recommend that all previous amendments not be adopted; that the striking amendment (attached 5244-S.E AMC CONF S3408.4) by the Conference Committee be adopted; and

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.12.010 and 1992 c 136 s 2 are each amended to read as follows:

For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is living with a relative as specified under federal aid to families with dependent children program requirements, in a place of residence maintained by one or more of such relatives as his or their homes.

Neither the definition of "dependent child" under this section nor any other provision under this chapter shall limit the requirements of the department to provide notification to parents under section 2 of this act or limit the right of a responsible parent to be excused from providing support for a dependent child under sections 4 and 5 of this act.

The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security Act: PROVIDED, That to the extent authorized by the legislature in the biennial appropriations act and to the extent that matching funds are available from the federal government, aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for support of the child.

"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the

child lives and may include another parent or stepparent of the dependent child if living with the parent and if the child is a dependent child by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.12 RCW to read as follows:

(1) Whenever the department receives an application for assistance on behalf of a child under this chapter and an employee of the department has reason to believe that the child has suffered abuse or neglect, the employee shall cause a report to be made as provided under chapter 26.44 RCW.

(2) Whenever the department approves an application for assistance on behalf of a child under this chapter, the department shall make a reasonable effort to determine whether the child is living with a parent of the child. Whenever the child is living in the home of a relative other than a parent of the child, the department shall make reasonable efforts to notify the parent with whom the child has most recently resided that an application for assistance on behalf of the child has been approved by the department and shall advise the parent of his or her rights under sections 2 through 5 of this act, unless good cause exists not to do so based on a substantiated claim that the parent has abused or neglected the child.

(3) Upon written request of the parent, the department shall notify the parent of the address and location of the child, unless there is a current investigation or pending case involving abuse or neglect by the parent under chapter 13.34 RCW.

(4) The department shall notify and advise the parent of the provisions of the family reconciliation act under chapter 13.32A RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.12 RCW to read as follows:

The department shall make reasonable efforts to notify the parent under section 2(2) of this act as soon as reasonably possible, but no later than seven days after approval of the application by the department.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.12 RCW to read as follows:

A parent may be excused from providing support for a dependent child receiving assistance as provided under section 5 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.20A RCW to read as follows:

(1) For the purpose of this title or Title 26 RCW, a responsible parent shall be excused from providing support for a dependent child receiving public assistance, if the responsible parent is the legal custodian of the child and the parent meets the requirements under this section. The responsible parent shall only be excused for any period during which the parent meets the requirements. In order to be excused, the responsible parent must establish:

(a) He or she is the legal custodian of the child;

(b) When there is a question or dispute regarding the parent having legal custody of the child, a court or administrative tribunal of competent jurisdiction has entered an order providing legal and physical custody of the child to the responsible parent;

(c) When a custody order is required under (b) of this subsection, the custody order has not been modified, superseded, or dismissed;

(d) The child receiving public assistance left the home of the responsible parent without that parent's consent and there is no current investigation, pending case, or court order involving abuse or neglect by the parent under chapter 13.34 RCW; and

(e) Within a reasonable time after the child's absence from the home, he or she has exerted reasonable efforts to regain physical custody of the child.

(2) The department shall adopt rules to implement the requirements of this section.

**NEW SECTION. Sec. 6.** By October 1, 1995, the department shall request the governor to seek congressional action on any federal legislation that may be necessary to implement any sections of this act. By October 1, 1995, the department shall request the governor to seek federal agency action on any federal regulation that may require a federal waiver. By January 1 of each year, the department shall report to the legislature on the status of its efforts to obtain any federal statutory or regulatory waivers provided in this section. If all federal statutory or regulatory waivers necessary to fully implement this act have not been obtained, the department shall report the extent to which this act can

be implemented without receipt of such waivers. The reporting requirement under this section shall terminate upon a report from the department that all waivers necessary to implement this act have been obtained.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending RCW 74.12.010; adding new sections to chapter 74.12 RCW; adding a new section to chapter 74.20A RCW; and creating a new section."

that the bill do pass as recommended by the Conference Committee.

Signed by Senator Owens, Palmer, Fairley; Representatives Boldt, Buck, Thibaudeau

#### MOTION

Representative Boldt moved that the House adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5244 and pass the bill as recommended by the Conference Committee.

Representatives Boldt and Thibaudeau spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

#### MOTION

On motion of Representative Brown, Representative G. Fisher was excused.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5244 as recommended by the Conference Committee.

Representative Cooke spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5244 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Substitute Senate Bill No. 5244, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### CONFERENCE COMMITTEE REPORT

E2SSB 5448 Date: April 22, 1995

Includes "new item": YES

Mr. Speaker:  
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448, Modifying provisions for public water system regulation, have had the same under consideration and we recommend that the House striking amendment (5448-S2.E AMH CHAN AMH-29) be adopted with the following changes:

On page 5, beginning on line 17, strike all of section 5

On page 8, line 35, after "monitoring" strike "or water quality standards," and insert ", or water quality standards which would put the public health at risk,"

On page 12, line 13, after "connection," strike all material down to and including "In" on line 19 and insert "or, in"

On page 19, after line 35, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 70.119A RCW to read as follows:

An individual well serving a group domestic use shall be allowed to provide water service connections for up to a number equal to the approved maximum daily withdrawal amount for the well as determined by the water right divided by four hundred. The department may approve a greater number of service connections based on a factor of less than four hundred gallons per day delivered to each residence."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

that the bill do pass as recommended by the Conference Committee.

Signed by Senators Sutherland, Fraser, Swecker; Representatives Chandler, McMorris, Sheldon.

#### MOTION

Representative McMorris moved that the House adopt the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5448 and pass the bill as recommended by the Conference Committee.

Representatives McMorris and Sheldon spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5448 as recommended by the Conference Committee.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5448 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell,



Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Second Substitute Senate Bill No. 5448, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

### CONFERENCE COMMITTEE REPORT

ESB 5770 Date: April 23, 1995

Includes "new item": YES

Mr. Speaker:  
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5770, providing for unemployment insurance claimant profiling, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached H-3151.2/95) be adopted, and

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 50.20.010 and 1981 c 35 s 3 are each amended to read as follows:

An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(1) He or she has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which ~~((he or she))~~ the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(2) He or she has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(3) He or she is able to work, and is available for work in any trade, occupation, profession, or business for which he or she is reasonably fitted. To be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or ~~((his))~~ the commissioner's agents;

(4) He or she has been unemployed for a waiting period of one week; ~~((and))~~

(5) He or she participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under section 2 of this act, unless the commissioner determines that:

(a) The individual has completed such services; or

(b) There is justifiable cause for the claimant's failure to participate in such services; and

(6) As to weeks beginning after March 31, 1981, which fall within an extended benefit period as defined in RCW 50.22.010~~((1), as now or hereafter amended))~~, the individual meets the terms and conditions of RCW 50.22.020~~((, as now or hereafter amended,))~~ with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

**NEW SECTION. Sec. 2.** A new section is added to chapter 50.20 RCW to read as follows:

(1) The commissioner shall establish and use a profiling system for new claimants for regular compensation under this title that identifies permanently separated workers who are likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment. The profiling system shall use a combination of individual characteristics and labor market information to assign each individual a unique probability of benefit exhaustion. Individuals identified as likely to exhaust benefits shall be referred to reemployment services, such as job search assistance services, to the extent such services are available at public expense.

(2) The profiling system shall include collection and review of follow-up information relating to the services received by individuals under this section and the employment outcomes for the individuals following receipt of the services. The information shall be used in making profiling identifications.

(3) In carrying out reviews of individuals receiving services, the department may contract with public or private entities and may disclose information or records necessary to permit contracting entities to assist in the operation and management of department functions. Any information or records disclosed to public or private entities shall be used solely for the purposes for which the information was disclosed and the entity shall be bound by the same rules of privacy and confidentiality as department employees. The misuse or unauthorized disclosure of information or records deemed private and confidential under chapter 50.13 RCW by any person or organization to which access is permitted by this section shall subject the person or organization to a civil penalty of five thousand dollars and other applicable sanctions under state and federal law. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

**Sec. 3.** RCW 50.20.043 and 1985 c 40 s 1 are each amended to read as follows:

(1) No otherwise eligible individual shall be denied benefits for any week because the individual is in training with the approval of the commissioner, nor shall such individual be denied benefits with respect to any week in which the individual is satisfactorily progressing in a training program with the approval of the commissioner by reason of the application of RCW 50.20.010(3), 50.20.015, 50.20.080, or 50.22.020(1) relating to availability for work and active search for work, or failure to apply for or refusal to accept suitable work.

(2) An individual shall be considered to be in training with the approval of the commissioner if the individual is one who:

(a)(i) The commissioner determines to be a dislocated worker as defined by RCW 50.04.075;  
or

(ii) Fits the department's profile of unemployed workers who are likely to exhaust their benefits; and ((who))

(b) Is satisfactorily progressing in a training program approved by the commissioner ((shall be considered to be in training with the approval of the commissioner)).

(3) At the time of filing for an initial determination, individuals determined to be dislocated workers as defined in RCW 50.04.075 or who fit the department's profile of unemployed workers who are likely to exhaust their benefits shall be provided with information concerning the opportunity, if the individual is otherwise eligible, to receive benefits while satisfactorily progressing in training approved by the commissioner.

**NEW SECTION. Sec. 4.** The commissioner may adopt rules as necessary to implement the 1995 c ... ss 1 and 3 (sections 1 and 3 of this act) amendments to RCW 50.20.010 and 50.20.043 and section 2 of this act, including but not limited to definitions, eligibility standards, program review criteria and procedures, and provisions necessary to comply with applicable federal laws and regulations that are a condition to receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 5.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "profiling;" strike the remainder of the title and insert "amending RCW 50.20.010 and 50.20.043; adding a new section to chapter 50.20 RCW; creating new sections; and declaring an emergency."

that the bill do pass as recommended by the Conference Committee.

Signed by Senators Pelz, Sheldon, Newhouse; Representatives Lisk, Thompson, Romero

#### MOTION

Representative Lisk moved that the House adopt the Report of the Conference Committee on Engrossed Senate Bill No. 5770 and pass the bill as recommended by the Conference Committee.

Representatives Lisk and Romero spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5770 as recommended by the Conference Committee.

Representative Lisk spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5770 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Senate Bill No. 5770, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

The Speaker called on Representative Horn to preside.

#### CONFERENCE COMMITTEE REPORT

Mr. Speaker:  
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5885, Modifying services to families, have had the same under consideration and we recommend that all previous amendments not be adopted; that the striking amendment (attached 5885-S.E AMC CONF S3413.1) by the Conference Committee be adopted;

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.14C.005 and 1992 c 214 s 1 are each amended to read as follows:

(1) ~~((It is the intent of the legislature to make available, within available funds, intensive services to children and families that are designed to prevent the unnecessary imminent placement of children in foster care, and designed to facilitate the reunification of the children with their families.))~~ The legislature believes that protecting the health and safety of children is paramount. The legislature recognizes that the number of children entering out-of-home care is increasing and that a number of children receive long-term foster care protection. Reasonable efforts by the department to shorten out-of-home placement or avoid it altogether should be a major focus of the child welfare system. It is intended that providing up-front services decrease the number of children entering out-of-home care and have the effect of eventually lowering foster care expenditures and strengthening the family unit.

Within available funds, the legislature directs the department to focus child welfare services on protecting the child, strengthening families and, to the extent possible, providing necessary services in the family setting, while drawing upon the strengths of the family. The legislature intends services be locally based and offered as early as possible to avoid disruption to the family, out-of-home placement of the child, and entry into the dependency system. The legislature also intends that these services be used for those families whose children are returning to the home from out-of-home care. These services are known as family preservation services and intensive family preservation services and are characterized by the following values, beliefs, and goals:

(a) Safety of the child is always the first concern;  
(b) Children need their families and should be raised by their own families whenever possible;  
(c) Interventions should focus on family strengths and be responsive to the individual ~~((family))~~ family's cultural values and needs; ~~((and))~~

(d) Participation should be voluntary; and  
(e) Improvement of family functioning is essential in order to promote the child's health, safety, and welfare and thereby allow the family to remain intact and allow children to remain at home.

(2) Subject to the availability of funds for such purposes, the legislature intends for ~~((family preservation))~~ these services to be made available to all eligible families on a state-wide basis through a phased-in process. Except as otherwise specified by statute, the department of social and health services shall have the authority and discretion to implement and expand ~~((family preservation))~~ these services ~~((according to a plan and time frame determined by the department))~~ as provided in this chapter. The department shall consult with the community public health and safety networks when assessing a community's resources and need for services.

(3) It is the legislature's intent that, within available funds, the department develop services in accordance with this chapter.

(4) Nothing in this chapter shall be construed to create an entitlement to services nor to create judicial authority to order the provision of ~~((family))~~ preservation services to any person or family ~~((where))~~ if the ~~((department has determined that such))~~ services are unavailable or unsuitable or that the child or family are not eligible for such services.

**Sec. 2.** RCW 74.14C.010 and 1992 c 214 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

~~(2) ("Family preservation services" means services that are delivered primarily in the home, that follow intensive service models with demonstrated effectiveness in reducing or avoiding the need for unnecessary imminent foster care placement, and that have all of the characteristics delineated in RCW 74.14C.020.~~

~~(3) "Foster care" means placement of a child by the department or a licensed child placing agency in a home or facility licensed pursuant to chapter 74.15 RCW, or in a home or facility that is not required to be licensed pursuant to chapter 74.15 RCW.~~

~~(4)) "Family preservation services" means in-home or community-based services drawing on the strengths of the family and its individual members while addressing family needs to strengthen and keep the family together where possible and may include:~~

~~(a) Respite care of children to provide temporary relief for parents and other caregivers;~~

~~(b) Services designed to improve parenting skills with respect to such matters as child development, family budgeting, coping with stress, health, safety, and nutrition; and~~

~~(c) Services designed to promote the well-being of children and families, increase the strength and stability of families, increase parents' confidence and competence in their parenting abilities, promote a safe, stable, and supportive family environment for children, and otherwise enhance children's development.~~

~~Family preservation services shall have the characteristics delineated in RCW 74.14C.020 (2) and (3).~~

~~(3) "Imminent" means a decision has been made by the department that, without intensive family preservation services, a petition requesting the removal of a child from the family home will be immediately filed under chapter 13.32A or 13.34 RCW, or that a voluntary placement agreement will be immediately initiated.~~

~~(4) "Intensive family preservation services" means community-based services that are delivered primarily in the home, that follow intensive service models with demonstrated effectiveness in reducing or avoiding the need for unnecessary imminent out-of-home placement, and that have all of the characteristics delineated in RCW 74.14C.020 (1) and (3).~~

~~(5) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.~~

~~(6) "Preservation services" means family preservation services and intensive family preservation services that consider the individual family's cultural values and needs.~~

**Sec. 3.** RCW 74.14C.020 and 1992 c 214 s 3 are each amended to read as follows:

~~(1) Intensive family preservation services shall have all of the following characteristics:~~

~~((4)) (a) Services are provided by specially trained ((caseworkers)) service providers who have received at least forty hours of training from recognized ((family preservation)) intensive in-home services experts. ((Caseworkers provide)) Service providers deliver the services in the family's home, and ((may provide some of the services in)) other ((natural)) environments of the family, such as their neighborhood or schools;~~

~~((2)) (b) Caseload size averages two families per ((caseworker)) service provider;~~

~~((3)) (c) The services to the family are provided by a single ((caseworker)) service provider, with backup ((caseworkers)) providers identified to provide assistance as necessary;~~

~~((4) Caseworkers have the authority and discretion to spend funds, up to a maximum amount specified by the department, to help families obtain necessary food, shelter, or clothing, or to purchase other goods or services that will enhance the effectiveness of intervention;~~

~~(5)) (d) Services are available to the family within twenty-four hours following receipt of a referral to the program;~~

~~((6) Services are available to the family twenty four hours a day and seven days a week;~~

~~(7)) (e) Duration of service is limited to a maximum of forty days, unless the department authorizes an additional provision of service through an exception to policy((;~~

~~(8) Services assist the family to improve parental and household management competence and to solve practical problems that contribute to family stress so as to effect improved parental performance and enhanced functioning of the family unit; and~~

~~(9) Services help families locate and utilize additional assistance, including, but not limited to, counseling and treatment services, housing, child care, education, job training, emergency cash grants, state and federally funded public assistance, and other basic support services)).~~

- (2) Family preservation services shall have all of the following characteristics:
- (a) Services are delivered primarily in the family home or community;
  - (b) Services are committed to reinforcing the strengths of the family and its members and empowering the family to solve problems and become self-sufficient;
  - (c) Services are committed to providing support to families through community organizations including but not limited to school, church, cultural, ethnic, neighborhood, and business;
  - (d) Services are available to the family within forty-eight hours of referral unless an exception is noted in the file;
  - (e) Duration of service is limited to a maximum of ninety days, unless the department authorizes an additional provision of service through an exception to policy; and
  - (f) Caseload size no more than ten families per service provider, which can be adjusted according to exceptions defined by the department.
- (3) Preservation services shall include the following characteristics:
- (a) Services protect the child and strengthen the family;
  - (b) Service providers have the authority and discretion to spend funds, up to a maximum amount specified by the department, to help families obtain necessary food, shelter, or clothing, or to purchase other goods or services that will enhance the effectiveness of intervention;
  - (c) Services are available to the family twenty-four hours a day and seven days a week;
  - (d) Services enhance parenting skills, family and personal self-sufficiency, functioning of the family, and reduce stress on families; and
  - (e) Services help families locate and use additional assistance including, but not limited to, counseling and treatment services, housing, child care, education, job training, emergency cash grants, state and federally funded public assistance, and other basic support services.

**Sec. 4.** RCW 74.14C.030 and 1992 c 214 s 4 are each amended to read as follows:

- (1) The department shall be the lead administrative agency for ~~((family))~~ preservation services and may receive funding from any source for the implementation or expansion of such services. The department shall:
- (a) Provide coordination and planning with the advice of the community networks for the implementation and expansion of ~~((family))~~ preservation services; and
  - (b) Monitor and evaluate such services to determine whether the programs meet measurable standards specified by this chapter and the department.
- (2) ~~In carrying out the requirements ~~((of subsection (1)(a)))~~ of this section, the department shall consult ~~((and coordinate with at least one))~~ with qualified ~~((private, nonprofit agency))~~ agencies that ~~((has))~~ have demonstrated expertise and experience in ~~((family))~~ preservation services.~~
- (3) The department may provide ~~((family))~~ preservation services directly and shall, within available funds, enter into outcome-based, competitive contracts with ~~((private, nonprofit))~~ social service agencies to provide preservation services, provided that such agencies meet measurable standards specified by this chapter and by the department. The standards shall include, but not be limited to, satisfactory performance in the following areas:
- (a) The number of families appropriately connected to community resources;
  - (b) Avoidance of new referrals accepted by the department for child protective services or family reconciliation services within one year of the most recent case closure by the department;
  - (c) Consumer satisfaction;
  - (d) For reunification cases, reduction in the length of stay in out-of-home placement; and
  - (e) Reduction in the level of risk factors specified by the department.
- (4)(a) ~~The department shall not ~~((continue direct provision of))~~ provide intensive family preservation services unless it is demonstrated that provision of such services prevent~~((s foster care))~~ out-of-home placement in at least seventy percent of the cases served for a period of at least six months following termination of services. ~~((The department shall not renew a contract with a service provider unless the provider can))~~ The department's caseworkers may only provide preservation services if there is no other qualified entity willing or able to do so.~~
- (b) Contractors shall demonstrate that provision of intensive family preservation services prevent~~((s foster care))~~ out-of-home placement in at least seventy percent of the cases served for a period of ~~((at least))~~ no less than six months following termination of services. The department may increase the period of time based on additional research and data. If the contractor fails to meet the seventy percent requirement the department may: (i) Review the conditions that may have contributed

to the failure to meet the standard and renew the contract if the department determines: (A) The contractor is making progress to meet the standard; or (B) conditions unrelated to the provision of services, including case mix and severity of cases, contributed to the failure; or (ii) reopen the contract for other bids.

(c) The department shall cooperate with any person who has a contract under this section in providing data necessary to determine the amount of reduction in foster care. For the purposes of this subsection "prevent out-of-home placement" means that a child who has been a recipient of intensive family preservation services has not been placed outside of the home, other than for a single, temporary period of time not exceeding fourteen days.

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.14C RCW to read as follows:

The department shall collect data regarding the rates at which intensive family preservation services prevent out-of-home placements over varying periods of time. The department shall make an initial report to the appropriate committees of the legislature of the data, and the proposed rules to implement this section, by December 1, 1995. The department shall present a report to the appropriate committees of the legislature on September 1st of each odd-numbered year, commencing on September 1, 1997.

**Sec. 6.** RCW 74.14C.040 and 1992 c 214 s 5 are each amended to read as follows:

(1) Intensive family preservation services may be provided to children and their families only when the department has determined that:

(a) The child has been placed (~~(in foster care)~~) out-of-home or is at (~~(actual)~~) imminent risk of (~~(foster care)~~) an out-of-home placement due to:

- (i) Child abuse or neglect;
- (ii) A serious threat of substantial harm to the child's health, safety, or welfare; or
- (iii) Family conflict; and

(b) There are no other reasonably available services including family preservation services that will prevent (~~(foster care)~~) out-of-home placement of the child or make it possible to immediately return the child home.

(2) The department shall refer eligible families to intensive family preservation services on a twenty-four hour intake basis. The department need not refer otherwise eligible families, and intensive family preservation services need not be provided, if:

- (a) The services are not available in the community in which the family resides;
- (b) The services cannot be provided because the program is filled to capacity and there are no current service openings;
- (c) The family refuses the services;
- (d) The department, or the agency that is supervising the foster care placement, has developed a case plan that does not include reunification of the child and family; or
- (e) The department or the (~~(contracted)~~) service provider determines that the safety of a child, a family member, or persons providing the service would be unduly threatened.

(3) Nothing in this chapter shall prevent provision of intensive family preservation services to nonfamily members when the department or the service provider deems it necessary or appropriate to do so in order to assist the family or child.

**NEW SECTION. Sec. 7.** A new section is added to chapter 74.14C RCW to read as follows:

(1) Family preservation services may be provided to children and their families only when the department has determined that without intervention, the child faces a substantial likelihood of out-of-home placement due to:

- (a) Child abuse or neglect;
- (b) A serious threat of substantial harm to the child's health, safety, or welfare; or
- (c) Family conflict.

(2) The department need not refer otherwise eligible families and family preservation services need not be provided, if:

- (a) The services are not available in the community in which the family resides;
- (b) The services cannot be provided because the program is filled to capacity;
- (c) The family refuses the services; or

(d) The department or the service provider determines that the safety of a child, a family member, or persons providing the services would be unduly threatened.

(3) Nothing in this chapter shall prevent provision of family preservation services to nonfamily members when the department or the service provider deems it necessary or appropriate to do so in order to assist the family or the child.

**NEW SECTION. Sec. 8.** A new section is added to chapter 74.14C RCW to read as follows:

Each department caseworker who refers a client for preservation services shall file a report with his or her direct supervisor stating the reasons for which the client was referred. The caseworker's supervisor shall verify in writing his or her belief that the family who is the subject of a referral for preservation services meets the eligibility criteria for services as provided in this chapter. The direct supervisor shall report monthly to the regional administrator on the provision of these services. The regional administrator shall report to the assistant secretary quarterly on the provision of these services for the entire region. The assistant secretary shall make a semiannual report to the secretary on the provision of these services on a state-wide basis.

**Sec. 9.** RCW 74.14C.050 and 1992 c 214 s 6 are each amended to read as follows:

~~((1) The department shall, within available funds, conduct a family preservation services study in at least one region within the state. In developing and conducting the project, the department shall consult and coordinate with at least one qualified private, nonprofit agency that has demonstrated expertise and experience in family preservation services. The purpose of the study is to))~~ By December 1, 1995, the department, with the assistance of the family policy council, two urban and two rural public health and safety networks to be chosen by the family policy council, and two private, nonprofit agencies with expertise and experience in preservation services shall submit to the legislature an implementation and evaluation plan that identifies:

~~((a) Develop))~~ (1) A valid and reliable process that can be used by caseworkers for accurately identifying clients who are eligible for intensive family preservation services and family preservation services. The plan shall recognize the due process rights of families that receive preservation services and recognize that family preservation services are not intended to be investigative for purposes of chapter 13.34 RCW;

~~((b) Collect))~~ (2) Necessary data ~~((on))~~ by which ~~((to base))~~ program success will be measured, projections of service needs, budget requests, and long-range planning;

~~((c) Develop))~~ (3) Regional and state-wide projections of service needs;

~~((d) Develop))~~ (4) A cost estimate for state-wide implementation and expansion of ~~((family))~~ preservation services on a ~~((state-wide))~~ phased-in basis beginning no later than July 1, 1996;

~~((e) Develop a long range))~~ (5) A plan and time frame for ~~((expanding the availability))~~ phased-in implementation of ~~((family))~~ preservation services ~~((and ultimately making such services available to all eligible families))~~ on a state-wide basis to be accomplished as soon as possible but no later than July 1, 1997; ~~((and~~

~~((f) Collect))~~ (6) Data regarding the number of children in foster care, group care, ~~((and))~~ institutional placements, and other out-of-home placements due to medical needs, mental health needs, developmental disabilities, and juvenile offenses, and ~~((assess))~~ an assessment of the feasibility of ~~((expanding family))~~ providing preservation services ~~((eligibility))~~ to include all of these children;

(7) Standards and outcome measures for the department when the department provides preservation services directly; and

(8) A process to assess outcome measures identified in RCW 74.14C.030 for contractors providing preservation services.

~~((2) The department shall prepare a report to the legislature that addresses the objectives set forth in subsection (1) of this section. The report shall address the feasibility of expanding and implementing family preservation services on a state wide basis. The report is due January 1, 1993.))~~

**Sec. 10.** RCW 74.14C.060 and 1992 c 214 s 7 are each amended to read as follows:

For the purpose of providing ~~((family))~~ preservation services ~~((to children who would otherwise be removed from their homes,))~~ the department may:

(1) Solicit and use any available federal or private resources, which may include funds, in-kind resources, or volunteer services; and



(2) Use any available state resources, which may include in-kind resources or volunteer services.

**Sec. 11.** RCW 74.14C.070 and 1994 c 288 s 3 are each amended to read as follows:

~~((After July 1, 1993,))~~ The secretary of social and health services, or the secretary's regional designee, may transfer funds appropriated for foster care services to purchase ~~((family))~~ preservation services and other preventive services for children at imminent risk of ~~((foster care))~~ out-of-home placement or who face a substantial likelihood of out-of-home placement. This transfer may be made in those regions that lower foster care expenditures through efficient use of preservation services and permanency planning efforts. The transfer shall be equivalent to the amount of reduced foster care expenditures and shall be made in accordance with the provisions of this chapter and with the approval of the office of financial management. The secretary shall ~~((notify))~~ present an annual report to the ~~((appropriate committees of the senate and house of representatives of))~~ legislature regarding any transfers under this section. The secretary shall include caseload, expenditure, cost avoidance, identified improvements to the ~~((foster))~~ out-of-home care system, and outcome data related to the transfer in the ~~((notification))~~ report. The secretary shall also include in the report information regarding: (1) The percent of cases where a child is placed in out-of-home care after the provision of intensive family preservation services or family preservation services; (2) the average length of time before such child is placed out-of-home; (3) the average length of time such child is placed out-of-home; and (4) the number of families that refused the offer of either family preservation services or intensive family preservation services.

**NEW SECTION. Sec. 12.** A new section is added to chapter 74.14C RCW to read as follows:

(1) The department shall, within available funds, provide for ongoing training and consultation to department personnel to carry out their responsibilities effectively. Such training may:

(a) Include the family unit as the primary focus of service; identifying family member strengths; empowering families; child, adult, and family development; stress management; and may include parent training and family therapy techniques;

(b) Address intake and referral, assessment of risk, case assessment, matching clients to services, and service planning issues in the context of the home-delivered service model, including strategies for engaging family members, defusing violent situations, and communication and conflict resolution skills;

(c) Cover methods of helping families acquire the skills they need, including home management skills, life skills, parenting, child development, and the use of community resources;

(d) Address crisis intervention and other strategies for the management of depression, and suicidal, assaultive, and other high-risk behavior; and

(e) Address skills in collaborating with other disciplines and services in promoting the safety of children and other family members and promoting the preservation of the family.

(2) The department and the office of the administrator for the courts shall, within available funds, collaborate in providing training to judges, and others involved in the provision of services pursuant to this title, including service providers, on the function and use of preservation services.

**NEW SECTION. Sec. 13.** The initial contracts under RCW 74.14C.030(3) shall be executed not later than July 1996 and shall expire June 30, 1997. Subsequent contracts shall be for periods not to exceed twenty-four months.

**NEW SECTION. Sec. 14.** A new section is added to chapter 74.13 RCW to read as follows:

If the department is denied lawful access to records or information, or requested records or information is not provided in a timely manner, the department may petition the court for an order compelling disclosure.

(1) The petition shall be filed in the juvenile court for the county in which the record or information is located or the county in which the person who is the subject of the record or information resides. If the person who is the subject of the record or information is a party to or the subject of a pending proceeding under chapter 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

(2) Except as otherwise provided in this section, the persons from whom and about whom the record or information is sought shall be served with a summons and a petition at least seven calendar days prior to a hearing on the petition. The court may order disclosure upon ex parte application of the department, without prior notice to any person, if the court finds there is reason to believe access to the record or information is necessary to determine whether the child is in imminent danger and in need of immediate protection.

(3) The court shall grant the petition upon a showing that there is reason to believe that the record or information sought is necessary for the health, safety, or welfare of the child who is currently receiving child welfare services.

**Sec. 15.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove alternative residential placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110; or

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

(iv) The juvenile is sixteen or seventeen years old and the alleged offense is: (A) A serious violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994; or (B) a violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994, and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately. In such a case the adult criminal court shall have exclusive original jurisdiction.

If the juvenile challenges the state's determination of the juvenile's criminal history, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age; ~~((and))~~

(h) Relating to court validation of a voluntary consent to ~~((foster care))~~ an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction; and

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to section 14 of this act.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) A juvenile subject to adult superior court jurisdiction under subsection (1)(e) (i) through (iv) of this section, who is detained pending trial, may be detained in a county detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

**Sec. 16.** RCW 13.50.100 and 1990 c 246 s 9 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system.

(4) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported suspected child abuse or neglect.

(5) A juvenile or his or her parent denied access to any records following an agency determination under subsection (4) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (4) (a) and (b) of this section.

(6) The person making a motion under subsection (5) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(7) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (4) of this section.

~~((8) Information concerning a juvenile or a juvenile's family contained in records covered by this section may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.))~~

**Sec. 17.** RCW 26.44.030 and 1993 c 412 s 13 and 1993 c 237 s 1 are each reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or

cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(c) The report shall be made at the first opportunity, but ~~((; and))~~ in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred

and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the ~~((appropriate committees of the senate and house of representatives))~~ legislature on the effectiveness of the risk assessment process.

(14) Upon receipt of a report of abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

**Sec. 18.** RCW 74.15.020 and 1994 c 273 s 21 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of social and health services;  
(2) "Secretary" means the secretary of social and health services;  
(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(e) "Family day-care provider" means a licensed day-care provider who regularly provides day care for not more than twelve children in the provider's home in the family living quarters;

(f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(g) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.

(4) "Agency" shall not include the following:

(a) ~~((Persons related by blood or marriage to the child, expectant mother, or persons with developmental disabilities in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin))~~ Persons related to the child, expectant mother, or person with developmental disabilities in the following ways:

(i) Any blood relative, including those of half blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even if a marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors;

(e) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(i) Licensed physicians or lawyers;

(j) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(k) Facilities approved and certified under chapter 71A.22 RCW;

(l) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(m) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a

replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(n) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(o) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(5) "Requirement" means any rule, regulation or standard of care to be maintained by an agency.

**Sec. 19.** RCW 13.34.130 and 1994 c 288 s 4 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with ~~((a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin))~~ a person who is related to the child as defined in RCW 74.15.020(4)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(5) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision



should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

**Sec. 20.** RCW 13.34.145 and 1994 c 288 s 5 are each amended to read as follows:

(1) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider.

(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2)(a) For children ten and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree or guardianship order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) For children over ten, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen months and an adoption decree or guardianship order has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.

(3) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or

legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve or eighteen months, as provided in subsection (2) of this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree or guardianship order is entered, or the dependency is dismissed.

(4) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(5) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(5) and shall review the permanency plan prepared by the agency. If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280. If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not yet been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(6) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.130(5), and the court shall determine the need for continued intervention.

(7) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(8) Except as otherwise provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.130(5), until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(9) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(10) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights.

(11) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

**Sec. 21.** RCW 74.13.280 and 1991 c 340 s 4 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency may share information about the child and the child's family with the care provider and may consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

(3) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

**Sec. 22.** RCW 74.15.120 and 1979 c 141 s 361 are each amended to read as follows:

The secretary of social and health services may, at his or her discretion, issue ~~((a-provisional))~~ an initial license instead of a full license, to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license ~~((-except that a provisional))~~. An initial license shall not be granted to any foster-family home except as specified in this section. An initial license may be granted to a foster-family home only if the following three conditions are met: (1) The license is limited so that the licensee is authorized to provide care only to a specific child or specific children; (2) the department has determined that the licensee has a relationship with the child, and the child is comfortable with the licensee, or that it would otherwise be in the child's best interest to remain or be placed in the licensee's home; and (3) the initial license is issued for a period not to exceed ninety days.

**Sec. 23.** RCW 13.34.030 and 1994 c 288 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years.

(2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

(3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

(4) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has ~~((evidenced))~~ expressed either by statement or conduct, ~~((a-settled))~~ an intent to forego, for an extended period, ((all)) parental rights or ((all)) parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist.

(5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(8) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(9) "Preventive services" means ~~((family))~~ preservation services, as defined in ~~((RCW 74.14C.010))~~ chapter 74.14C RCW, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child.

**Sec. 24.** RCW 13.34.233 and 1994 c 288 s 8 are each amended to read as follows:

(1) Any party may request the court to modify or terminate a dependency guardianship order under RCW 13.34.150. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice shall in all cases be served upon the department of social and health services. If the department was not previously a party to the guardianship proceeding, the department shall nevertheless have the right to initiate a proceeding to modify or terminate a guardianship and the right to intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party or the department if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. ~~((Unless all parties agree to entry of an order modifying or terminating the guardianship,))~~ The court shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department of social and health services or a licensed child-placing agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.130(5) and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

**Sec. 25.** RCW 28A.225.330 and 1994 c 304 s 2 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

- (a) Any history of placement in special educational programs;
- (b) Any past, current, or pending disciplinary action;
- (c) Any history of violent behavior;
- (d) Any unpaid fines or fees imposed by other schools; and
- (e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action. If the student has not paid a fine or fee under RCW 28A.635.060, the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, and records of disciplinary action. If the official transcript is not sent due to unpaid fees or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the

obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The state board of education shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

**NEW SECTION. Sec. 26.** A new section is added to chapter 74.13 RCW to read as follows:

(1) The department, or agency responsible for supervising a child in out-of-home care, shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the department or other agency. The study shall be conducted prior to placement, or, if it is not feasible to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.

(2) The social study shall include, but not be limited to, an assessment of the following factors:

- (a) The physical and emotional strengths and needs of the child;
- (b) The proximity of the child's placement to the child's family to aid reunification;
- (c) The possibility of placement with the child's relatives or extended family;
- (d) The racial, ethnic, cultural, and religious background of the child;
- (e) The least-restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and
- (f) Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

**Sec. 27.** RCW 13.34.110 and 1993 c 412 s 7 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. Unless there is reasonable cause to believe the safety or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: (1) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; (2) are known to the department as having been in contact with the family or child within the past twelve months; and (3) would be an appropriate placement for the child. The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement. The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. If a child resides in foster care or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court may allow the child's foster parent or relative care provider to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

**NEW SECTION. Sec. 28.** RCW 74.14C.035 and 1992 c 214 s 8 are each repealed.

NEW SECTION. **Sec. 29.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "families;" strike the remainder of the title and insert "amending RCW 74.14C.005, 74.14C.010, 74.14C.020, 74.14C.030, 74.14C.040, 74.14C.050, 74.14C.060, 74.14C.070, 13.04.030, 13.50.100, 74.15.020, 13.34.130, 13.34.145, 74.13.280, 74.15.120, 13.34.030, 13.34.233, 28A.225.330, and 13.34.110; reenacting and amending RCW 26.44.030; adding new sections to chapter 74.14C RCW; adding new sections to chapter 74.13 RCW; creating new sections; repealing RCW 74.14C.035; and prescribing penalties." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Hargrove, Prentice, Long; Representatives Cooke, Lambert, Tokuda.

#### MOTION

Representative Cooke moved that the House adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5885 and pass the bill as recommended by the Conference Committee.

Representatives Cooke and Tokuda spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5885 as recommended by the Conference Committee.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5885 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Substitute Senate Bill No. 5885, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5365, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5854, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5011, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5434, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439, and passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1173, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

EHB 1173 April 21, 1995

Includes "NEW ITEM": YES

Modifying adoption support provisions.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED HOUSE BILL NO. 1173, Adoption support, have had the same under consideration and we recommend that:

The Senate Committee on Human Services and Corrections striking amendments adopted on April 13, 1995, not be adopted; and

That the Conference Committee striking amendments (S-3388.5) be adopted,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the best interest of the people of the state of Washington to support the adoption process in a variety of ways, including easing administrative burdens on adoptive parents receiving financial support, providing finality for adoptive placements and stable homes for children, and not delaying adoptions.

**Sec. 2.** RCW 74.13.118 and 1985 c 7 s 138 are each amended to read as follows:

At least (~~annually~~) once every five years, the secretary shall review the need of any adoptive parent or parents receiving continuing support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145, or the need of any parent who is to receive more than one lump sum payment where such payments are to be spaced more than one year apart. (~~Such review shall be made not later than the anniversary date of the adoption support agreement.~~)

At the time of such (~~annual~~) review and at other times (~~during the year~~) when changed conditions, including variations in medical opinions, prognosis and costs, are deemed by the secretary to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child, in the adoptive parents' income, resources, and expenses for the care of such child or other members of the family, including medical and/or hospitalization expense not otherwise covered by or subject to reimbursement from insurance or other sources of financial assistance.

Any parent who is a party to such an agreement may at any time in writing request, for reasons set forth in such request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of such request. Any adjustment may be made retroactive to the date such request was received by the secretary. If such request is not acted on within thirty days after it has been received by the secretary, such parent may invoke his rights under the hearing provisions set forth in RCW 74.13.127.

**Sec. 3.** RCW 74.13.121 and 1985 c 7 s 139 are each amended to read as follows:

So long as any adoptive parent is receiving support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 he or she shall, (~~not later than two weeks after it is filed with the United States government~~) upon request, file with the secretary a copy of his or her federal income tax return. Such return and any information thereon shall be marked by the secretary "confidential", shall be used by the secretary solely for the purposes of RCW 26.33.320 and 74.13.100 through 74.13.145, and shall not be revealed to any other person, institution or agency, public or private, including agencies of the United States government, other than a superior court, judge or commissioner before whom a petition



for adoption of a child being supported or to be supported pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 is then pending.

In carrying on the review process authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may require the adoptive parent or parents to disclose such additional financial information, not privileged, as may enable him or her to make determinations and adjustments in support to the end that the purposes and policies of this state expressed in RCW 74.13.100 may be carried out, provided that no adoptive parent or parents shall be obliged, by virtue of this section, to sign any agreement or other writing waiving any constitutional right or privilege nor to admit to his or her home any agent, employee, or official of any department of this state, or of the United States government.

Such information shall be marked "confidential" by the secretary, shall be used by him or her solely for the purposes of RCW 26.33.320 and 74.13.100 through 74.13.145, and shall not be revealed to any other person, institution, or agency, public or private, including agencies of the United States government other than a superior court judge or commission before whom a petition for adoption of a child being supported or to be supported pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 is then pending.

**NEW SECTION. Sec. 4.** The legislature recognizes that some prospective adoptive parents may not have finalized the adoption of a foster child in their care because the adoption support program as it is presently structured may offer special children with complex needs fewer necessary services than the foster care program provides them through exceptional cost plans. Enhancement of the adoption support program could increase the likelihood that such special needs children could be adopted.

The department of social and health services is directed to conduct a study to determine the costs, program impact, and appropriateness of extending exceptional cost rate foster care plans for special needs children to the adoption support program. The department of social and health services shall complete the study and report its findings to the legislature no later than September 1, 1995.

**Sec. 5.** RCW 26.33.110 and 1987 c 170 s 5 are each amended to read as follows:

(1) The court shall set a time and place for a hearing on the petition for termination of the parent-child relationship, which shall not be held sooner than forty-eight hours after the child's birth. However, if the child is an Indian child, the hearing shall not be held sooner than ten days after the child's birth and the time of the hearing shall be extended up to twenty additional days from the date of the scheduled hearing upon the motion of the parent, Indian custodian, or the child's tribe.

(2) Notice of the hearing shall be served on the petitioner, the nonconsenting parent or alleged father, the legal guardian of a party, and the guardian ad litem of a party, in the manner prescribed by RCW 26.33.310. If the child is an Indian child, notice of the hearing shall also be served on the child's tribe in the manner prescribed by 25 U.S.C. Sec. 1912(a).

(3) Except as otherwise provided in this section, the notice of the petition shall:

(a) State the date and place of birth. If the petition is filed prior to birth, the notice shall state the approximate date and location of conception of the child and the expected date of birth, and shall identify the mother;

(b) Inform the nonconsenting parent or alleged father that: (i) He or she has a right to be represented by counsel and that counsel will be appointed for an indigent person who requests counsel; and (ii) failure to respond to the termination action within twenty days of service if served within the state or thirty days if served outside of this state, will result in the termination of his or her parent-child relationship with respect to the child;

(c) Inform an alleged father that failure to file a claim of paternity under chapter 26.26 RCW or to respond to the petition, within twenty days of the date of service of the petition is grounds to terminate his parent-child relationship with respect to the child;

(d) Inform an alleged father of an Indian child that if he acknowledges paternity of the child or if his paternity of the child is established prior to the termination of the parent-child relationship, that his parental rights may not be terminated unless he: (i) Gives valid consent to termination, or (ii) his parent-child relationship is terminated involuntarily pursuant to chapter 26.33 or 13.34 RCW.

**Sec. 6.** RCW 26.33.310 and 1987 c 170 s 9 are each amended to read as follows:

(1) Petitions governed by this chapter shall be served in the ~~((same))~~ manner as ~~((a complaint in a civil action under))~~ set forth in the superior court civil rules. Subsequent notice, papers, and pleadings may be served in the manner provided in superior court civil rules.

(2) If personal service on any parent or alleged father who has not consented to the termination of his or her parental rights can be given, the summons and notice of hearing on the petition to terminate parental rights shall be served at least twenty days before the hearing date if served within the state or thirty days if served outside of this state.

(3) If personal service on the parent or any alleged father, either within or without this state, cannot be given, notice shall be given: (a) By first class and registered mail, mailed at least ~~((twenty))~~ thirty days before the hearing to the person's last known address; and (b) by publication at least once a week for three consecutive weeks with the first publication date at least ~~((twenty-five))~~ thirty days before the hearing. Publication shall be in a legal newspaper in the city or town of the last known address within the United States and its territories of the parent or alleged father, whether within or without this state, or, if no address is known to the petitioner, publication shall be in the city or town of the last known whereabouts within the United States and its territories; or if no address or whereabouts are known to the petitioner or the last known address is not within the United States and its territories, in the city or town where the proceeding has been commenced.

(3) Notice and appearance may be waived by the department, an agency, a parent, or an alleged father before the court or in a writing signed under penalty of perjury. The waiver shall contain the current address of the department, agency, parent, or alleged father. The face of the waiver for a hearing on termination of the parent-child relationship shall contain language explaining the meaning and consequences of the waiver and the meaning and consequences of termination of the parent-child relationship. A person or agency who has executed a waiver shall not be required to appear except in the case of an Indian child where consent to termination or adoption must be certified before a court of competent jurisdiction pursuant to 25 U.S.C. Sec. 1913(a).

(4) If a person entitled to notice is known to the petitioner to be unable to read or understand English, all notices, if practicable, shall be given in that person's native language or through an interpreter.

(5) Where notice to an Indian tribe is to be provided pursuant to this chapter and the department is not a party to the proceeding, notice shall be given to the tribe at least ten business days prior to the hearing by registered mail return receipt requested.

**Sec. 7.** RCW 26.33.260 and 1984 c 155 s 26 are each amended to read as follows:

(1) The entry of a decree of adoption divests any parent or alleged father who is not married to the adoptive parent or who has not joined in the petition for adoption of all legal rights and obligations in respect to the adoptee, except past-due child support obligations. The adoptee shall be free from all legal obligations of obedience and maintenance in respect to the parent. The adoptee shall be, to all intents and purposes, and for all legal incidents, the child, legal heir, and lawful issue of the adoptive parent, entitled to all rights and privileges, including the right of inheritance and the right to take under testamentary disposition, and subject to all the obligations of a natural child of the adoptive parent.

(2) Any appeal of an adoption decree shall be decided on an accelerated review basis.

(3) Except as otherwise provided in RCW 26.33.160(3) and (4)(h), no person may challenge an adoption decree on the grounds of:

(a) A person claiming or alleging paternity subsequently appears and alleges lack of prior notice of the proceeding; or

(b) The adoption proceedings were in any other manner defective.

(4) It is the intent of the legislature that this section provide finality for adoptive placements and stable homes for children.

**NEW SECTION. Sec. 8.** A new section is added to chapter 26.33 RCW to read as follows:

An adoption shall not be delayed or denied on the basis of the race, color, or national origin of the adoptive parent or the child involved. However, when the department or an agency considers whether a placement option is in a child's best interests, the department or agency may consider the cultural, ethnic, or racial background of the child and the capacity of prospective adoptive parents to meet the needs of a child of this background. This provision shall not apply to or affect the application of the Indian Child Welfare Act of 1978, 25 U.S.C. Sec. 1901 et seq."

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "amending RCW 74.13.118, 74.13.121, 26.33.110, 26.33.310, and 26.33.260; adding a new section to chapter 26.33 RCW; and creating new sections."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Hargrove, Long, Fairley; Representatives Cooke, Stevens.

#### MOTION

Representative Cooke moved that the House adopt the Report of the Conference Committee on Engrossed House Bill No. 1173 and pass the bill as recommended by the Conference Committee.

Representatives Cooke and Brown spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1173 as recommended by the Conference Committee.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1173 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksmas, Fisher, G., Fuhrman and Patterson - 4.

Engrossed House Bill No. 1173, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 23, 1995

Mr. Speaker:

The Senate receded from the Senate Committee on Transportation amendments adopted April 10, 1995 to ENGROSSED HOUSE BILL NO. 1461. Under suspension of rules, the Senate returned the bill to second reading for purpose of amendment, and passed the bill with the attached floor amendment #426.

On page 2, line 16, strike "twenty-four hours" and insert "~~((twenty-four hours))~~ five days"

On page 3, beginning on line 20, strike "~~((five))~~ seven hundred" and insert "~~((five hundred))~~ one thousand"

and the same is herewith transmitted.

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments on page 3, line 20, to Engrossed House Bill No. 1461 and not concur in the Senate amendments on page 2, line 16 to Engrossed House Bill No. 1461.

Representative K. Schmidt spoke in favor of the motions and they were carried.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 1995

Mr. Speaker:

The Senate receded from the Senate floor amendments #391 adopted April 14, 1995 to SECOND SUBSTITUTE HOUSE BILL NO. 1524. Under suspension of rules, the Senate returned the bill to second reading for purpose of amendment, and passed the bill with floor amendment #422 adopted as amended by floor amendment #427.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Except as provided in subsection (4) of this section for the initial registration of an instrument or device, no weighing or measuring instrument or device may be used for commercial purposes in the state unless its commercial use is registered annually. If its commercial use is within a city that has a city sealer and a weights and measures program as provided by RCW 19.94.280, the commercial use of the instrument or device shall be registered with the city if the city has adopted fees pursuant to subsection (2) of this section. If its commercial use is outside of such a city, the commercial use of the instrument or device shall be registered with the department.

(2) A city with such a sealer and program may establish an annual fee for registering the commercial use of such a weighing or measuring instrument or device with the city. The annual fee shall not exceed the fee established in RCW 19.94.175 for registering the use of a similar instrument or device with the department. Fees upon weighing or measuring instruments or devices within the jurisdiction of the city that are collected under this subsection by city sealers shall be deposited into the general fund, or other account, of the city as directed by the governing body of the city.

(3) Registrations with the department are accomplished as part of the master license system under chapter 19.02 RCW. Payment of the registration fee for a weighing or measuring instrument or device under the master license system constitutes the registration required by this section.

(4) The fees established by or under RCW 19.94.175 for registering a weighing or measuring instrument or device shall be paid to the department of licensing concurrently with an application for a master license or with the annual renewal of a master license under chapter 19.02 RCW. A weighing or measuring instrument or device shall be initially registered with the state at the time the owner applies for a master license for a new business or at the first renewal of the license that occurs after the instrument or device is first placed into commercial use. However, the use of an instrument or device that is in commercial use on the effective date of this act shall be initially registered at the time the first renewal of the master license of the owner of the instrument or device is due following the effective date of this act. The department of licensing shall remit to the department of agriculture all fees collected under this provision less reasonable collection expenses.

(5) Each city charging registration fees under this section shall notify the department of agriculture at the time such fees are adopted and whenever changes in the fees are adopted.

NEW SECTION. Sec. 2. (1) Except as provided in subsection (3) of this section and RCW 19.94.190(1)(d), the department shall test and inspect each biennium a sufficient number of weighing and measuring instruments and devices to ensure that the provisions of this chapter are enforced.

(2) The department may issue an official seal of approval for each weighing or measuring instrument or device that has been tested and inspected and found to be correct.

(3) Except as provided in RCW 19.94.216, this section does not apply to weighing or measuring instruments or devices located in an area of the state that is within a city that has a city sealer and a weights and measures program pursuant to RCW 19.94.280 unless the city sealer does not possess the equipment necessary to test and inspect the weighing or measuring instrument or device.

**Sec. 3.** RCW 19.94.005 and 1992 c 237 s 1 are each amended to read as follows:

The legislature finds:

(1) The accuracy of weighing and measuring instruments and devices used in commerce in the state of Washington affects every consumer throughout the state and is of vital importance to the public interest.

(2) Fair weights and measures are equally important to business and the consumer.

~~(3) ((A continuing study of this state's weights and measures program is necessary to ensure that the program provides proper enforcement and oversight to safeguard consumers, business, and interstate commerce.~~

~~(4))~~ This chapter safeguards the consuming public and ensures that businesses receive proper compensation for the commodities they deliver.

**Sec. 4.** RCW 19.94.010 and 1992 c 237 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and to any rules adopted pursuant to this chapter.

(a) "City" means a first class city with a population of over fifty thousand persons.

(b) "City sealer" means the person duly authorized by a city to enforce and administer the weights and measures program within such city and any duly appointed deputy sealer acting under the instructions and at the direction of the city sealer.

(c) "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item or lot of any commodity not in packaged form, but on which there is marked a selling price based on established price per unit of weight or of measure, shall be construed to be a commodity in package form.

(d) "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by persons, or used by persons for the purpose of personal care or in the performance of services ordinarily rendered in or about a household or in connection with personal possessions.

(e) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred twenty-eight cubic feet, when the wood is ranked and well stowed.

(f) "Department" means the department of agriculture of the state of Washington.

(g) "Director" means the director of the department or duly authorized representative acting under the instructions and at the direction of the director.

(h) "Fish" means any waterbreathing animal, including shellfish, such as, but not limited to, lobster, clam, crab, or other mollusca that is prepared, processed, sold, or intended for sale.

(i) "Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of such commodity. Materials, substances, or items not considered to be part of a commodity shall include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

(j) "Nonconsumer package" or "package of nonconsumer commodity" means a commodity in package form other than a consumer package and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

(k) "Meat" means and shall include all animal flesh, carcasses, or parts of animals, and shall also include fish, shellfish, game, poultry, and meat food products of every kind and character, whether fresh, frozen, cooked, cured, or processed.

(l) "Official seal of approval" means the ~~((uniform))~~ seal or certificate issued by the director or city sealer which indicates that a secondary weights and measures standard or a weighing or measuring instrument or device conforms with the specifications, tolerances, and other technical requirements adopted in RCW 19.94.195.

(m) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(n) "Poultry" means all fowl, domestic or wild, that is prepared, processed, sold, or intended or offered for sale.

(o) "Service agent" means a person who for hire, award, commission, or any other payment of any kind, installs, tests, inspects, checks, adjusts, repairs, reconditions, or systematically standardizes the graduations of a weighing or measuring instrument or device.

(p) "Ton" means a unit of two thousand pounds avoirdupois weight.

(q) "Weighing or measuring instrument or device" means any equipment or apparatus used commercially to establish the size, quantity, capacity, count, extent, area, heaviness, or measurement of quantities, things, produce, or articles for distribution or consumption, that are purchased, offered or submitted for sale, hire, or award on the basis of weight, measure or count, including any accessory attached to or used in connection with a weighing or measuring instrument or device when such accessory is so designed or installed that its operation affects, or may effect, the accuracy or indication of the device. This definition shall be strictly limited to those weighing or measuring instruments or devices governed by Handbook 44 as adopted under RCW 19.94.195.

(r) "Weight" means net weight as defined in this section.

(s) "Weights and measures" means the recognized standards or units of measure used to indicate the size, quantity, capacity, count, extent, area, heaviness, or measurement of any consumable commodity.

(t) "Secondary weights and measures standard" means ~~((any object))~~ the physical standards that are traceable to the primary standards through comparisons, used by the director, a city sealer, or a service agent that under specified conditions defines or represents a recognized weight or measure during the inspection, adjustment, testing, or systematic standardization of the graduations of any weighing or measuring instrument or device.

(2) The director shall prescribe by rule other definitions as may be necessary for the implementation of this chapter.

**Sec. 5.** RCW 19.94.160 and 1992 c 237 s 5 are each amended to read as follows:

Weights and measures standards that are in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state weights and measures standards, shall, when the same shall have been certified as such by the national institute of standards and technology or any successor organization, be the ~~((state))~~ primary standards of weight and measure. The state weights and measures standards shall be kept in a place designated by the director and shall ~~((not be removed from such designated place except for repairs or for certification. These state weights and measures standards shall be submitted at least once every ten years to))~~ be maintained in such calibration as prescribed by the national institute of standards and technology or any successor organization ((for certification)).

**Sec. 6.** RCW 19.94.165 and 1992 c 237 s 6 are each amended to read as follows:

~~(((1) Unless otherwise provided by the department,))~~ All weighing or measuring instruments or devices used for commercial purposes within this state shall be ((inspected and tested for accuracy by the director or city sealer at least once every two years and, if found to be)) correct((, the director or city sealer shall issue an official seal of approval for each such instrument or device.

~~(2) Beginning fiscal year 1993, the schedule of inspection and testing shall be staggered so as one half of the weighing or measuring instruments or devices under the jurisdiction of the inspecting and testing authority are approved in odd fiscal years and the remaining one half are inspected and tested in even fiscal years.~~

~~(3) The department may provide, as needed, uniform, official seals of approval to city sealers for the purposes expressed in this section).~~

**Sec. 7.** RCW 19.94.175 and 1992 c 237 s 7 are each amended to read as follows:

~~(((1) The department shall establish reasonable, biennial inspection and testing fees for each type or class of weighing or measuring instrument or device required to be inspected and tested under this chapter. These inspection and testing fees shall be equitably prorated within each such type or~~

~~class and shall be limited to those amounts necessary for the department to cover, to the extent possible, the direct costs associated with the inspection and testing of each type or class of weighing or measuring instrument or device.~~

~~(2) Prior to the establishment and each amendment of the fees authorized under this chapter, a weights and measures fee task force shall be convened under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair and one representative from each of the following: City sealers, service agents, service stations, grocery stores, retailers, food processors/dealers, oil heat dealers, the agricultural community, and liquid propane dealers. The task force shall recommend the appropriate level of fees to be assessed by the department pursuant to subsection (1) of this section, based upon the level necessary to cover the direct costs of administering and enforcing the provisions of this chapter and to the extent possible be consistent with fees reasonably and customarily charged in the private sector for similar services.~~

~~(3) The fees authorized under this chapter may be billed only after the director or a city sealer has issued an official seal of approval for a weighing or measuring instrument or device or a weight or measure standard.~~

~~(4) All fees shall become due and payable thirty days after billing by the department or a city sealer. A late penalty of one and one half percent per month may be assessed on the unpaid balance more than thirty days in arrears.)~~ (1) Pursuant to section 1 of this act, the following annual registration fees shall be charged for each weighing or measuring instrument or device used for commercial purposes in this state:

(a) Weighing devices:

(i) Small scales "zero to four hundred pounds capacity" \$ 5.00

(ii) Intermediate scales "four hundred one pounds to five thousand pounds capacity" \$ 20.00

(iii) Large scales "over five thousand pounds capacity" \$ 52.00

(iv) Large scales with supplemental devices \$ 52.00

(v) Railroad track scales \$800.00

(b) Liquid fuel metering devices:

(i) Motor fuel meters with flows of less than twenty gallons per minute \$ 5.00

(ii) Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute \$ 16.00

(iii) Motor fuel meters with flows over one hundred fifty gallons per minute \$ 25.00

(c) Liquid petroleum gas meters:

(i) With one inch diameter or smaller dispensers \$ 10.00

(ii) With greater than one inch diameter dispensers \$ 30.00

(d) Fabric meters \$ 5.00

(e) Cordage meters \$ 5.00

(f) Mass flow meters \$ 14.00

(g) Taxi meters \$ 5.00

~~((5) Fees upon weighing or measuring instruments or devices within the jurisdiction of the city that are collected under this section by city sealers shall be deposited into the general fund, or other account, of the city as directed by the governing body of the city. On the thirtieth day of each month, city sealers shall, pursuant to procedures established and upon forms provided by the director, remit to the department for administrative costs ten percent of the total fees collected.~~

~~(6)) (2) With the exception of subsection ((7)) (3) of this section, no person shall be required to pay more than the established ((inspection and testing)) fee adopted under this section for any weighing or measuring instrument or device in any ((two year period when the same has been found to be correct)) one year.~~

~~((7) Whenever a special request is made by the owner for the inspection and testing of a weighing or measuring instrument or device, the fee prescribed by the director for such a weighing or measuring instrument or device shall be paid by the owner.)~~

(3) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and

testing. The fees established under this subsection shall not be set so as to compete with service agents normally engaged in such services.

**Sec. 8.** RCW 19.94.185 and 1992 c 237 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, all moneys collected under this chapter shall be payable to the director and placed in the weights and measures account hereby established in the ~~((state treasury))~~ agricultural local fund. Moneys deposited in this account ~~((may be spent only following appropriation by law and))~~ shall be used solely for the purposes of ~~((weighing or measuring instrument or device inspection and testing))~~ implementing or enforcing this chapter. No appropriation is required for the disbursement of moneys from the weights and measures account by the director.

(2) Civil penalties collected by the department under RCW 19.94.510 and sections 22 and 23 of this act shall be deposited in the state general fund.

(3) By January 1st of each odd-numbered year, the department shall provide a written report on the amount of revenues by major category received under this chapter, including the metrology laboratory, for the administration of the weights and measures program by the department. The report shall include the amount of revenue generated for the two previous biennia, an estimate of the amount of funds to be received during the current biennium, and an estimate of the amount of funds to be generated during the next ensuing biennium. The report shall be submitted to the office of financial management and to each committee in the legislature with jurisdiction over programs administered by the department in the house and the senate.

**Sec. 9.** RCW 19.94.190 and 1992 c 237 s 9 are each amended to read as follows:

(1) The director and duly appointed city sealers shall enforce the provisions of this chapter. The director shall adopt rules for enforcing and carrying out the purposes of this chapter including but not limited to the following:

(a) Establishing state standards of weight, measure, or count, and reasonable standards of fill for any commodity in package form;

(b) The establishment of technical and reporting procedures to be followed, any necessary report and record forms, and marks of rejection to be used by the director and city sealers in the discharge of their official duties as required by this chapter;

(c) The establishment of technical test procedures, reporting procedures, and any necessary record and reporting forms to be used by service agents when testing and inspecting instruments or devices under RCW 19.94.255(3) or when otherwise installing, repairing, inspecting, or standardizing the graduations of any weighing or measuring instruments or devices;

(d) ~~((The establishment of fee payment and reporting procedures and any necessary report and record forms to be used by city sealers when remitting the percentage of total fees collected as required under this chapter;~~

~~((e)))~~ The establishment of exemptions from the ~~((sealing or))~~ marking ~~((inspection and testing))~~ or tagging requirements of RCW 19.94.250 with respect to weighing or measuring instruments or devices of such character or size that such ~~((sealing or))~~ marking or tagging would be inappropriate, impracticable, or damaging to the apparatus in question;

~~((f)))~~ (e) The establishment of exemptions from the inspection and testing requirements of ~~((RCW 19.94.165))~~ section 2 of this act with respect to classes of weighing or measuring instruments or devices found to be of such character that periodic inspection and testing is unnecessary to ensure continued accuracy; ~~((and~~

~~((g)))~~ (f) The establishment of inspection and approval techniques, if any, to be used with respect to classes of weighing or measuring instruments or devices that are designed specifically to be used commercially only once and then discarded, or are uniformly mass-produced by means of a mold or die and are not individually adjustable; and

(g) The establishment of inspection and testing procedures to be used for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential or special inspection and testing is necessary, including railroad track scales. The department's procedures shall include requirements for the provision, maintenance, and transport of any weight or measure necessary for the inspection and testing at no expense to the state.

(2) These rules shall also include specifications and tolerances for the acceptable range of accuracy required of weighing or measuring instruments or devices and shall be designed to eliminate from use, without prejudice to weighing or measuring instruments or devices that conform as closely as



practicable to official specifications and tolerances, those (a) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (b) that facilitate the perpetration of fraud.

**Sec. 10.** RCW 19.94.216 and 1992 c 237 s 12 are each amended to read as follows:

The department shall:

(1) Biennially inspect and test the secondary weights and measures standards of any city for which the appointment of a city sealer is provided by this chapter and shall issue an official seal of approval for same when found to be correct. The department shall, by rule, establish a reasonable fee for ~~((such))~~ this and any other inspection and testing services performed by the department's metrology laboratory. Each such fee shall recover at least seventy-five percent of the laboratory's costs incurred in performing the service governed by the fee on or before June 30, 1998. The fees established under this subsection may be increased in excess of the fiscal growth factor as provided in RCW 43.135.055 for the fiscal year ending 1996, 1997, and 1998. For fiscal year 1999 and thereafter, the fees established under this subsection may not be increased by an amount greater than the fiscal growth factor as provided in RCW 43.135.055.

(2) Biennially inspect~~((,))~~ and test~~((, and, if found to be correct, issue an official seal of approval for))~~ any weighing or measuring instrument or device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government and shall report any findings in writing to the executive officer of the agency or institution concerned. The department shall collect a reasonable fee, to be set by rule, for testing any such weighing or measuring instrument or device.

~~((3) Inspect, test, and, if found to be correct, issue a seal of approval for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential inspection and testing frequency is necessary including, but not limited to, railroad track scales and grain elevator scales. The department shall develop rules regarding the inspection and testing procedures to be used for such weighing or measuring instruments or devices which shall include requirements for the provision, maintenance, and transport of any weight or measure standard necessary for inspection and testing at no expense to the state. The department may collect a reasonable fee, to be set by rule, for inspecting and testing any such weighing and measuring instruments or devices. This fee shall not be unduly burdensome and shall cover, to the extent possible, the direct costs of performing such service.))~~

**Sec. 11.** RCW 19.94.250 and 1992 c 237 s 16 are each amended to read as follows:

(1) ~~((The director or a city sealer shall, from time to time, inspect any weighing or measuring instrument or device, except those weighing or measuring instruments or devices exempted under the authority of RCW 19.94.190, to determine if it is correct.))~~ If the director or a city sealer discovers upon inspection that a weighing or measuring instrument or device is "incorrect," but in his or her best judgment is susceptible of satisfactory repair, he or she shall reject and mark or tag as rejected any such weighing or measuring instrument or device.

(2) The director or a city sealer may reject or seize any weighing or measuring instrument or device found to be incorrect that, in his or her best judgment, is not susceptible of satisfactory repair.

(3) Weighing or measuring instruments or devices that have been rejected under subsection (1) of this section may be confiscated and may be destroyed by the director or a city sealer if not corrected as required by RCW 19.94.255 or if used or disposed of contrary to the requirements of that section.

(4) The director or a city sealer shall permit the use of an incorrect weighing or measuring instrument or device, pending repairs, if the device is incorrect to the economic benefit of the consumer and the consumer is not the seller. However, if the director or city sealer finds such an error, the director or city sealer shall notify the owner of the instrument or device, or the owner's representative at the business location, regarding the error.

**Sec. 12.** RCW 19.94.255 and 1992 c 237 s 17 are each amended to read as follows:

(1) Weighing or measuring instruments or devices that have been rejected under the authority of the director or a city sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section.

(2) The owner of any weighing or measuring instrument or device that has been marked or tagged as rejected by the director or a city sealer shall cause the same to be made correct within thirty

days or such longer period as may be authorized by the rejecting authority. In lieu of correction, the owner of such weighing and measuring instrument or device may dispose of the same, but only in the manner specifically authorized by the rejecting authority.

(3) Weighing and measuring instruments or devices that have been rejected shall not again be used commercially until they have been ~~((officially))~~ reexamined and ~~((, if))~~ found to be correct ~~((, had an official seal of approval placed upon or issued for such weighing or measuring instrument or device by the rejecting authority))~~ by the department, city sealer, or a service agent registered with the department.

(4) If a weighing or measuring instrument or device marked or tagged as rejected is placed back into commercial service by a service agent registered with the department, the agent shall provide a signed certification to the owner or operator of the instrument or device so indicating and shall report to the rejecting authority as provided by rule under RCW 19.94.190(1)(c).

**Sec. 13.** RCW 19.94.280 and 1992 c 237 s 20 are each amended to read as follows:

(1) There may be a city sealer in every city and such deputies as may be required by ordinance of each such city to administer and enforce the provisions of this chapter.

(2) Each city electing to have a city sealer shall adopt rules for the appointment and removal of the city sealer and any deputies required by local ordinance. The rules for appointment of a city sealer and any deputies must include provisions for the advice and consent of the local governing body of such city and, as necessary, any provisions for local civil service laws and regulations.

~~(3) ((A city sealer shall adopt the fee amounts established by the director pursuant to RCW 19.94.165. No city shall adopt or charge an inspection, testing, or licensing fee or any other fee upon a weighing or measuring instrument or device that is in excess of the fee amount adopted under RCW 19.94.165.~~

~~(4))~~ A city sealer shall keep a complete and accurate record of all official acts performed under the authority of this chapter and shall submit an annual report to the governing body of his or her city and shall make any reports as may be required by the director.

(4) The city sealer shall test and inspect a sufficient number of weighing and measuring instruments and devices to ensure that the provisions of this chapter are enforced in the city. This subsection does not apply to weighing or measuring instruments or devices for which the sealer does not have the necessary testing or inspection equipment or to instruments or devices that are to be inspected by the department under RCW 19.94.216(2).

(5) A city sealer may issue an official seal of approval for each weighing or measuring instrument or device that has been inspected and tested and found to be correct.

**Sec. 14.** RCW 19.94.320 and 1992 c 237 s 22 are each amended to read as follows:

(1) In cities for which city sealers have been appointed as provided for in this chapter, the director shall have general ~~((supervisory))~~ oversight powers over ~~((such))~~ city ~~((sealers))~~ weights and measures programs and may, when he or she deems it reasonably necessary, exercise concurrent authority to carry out the provisions of this chapter.

(2) When the director elects to exercise concurrent authority within a city with a duly appointed city sealer, the director's powers and duties relative to this chapter shall be in addition to the powers granted in any such city by law or charter.

**NEW SECTION. Sec. 15.** (1) Except as authorized by the department, a service agent who intends to provide the examination that permits a weighing or measuring instrument or device to be placed back into commercial service under RCW 19.94.255(3) shall receive an official registration certificate from the director prior to performing such a service. This registration requirement does not apply to the department or a city sealer.

(2) Except as provided in section 17 of this act, a registration certificate is valid for one year. It may be renewed by submitting a request for renewal to the department.

**NEW SECTION. Sec. 16.** (1) Each request for an official registration certificate shall be in writing, under oath, and on a form prescribed by the department and shall contain any relevant information as the director may require, including but not limited to the following:

(a) The name and address of the person, corporation, partnership, or sole proprietorship requesting registration;

(b) The names and addresses of all individuals requesting an official registration certificate from the department; and

(c) The tax registration number as required under RCW 82.32.030 or uniform business identifier provided on a master license issued under RCW 19.02.070.

(2) Each individual when submitting a request for an official registration certificate or a renewal of such a certificate shall pay a fee to the department in the amount of eighty dollars per individual.

(3) The department shall issue a decision on a request for an official registration certificate within twenty days of receipt of the request. If an individual is denied their request for an official registration certificate, the department must notify that individual in writing stating the reasons for the denial and shall refund any payments made by that individual in connection with the request.

**NEW SECTION. Sec. 17.** (1) The department shall have the power to revoke, suspend, or refuse to renew the official registration certificate of any service agent for any of the following reasons:

(a) Fraud or deceit in obtaining an official registration certificate under this chapter;

(b) A finding by the department of a pattern of intentional fraudulent or negligent activities in the installation, inspection, testing, checking, adjusting, or systematically standardizing and approving the graduations of any weighing or measuring instrument or device;

(c) Knowingly placing back into commercial service any weighing or measuring instrument or device that is incorrect;

(d) A violation of any provision of this chapter; or

(e) Conviction of a crime or an act constituting a crime under the laws of this state, the laws of another state, or federal law.

(2) Upon the department's revocation of, suspension of, or refusal to renew an official registration certificate, an individual shall have the right to appeal this decision in accordance with the administrative procedure act, chapter 34.05 RCW.

**Sec. 18.** RCW 19.94.360 and 1969 c 67 s 36 are each amended to read as follows:

In addition to the declarations required by RCW 19.94.350, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity ~~((and bearing the total selling price of the package))~~ at the time it is exposed for sale at retail, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count and the total selling price of the package.

**Sec. 19.** RCW 19.94.410 and 1988 c 63 s 1 are each amended to read as follows:

~~((1) Except as provided in subsection (2) of this section,))~~ Butter, oleomargarine and margarine shall be offered and exposed for sale and sold by weight ~~((and only in units of one quarter pound, one half pound, one pound or multiples of one pound, avoirdupois weight.~~

~~(2) The director of agriculture may allow the sale of butter specialty products in nonstandard units of weight if the purpose achieved by using such nonstandard units is decorative in nature and the products are clearly labeled as to weight and price per pound)).~~

**Sec. 20.** RCW 19.94.390 and 1969 c 67 s 39 are each amended to read as follows:

(1) Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, poster or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and one-half the width of the numerals representing the whole cents.

(2) The examination procedure recommended for price verification by the price verification working group of the laws and regulations committee of the national conference on weights and measures (as reflected in the fourth draft, dated November 1, 1994) for devices such as electronic scanners shall govern such examinations conducted under this chapter. The procedure shall be deemed to be adopted under this chapter. However, the department may revise the procedure as follows: The department shall provide notice of and conduct a public hearing pursuant to chapter 34.05 RCW to determine whether any revisions to this procedure made by the national institute of standards and

technology or its successor organization for incorporating the examination procedure into an official handbook of the institute or its successor, or any subsequent revisions of the handbook regarding such procedures shall also be adopted under this chapter. If the department determines that the procedure should be so revised, it may adopt the revisions. Violations of this section regarding the use of devices such as electronic scanners may be found only as provided by the examination procedures adopted by or under this subsection.

(3) Electronic scanner screens installed after January 1, 1996, and used in retail establishments must be visible to the consumer at the checkout line.

**Sec. 21.** RCW 19.94.510 and 1992 c 237 s 35 are each amended to read as follows:

(1) Any person who, by himself or herself, by his or her agent or employee, or as the agent or employee of another person, performs any one of the acts enumerated in (a) through ~~((k))~~ (l) of this subsection is subject to a civil penalty of no more than one thousand dollars:

(a) Use or have in possession for the purpose of using for any commercial purpose a weighing or measuring instrument or device that is intentionally calculated to falsify any weight, measure, or count of any commodity, or to sell, offer, expose for sale or hire or have in possession for the purpose of selling or hiring an incorrect weighing or measuring instrument or device or any weighing or measuring instrument or device calculated to falsify any weight or measure.

(b) Knowingly use or have in possession for current use in the buying or selling of any commodity or thing, for hire or award, or in the computation of any basic charge or payment for services rendered on the basis of weight, measurement, or count, or in the determination of weight, measurement or count, when a charge is made for such determination, any incorrect weighing or measuring instrument or device.

(c) Dispose of any rejected weighing or measuring instrument or device in a manner contrary to law or rule.

(d) Remove from any weighing or measuring instrument or device, contrary to law or rule, any tag, seal, stamp or mark placed thereon by the director or a city sealer.

(e) Sell, offer or expose for sale less than the quantity he or she represents of any commodity, thing or service.

(f) Take more than the quantity he or she represents of any commodity, thing, or service when, as buyer, he or she furnishes the weight, measure, or count by means of which the amount of the commodity, thing or service is determined.

(g) Keep for the purpose of sale, advertise, offer or expose for sale or sell any commodity, thing or service known to be in a condition or manner contrary to law or rule.

(h) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weighing or measuring instrument or device that is not so positioned that its indications may be accurately read and the weighing or measuring operation observable from some position which may reasonably be assumed by a customer.

(i) Knowingly approve or issue an official seal of approval for any weighing or measuring instrument or device known to be incorrect.

(j) Find a weighing or measuring instrument or device to be correct under RCW 19.94.255 when the person knows the instrument or device is incorrect.

(k) Fails to disclose to the department or a city sealer any knowledge of information relating to, or observation of, any device or instrument added to or modifying any weighing or measuring instrument or device for the purpose of selling, offering, or exposing for sale, less than the quantity represented of a commodity or calculated to falsify weight or measure, if the person is a service agent.

~~((k))~~ (l) Violate any other provision of this chapter or of the rules adopted under the provisions of this chapter for which a specific penalty has not been prescribed.

(2) Any person who, by himself or herself, by his or her agent or employee, or as the agent or employee of another person, violates RCW 19.94.390 as determined by the examination procedure adopted by or under RCW 19.94.390(2) is subject to a civil penalty of not more than one thousand dollars.

(3) Any person who, by himself or herself, by his or her agent or employee, or as the agent or employee of another person, performs any of the following acts is subject to a civil penalty of no more than five thousand dollars:

(a) Knowingly adds to or modifies any weighing or measuring instrument or device by the addition of a device or instrument that would allow the sale, or the offering or exposure for sale, of less than the quantity represented of a commodity or falsification of weight or measure.

(b) Commits as a fourth or subsequent infraction any of the acts listed in subsection (1) or (2) of this section.

**NEW SECTION. Sec. 22.** A person who owns a weighing or measuring instrument or device and uses or permits the use of the instrument for commercial purposes in violation of section 1 of this act is subject to a civil penalty of fifty dollars for each such instrument or device used or permitted to be used in violation of section 1 of this act.

**NEW SECTION. Sec. 23.** (1) Whenever the department or a city sealer tests or inspects a weighing or measuring instrument or device and finds the instrument or device to be incorrect to the economic benefit of the owner/operator of the weighing or measuring instrument or device and to the economic detriment of the customer, the owner of the weighing or measuring instrument or device may be subject to the following civil penalties:

Device deviations outside the tolerances stated in Handbook 44.

Penalty

Small weighing or measuring instruments or devices:

First violation \$ 50.00

Second or subsequent violation within one year of first violation \$150.00

Medium weighing or measuring instruments or devices:

First violation \$100.00

Second or subsequent violation within one year of first violation \$300.00

Large weighing or measuring instruments or devices:

First violation \$200.00

Second or subsequent violation within one year of first violation \$500.00

(2) For the purposes of this section:

(a) The following are small weighing or measuring instruments or devices: Scales of zero to four hundred pounds capacity, liquid fuel metering devices with flows of not more than twenty gallons per minute, liquid petroleum gas meters with one inch in diameter or smaller dispensers, fabric meters, cordage meters, and taxi meters.

(b) The following are medium weighing or measuring instruments or devices: Scales of four hundred one to five thousand pounds capacity, liquid fuel metering devices with flows of more than twenty but not more than one hundred fifty gallons per minute, and mass flow meters.

(c) The following are large weighing or measuring instruments or devices: Liquid petroleum gas meters with greater than one inch diameter dispensers, liquid fuel metering devices with flows over one hundred fifty gallons per minute, and scales of more than five thousand pounds capacity and scales of more than five thousand pounds capacity with supplemental devices.

(3) The director or a city sealer shall issue the appropriate civil penalty concurrently with the conclusion of the test or inspection.

(4) The weighing or measuring instrument or device owner shall have the right to appeal the civil penalty in accordance with the administrative procedure act, chapter 34.05 RCW.

**NEW SECTION. Sec. 24.** (1) The legislature finds that:

(a) Civil and criminal penalties relating to violations of weights and measures provisions and the disclosure of these violations to the media have recently come under public scrutiny, resulting in the appropriate nature of such actions being called into question;

(b) It is vital to the public interest that the state ensure the uniform application of weights and measures procedures and penalties throughout the state; and

(c) It is necessary to review the application of civil and criminal penalties for violations of weights and measures provisions and the disclosure of these violations to the media.

(2) The legislature hereby establishes the weights and measures enforcement task force. The task force shall be composed of a representative of the department of agriculture and a representative of each of the following: City sealers, city prosecuting attorneys, attorneys general's offices, service stations, grocery stores, retailers, food processors/dealers, the agriculture community, oil and heat dealers, liquid propane dealers, the media, and consumer groups.

(3) The intent of this section is to require a study to:

(a) Analyze the current civil and criminal provisions of state and local weights and measures programs and the disclosure of violations of these provisions to the media.

(b) Consider whether the current level of civil and criminal provisions of state and local weights and measures programs and the disclosure of violations of these provisions to the media are appropriate.

(c) Identify the effects upon both sellers and consumers in the marketplace of civil and criminal provisions of state and local weights and measures programs and the disclosure of violations of these provisions to the media.

(d) Recommend to the legislature possible alternative enforcement mechanisms based on the findings of the study.

(4) The weights and measures enforcement task force shall present its final findings and any recommended legislation to the committees of the legislature that deal with law and justice matters no later than November 30, 1995.

(5) This section shall expire on December 31, 1995.

NEW SECTION. Sec. 25. A new section is added to chapter 15.80 RCW to read as follows:  
All moneys collected under this chapter shall be placed in the weights and measures account created in RCW 19.94.185.

NEW SECTION. Sec. 26. Sections 1, 2, 15 through 17, 22, and 23 of this act are each added to chapter 19.94 RCW.

NEW SECTION. Sec. 27. This act applies prospectively only and not retroactively. It applies only to causes of action that arise or that are commenced on or after the effective date of this act. This act does not affect any liability or obligation arising prior to the effective date of this act.

NEW SECTION. Sec. 28. (1) Sections 2 through 6 and 8 through 25 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

(2) Sections 1 and 7 of this act shall take effect January 1, 1996."

On page 1, line 1 of the title, after "measures;" strike the remainder of the title and insert "amending RCW 19.94.005, 19.94.010, 19.94.160, 19.94.165, 19.94.175, 19.94.185, 19.94.190, 19.94.216, 19.94.250, 19.94.255, 19.94.280, 19.94.320, 19.94.360, 19.94.410, 19.94.390, and 19.94.510; adding new sections to chapter 19.94 RCW; adding a new section to chapter 15.80 RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Chandler moved that the House concur in the Senate amendments to Second Substitute House Bill No. 1524 and pass the bill as amended by the Senate.

Representative Chandler spoke in favor of the motion and it was carried.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1524 as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1524 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Second Substitute House Bill No. 1524, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 23, 1995

Mr. Speaker:

The Senate recessed from the Senate Committee on Health and Long-Term Care striking amendments adopted April 14, 1995 to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589. Under suspension of rules, the Senate returned the bill to second reading for purpose of amendment, and passed the bill with the attached striking amendments #424.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. HOSPITAL DISCHARGE DATA--OTHER DATA REQUIREMENTS.** (1) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993 as amended by chapter . . . , Laws of 1995 (this act), the department shall continue to require hospitals to submit hospital financial and patient discharge information, which shall be collected, maintained, analyzed, and disseminated by the department. The department shall, if deemed cost-effective and efficient, contract with a private entity for any or all parts of data collection. Data elements shall be reported in conformance with a uniform reporting system established by the department. This includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of this section. Data elements relating to use of hospital services by patients shall be the same as those currently compiled by hospitals through inpatient discharge abstracts. The department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(2) In identifying financial reporting requirements, the department may require both annual reports and condensed quarterly reports from hospitals, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of hospitals.

(3) The health care data collected, maintained, and studied by the department shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(4) The department shall, in consultation and collaboration with the federally recognized tribes, urban or other Indian health service organizations, and the federal area Indian health service, design, develop, and maintain an American Indian-specific health data, statistics information system. The department rules regarding confidentiality shall apply to safeguard the information from inappropriate use or release.

(5) All persons subject to the data collection requirements of this section shall comply with departmental requirements established by rule in the acquisition of data.

**NEW SECTION. Sec. 2. DATA STANDARDS.** (1) To promote the public interest consistent with this act, the department of health, in cooperation with the health care policy board and the information services board established under RCW 43.105.032, shall develop health care data standards to be used by, and developed in collaboration with, consumers, purchasers, health carriers, providers, and state government as consistent with the intent of chapter 492, Laws of 1993 as amended by chapter . . . , Laws of 1995 (this act), to promote the delivery of quality health services that improve health outcomes for state residents. The data standards shall include content, coding, confidentiality, and transmission standards for all health care data elements necessary to support the intent of this section, and to improve administrative efficiency and reduce cost. Purchasers, as allowed by federal law, health carriers, health facilities and providers as defined in chapter 48.43 RCW, and state government shall utilize the data standards. The information and data elements shall be reported as the department of health directs by rule in accordance with data standards developed under this section.

(2) The health care data collected, maintained, and studied by the department under this section, the health care policy board, or any other entity: (a) Shall include a method of associating all information on health care costs and services with discrete cases; (b) shall not contain any means of determining the personal identity of any enrollee, provider, or facility; (c) shall only be available for retrieval in original or processed form to public and private requestors; (d) shall be available within a reasonable period of time after the date of request; and (e) shall give strong consideration to data standards that achieve national uniformity.

(3) The cost of retrieving data for state officials and agencies shall be funded through state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(4) All persons subject to this section shall comply with departmental requirements established by rule in the acquisition of data, however, the department shall adopt no rule or effect no policy implementing the provisions of this section without an act of law.

(5) The department shall submit developed health care data standards to the appropriate committees of the legislature by December 31, 1995.

**NEW SECTION. Sec. 3. HEALTH CARE QUALITY--FINDINGS AND INTENT.** The legislature finds that it is difficult for consumers of health care services to determine the quality of health care prior to purchase or utilization of medical care. The legislature also finds that accountability is a key component in promoting quality assurance and quality improvement throughout the health care delivery system, including public programs. Quality assurance and improvement standards are necessary to promote the public interest, contribute to cost efficiencies, and improve the ability of consumers to ascertain quality health care purchases.

The legislature intends to have consumers, health carriers, health care providers and facilities, and public agencies participate in the development of quality assurance and improvement standards that can be used to develop a uniform quality assurance program for use by all public and private health



plans, providers, and facilities. To that end, in conducting the study required under section 4 of this act, the department of health shall:

(1) Consider the needs of consumers, employers, health care providers and facilities, and public and private health plans;

(2) Take full advantage of existing national standards of quality assurance to extend to middle-income populations the protections required for state management of health programs for low-income populations;

(3) Consider the appropriate minimum level of quality assurance standards that should be disclosed to consumers and employers by health care providers and facilities, and public and private health plans; and

(4) Consider standards that permit health care providers and facilities to share responsibility for participation in a uniform quality assurance program.

**NEW SECTION. Sec. 4. UNIFORM QUALITY ASSURANCE.** (1) The department of health in consultation with the health policy board shall study the feasibility of a uniform quality assurance and improvement program for use by all public and private health plans and health care providers and facilities. In this study, the department shall consult with:

(a) Public and private purchasers of health care services;

(b) Health carriers;

(c) Health care providers and facilities; and

(d) Consumers of health services.

(2) In conducting the study, the department shall propose standards that meet the needs of affected persons and organizations, whether public or private, without creation of differing levels of quality assurance. All consumers of health services should be afforded the same level of quality assurance.

(3) At a minimum, the study shall include but not be limited to the following program components and indicators appropriate for consumer disclosure:

(a) Health care provider training, credentialing, and licensure standards;

(b) Health care facility credentialing and recredentialing;

(c) Staff ratios in health care facilities;

(d) Annual mortality and morbidity rates of cases based on a defined set of procedures performed or diagnoses treated in health care facilities, adjusted to fairly consider variable factors such as patient demographics and case severity;

(e) The average total cost and average length of hospital stay for a defined set of procedures and diagnoses;

(f) The total number of the defined set of procedures, by specialty, performed by each physician at a health care facility within the previous twelve months;

(g) Utilization performance profiles by provider, both primary care and specialty care, that have been adjusted to fairly consider variable factors such as patient demographics and severity of case;

(h) Health plan fiscal performance standards;

(i) Health care provider and facility recordkeeping and reporting standards;

(j) Health care utilization management that monitors trends in health service under-utilization, as well as over-utilization of services;

(k) Health monitoring that is responsive to consumer, purchaser, and public health assessment needs; and

(l) Assessment of consumer satisfaction and disclosure of consumer survey results.

(4) In conducting the study, the department shall develop standards that permit each health care facility, provider group, or health carrier to assume responsibility for and determine the physical method of collection, storage, and assimilation of quality indicators for consumer disclosure. The study may define the forms, frequency, and posting requirements for disclosure of information.

In developing proposed standards under this subsection, the department shall identify options that would minimize provider burden and administrative cost resulting from duplicative private sector data submission requirements.

(5) The department shall submit a preliminary report to the legislature by December 31, 1995, including recommendations for initial legislation pursuant to subsection (6) of this section, and shall submit supplementary reports and recommendations as completed, consistent with appropriated funds and staffing.

(6) The department shall not adopt any rule implementing the uniform quality assurance program or consumer disclosure provisions unless expressly directed to do so by an act of law.

**NEW SECTION. Sec. 5. QUALITY ASSURANCE--INTERAGENCY COOPERATION--ELIMINATION AND COORDINATION OF DUPLICATE STATE PROGRAMS.** No later than July 1, 1995, the health care policy board together with the department of health, the health care authority, the department of social and health services, the office of the insurance commissioner, and the department of labor and industries shall form an interagency group for coordination and consultation on quality assurance activities and collaboration on final recommendations for the study required under section 4 of this act. By December 31, 1996, the group shall review all state agency programs governing health service quality assurance, in light of legislative actions pursuant to section 4(6) of this act, and shall recommend to the legislature, the consolidation, coordination, or elimination of rules and programs that would be made unnecessary pursuant to the development of a uniform quality assurance and improvement program.

**Sec. 6.** RCW 42.17.310 and 1994 c 233 s 2 and 1994 c 182 s 1 are each reenacted and amended to read as follows:

**RECORDS EXEMPT FROM PUBLIC INSPECTION--MODIFIED.** (1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying if the provider has provided the department with an accurate alternative or business address and telephone number.

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**Sec. 7.** RCW 43.70.510 and 1993 c 492 s 417 are each amended to read as follows:

**QUALITY IMPROVEMENT PROGRAMS--ADDING CERTAIN STATE AGENCIES AND HEALTH CARRIERS.** (1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, ~~((and certified))~~ health care service contractors, health maintenance organizations, health ((plans)) carriers approved pursuant to ((RCW 43.72.100)) chapter 48.43 RCW, and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, ~~((or certified))~~ health care service contractors, health maintenance organizations, health ((plan)) carriers, or any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the

department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the exemption under RCW 42.17.310(1)(hh) and the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of ten or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action challenging the termination of a contract by a state agency with any entity maintaining a coordinated quality improvement program under this section if the termination was on the basis of quality of care concerns, introduction into evidence of information created, collected, or maintained by the quality improvement committees of the subject entity, which may be under terms of a protective order as specified by the court; (e) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ~~((e))~~ (f) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) Information and documents created specifically for, and collected and maintained by a quality improvement committee are exempt from disclosure under chapter 42.17 RCW.

(6) The department of health shall adopt rules as are necessary to implement this section.

**Sec. 8.** RCW 43.72.310 and 1993 c 492 s 448 are each amended to read as follows:

(1) Until the effective date of this section and after June 30, 1996, a certified health plan, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health care or certified health plans may request, in writing, that the commission obtain an informal opinion from the attorney general as to whether particular conduct is authorized by chapter 492, Laws of 1993. Trade secret or proprietary information contained in a request for informal opinion shall be identified as such and shall not be disclosed other than to an authorized employee of the commission or attorney general without the consent of the party making the request, except that information in summary or aggregate form and market share data may be contained in the informal opinion issued by the attorney general. The attorney general shall issue such opinion within thirty days

of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion unless extended by the attorney general for good cause shown. If the attorney general concludes that such conduct is not authorized by chapter 492, Laws of 1993, the person or organization making the request may petition the commission for review and approval of such conduct in accordance with subsection (3) of this section.

(2) After obtaining the written opinion of the attorney general and consistent with such opinion, the health services commission:

(a) May authorize conduct by a certified health plan, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a strong showing that the conduct is likely to achieve the policy goals of chapter 492, Laws of 1993 and a more competitive alternative is impractical;

(b) Shall adopt rules governing conduct among providers, health care facilities, and certified health plans including rules governing provider and facility contracts with certified health plans, rules governing the use of "most favored nation" clauses and exclusive dealing clauses in such contracts, and rules providing that certified health plans in rural areas contract with a sufficient number and type of health care providers and facilities to ensure consumer access to local health care services;

(c) Shall adopt rules permitting health care providers within the service area of a plan to collectively negotiate the terms and conditions of contracts with a certified health plan including the ability of providers to meet and communicate for the purposes of these negotiations; and

(d) Shall adopt rules governing cooperative activities among health care facilities and providers.

(3) Until the effective date of this section and after June 30, 1996, a certified health plan, health care facility, health care provider, or any other person involved in the development, delivery, and marketing of health services or certified health plans may file a written petition with the commission requesting approval of conduct that could tend to lessen competition in the relevant market. Such petition shall be filed in a form and manner prescribed by rule of the commission.

The commission shall issue a written decision approving or denying a petition filed under this section within ninety days of receipt of a properly completed written petition unless extended by the commission for good cause shown. The decision shall set forth findings as to benefits and disadvantages and conclusions as to whether the benefits outweigh the disadvantages.

(4) In authorizing conduct and adopting rules of conduct under this section, the commission with the advice of the attorney general, shall consider the benefits of such conduct in furthering the goals of health care reform including but not limited to:

(a) Enhancement of the quality of health services to consumers;

(b) Gains in cost efficiency of health services;

(c) Improvements in utilization of health services and equipment;

(d) Avoidance of duplication of health services resources; or

(e) And as to (b) and (c) of this subsection: (i) Facilitates the exchange of information relating to performance expectations; (ii) simplifies the negotiation of delivery arrangements and relationships; and (iii) reduces the transactions costs on the part of certified health plans and providers in negotiating more cost-effective delivery arrangements.

These benefits must outweigh disadvantages including and not limited to:

(i) Reduced competition among certified health plans, health care providers, or health care facilities;

(ii) Adverse impact on quality, availability, or price of health care services to consumers; or

(iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(5) Conduct authorized by the commission shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(6) With the assistance of the attorney general's office, the commission shall actively supervise any conduct authorized under this section to determine whether such conduct or rules permitting certain conduct should be continued and whether a more competitive alternative is practical. The commission shall periodically review petitioned conduct through, at least, annual progress reports from petitioners,

annual or more frequent reviews by the commission that evaluate whether the conduct is consistent with the petition, and whether the benefits continue to outweigh any disadvantages. If the commission determines that the likely benefits of any conduct approved through rule, petition, or otherwise by the commission no longer outweigh the disadvantages attributable to potential reduction in competition, the commission shall order a modification or discontinuance of such conduct. Conduct ordered discontinued by the commission shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(7) Nothing contained in chapter 492, Laws of 1993 is intended to in any way limit the ability of rural hospital districts to enter into cooperative agreements and contracts pursuant to RCW 70.44.450 and chapter 39.34 RCW.

(8) Only requests for informal opinions under subsection (1) of this section and petitions under subsection (3) of this section that were received prior to the effective date of this section or after June 30, 1996, shall be considered.

**NEW SECTION. Sec. 9.** The office of the attorney general shall study the impact on competition and efficiency of antitrust immunities for health care providers and facilities in Washington that exceed those provided under federal law and shall report to the legislature by December 15, 1995. The study and report shall include a summary of how other states have allowed for greater coordination and consolidation of health care services without such additional immunities.

**NEW SECTION. Sec. 10.** A new section is added to chapter 43.72 RCW to read as follows:

(1) Effective July 1, 1995, except as provided in subsection (2) of this section, the duties of the health services commission under RCW 43.72.310 shall be carried out by the health care policy board established in section 9, chapter . . . (ESHB 1046), Laws of 1995.

(2) For purposes of the transfer of duties under this section to the health care policy board, legislative members are not appointed to the board and are not members of the board.

**Sec. 11.** 1995 c . . . (ESHB 1046) s 27 (uncodified) is amended to read as follows:

The following acts or parts of acts are each repealed:

- (1) RCW 18.130.320 and 1993 c 492 s 408;
- (2) RCW 18.130.330 and 1994 c 102 s 1 & 1993 c 492 s 412;
- (3) RCW 43.72.005 and 1993 c 492 s 401;
- (4) RCW 43.72.010 and 1994 c 4 s 1, 1993 c 494 s 1, & 1993 c 492 s 402;
- (5) RCW 43.72.020 and 1994 c 154 s 311 & 1993 c 492 s 403;
- (6) RCW 43.72.030 and 1993 c 492 s 405;
- (7) RCW 43.72.040 and 1994 c 4 s 3, 1993 c 494 s 2, & 1993 c 492 s 406;
- (8) RCW 43.72.050 and 1993 c 492 s 407;
- (9) RCW 43.72.060 and 1994 c 4 s 2 & 1993 c 492 s 404;
- (10) RCW 43.72.070 and 1993 c 492 s 409;
- (11) RCW 43.72.080 and 1993 c 492 s 425;
- (12) RCW 43.72.090 and 1995 c 2 s 1 & 1993 c 492 s 427;
- (13) RCW 43.72.100 and 1993 c 492 s 428;
- (14) RCW 43.72.110 and 1993 c 492 s 429;
- (15) RCW 43.72.120 and 1993 c 492 s 430;
- (16) RCW 43.72.130 and 1993 c 492 s 449;
- (17) RCW 43.72.140 and 1993 c 492 s 450;
- (18) RCW 43.72.150 and 1993 c 492 s 451;
- (19) RCW 43.72.160 and 1993 c 492 s 452;
- (20) RCW 43.72.170 and 1995 c 2 s 2 & 1993 c 492 s 453;
- (21) RCW 43.72.180 and 1993 c 492 s 454;
- (22) RCW 43.72.190 and 1993 c 492 s 455;
- (23) RCW 43.72.210 and 1993 c 492 s 463;
- (24) RCW 43.72.220 and 1993 c 494 s 3 & 1993 c 492 s 464;
- (25) RCW 43.72.225 and 1994 c 4 s 4;

- (26) RCW 43.72.230 and 1993 c 492 s 465;  
 (27) RCW 43.72.240 and 1993 c 494 s 4 & 1993 c 492 s 466;  
 (28) ~~((RCW 43.72.300 and 1993 c 492 s 447;~~  
~~(29) RCW 43.72.310 and 1993 c 492 s 448;~~  
 (30)) RCW 43.72.800 and 1993 c 492 s 457;  
 ((31)) (29) RCW 43.72.810 and 1993 c 492 s 474;  
 ((32)) (30) RCW 43.72.820 and 1993 c 492 s 475;  
 ((33)) (31) RCW 43.72.830 and 1993 c 492 s 476;  
 ((34)) (32) RCW 43.72.840 and 1993 c 492 s 478;  
 ((35)) (33) RCW 43.72.870 and 1993 c 494 s 5;  
 ((36)) (34) RCW 48.01.200 and 1993 c 492 s 294;  
 ((37)) (35) RCW 48.43.010 and 1993 c 492 s 432;  
 ((38)) (36) RCW 48.43.020 and 1993 c 492 s 433;  
 ((39)) (37) RCW 48.43.030 and 1993 c 492 s 434;  
 ((40)) (38) RCW 48.43.040 and 1993 c 492 s 435;  
 ((41)) (39) RCW 48.43.050 and 1993 c 492 s 436;  
 ((42)) (40) RCW 48.43.060 and 1993 c 492 s 437;  
 ((43)) (41) RCW 48.43.070 and 1993 c 492 s 438;  
 ((44)) (42) RCW 48.43.080 and 1993 c 492 s 439;  
 ((45)) (43) RCW 48.43.090 and 1993 c 492 s 440;  
 ((46)) (44) RCW 48.43.100 and 1993 c 492 s 441;  
 ((47)) (45) RCW 48.43.110 and 1993 c 492 s 442;  
 ((48)) (46) RCW 48.43.120 and 1993 c 492 s 443;  
 ((49)) (47) RCW 48.43.130 and 1993 c 492 s 444;  
 ((50)) (48) RCW 48.43.140 and 1993 c 492 s 445;  
 ((51)) (49) RCW 48.43.150 and 1993 c 492 s 446;  
 ((52)) (50) RCW 48.43.160 and 1993 c 492 s 426;  
 ((53)) (51) RCW 48.43.170 and 1993 c 492 s 431;  
 ((54)) (52) RCW 48.01.210 and 1993 c 462 s 51;  
 ((55)) (53) RCW 48.20.540 and 1993 c 492 s 283;  
 ((56)) (54) RCW 48.21.340 and 1993 c 492 s 284;  
 ((57)) (55) RCW 48.44.480 and 1993 c 492 s 285;  
 ((58)) (56) RCW 48.46.550 and 1993 c 492 s 286;  
 ((59)) (57) RCW 70.170.100 and 1993 c 492 s 259, 1990 c 269 s 12, & 1989 1st ex.s. c 9 s 510;  
 ((60)) (58) RCW 70.170.110 and 1993 c 492 s 260 & 1989 1st ex.s. c 9 s 511;  
 ((61)) (59) RCW 70.170.120 and 1993 c 492 s 261;  
 ((62)) (60) RCW 70.170.130 and 1993 c 492 s 262;  
 ((63)) (61) RCW 70.170.140 and 1993 c 492 s 263;  
 ((64)) (62) RCW 48.44.490 and 1993 c 492 s 288;  
 ((65)) (63) RCW 48.46.560 and 1993 c 492 s 289; and  
 ((66)) (64) RCW 43.72.200 and 1993 c 492 s 456.

**NEW SECTION. Sec. 12. REPEALERS.** The following acts or parts of acts are each repealed:

- (1) RCW 70.170.100 and 1993 c 492 s 259, 1990 c 269 s 12, & 1989 1st ex.s. c 9 s 510;
- (2) RCW 70.170.110 and 1993 c 492 s 260 & 1989 1st ex.s. c 9 s 511;
- (3) RCW 70.170.120 and 1993 c 492 s 261;
- (4) RCW 70.170.130 and 1993 c 492 s 262;
- (5) RCW 70.170.140 and 1993 c 492 s 263; and
- (6) RCW 43.72.070 and 1993 c 492 s 409.

**NEW SECTION. Sec. 13.** RCW 70.170.080 and 1993 sp.s. c 24 s 925, 1991 sp.s. c 13 s 71, & 1989 1st ex.s. c 9 s 508 are each repealed.



NEW SECTION. **Sec. 14.** If specific funding through the health services account to continue the comprehensive hospital abstract reporting system is not provided by June 30, 1995, in the omnibus appropriations act, section 13 of this act is null and void.

NEW SECTION. **Sec. 15.** CODIFICATION. Sections 1 through 4 of this act are each added to chapter 43.70 RCW.

NEW SECTION. **Sec. 16.** CAPTIONS. Captions as used in this act constitute no part of the law.

NEW SECTION. **Sec. 17.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 18.** EMERGENCY CLAUSE--EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995, except sections 8 through 11 of this act which shall take effect immediately."

On page 1, line 1 of the title, after "assurance;" strike the remainder of the title and insert "amending RCW 43.70.510 and 43.72.310; amending 1995 c . . . (ESHB 1046) s 27 (uncodified); reenacting and amending RCW 42.17.310; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.72 RCW; creating new sections; repealing RCW 70.170.100, 70.170.110, 70.170.120, 70.170.130, 70.170.140, 43.72.070, and 70.170.080; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Dyer moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1589 and pass the bill as amended by the Senate.

Representatives Dyer and Backlund spoke in favor of the motion and it was carried.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1589 as amended by the Senate.

Representatives Dellwo and Dyer spoke in favor of passage of the bill.

#### MOTION

Representative Brown moved that the House defer further consideration of Engrossed Substitute House Bill No. 1589.

Representative Dyer spoke against the motion to defer Engrossed Substitute House Bill No. 1589 and Representative Ebersole spoke for the motion to defer.

Representative Dyer withdrew the motion to not defer Engrossed Substitute House Bill No. 1589.

There being no objection, the House deferred further consideration of Engrossed Substitute House Bill No. 1589.

MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317 and asks the House for a conference thereon. The President has appointed the following members as Conferees:

Senators Owen, Prince and Prentice

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House adhere to its position on Engrossed Substitute House Bill No. 1317.

Representative K. Schmidt spoke in favor of the motion and it was carried.

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate once again refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5053 and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Cairnes, the rules were suspended, and Substitute Senate Bill No. 5053 was returned to second reading for the purpose of an amendment.

SUBSTITUTE SENATE BILL NO. 5053, by Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Modifying real estate disclosure provisions.

The bill was read the second time.

Representative Cairnes moved adoption of the following amendment by Representative Cairnes:

Strike everything after the enacting clause, set aside all previous amendments to the bill, and insert the following:

"**Sec. 1.** RCW 64.06.010 and 1994 c 200 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, this chapter does not apply to the following transfers of residential real property:

~~((1))~~ (a) A foreclosure, deed-in-lieu of foreclosure, real estate contract forfeiture, or a sale by a lienholder who acquired the residential real property through foreclosure ~~((or))~~, deed-in-lieu of foreclosure, or real estate contract forfeiture;

~~((2))~~ (b) A gift or other transfer to a parent, spouse, or child of a transferor or child of any parent or spouse of a transferor;

~~((3))~~ (c) A transfer between spouses in connection with a marital dissolution;

~~((4))~~ (d) A transfer where a buyer had an ownership interest in the property within two years of the date of the transfer including, but not limited to, an ownership interest as a partner in a partnership, a limited partner in a limited partnership, a shareholder in a corporation, a leasehold interest, or transfers to and from a facilitator pursuant to a tax deferred exchange;

~~((5))~~ (e) A transfer of an interest that is less than fee simple, except that the transfer of a vendee's interest under a real estate contract is subject to the requirements of this chapter; ~~and~~

~~((6))~~ (f) A transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy.

(2) A transfer of residential real property by a seller to a buyer may be exempt from this chapter if:

(a) The seller is registered under chapter 18.27 RCW and has constructed residential improvements on the real property;

(b) The buyer is the first purchaser;

(c) The dwelling has never been occupied; and

(d) The seller provides the following statement to the buyer on or before the date the buyer is legally obligated to purchase the real property:

THIS HOME WAS CONSTRUCTED OR INSTALLED UNDER BUILDING OR  
INSTALLATION PERMIT(S) # . . . . ., ISSUED BY . . . . .

**Sec. 2.** RCW 64.06.020 and 1994 c 200 s 3 are each amended to read as follows:

(1) In a transaction for the sale of residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement, or unless the transfer is exempt under RCW 64.06.010, deliver to the buyer a completed real property transfer disclosure statement in the following ~~((form))~~ format and that contains, at a minimum, the following information:

#### INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA". If the answer is "yes" to any \* items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than ~~((---))~~ five business days ~~((or five days if not filled in) of))~~, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

#### NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY THE SELLER(S), CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME THIS DISCLOSURE FORM IS COMPLETED BY THE SELLER. YOU HAVE ~~((---))~~ THREE BUSINESS DAYS, ~~((OR THREE BUSINESS DAYS IF NOT FILLED IN))~~ UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO ~~((REVOKE YOUR OFFER))~~ RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF ~~((REVOCATION))~~ RESCISSION TO THE SELLER, UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT. THE FOLLOWING ARE DISCLOSURES MADE BY THE SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN THE BUYER AND THE SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON YOUR BEHALF, FOR EXAMPLE, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, OR PEST AND DRY ROT INSPECTORS. THE PROSPECTIVE BUYER AND THE OWNER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . . is/ . . . . is not occupying the property.

## **I. SELLER'S DISCLOSURES:**

\*If "Yes" attach a copy or explain. If necessary use an attached sheet.

### **1. TITLE**

Yes  No  Don't know A. Do you have legal authority to sell the property?

Yes  No  Don't know \*B. Is title to the property subject to any of the following?

(1) First right of refusal

(2) Option

(3) Lease or rental agreement

(4) Life estate?

Yes  No  Don't know \*C. Are there any encroachments, boundary agreements, or boundary disputes?

Yes  No  Don't know \*D. Are there any rights of way, easements, or access limitations that may affect the owner's use of the property?

Yes  No  Don't know \*E. Are there any written agreements for joint maintenance of an easement or right of way?

Yes  No  Don't know \*F. Is there any study, survey project, or notice that would adversely affect the property?

Yes  No  Don't know \*G. Are there any pending or existing assessments against the property?

Yes  No  Don't know \*H. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the subject property that would affect future construction or remodeling?

Yes  No  Don't know \*I. Is there a boundary survey for the property?

Yes  No  Don't know \*J. Are there any covenants, conditions, or restrictions which affect the property?

### **2. WATER**

A. Household Water

(1) The source of the water is  Public  
 Community  Private  Shared

(2) Water source information:

Yes  No  Don't know \*a. Are there any written agreements for shared water source?  
 Yes  No  Don't know \*b. Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

Yes  No  Don't know \*c. Are any known problems or repairs needed?  
 Yes  No  Don't know \*d. Does the source provide an adequate year round supply of potable water?

Yes  No  Don't know \*(3) Are there any water treatment systems for the property?  Leased  
 Owned  
B. Irrigation

Yes  No  Don't know (1) Are there any water rights for the property?  
 Yes  No  Don't know \*(2) If they exist, to your knowledge, have the water rights been used during the last five-year period?

Yes  No  Don't know \*(3) If so, is the certificate available?

C. Outdoor Sprinkler System

Yes  No  Don't know (1) Is there an outdoor sprinkler system for the property?  
 Yes  No  Don't know \*(2) Are there any defects in the outdoor sprinkler system?

### 3. SEWER/SEPTIC SYSTEM

A. The property is served by:  Public sewer main,  
 Septic tank system  Other disposal system  
(describe)

Yes  No  Don't know B. If the property is served by a public or community sewer main, is the house connected to the main?

C. Is the property currently subject to a sewer capacity charge?

D. If the property is connected to a septic system:

Yes  No  Don't know (1) Was a permit issued for its construction, and was it approved by the city or county following its construction?

(2) When was it last pumped:

, 19. . .

Yes  No  Don't know \*(3) Are there any defects in the operation of the septic system?  
 Don't know (4) When was it last inspected?

, 19. . .

By Whom:

Don't know (5) How many bedrooms was the system approved for?  
bedrooms

Yes  No  Don't know \*(~~D~~) E. Do all plumbing fixtures, including laundry drain, go to the septic/ sewer system? If no, explain:

Yes  No  Don't know \*(~~E~~) F. Are you aware of any changes or repairs to the septic system?

Yes  No  Don't know ((~~F~~)) G. Is the septic tank system, including the drainfield, located entirely within the boundaries of the property?

### 4. STRUCTURAL

Yes  No  Don't know \*A. Has the roof leaked?

Yes  No  Don't know If yes, has it been repaired?

Yes  No  Don't know \*B. Have there been any conversions, additions, or remodeling?

Yes  No  Don't know \*1. If yes, were all building permits obtained?

Yes  No  Don't know \*2. If yes, were all final inspections obtained?

Yes  No  Don't know C. Do you know the age of the house? If yes, year of original construction:

Yes  No  Don't know \*D. Do you know of any settling, slippage, or sliding of the house or other improvements? If yes, explain:

Yes  No  Don't know \*E. Do you know of any defects with the following: (Please check applicable items)

- Foundations  Decks  Exterior Walls
- Chimneys  Interior Walls  Fire Alarm
- Doors  Windows  Patio
- Ceilings  Slab Floors  Driveways
- Pools  Hot Tub  Sauna
- Sidewalks  Outbuildings  Fireplaces
- Garage Floors  Walkways
- Other  Wood Stoves

Yes  No  Don't know \*F. Was a pest or dry rot, structural or "whole house" inspection done? When and by whom was the inspection completed?

Yes  No  Don't know \*G. Since assuming ownership, has your property had a problem with wood destroying organisms and/or have there been any problems with pest control, infestations, or vermin?

## 5. SYSTEMS AND FIXTURES

If the following systems or fixtures are included with the transfer, do they have any existing defects:

Yes  No  Don't know \*A. Electrical system, including wiring, switches, outlets, and service

Yes  No  Don't know \*B. Plumbing system, including pipes, faucets, fixtures, and toilets

Yes  No  Don't know \*C. Hot water tank

Yes  No  Don't know \*D. Garbage disposal

Yes  No  Don't know \*E. Appliances

Yes  No  Don't know \*F. Sump pump

Yes  No  Don't know \*G. Heating and cooling systems

Yes  No  Don't know \*H. Security system  Owned  Leased

\*I. Other

## 6. COMMON INTEREST

Yes  No  Don't know A. Is there a Home Owners' Association? Name of Association

Yes  No  Don't know B. Are there regular periodic assessments:

\$ per  Month  Year

Other

Yes  No  Don't know \*C. Are there any pending special assessments?

Yes  No  Don't know \*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

## 7. GENERAL

Yes  No  Don't know \*A. Is there any settling, soil, standing water, or drainage problems on the property?

Yes  No  Don't know \*B. Does the property contain fill material?

Yes  No  Don't know \*C. Is there any material damage to the property or any of the structure from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes  No  Don't know D. Is the property in a designated flood plain?

~~(( Yes  No  Don't know E. Is the property in a designated flood hazard zone?))~~

Yes  No  Don't know ~~(( F-))~~ \*E. Are there any substances, materials, or products that may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, and contaminated soil or water on the subject property?

Yes  No  Don't know ~~(( G-))~~ \*F. Are there any tanks or underground storage tanks (e.g., chemical, fuel, etc.) on the property?

Yes  No  Don't know ~~(( H-))~~ \*G. Has the property ever been used as an illegal drug manufacturing site?

**8. FULL DISCLOSURE BY SELLERS**

A. Other conditions or defects:

Yes  No  Don't know \*Are there any other material defects affecting this property or its value that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE . . . . . SELLER . . . . . SELLER

**II. BUYER'S ACKNOWLEDGMENT**

- A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects which are known to me/us or can be known to me/us by utilizing diligent attention and observation.
- B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are made only by the seller.
- C. Buyer (which term includes all persons signing the "buyer's acceptance" portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. YOU, THE BUYER, HAVE ~~((~~---~~))~~ THREE BUSINESS DAYS ~~((~~OR THREE BUSINESS DAYS IF NOT FILLED IN~~))~~, UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO ~~((~~REVOKE YOUR OFFER~~))~~ RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF ~~((~~REVOCATION~~))~~ RESCISSION TO THE SELLER UNLESS YOU WAIVE THIS RIGHT OF ~~((~~REVOCATION~~))~~ RESCISSION.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS REAL PROPERTY TRANSFER DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE . . . . . BUYER . . . . . BUYER

(2) The real property transfer disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential real property. The real property transfer disclosure statement shall be only a disclosure made by the seller, and not any

real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

**Sec. 3.** RCW 64.06.030 and 1994 c 200 s 4 are each amended to read as follows:

Unless the buyer has expressly waived the right to receive the disclosure statement, ~~((within))~~ not later than five business days or as otherwise agreed to, ~~((of))~~ after mutual acceptance of a written agreement between a buyer and a seller for the purchase and sale of residential real property, the seller shall deliver to the buyer a completed, signed, and dated real property transfer disclosure statement. Within three business days, or as otherwise agreed to, of receipt of the real property transfer disclosure statement, the buyer shall have the right to exercise one of the following two options: (1) Approving and accepting the real property transfer disclosure statement; or (2) rescinding the agreement for the purchase and sale of the property, which decision may be made by the buyer in the buyer's sole discretion. If the buyer elects to rescind the agreement, the buyer must deliver written notice of rescission to the seller within the three-business-day period, or as otherwise agreed to, and upon delivery of the written rescission notice the buyer shall be entitled to immediate return of all deposits and other considerations less any agreed disbursements paid to the seller, or to the seller's agent or an escrow agent for the seller's account, and the agreement for purchase and sale shall be void. If the buyer does not deliver a written rescission notice to [the] seller within the three-business-day period, or as otherwise agreed to, the real property transfer disclosure statement will be deemed approved and accepted by the buyer.

**Sec. 4.** RCW 64.06.040 and 1994 c 200 s 5 are each amended to read as follows:

(1) If, after the date that a seller of residential real property completes a real property transfer disclosure statement, the seller becomes aware of additional information, or an adverse change occurs which makes any of the disclosures made inaccurate, the seller shall amend the real property transfer disclosure statement, and deliver the amendment to the buyer. No amendment shall be required, however, if the seller takes whatever corrective action is necessary so that the accuracy of the disclosure is restored, or the adverse change is corrected, at least three business days prior to the closing date. Unless the ~~((adverse change is corrected or repaired))~~ corrective action is completed by the seller prior to the closing date, the buyer shall have the right to exercise one of the following two options: (a) Approving and accepting the amendment, or (b) rescinding the agreement of purchase and sale of the property within three business days after receiving the amended real property transfer disclosure statement. Acceptance or rescission shall be subject to the same procedures described in RCW 64.06.030. If the closing date provided in the purchase and sale agreement is scheduled to occur within the three-business-day rescission period provided for in this section, the closing date shall be extended until the expiration of the three-business-day rescission period. The buyer shall have no right of rescission if the seller takes whatever action is necessary so that the accuracy of the disclosure is restored at least three business days prior to the closing date.

(2) In the event any act, occurrence, or agreement arising or becoming known after the closing of a residential real property transfer causes a real property transfer disclosure statement to be inaccurate in any way, the seller of such property shall have no obligation to amend the disclosure statement, and the buyer shall not have the right to rescind the transaction under this chapter.

(3) If the seller in a residential real property transfer fails or refuses to provide to the prospective buyer a real property transfer disclosure statement as required under this chapter, the prospective buyer's right of rescission under this section shall apply until the earlier of three business days after receipt of the real property transfer disclosure statement or the date the transfer has closed, unless the buyer has otherwise waived the right of rescission in writing. Closing is deemed to occur when the buyer has paid the purchase price, or down payment, and the conveyance document, including a deed or real estate contract, from the seller has been delivered and recorded. After closing, the seller's obligation to deliver the real property transfer disclosure statement and the buyer's rights and remedies under this chapter shall terminate.

**Sec. 5.** RCW 64.06.050 and 1994 c 200 s 6 are each amended to read as follows:



(1) The seller of residential real property shall not be liable for any error, inaccuracy, or omission in the real property transfer disclosure statement if the seller had no ~~((personal))~~ actual knowledge of the error, inaccuracy, or omission. Unless the seller of residential real property has actual knowledge of an error, inaccuracy, or omission in a real property transfer disclosure statement, the seller shall not be liable for such error, inaccuracy, or omission if the disclosure was based on information provided by public agencies, or by other persons providing information within the scope of their professional license or expertise, including, but not limited to, a report or opinion delivered by a land surveyor, title company, title insurance company, structural inspector, pest inspector, licensed engineer, or contractor.

(2) Any licensed real estate salesperson or broker involved in a residential real property transaction is not liable for any error, inaccuracy, or omission in the real property transfer disclosure statement if the licensee had no ~~((personal))~~ actual knowledge of the error, inaccuracy, or omission. Unless the salesperson or broker has actual knowledge of an error, inaccuracy, or omission in a real property transfer disclosure statement, the salesperson or broker shall not be liable for such error, inaccuracy, or omission if the disclosure was based on information provided by public agencies, or by other persons providing information within the scope of their professional license or expertise, including, but not limited to, a report or opinion delivered by a land surveyor, title company, title insurance company, structural inspector, pest inspector, licensed engineer, or contractor.

**Sec. 6.** RCW 64.06.070 and 1994 c 200 s 8 are each amended to read as follows:

Except as provided in RCW 64.06.050, nothing in this chapter shall extinguish or impair any rights or remedies of a buyer of real estate against the seller or against any agent acting for the seller otherwise existing pursuant to common law, statute, or contract; nor shall anything in this chapter create any new right or remedy for a buyer of residential real property other than the right of rescission exercised on the basis and within the time limits provided in this chapter.

NEW SECTION. **Sec. 7.** Section 2 of this act shall apply to real property transfer disclosure statements completed by sellers of residential real property on or after the effective date of this act. Real property transfer disclosure statements completed by sellers of residential real property prior to the effective date of this act must comply with requirements of RCW 64.06.020 in effect at the time the transaction is started."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 64.06.010, 64.06.020, 64.06.030, 64.06.040, 64.06.050, and 64.06.070; and providing an effective date."

Representative Cairnes spoke in favor of the adoption of the amendment.

Representative Valle spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5053 as amended by the House.

Representative Cairnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5053 as amended by the House, and the bill passed the House by the following vote: Yeas - 81, Nays - 13, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 81.

Voting nay: Representatives Chopp, Cole, Fisher, R., Mason, Ogden, Regala, Romero, Rust, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 13.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Substitute Senate Bill No. 5053, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5141 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

On motion of Representative Sheahan, the rules were suspended, and Substitute Senate Bill No. 5141 was returned to second reading for the purpose of an amendment.

SUBSTITUTE SENATE BILL NO. 5141, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Rasmussen, Quigley, C. Anderson and Bauer)

Revising provisions relating to offenses involving alcohol or drugs.

The bill was read the second time.

Representative Robertson moved adoption of the following amendment by Representative Robertson:

Strike everything after the enacting clause and insert the following:

#### "PART I - IMPLIED CONSENT AND ADMINISTRATIVE REVOCATION

**Sec. 1.** RCW 46.20.308 and 1994 c 275 s 13 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the

purpose of determining the ~~((alcoholic content of))~~ alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.20.309 (as recodified by this act).

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration of 0.02 or more in his or her system and being under the age of twenty-one. However, in those instances where ~~((a))~~ the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample ~~((; or (b) as a result of a traffic accident))~~ or where the person is being treated ((for a medical condition)) in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility in which a breath testing instrument is not present or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that:

(a) His or her license, permit, or privilege to drive will be revoked or denied if he or she refuses to submit to the test~~((, and (b) that))~~;

(b) His or her license, permit, or privilege to drive will be suspended, revoked, denied, or placed in probationary status if the test is administered and the test indicates the alcohol concentration of the person's breath or blood is 0.10 or more, in the case of a person age twenty-one or over, or 0.02 or more in the case of a person under age twenty-one; and

(c) His or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person ~~((has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident))~~, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.10 or more if the person is age twenty-one or over, or is 0.02 or more if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, deny, or place in probationary status the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration of 0.02 or more;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.10 or more if the person is age twenty-one or over, or was 0.02 or more if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report ~~((of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive))~~ or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, deny, or place in probationary status the person's license ~~((or)),~~ permit, or privilege to drive or any nonresident operating privilege, as provided in section 3 of this act, such suspension, revocation, denial, or placement in probationary status to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

~~(((7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. The person shall pay a fee of one hundred dollars as part of the request.))~~

(8) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request ~~((and such fee))~~ for a formal hearing, including receipt of the required one hundred dollar fee, the department shall afford the person an opportunity for a hearing ~~((as provided in))~~. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the

department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of ~~((such))~~ the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more and was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.10 or more if the person was age twenty-one or over at the time of the arrest, or was 0.02 or more if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, denial, or placement in probationary status either be rescinded or sustained. ~~((Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.~~

~~(8))~~ (9) If the suspension, revocation, denial, or placement in probationary status is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, denied, or placed in probationary status has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner ~~((provided in RCW 46.20.334))~~ as an appeal from a decision of a court of limited jurisdiction. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, denial, or placement in probationary status. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, denial, or placement in probationary status as expeditiously as possible. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, denial, or placement in probationary status it may impose conditions on such stay.

(10) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, denied, or placed in probationary status under subsection (7) of this section, other

than as a result of a breath test refusal, and who has not committed an offense within the last five years for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, the court may direct the department to stay any actual or proposed suspension, revocation, denial, or placement in probationary status for at least forty-five days but not more than ninety days. If the court stays the suspension, revocation, denial, or placement in probationary status, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

A suspension, revocation, or denial imposed under this section, other than as a result of a breath test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

~~((9))~~ (11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

**Sec. 2.** RCW 46.20.309 and 1994 c 275 s 10 are each amended to read as follows:

(1) Notwithstanding any other provision of this title, a person ~~((under the age of twenty one may not drive, operate, or be in physical control of a motor vehicle while having alcohol in his or her system in a concentration of 0.02 or above.~~

~~(2) A person under the age of twenty one who drives or is in physical control of a motor vehicle within this state is deemed to have given consent, subject to the relevant portions of RCW 46.61.506, to be detained long enough, and be transported if necessary, to take a test or tests of that person's blood or breath for the purpose of determining the alcohol concentration in his or her system.~~

~~(3) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the driver, has reasonable grounds to believe that the driver was driving or in actual physical control of a motor vehicle while having alcohol in his or her system.~~

~~(4) The law enforcement officer requesting the test or tests under subsection (2) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person's driver's license or driving privilege being revoked.~~

~~(5) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.02 or more, the law enforcement officer shall:~~

~~(a) Serve the person notice in writing on behalf of the department of licensing of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive;~~

~~(b) Serve the person notice in writing on behalf of the department of licensing of the person's right to a hearing, specifying the steps required to obtain a hearing;~~

~~(c) Confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit. The temporary license shall be valid for thirty days from the date of the traffic stop or until the suspension or revocation of the person's license or permit is sustained at a hearing as provided by subsection (7) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit it replaces;~~

~~(d) Notify the department of licensing of the traffic stop, and transmit to the department any confiscated license or permit and a sworn report stating:~~

~~(i) That the officer had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle within this state with alcohol in his or her system;~~

~~(ii) That pursuant to this section a test of the person's alcohol concentration was administered or that the person refused to be tested;~~

~~(iii) If administered, that the test indicated the person's alcohol concentration was 0.02 or higher; and~~

~~(iv) Any other information that the department may require by rule.~~

~~(6) Upon receipt of the sworn report of a law enforcement officer under subsection (5) of this section, the department shall suspend or revoke the driver's license or driving privilege beginning thirty days from the date of the traffic stop or beginning when the suspension, revocation, or denial is sustained at a hearing as provided by subsection (7) of this section. Within fifteen days after notice of a suspension or revocation has been given, the person may, in writing, request a formal hearing. If such a request is not made within the prescribed time the right to a hearing is waived. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the revocation of the person's driver's license or driving privilege, and, if the test or tests of the person's breath or blood was administered, whether the results indicated an alcohol concentration of 0.02 or more. The department shall order that the suspension or revocation of the person's driver's license or driving privilege either be rescinded or sustained. Any decision by the department suspending or revoking a person's driver's license or driving privilege is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the suspension or revocation of the person's driver's license or driving privilege is sustained after the hearing, the person may file a petition in the superior court of the county of arrest to review the final order of suspension or revocation by the department in the manner provided in RCW 46.20.334.~~

~~(7) The department shall suspend or revoke the driver's license or driving privilege of a person as required by this section as follows:~~

~~(a) In the case of a person who has refused a test or tests:~~

~~(i) For a first refusal within five years, revocation for one year;~~

~~(ii) For a second or subsequent refusal within five years, revocation or denial for two years.~~

~~(b) In the case of an incident where a person has submitted to a test or tests indicating an alcohol concentration of 0.02 or more:~~

~~(i) For a first incident within five years, suspension for ninety days;~~

~~(ii) For a second or subsequent incident within five years, revocation for one year or until the person reaches age twenty one whichever occurs later.~~

~~(8) For purposes of this section, "alcohol concentration" means (a) grams of alcohol per two hundred ten liters of a person's breath, or (b) the percent by weight of alcohol in a person's blood)) is guilty of driving a motor vehicle after consuming alcohol if the person operates a motor vehicle within this state and the person:~~

~~(a) Is under the age of twenty-one;~~

~~(b) Has, within two hours after operating the motor vehicle, an alcohol concentration of 0.02 or more, as shown by analysis of the person's breath or blood made under RCW 46.61.506.~~

~~(2) It is an affirmative defense to a violation of subsection (1) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.02 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the earlier of: (a) Seven days prior to trial; or (b) the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.~~

(3) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.02 or more in violation of subsection (1) of this section.

(4) A violation of this section is a misdemeanor.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.20 RCW to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within five years, where there has not been a previous incident within five years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within five years, or for a first refusal where there has been one or more previous incidents within five years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer. A revocation imposed under this subsection (1)(b) shall run consecutively to the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.10 or more:

(a) For a first incident within five years, where there has not been a previous incident within five years that resulted in administrative action under this section, placement in probationary status as provided in RCW 46.20.355;

(b) For a second or subsequent incident within five years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.02 or more:

(a) For a first incident within five years, suspension or denial for ninety days;

(b) For a second or subsequent incident within five years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

**Sec. 4.** RCW 46.20.355 and 1994 c 275 s 8 are each amended to read as follows:

(1) ~~Upon ((notification of a conviction under RCW 46.61.502 or 46.61.504 for which the issuance of a probationary driver's license is required))~~ placing a license, permit, or privilege to drive in probationary status under section 3(2)(a) of this act, or upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, the department of licensing shall order the person to surrender ((his or her)) any Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.

(2) ~~((Upon receipt of the surrendered license, and following the expiration of any period of license suspension or revocation, or following receipt of a sworn statement under RCW 46.20.365 that requires issuance of a probationary license, the department shall issue the person a probationary license if otherwise qualified. The probationary license shall be renewed on the same cycle as the person's regular license would have been renewed until five years after the date of its issuance.))~~ The department shall place a person's driving privilege in probationary status as required by RCW 10.05.060 or 46.20.308 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or following receipt of a sworn report under RCW 46.20.308 that requires immediate placement in probationary status under section 3(2)(a) of this act, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary



license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) For each original issue or (~~reissue~~) renewal of a probationary license under this section, the department (~~may~~) shall charge (~~the~~) a fee (~~(authorized under RCW 46.20.311 for the reissuance of a license following a revocation for a violation of RCW 46.61.502 or 46.61.504)~~) of fifty dollars in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the fifty-dollar fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

~~((4))~~ (5) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status(~~, including the period of that status, for a violation of RCW 46.61.502 or 46.61.504 or 46.20.365~~). (~~That~~) The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

## PART II - CRIMINAL SANCTIONS

NEW SECTION. Sec. 5. A new section is added to chapter 46.61 RCW, to be codified between RCW 46.61.500 and 46.61.520, to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of ninety days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one hundred twenty days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the

conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year. Thirty days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one year. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year. Forty-five days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of four hundred fifty days. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year. Ninety days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of two years. The period of license, permit, or privilege revocation

may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year. One hundred twenty days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of three years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege.

(4) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(6)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i) and (ii) or (a) (i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(7)(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), or (iv) of this subsection if committed in this state; or

(vi) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance.

(b) "Within five years" means that the arrest for a prior offense occurred within five years of the arrest for the current offense.

**Sec. 6.** RCW 46.61.5058 and 1994 c 139 s 1 are each amended to read as follows:

(1) Upon the arrest of a person or upon the filing of a complaint, citation, or information in a court of competent jurisdiction, based upon probable cause to believe that a person has violated RCW 46.61.502 or 46.61.504 or any similar municipal ordinance, if such person has a ~~((previous conviction for violation of either RCW 46.61.502 or 46.61.504 or other similar municipal ordinance, and where the offense occurs within a five year period of the previous conviction))~~ prior offense within five years as defined in section 5 of this act, and where the person has been provided written notice that any transfer, sale, or encumbrance of such person's interest in the vehicle over which that person was actually driving or had physical control when the violation occurred, is unlawful pending either acquittal, dismissal, sixty days after conviction, or other termination of the charge, such person shall be prohibited from encumbering, selling, or transferring his or her interest in such vehicle, except as otherwise provided in (a), (b), and (c) of this subsection, until either acquittal, dismissal, sixty days after conviction, or other termination of the charge. The prohibition against transfer of title shall not be stayed pending the determination of an appeal from the conviction.

(a) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party;

(b) A leased or rented vehicle may be transferred to the lessor, rental agency, or to a person designated by the lessor or rental agency; and

(c) A vehicle may be transferred to a third party or a vehicle dealer who is a bona fide purchaser or may be subject to a bona fide security interest in the vehicle unless it is established that (i) in the case of a purchase by a third party or vehicle dealer, such party or dealer had actual notice that the vehicle was subject to the prohibition prior to the purchase, or (ii) in the case of a security interest, the holder of the security interest had actual notice that the vehicle was subject to the prohibition prior to the encumbrance of title.

(2) On ~~((a second or subsequent))~~ conviction for a violation of either RCW 46.61.502 or 46.61.504 or any similar municipal ordinance where ~~((such offense was committed within a five year period of the previous conviction))~~ the person convicted has a prior offense within five years as defined in section 5 of this act, the motor vehicle the person was driving or over which the person had actual physical control at the time of the offense, if the person has a financial interest in the vehicle, is subject to seizure and forfeiture pursuant to this section.

(3) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(4) Seizure under subsection (3) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected on a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.

(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020, the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the legal owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present legal owner under Title 46 RCW or is lawfully entitled to possession of the vehicle.

(7) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title; provided, however, that the agency shall first satisfy any bona fide security interest to which the vehicle is subject under subsection (1) (a) or (c) of this section.

(8) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(9) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(10) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(11) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(12) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(13) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(14) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may, but need not, use an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.

**Sec. 7.** RCW 3.62.090 and 1994 c 275 s 34 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under ~~((RCW 46.61.5051, 46.61.5052, and 46.61.5053))~~ section 5 of this act, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

**Sec. 8.** RCW 35.21.165 and 1994 c 275 s 36 are each amended to read as follows:

Except as limited by the maximum penalties authorized by law, no city or town may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in ~~((RCW 46.61.5051, 46.61.5052, and 46.61.5053))~~ section 5 of this act.

**Sec. 9.** RCW 36.32.127 and 1994 c 275 s 37 are each amended to read as follows:

No county may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided for in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in ~~((RCW 46.61.5051, 46.61.5052, and 46.61.5053))~~ section 5 of this act.

**Sec. 10.** RCW 46.04.480 and 1994 c 275 s 38 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, 46.20.265, ~~((46.61.5051, 46.61.5052, or 46.61.5053))~~ or section 5 of this act, and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

**Sec. 11.** RCW 46.20.311 and 1994 c 275 s 27 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.342 or other provision of law. Except for a suspension under RCW 46.20.289 and 46.20.291(5), whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have

the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by (~~RCW 46.20.308 or 46.61.5052, 46.61.5053, or 46.20.365~~) section 3 or 5 of this act; (c) after the expiration of two years for persons convicted of vehicular homicide; or (d) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504 (~~or is the result of administrative action under RCW 46.20.365~~), the reissue fee shall be fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be fifty dollars.

**Sec. 12.** RCW 46.20.391 and 1994 c 275 s 29 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed for a violation of RCW 46.61.502 or 46.61.504. (~~No person may petition for, and the department shall not issue, an occupational driver's license if the person is ineligible for such a license under RCW 46.61.5052 or 46.61.5053.~~) A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed (~~of~~) any (~~committed any~~) offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

**Sec. 13.** RCW 46.61.5054 and 1994 c 275 s 7 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 46.61.5051 through 46.61.5053 until September 1, 1995, and section 5 of this act thereafter, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol breath test program.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall assess the one hundred twenty-five dollar fee under (a) of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) If the case involves a blood test by the state toxicology laboratory, the remainder of the fee shall be forwarded to the state treasurer for deposit in the death investigations account to be used solely for funding the state toxicology laboratory blood testing program.

(c) Otherwise, the remainder of the fee shall be forwarded to the state treasurer for deposit in the state patrol highway account to be used solely for funding the Washington state patrol breath test program.

(3) This section applies to any offense committed on or after July 1, 1993.

**Sec. 14.** RCW 46.61.5056 and 1994 c 275 s 9 are each amended to read as follows:

(1) A person subject to alcohol assessment and treatment under (~~RCW 46.61.5051, 46.61.5052, or 46.61.5053~~) section 5 of this act shall be required by the court to complete a course in an alcohol information school approved by the department of social and health services or to complete more intensive treatment in a program approved by the department of social and health services, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services.

(3) Standards for approval for alcohol treatment programs shall be prescribed by the department of social and health services. The department of social and health services shall periodically review the costs of alcohol information schools and treatment programs.

(4) Any agency that provides treatment ordered under (~~RCW 46.61.5051, 46.61.5052, or 46.61.5053~~) section 5 of this act, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of social and health services of any failure by an agency to so report



noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of social and health services. Upon three such failures by an agency within one year, the department of social and health services shall revoke the agency's approval under this section.

(5) The department of licensing and the department of social and health services may adopt such rules as are necessary to carry out this section.

**Sec. 15.** RCW 46.61.5151 and 1994 c 275 s 39 are each amended to read as follows:

A sentencing court may allow persons convicted of violating RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in (~~RCW 46.61.5051, 46.61.5052, or 46.61.5053~~) section 5 of this act in nonconsecutive or intermittent time periods. However, any mandatory minimum sentence under (~~RCW 46.61.5051, 46.61.5052, or 46.61.5053~~) section 5 of this act shall be served consecutively unless suspended or deferred as otherwise provided by law.

**Sec. 16.** RCW 46.63.020 and 1994 c 275 s 33 and 1994 c 141 s 2 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;
- (10) RCW 46.20.021 relating to driving without a valid driver's license;
- (11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (16) RCW 46.25.170 relating to commercial driver's licenses;
- (17) Chapter 46.29 RCW relating to financial responsibility;
- (18) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (19) RCW 46.37.435 relating to wrongful installation of suncreening material;
- (20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (21) RCW 46.48.175 relating to the transportation of dangerous articles;
- (22) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

- (26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (28) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (31) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (33) RCW 46.61.500 relating to reckless driving;
- (34) RCW 46.61.502((;)) and 46.61.504((, 46.61.5051, 46.61.5052, and 46.61.5053)) relating to persons under the influence of intoxicating liquor or drugs;
- (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (36) RCW 46.61.522 relating to vehicular assault;
- (37) RCW 46.61.525 relating to negligent driving;
- (38) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
- (39) RCW 46.61.530 relating to racing of vehicles on highways;
- (40) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (41) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (42) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (43) Chapter 46.65 RCW relating to habitual traffic offenders;
- (44) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (45) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- (46) Chapter 46.80 RCW relating to motor vehicle wreckers;
- (47) Chapter 46.82 RCW relating to driver's training schools;
- (48) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
- (49) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

**Sec. 17.** RCW 46.04.015 and 1994 c 275 s 1 are each amended to read as follows:

"Alcohol concentration" means (1) grams of alcohol per two hundred ten liters of a person's breath, or (2) ~~((the percent by weight of alcohol in))~~ grams of alcohol per one hundred milliliters of a person's blood.

**Sec. 18.** RCW 46.61.506 and 1994 c 275 s 26 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.10, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic or drug content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

NEW SECTION. Sec. 19. A new section is added to chapter 46.04 RCW to read as follows:  
"Reasonable grounds," when used in the context of a law enforcement officer's decision to make an arrest, means probable cause.

NEW SECTION. Sec. 20. RCW 46.20.309 is recodified as a section in chapter 46.61 RCW.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) RCW 46.20.365 and 1994 c 275 s 12;
- (2) RCW 46.61.5051 and 1994 c 275 s 4;
- (3) RCW 46.61.5052 and 1994 c 275 s 5; and
- (4) RCW 46.61.5053 and 1994 c 275 s 6.

NEW SECTION. Sec. 22. 1994 c 275 s 44 (uncodified) is hereby repealed.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This act shall take effect September 1, 1995, except for sections 13 and 22 of this act which are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "drugs;" strike the remainder of the title and insert "amending RCW 46.20.308, 46.20.309, 46.20.355, 46.61.5058, 3.62.090, 35.21.165, 36.32.127, 46.04.480, 46.20.311, 46.20.391, 46.61.5054, 46.61.5056, 46.61.5151, 46.04.015, and 46.61.506; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.20 RCW; adding new sections to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW; recodifying RCW 46.20.309; repealing RCW 46.20.365, 46.61.5051, 46.61.5052, and 46.61.5053; repealing 1994 c 275 s 44 (uncodified); prescribing penalties; providing an effective date; and declaring an emergency."

Representatives Robertson and Appelwick spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Robertson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5141 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5141 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksmas, Fisher, G., Fuhrman and Patterson - 4.

Substitute Senate Bill No. 5141, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5529 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

On motion of Representative B. Thomas, the rules were suspended, and Engrossed Senate Bill No. 5529 was returned to second reading for the purpose of an amendment.

ENGROSSED SENATE BILL NO. 5529, by Senators McAuliffe, Rinehart, Moyer, McDonald, Wojahn and Winsley; by request of Office of Financial Management

Changing school district levy provisions.

The bill was read the second time.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

Set aside all previous amendments and on page 3, line 24, after "levies" insert "approved before June 30, 1995, and"

Representatives B. Thomas, Brumsickle, Horn and Dyer spoke in favor of the adoption of the amendment.

Representatives Cole, Carlson, Hargrove, Ebersole and Hickel spoke against the adoption of the amendment.

Representative B. Thomas again spoke in favor of the adoption of the amendment.

#### POINT OF INQUIRY

Representative B. Thomas yielded to a question by Representative McMahan.

Representative McMahan: I would like to ask how many of the School Districts on the sheet we were given and actually going to have Levies that are going to take them over the 20 % LID, present LID?

Representative B. Thomas: I do not know, we went through a few of them, it appeared that about 1/4 of these may. We tried to look at the authorization and I can't recall exactly which ones but there are about five or six of them definitely, and a couple maybe. We didn't have time to go through this, perhaps the lady from the 3rd District knows, she handed the sheet out, but I cannot tell you exactly which ones. I can tell you that some of them will be affected.

Representative K. Schmidt demanded the previous question and the demand was sustained.

A division was called. The Speaker called on the House to divide. The results of the division was: 56-YEAS, 37-NAYS. The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5529 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5529 as amended by the House, and the bill passed the House by the following vote: Yeas - 78, Nays - 16, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Grant, Hankins, Hatfield, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, Mielke, Morris, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 78.

Voting nay: Representatives Carlson, Crouse, Goldsmith, Hargrove, Hickel, Honeyford, Lisk, McMahan, McMorris, Mitchell, Mulliken, Ogden, Pennington, Sherstad, Sterk and Thibaudeau - 16.

Excused: Representatives Beeksmas, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Senate Bill No. 5529, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate insists on its position regarding the House amendments to SENATE BILL NO. 5544 and again asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

#### MOTION

Representative Buck moved that the House adhere to its position on Senate Bill No. 5544.

#### MOTION

Representative Basich moved that the House recede from its position and pass Senate Bill No. 5544 without the House amendments.

Representative Regala demanded an electronic roll call vote on the motion and the demand was sustained.

Representative Basich spoke in favor of the motion to recede from its position and Representative Buck spoke against the motion.

#### ROLL CALL

The Clerk called the roll on the motion to recede from its position and pass Senate Bill No. 5544 and the motion was not adopted by the following vote: Yeas - 37, Nays - 57, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 37.

Voting nay: Representatives Backlund, Ballasiotes, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Dyer, Elliot, Foreman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 57.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Representative Buck spoke in favor of the motion to adhere to its position of Senate Bill No. 5544 and the motion was carried.

There being no objection, the House resumed consideration of Engrossed Substitute House Bill No. 1589.

Representatives Backlund and Dellwo spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Representative Dyer yielded to a question by Representative Mielke.

Representative Mielke: In Section 8, subsection 2.C. Health Care providers are allowed to collectively negotiate the terms and conditions of contracts with certified Health plans, since we no longer have certified Health plans as the result of the passage of House Bill No. 1046 are these providers now allowed collective negotiate those terms and conditions with Health Insurance carriers and Health maintenance organizations?

Representative Dyer: Yes, Representative Mielke, as refined to in subsection 1 of this section these contracts would include Health care facilities, Health care providers, or other persons and organizations involved in the development, deliver or the marketing of Health care services or financing.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1589 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1589 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representative Lambert - 1.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Substitute House Bill No. 1589, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MOTION FOR RECONSIDERATION

Representative Van Luven: Having voted on the prevailing side moved that the House immediately reconsider the vote on Engrossed Substitute House Bill No. 1589.

#### RECONSIDERATION

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1589 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1589 on reconsideration, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel,

Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Substitute House Bill No. 1589 on reconsideration, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5574 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

On motion of Representative Buck, the rules were suspended, and Second Substitute Senate Bill No. 5574 was returned to second reading for the purpose of an amendment.

SECOND SUBSTITUTE SENATE BILL NO. 5574, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, A. Anderson, Snyder, McDonald, Owen, Long, Rasmussen, Swecker, Heavey, Morton, Deccio, Johnson, Loveland, Hale, Sutherland, Strannigan, Palmer, Moyer, Hochstatter, West, Drew, Haugen, Quigley, Bauer and Roach)

Concerning the return of state forest board transfer land.

The bill was read the second time.

Representative Buck moved adoption of the following amendment by Representative Buck:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that in the early 1900's and up through the 1930's, counties took possession of a number of forest land parcels as a result of tax delinquencies. In many cases, the timber had already been harvested from these lands prior to the forfeiture of the property to the counties. Since that time, the department of natural resources has reforested and managed these lands in conjunction with the state trust lands. Given changes in forest practices, recent fluctuation in income from the forest board lands, and questions about the management of the department of natural resources, the legislature directs that a study of the policies and an analysis of economic elements of the management of state forest board lands be conducted by the legislative budget committee, in consultation with the Washington state members of western states legislatures forestry task force and the chairs of the senate and house of representatives committees on natural resources.



NEW SECTION. **Sec. 2.** The study under section 1 of this act shall include elements such as the following:

(1) The role of forest board lands in the state's sustained yield calculations and the effect of removing all or part of those lands on income, yield, and management policies;

(2) The economic and forest practice implications of separating the forest board lands from the total lands managed by the department of natural resources;

(3) The effects of a transfer on public access, recreation, and the management of other public and private lands;

(4) A comparison of forest management procedures and costs between Grays Harbor county and similar forest board and state trust lands; and

(5) An examination of the best possible methods and procedures to transfer board lands to the counties.

NEW SECTION. **Sec. 3.** The findings of the study, along with recommendations to the legislature, shall be submitted to the appropriate standing committees of the legislature by December 31, 1996.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void."

Representative Buck spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5574 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5574 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksmas, Fisher, G., Fuhrman and Patterson - 4.

Second Substitute Senate Bill No. 5574, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1117,  
SECOND ENGROSSED HOUSE BILL NO. 1130,  
HOUSE BILL NO. 1193,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209,  
SUBSTITUTE HOUSE BILL NO. 1237,  
SUBSTITUTE HOUSE BILL NO. 1336,  
SUBSTITUTE HOUSE BILL NO. 1383,  
HOUSE BILL NO. 1725,  
SUBSTITUTE HOUSE BILL NO. 1756,  
ENGROSSED HOUSE BILL NO. 1770,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5244, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5652, and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

On motion of Representative Cooke, the rules were suspended, and Senate Bill No. 5652 was returned to second reading for the purpose of an amendment.

SENATE BILL NO. 5652, by Senators Gaspard, McDonald, Smith, Quigley, Wojahn, Hargrove, Heavey, Winsley, Sheldon, Fraser, Loveland, Fairley, Oke, McAuliffe, Spanel, Kohl, Franklin, Drew, Haugen, Owen, Bauer, Snyder, Deccio and Rasmussen

Temporarily prohibiting public assistance payments for willful violators of public assistance eligibility provisions.

The bill was read the second time.

Representative Boldt moved adoption of the following amendment by Representative Boldt:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that welfare fraud damages the state's ability to use its limited resources to help those in need who legitimately qualify for assistance. In addition, it affects the credibility and integrity of the system, promoting disdain for the law.

Persons convicted of committing such fraud should be barred, for a period of time, from receiving additional public assistance.

**Sec. 2.** RCW 74.08.290 and 1959 c 26 s 74.08.290 are each amended to read as follows:

The department is hereby authorized to suspend temporarily the public assistance granted to any person for any period during which such person is not in need thereof.

If a recipient is convicted of any crime or offense, and punished by imprisonment, no payment shall be made during the period of imprisonment.

If a recipient is convicted of unlawful practices under RCW 74.08.331, no payment shall be made for a period to be determined by the court, but in no event less than six months upon the first conviction and no less than twelve months for a second or subsequent violation. This suspension of public assistance shall apply regardless of whether the recipient is subject to complete or partial confinement upon conviction, or incurs some lesser penalty.

**Sec. 3.** RCW 74.04.062 and 1973 c 152 s 2 are each amended to read as follows:

Upon written request of a person who has been properly identified as an officer of the law with a felony arrest warrant or a properly identified United States immigration official with a warrant for an illegal alien the department shall disclose to such officer the current address and location of the person properly described in the warrant. However, this rule does not restrict in any manner whatsoever the disclosure of address and location information by the department pursuant to its implementation of the federal "systematic alien verification for entitlements" program or pursuant to section 4 of this act.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.08 RCW to read as follows:

The department shall implement the federal "systematic alien verification for entitlements" program, the "SAVE" program. The department shall:

(1) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status;

(2) Post at every community service office a sign letting applicants and recipients know that illegal aliens will be reported to the United States immigration and naturalization service and that the systematic alien verification for entitlements program is in use in the office; and

(3) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

**NEW SECTION. Sec. 5.** The department shall have the SAVE program in full force and effect by September 30, 1995, and report to the fiscal committees of the house of representatives and senate by December 1, 1995, regarding the progress of implementation and outcomes by region of the program."

On page 1, line 1 of the title, after "fraud;" strike the remainder of the title and insert "amending RCW 74.08.290 and 74.04.062; adding a new section to chapter 74.08 RCW; and creating new sections."

Representatives Boldt and Thibaudeau spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5652 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5652 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Senate Bill No. 5652, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate once again refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5739, and again asks the House to recede therefrom

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Schoesler moved that the House adhere to its position on Substitute Senate Bill No. 5739. The motion was carried.

#### MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE JOINT MEMORIAL NO. 8019 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Pennington moved that the House adhere to its position on Substitute Senate Joint Memorial No. 8019.

#### MOTION

Representative Basich moved that the House recede from its position and pass Substitute Senate Joint Memorial No. 8019 without the House amendments.

Representative Basich spoke in favor of the motion.

Representative Brown demanded an electronic roll call vote on the motion and the demand was sustained.

#### MOTIONS

On motion of Representative Brown, Representatives Dellwo and Sheldon were excused.

On motion of Representative Talcott, Representative Elliot and were excused.

#### ROLL CALL

The Clerk called the roll on the motion to recede in its position and pass Substitute Senate Joint Memorial No. 8019 without the House amendments and the motion failed by the following vote: Yeas - 32, Nays - 58, Absent - 1, Excused - 7.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 32.

Voting nay: Representatives Backlund, Ballasiotes, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Foreman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 58.

Absent: Representative Carrell - 1.

Excused: Representatives Beeksma, Dellwo, Elliot, Fisher, G., Fuhrman, Patterson and Sheldon - 7.

The motion to adhere to its position to Substitute Senate Joint Memorial No. 8019 was carried.

There being no objection, the rules were suspended, and Senate Concurrent Resolution No. 8407 was advanced to second reading.

SENATE CONCURRENT RESOLUTION NO. 8407, by Senator Gaspard

Presenting the Washington Performance Partnership statement of strategic intent.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representatives Ebersole, Backlund and Conway spoke in favor of adoption of the resolution.

The Speaker stated the question before the House to be final adoption of Senate Joint Resolution No. 8407.

Senate Concurrent Resolution No. 8407 was adopted.

#### MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### SENATE AMENDMENTS TO HOUSE BILL

April 22, 1995

Mr. Speaker:

Under suspension of rules, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107 was returned to second reading. The Senate further amended the Senate Committee on Government Operations striking amendments adopted April 13, 1995 by adopting floor amendment #417, and passed the bill with the attached Government Operations Committee amendments as amended:

Strike everything after the enacting clause and insert the following:

#### "PART 1 LAW REVISION COMMISSION

NEW SECTION. **Sec. 101.** The following acts or parts of acts are each repealed:

- (1) RCW 1.30.010 and 1982 c 183 s 1;
- (2) RCW 1.30.020 and 1982 c 183 s 2;
- (3) RCW 1.30.030 and 1982 c 183 s 3;
- (4) RCW 1.30.040 and 1987 c 505 s 2 & 1982 c 183 s 4;
- (5) RCW 1.30.050 and 1982 c 183 s 5; and
- (6) RCW 1.30.060 and 1982 c 183 s 9.

PART 2  
JUDICIAL COUNCIL

NEW SECTION. **Sec. 201.** The following acts or parts of acts are each repealed:

- (1) RCW 2.52.010 and 1994 c 32 s 1, 1987 c 322 s 1, 1977 ex.s. c 112 s 1, 1973 c 18 s 1, 1971 c 40 s 1, 1967 c 124 s 1, 1961 c 271 s 1, 1955 c 40 s 1, & 1925 ex.s. c 45 s 1;
- (2) RCW 2.52.020 and 1925 ex.s. c 45 s 2;
- (3) RCW 2.52.030 and 1987 c 322 s 2 & 1925 ex.s. c 45 s 3;
- (4) RCW 2.52.035 and 1987 c 322 s 4;
- (5) RCW 2.52.040 and 1977 ex.s. c 112 s 2 & 1925 ex.s. c 45 s 4; and
- (6) RCW 2.52.050 and 1987 c 322 s 3 & 1981 c 260 s 1.

PART 3  
JUVENILE DISPOSITION STANDARDS COMMISSION

NEW SECTION. **Sec. 301.** A new section is added to chapter 9.94A RCW to read as follows:

(1) The juvenile disposition standards commission is hereby abolished and its powers, duties, and functions are hereby transferred to the sentencing guidelines commission. All references to the director or the juvenile disposition standards commission in the Revised Code of Washington shall be construed to mean the director or the sentencing guidelines commission.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the juvenile disposition standards commission shall be delivered to the custody of the sentencing guidelines commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the juvenile disposition standards commission shall be made available to the sentencing guidelines commission. All funds, credits, or other assets held by the juvenile disposition standards commission shall be assigned to the sentencing guidelines commission.

(b) Any appropriations made to the juvenile disposition standards commission shall, on the effective date of this section, be transferred and credited to the sentencing guidelines commission.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the juvenile disposition standards commission are transferred to the jurisdiction of the sentencing guidelines commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the sentencing guidelines commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the juvenile disposition standards commission shall be continued and acted upon by the sentencing guidelines commission. All existing contracts and obligations shall remain in full force and shall be performed by the sentencing guidelines commission.

(5) The transfer of the powers, duties, functions, and personnel of the juvenile disposition standards commission shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**Sec. 302.** RCW 13.40.025 and 1986 c 288 s 8 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following nine members appointed by the governor, subject to confirmation by the senate: (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) The commission shall ~~((meet at least once every three months))~~ cease to exist on June 30, 1997, and its powers and duties shall be transferred to the sentencing guidelines commission established under RCW 9.94A.040.

**Sec. 303.** RCW 9.94A.040 and 1994 c 87 s 1 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the



Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

(7) The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.

(8) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

(9) The commission may (a) serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local sentencing practices; (b) develop and maintain a computerized sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (c) conduct ongoing research regarding sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the criminal justice system.

(10) The staff and executive officer of the commission may provide staffing and services to the juvenile disposition standards commission, if authorized by RCW 13.40.025 and 13.40.027. The commission may conduct joint meetings with the juvenile disposition standards commission.

(11) The commission shall assume the powers and duties of the juvenile disposition standards commission after June 30, 1997.

(12) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

#### PART 4

#### COSMETOLOGY, BARBERING, ESTHETICS, AND MANICURING ADVISORY BOARD

NEW SECTION. **Sec. 401.** The legislature finds that the economic opportunities for cosmetologists, barbers, estheticians, and manicurists have deteriorated in this state as a result of the lack of skilled practitioners, inadequate licensing controls, and inadequate enforcement of health standards. To increase the opportunities for individuals to earn viable incomes in these professions and to protect the general health of the public, the state cosmetology, barbering, esthetics, and manicuring advisory board should be reconstituted and given a new charge to develop appropriate responses to this situation, including legislative proposals.

**Sec. 402.** RCW 18.16.050 and 1991 c 324 s 3 are each amended to read as follows:

(1) There is created a state cosmetology, barbering, esthetics, and manicuring advisory board consisting of ~~((five))~~ seven members appointed by the ~~((governor who shall advise the director concerning the administration of this chapter))~~ director. ~~((Four))~~ These seven members of the board shall include ~~((a minimum of two instructors))~~ a representative of a private cosmetology school and a representative of a public vocational technical school involved in cosmetology training, with the balance made up of currently practicing licensees who have been engaged in the practice of manicuring, esthetics, barbering, or cosmetology for at least three years. One member of the board shall be a consumer who is unaffiliated with the cosmetology, barbering, esthetics, or manicuring industry. The term of office for all board members ~~((is three years))~~ serving as of the effective date of this section expires June 30, 1995. On June 30, 1995, the director shall appoint seven new members to the board. These new members shall serve a term of two years, at the conclusion of which the board

shall cease to exist. Any members serving on the advisory board as of the effective date of this section are eligible to be reappointed. Any board member may be removed for just cause. The director may appoint a new member to fill any vacancy on the ((committee)) board for the remainder of the unexpired term. ((No board member may serve more than two consecutive terms, whether full or partial.))

(2) The board appointed on June 30, 1995, together with the director or the director's designee, shall conduct a thorough review of educational requirements, licensing requirements, and enforcement and health standards for persons engaged in cosmetology, barbering, esthetics, or manicuring and shall prepare a report to be delivered to the governor, the director, and the chairpersons of the governmental operations committees of the house of representatives and the senate. The report must summarize their findings and make recommendations, including, if appropriate, recommendations for legislation reforming and restructuring the regulation of cosmetology, barbering, esthetics, and manicuring.

(3) Board members shall be entitled to compensation pursuant to RCW 43.03.240 for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

## PART 5 SHORTHAND REPORTERS ADVISORY BOARD

**Sec. 501.** RCW 18.145.030 and 1989 c 382 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of licensing.
- (3) "Shorthand reporter" and "court reporter" mean an individual certified under this chapter.
- ~~((4) "Board" means the Washington state shorthand reporter advisory board.))~~

**Sec. 502.** RCW 18.145.050 and 1989 c 382 s 6 are each amended to read as follows:

In addition to any other authority provided by law, the director may:

- (1) Adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter;
- (2) Set all certification examination, renewal, late renewal, duplicate, and verification fees in accordance with RCW 43.24.086;
- (3) Establish the forms and procedures necessary to administer this chapter;
- (4) Issue a certificate to any applicant who has met the requirements for certification;
- (5) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;
- (6) Investigate complaints or reports of unprofessional conduct as defined in this chapter and hold hearings pursuant to chapter 34.05 RCW;
- (7) Issue subpoenas for records and attendance of witnesses, statements of charges, statements of intent to deny certificates, and orders; administer oaths; take or cause depositions to be taken; and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;
- (8) Maintain the official departmental record of all applicants and certificate holders;
- (9) Delegate, in writing to a designee, the authority to issue subpoenas, statements of charges, and statements of intent to deny certification;
- (10) Prepare and administer or approve the preparation and administration of examinations for certification;
- (11) Establish by rule the procedures for an appeal of a failure of an examination;
- (12) Conduct a hearing under chapter 34.05 RCW on an appeal of a denial of a certificate based on the applicant's failure to meet minimum qualifications for certification;
- (13) Establish ad hoc advisory committees whose membership shall include representatives of professional court reporting and stenomasking associations and representatives from accredited schools

offering degrees in court reporting or stenomasking to advise the director on testing procedures, professional standards, disciplinary activities, or any other matters deemed necessary.

**Sec. 503.** RCW 18.145.070 and 1989 c 382 s 8 are each amended to read as follows:

The director(~~(, members of the board,))~~ and individuals acting on ~~((their))~~ the director's behalf shall not be civilly liable for any act performed in good faith in the course of their duties.

**Sec. 504.** RCW 18.145.080 and 1989 c 382 s 9 are each amended to read as follows:

(1) The department shall issue a certificate to any applicant who, as determined by the director ~~((upon advice of the board)),~~ has:

- (a) Successfully completed an examination approved by the director;
- (b) Good moral character;
- (c) Not engaged in unprofessional conduct; and
- (d) Not been determined to be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) A one-year temporary certificate may be issued, at the discretion of the director, to a person holding one of the following: National shorthand reporters association certificate of proficiency, registered professional reporter certificate, or certificate of merit; a current court or shorthand reporter certification, registration, or license of another state; or a certificate of graduation of a court reporting school. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under subsection (1)(a) of this section within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

(3) The examination required by subsection (1)(a) of this section shall be no more difficult than the examination provided by the court reporter examining committee as authorized by RCW 2.32.180.

NEW SECTION. **Sec. 505.** RCW 18.145.060 and 1989 c 382 s 7 are each repealed.

#### PART 6 MARITIME BICENTENNIAL ADVISORY COMMITTEE

NEW SECTION. **Sec. 601.** RCW 27.34.300 and 1989 c 82 s 2 are each repealed.

#### PART 7 CENTENNIAL COMMISSION

NEW SECTION. **Sec. 701.** The following acts or parts of acts are each repealed:

- (1) RCW 27.60.010 and 1982 c 90 s 1;
- (2) RCW 27.60.020 and 1985 c 291 s 1, 1984 c 120 s 1, & 1982 c 90 s 2;
- (3) RCW 27.60.030 and 1982 c 90 s 3;
- (4) RCW 27.60.040 and 1987 c 195 s 1, 1985 c 291 s 2, & 1982 c 90 s 4;
- (5) RCW 27.60.050 and 1982 c 90 s 5;
- (6) RCW 27.60.070 and 1985 c 291 s 4;
- (7) RCW 27.60.090 and 1986 c 157 s 2; and
- (8) RCW 27.60.900 and 1989 c 82 s 3, 1985 c 268 s 3, & 1982 c 90 s 6.

#### PART 8 STUDENT FINANCIAL AID POLICY STUDY ADVISORY COMMITTEE

**Sec. 801.** RCW 28B.10.804 and 1969 ex.s. c 222 s 10 are each amended to read as follows:

The commission shall be cognizant of the following guidelines in the performance of its duties:

- (1) The commission shall be research oriented, not only at its inception but continually through its existence.

(2) The commission shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The commission shall take the initiative and responsibility for coordinating all federal student financial aid programs to insure that the state recognizes the maximum potential effect of these programs, and shall design the state program which complements existing federal, state and institutional programs.

(4) Counseling is a paramount function of student financial aid, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the commission, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) ~~((In the development of any new program, the commission shall seek advice from and consultation with the institutions of higher learning, state agencies, industry, labor, and such other interested groups as may be able to contribute to the effectiveness of program development and implementation.~~

~~(6))~~ The "package" approach of combining loans, grants and employment for student financial aid shall be the conceptional element of the state's involvement.

PART 9  
ADVISORY COMMITTEE ON ACCESS TO EDUCATION  
FOR STUDENTS WITH DISABILITIES

NEW SECTION. **Sec. 901.** The following acts or parts of acts are each repealed:

- (1) RCW 28B.80.550 and 1991 c 228 s 7; and
- (2) RCW 28B.80.555 and 1991 c 228 s 8.

PART 10  
ADVISORY COMMITTEE FOR PROGRAM FOR  
DISLOCATED FOREST PRODUCTS WORKERS

**Sec. 1001.** RCW 28B.80.575 and 1991 c 315 s 19 are each amended to read as follows:

The board shall administer a program designed to provide upper division higher education opportunities to dislocated forest products workers, their spouses, and others in timber impact areas. In administering the program, the board shall have the following powers and duties:

(1) Distribute funding for institutions of higher education to service placebound students in the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average; and

~~(2) ((Appoint an advisory committee to assist the board in program design and future project selection;~~

~~(3))~~ Monitor the program and report on student progress and outcome~~((; and~~

~~(4) Report to the legislature by December 1, 1993, on the status of the program)).~~

PART 11  
STATE FIRE DEFENSE BOARD AND  
FIRE PROTECTION POLICY BOARD

**Sec. 1101.** RCW 38.54.030 and 1992 c 117 s 11 are each amended to read as follows:

~~((There is created the state fire defense board consisting of the state fire marshal, a representative from the department of natural resources appointed by the commissioner of public lands, the assistant director of the emergency management division of the department of community development, and one representative selected by each regional fire defense board in the state. Members of the state fire defense board shall select from among themselves a chairperson. Members~~

~~servicing on the board do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses from the state.)~~

The state fire ~~((defense board shall develop and maintain))~~ protection policy board shall review and make recommendations to the director on the refinement and maintenance of the Washington state fire services mobilization plan, which shall include the procedures to be used during fire and other emergencies for coordinating local, regional, and state fire jurisdiction resources. In carrying out this duty, the fire protection policy board shall consult with and solicit recommendations from representatives of state and local fire and emergency management organizations, regional fire defense boards, and the department of natural resources. The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The director shall review the fire services mobilization plan as submitted by the state fire defense board and after consultation with the fire protection policy board, recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.

It is the responsibility of the director to mobilize jurisdictions under the Washington state fire services mobilization plan. The state fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.

## PART 12 EMERGENCY MANAGEMENT COUNCIL AND RELATED BOARDS

**Sec. 1201.** RCW 38.52.030 and 1991 c 322 s 20 and 1991 c 54 s 2 are each reenacted and amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

~~(6) ((The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members~~

~~shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee))~~ The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a state-wide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

**Sec. 1202.** RCW 38.52.040 and 1988 c 81 s 18 are each amended to read as follows:

(1) There is hereby created the emergency management council (hereinafter called the council), to consist of not ~~((less than seven nor))~~ more than seventeen members who shall be appointed by the governor. ~~((The council shall advise the governor and the director on all matters pertaining to emergency management and shall advise the chief of the Washington state patrol on safety in the transportation of hazardous materials described in RCW 46.48.170.))~~ The membership of the council shall include, but not be limited to, representatives of city and county governments, sheriffs and police chiefs, the Washington state patrol, the military department, the department of ecology, state and local fire chiefs, seismic safety experts, state and local emergency management directors, search and rescue volunteers, medical professions who have expertise in emergency medical care, building officials, and private industry~~((, and local fire chiefs))~~. The representatives of private industry shall include persons knowledgeable in ~~((the handling and transportation of hazardous materials))~~ emergency and hazardous materials management. The council members shall elect a chairman from within the council membership. The members of the council shall serve without compensation, but may be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The emergency management council shall advise the governor and the director on all matters pertaining to state and local emergency management. The council may appoint such ad hoc committees, subcommittees, and working groups as are required to develop specific recommendations for the improvement of emergency management practices, standards, policies, or procedures. The council shall ensure that the governor receives an annual assessment of state-wide emergency preparedness including, but not limited to, specific progress on hazard mitigation and reduction efforts, implementation of seismic safety improvements, reduction of flood hazards, and coordination of hazardous materials planning and response activities. The council or a subcommittee thereof shall periodically convene in special session and serve during those sessions as the state emergency response commission required by P.L. 99-499, the emergency planning and community right-to-know act. When sitting in session as the state emergency response commission, the council shall confine its deliberations to those items specified in federal statutes and state administrative rules governing the coordination of hazardous materials policy. The council shall review administrative rules governing state and local emergency management practices and recommend necessary revisions to the director.

NEW SECTION. Sec. 1203. By July 1, 1995, the director of community, trade, and economic development shall terminate the state emergency response commission, the disaster assistance council, the hazardous materials advisory committee, the hazardous materials transportation act grant review committee, the flood damage reduction committee, and the hazard mitigation grant review committee. The director shall ensure that the responsibilities of these committees are carried out by the emergency management council or subcommittees thereof.

PART 13  
OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES  
ADVISORY COMMITTEE

NEW SECTION. Sec. 1301. RCW 39.19.040 and 1985 c 466 s 45 & 1983 c 120 s 4 are each repealed.

NEW SECTION. Sec. 1302. A new section is added to chapter 39.19 RCW to read as follows:

The director may establish ad hoc advisory committees, as necessary, to assist in the development of policies to carry out the purposes of this chapter.

PART 14  
SUPPLY MANAGEMENT ADVISORY BOARD

**Sec. 1401.** RCW 43.19.190 and 1994 c 138 s 1 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by the legislature: PROVIDED, That any agency may purchase material, supplies, services, and equipment for which the agency has notified the purchasing and material control director that it is more cost-effective for the agency to make the purchase directly from the vendor: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities

operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935: PROVIDED FURTHER, That, except for the authority of the risk manager to purchase insurance and bonds, the director is not required to provide purchasing services for institutions of higher education that choose to exercise independent purchasing authority under RCW 28B.10.029;

~~(3) ((Provide the required staff assistance for the state supply management advisory board through the division of purchasing;~~

~~(4))~~ Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies(~~:- PROVIDED, That~~). Acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, or from policies established by the director (~~(after consultation with the state supply management advisory board: PROVIDED FURTHER, That)~~). Also, delegation of such authorization to a state agency, including an educational institution to which this section applies, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

~~((5))~~ (4) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

~~((6))~~ (5) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

~~((7))~~ (6) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

~~((8))~~ (7) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

~~((9))~~ (8) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications (~~(after receiving the recommendation of the supply management advisory board)~~);

~~((10))~~ (9) Provide for the maintenance of inventory records of supplies, materials, and other property;

~~((11))~~ (10) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

~~((12))~~ (11) Publish procedures and guidelines for compliance by all state agencies, including those educational institutions to which this section applies, which implement overall state purchasing and material control policies;

~~((13))~~ (12) Advise state agencies, including educational institutions, regarding compliance with established purchasing and material control policies under existing statutes.

**Sec. 1402.** RCW 43.19.1905 and 1993 sp.s. c 10 s 3 are each amended to read as follows:

The director of general administration(~~(, after consultation with the supply management advisory board)~~) shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;



- (2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;
- (3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;
- (4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;
- (5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;
- (6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;
- (7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions (~~under the provisions of RCW 43.19.510~~), including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;
- (8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;
- (9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;
- (10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;
- (11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;
- (12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;
- (13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;
- (14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;
- (15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;
- (16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;
- (17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;
- (18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;
- (19) Resolution of all other purchasing and material matters (~~referred to him by a member of the advisory board~~) which require the establishment of overall state-wide policy for effective and economical supply management;
- (20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002).

**Sec. 1403.** RCW 43.19.19052 and 1986 c 158 s 9 are each amended to read as follows:

Initial policy determinations for the functions described in RCW 43.19.1905 shall be developed and published within the 1975-77 biennium by the director(~~(, after consultation with the supply management advisory board)~~) for guidance and compliance by all state agencies, including educational institutions, involved in purchasing and material control. Modifications to these initial supply management policies established during the 1975-77 biennium shall be instituted by the director(~~(, after consultation with the advisory board)~~) in future biennia as required to maintain an efficient and up-to-date state supply management system. The director shall transmit to the governor and the legislature in June 1976 and June 1977 a progress report which indicates the degree of accomplishment of each of these assigned duties, and which summarizes specific achievements obtained in increased effectiveness and dollar savings or cost avoidance within the overall state purchasing and material control system. The second progress report in June 1977 shall include a comprehensive supply management plan which includes the recommended organization of a state-wide purchasing and material control system and development of an orderly schedule for implementing such recommendation. In the interim between these annual progress reports, the director shall furnish periodic reports to the office of financial management for review of progress being accomplished in achieving increased efficiencies and dollar savings or cost avoidance.

It is the intention of the legislature that measurable improvements in the effectiveness and economy of supply management in state government shall be achieved during the 1975-77 biennium, and each biennium thereafter. All agencies, departments, offices, divisions, boards, and commissions and educational, correctional, and other types of institutions are required to cooperate with and support the development and implementation of improved efficiency and economy in purchasing and material control. To effectuate this legislative intention, the director, (~~(in consultation with the supply management advisory board, and)~~) through the state purchasing and material control director, shall have the authority to direct and require the submittal of data from all state organizations concerning purchasing and material control matters.

**Sec. 1404.** RCW 43.19.1906 and 1994 c 300 s 1 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred

dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars (~~((with the approval of at least ten of the members of the state supply management advisory board))~~), if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

**Sec. 1405.** RCW 43.19.1937 and 1975-'76 2nd ex.s. c 21 s 13 are each amended to read as follows:

No (~~(member of the state supply management advisory board or)~~) state employee whose duties performed for the state include:

- (1) Advising on or drawing specifications for supplies, equipment, commodities, or services;
- (2) Suggesting or determining vendors to be placed upon a bid list;
- (3) Drawing requisitions for supplies, equipment, commodities, or services;
- (4) Evaluating specifications or bids and suggesting or determining awards; or
- (5) Accepting the receipt of supplies, equipment, and commodities or approving the performance of services or contracts;

shall accept or receive, directly or indirectly, a personal financial benefit, or accept any gift, token, membership, or service, as a result of a purchase entered into by the state, from any person, firm, or corporation engaged in the sale, lease, or rental of property, material, supplies, equipment, commodities, or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission.

**Sec. 1406.** RCW 43.19A.020 and 1991 c 297 s 3 are each amended to read as follows:

(1) The director shall adopt standards specifying the minimum content of recycled materials in products or product categories. The standards shall:

(a) Be consistent with the USEPA product standards, unless the director finds that a different standard would significantly increase recycled product availability or competition;

(b) Consider the standards of other states, to encourage consistency of manufacturing standards;

(c) Consider regional product manufacturing capability;

(d) Address specific products or classes of products; and

(e) Consider postconsumer waste content and the recyclability of the product.

(2) The director shall consult with the ((supply management board and)) department of ecology prior to adopting the recycled content standards.

(3) The director shall adopt recycled content standards for at least the following products by the dates indicated:

(a) By July 1, 1992:

(i) Paper and paper products;

(ii) Organic recovered materials; and

(iii) Latex paint products;

(b) By July 1, 1993:

(i) Products for lower value uses containing recycled plastics;

(ii) Retread and remanufactured tires;

(iii) Lubricating oils;

(iv) Automotive batteries; and

(v) Building insulation.

(4) The standards required by this section shall be applied to recycled product purchasing by the department and other state agencies. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

NEW SECTION. **Sec. 1407.** RCW 43.19.1904 and 1979 c 88 s 2, 1975-'76 2nd ex.s. c 21 s 4, 1967 ex.s. c 104 s 4, & 1965 c 8 s 43.19.1904 are each repealed.

#### PART 15

#### PRESCRIPTION DRUG PROGRAM ADVISORY COMMITTEE

NEW SECTION. **Sec. 1501.** By July 1, 1995, the secretary of the department of social and health services shall abolish the prescription drug program advisory committee.

#### PART 16

#### TELECOMMUNICATIONS RELAY SERVICE PROGRAM ADVISORY COMMITTEE

NEW SECTION. **Sec. 1601.** RCW 43.20A.730 and 1992 c 144 s 4, 1990 c 89 s 4, & 1987 c 304 s 4 are each repealed.

#### PART 17

#### LABORATORY ACCREDITATION ADVISORY COMMITTEE

NEW SECTION. **Sec. 1701.** By July 1, 1995, the director of the department of ecology shall abolish the laboratory accreditation advisory committee.

#### PART 18

#### METALS MINING ADVISORY GROUP

NEW SECTION. **Sec. 1801.** 1994 c 232 s 27 (uncodified) is repealed.

PART 19  
ECONOMIC RECOVERY COORDINATION BOARD

**Sec. 1901.** RCW 43.20A.750 and 1993 c 280 s 38 are each amended to read as follows:

(1) The department of social and health services shall help families and workers in timber impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency timber task force (~~and in consultation with the economic recovery coordination board,~~) and, where appropriate, under an interagency agreement with the department of community, trade, and economic development, shall provide grants through the office of the secretary for services to the unemployed in timber impact areas, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.

(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the economic recovery coordination board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs. No funds shall be used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Timber impact area" means:

~~((a))~~ A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: ~~((i))~~ (a) A lumber and wood products employment location quotient at or above the state average; ~~((ii))~~ (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or ~~((iii))~~ (c) an annual unemployment rate twenty percent or more above the state average(~~;~~ or

~~(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection)).~~

NEW SECTION. **Sec. 1902.** RCW 43.31.631 and 1993 c 316 s 3 & 1991 c 314 s 6 are each repealed.

PART 20  
JOINT OPERATING AGENCY EXECUTIVE COMMITTEE

NEW SECTION. **Sec. 2001.** RCW 43.52.373 and 1982 1st ex.s. c 43 s 6 & 1965 c 8 s 43.52.373 are each repealed.

PART 21  
OFFICE OF CRIME VICTIMS ADVOCACY ADVISORY COMMITTEE

NEW SECTION. **Sec. 2101.** By July 1, 1995, the director of the department of community, trade, and economic development shall abolish the office of crime victims advocacy advisory committee.

NEW SECTION. **Sec. 2102.** A new section is added to chapter 43.63A RCW to read as follows:

The director of the department of community, trade, and economic development may establish ad hoc advisory committees, as necessary, to obtain advice and guidance regarding the office of crime victims advocacy program.

PART 22  
HEALTH CARE ACCESS AND COST CONTROL COUNCIL

**Sec. 2201.** RCW 43.70.010 and 1994 sp.s. c 7 s 206 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Assessment" means the regular collection, analysis, and sharing of information about health conditions, risks, and resources in a community. Assessment activities identify trends in illness, injury, and death and the factors that may cause these events. They also identify environmental risk factors, community concerns, community health resources, and the use of health services. Assessment includes gathering statistical data as well as conducting epidemiologic and other investigations and evaluations of health emergencies and specific ongoing health problems;

(2) "Board" means the state board of health;

(3) (~~"Council" means the health care access and cost control council;~~

~~(4))~~ "Department" means the department of health;

~~((5))~~ (4) "Policy development" means the establishment of social norms, organizational guidelines, operational procedures, rules, ordinances, or statutes that promote health or prevent injury, illness, or death; and

~~((6))~~ (5) "Secretary" means the secretary of health.

**Sec. 2202.** RCW 43.70.070 and 1989 1st ex.s. c 9 s 109 are each amended to read as follows:

The department shall evaluate and analyze readily available data and information to determine the outcome and effectiveness of health services, utilization of services, and payment methods. This section should not be construed as allowing the department access to proprietary information.

(1) The department shall make its evaluations available to the board (~~and the council~~) for use in preparation of the state health report required by RCW 43.20.050, and to consumers, purchasers, and providers of health care.

(2) The department(~~, with advice from the council~~) shall use the information to:

(a) Develop guidelines which may be used by consumers, purchasers, and providers of health care to encourage necessary and cost-effective services; and

(b) Make recommendations to the governor on how state government and private purchasers may be prudent purchasers of cost-effective, adequate health services.

**Sec. 2203.** RCW 70.170.020 and 1989 1st ex.s. c 9 s 502 are each amended to read as follows:

As used in this chapter:

(1) (~~"Council" means the health care access and cost control council created by this chapter.~~

~~(2))~~ "Department" means department of health.

~~((3))~~ (2) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

~~((4))~~ (3) "Secretary" means secretary of health.

~~((5))~~ (4) "Charity care" means necessary hospital health care rendered to indigent persons, to the extent that the persons are unable to pay for the care or to pay deductibles or co-insurance amounts required by a third-party payer, as determined by the department.

~~((6))~~ (5) "Sliding fee schedule" means a hospital-determined, publicly available schedule of discounts to charges for persons deemed eligible for charity care; such schedules shall be established after consideration of guidelines developed by the department.

~~((7))~~ (6) "Special studies" means studies which have not been funded through the department's biennial or other legislative appropriations.

NEW SECTION. **Sec. 2204.** The following acts or parts of acts are each repealed:

- (1) RCW 70.170.030 and 1989 1st ex.s. c 9 s 503; and
- (2) RCW 70.170.040 and 1989 1st ex.s. c 9 s 504.

#### PART 23 COUNCIL ON VOLUNTEERISM AND CITIZEN SERVICE

**Sec. 2301.** RCW 43.150.030 and 1992 c 66 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer" means a person who is willing to work without expectation of salary or financial reward and who chooses where he or she provides services and the type of services he or she provides.

(2) "Center" means the state center for volunteerism and citizen service.

~~((3) "Council" means the Washington state council on volunteerism and citizen service.)~~

NEW SECTION. **Sec. 2302.** RCW 43.150.060 and 1992 c 66 s 6, 1987 c 505 s 39, 1985 c 110 s 1, & 1982 1st ex.s. c 11 s 6 are each repealed.

#### PART 24 COMMISSION ON EFFICIENCY AND ACCOUNTABILITY IN GOVERNMENT

NEW SECTION. **Sec. 2401.** The following acts or parts of acts are each repealed:

- (1) RCW 43.17.260 and 1987 c 480 s 1;
- (2) RCW 43.17.270 and 1987 c 480 s 2;
- (3) RCW 43.17.280 and 1987 c 480 s 3;
- (4) RCW 43.17.290 and 1987 c 480 s 4;
- (5) RCW 43.17.300 and 1987 c 480 s 5; and
- (6) 1991 c 53 s 1 & 1987 c 480 s 6 (uncodified).

#### PART 25 TECHNICAL ADVISORY COMMITTEE ON PUPIL TRANSPORTATION

**Sec. 2501.** RCW 46.61.380 and 1984 c 7 s 70 are each amended to read as follows:

The state superintendent of public instruction(~~(, by and with the advice of the state department of transportation and the chief of the Washington state patrol,)) shall adopt and enforce rules not inconsistent with the law of this state to govern the design, marking, and mode of operation of all school buses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children. Those rules shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district is subject to such rules. It is unlawful for any officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such rules.~~

PART 26  
TRANSPORTATION IMPROVEMENT BOARD AND  
MULTIMODAL TRANSPORTATION PROGRAMS  
AND PROJECTS SELECTION COMMITTEE

**Sec. 2601.** RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the ~~((department of))~~ transportation improvement board and allocated by the ~~((multimodal transportation programs and projects selection committee created in RCW 47.66.020))~~ transportation improvement board to public transportation projects within the region from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and

(e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the ~~((department of))~~ transportation improvement board and allocated by the ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;

(e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and

(f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.

**Sec. 2602.** RCW 81.104.090 and 1993 c 393 s 2 are each amended to read as follows:

The department of transportation shall be responsible for distributing amounts appropriated from the high capacity transportation account, which shall be allocated by the ~~((multimodal transportation programs and projects selection committee))~~ department of transportation based on criteria in subsection (2) of this section. The department shall assemble and participate in a committee comprised of transit agencies eligible to receive funds from the high capacity transportation account for the purpose of reviewing fund applications.

(1) State high capacity transportation account funds may provide up to eighty percent matching assistance for high capacity transportation planning efforts.

(2) Authorizations for state funding for high capacity transportation planning projects shall be subject to the following criteria:



- (a) Conformance with the designated regional transportation planning organization's regional transportation plan;
  - (b) Local matching funds;
  - (c) Demonstration of projected improvement in regional mobility;
  - (d) Conformance with planning requirements prescribed in RCW 81.104.100, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of RCW 81.104.110; and
  - (e) Establishment, through interlocal agreements, of a joint regional policy committee as defined in RCW 81.104.030 or 81.104.040.
- (3) The department of transportation shall provide general review and monitoring of the system and project planning process prescribed in RCW 81.104.100.

**Sec. 2603.** RCW 47.26.121 and 1994 c 179 s 13 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of ~~((eighteen))~~ twenty-one members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) One representative appointed by the governor who shall be a state employee with responsibility for transportation policy, planning, or funding; (b) ~~((the assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation; (c) the assistant secretary for local programs of))~~ two representatives from the department of transportation; ((d) a) (c) two representatives of ((a)) public transit systems; ((e)) (d) a private sector representative; ((and (f) a public member)) (e) a member representing the ports; (f) a member representing nonmotorized transportation; and (g) a member representing special needs transportation.

(2) Of the county members of the board, one shall be a county engineer or public works director; one shall be the executive director of the county road administration board; one shall be a county planning director or planning manager; one shall be a county executive, councilmember, or commissioner from a county with a population of one hundred twenty-five thousand or more; one shall be a county executive, councilmember, or commissioner of a county who serves on the board of a public transit system; and one shall be a county executive, councilmember, or commissioner from a county with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. No more than two of the three county-elected officials may represent counties located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(3) Of the city members of the board one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city with a population of twenty thousand or more; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; one shall be a city planning director or planning manager; one shall be a mayor, commissioner, or city councilmember of a city with a population of twenty thousand or more; one shall be a mayor, commissioner, or city councilmember of a city who serves on the board of a public transit system; and one shall be a mayor, commissioner, or councilmember of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city. No more than two of the three city-elected officials may represent cities located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(4) Of the transit members, at least one shall be a general manager, executive director, or transit director of a public transit system in an urban area with a population over two hundred thousand and at least one representative from a rural or small urban transit system in an area with a population less than two hundred thousand.

(5) The private sector member shall be a citizen with business, management, and transportation related experience and shall be active in a business community-based transportation organization.

(6) The public member shall have professional experience in transportation or land use planning, a demonstrated interest in transportation issues, and involvement with community groups or grass roots organizations.

(7) The port member shall be a commissioner or senior staff person of a public port.

(8) The nonmotorized transportation member shall be a citizen with a demonstrated interest and involvement with a nonmotorized transportation group.

(9) The specialized transportation member shall be a citizen with a demonstrated interest and involvement with a state-wide specialized needs transportation group.

(10) Appointments of county, city, Washington department of transportation, transit, port, nonmotorized transportation, special needs transportation, private sector, and public representatives shall be made by the secretary of the department of transportation. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members, the association of Washington cities for city members, ~~((and))~~ the Washington state transit association for the transit members, and the Washington public ports association for the port member. The private sector ~~((and))~~, public, nonmotorized transportation, and special needs members shall be sought through classified advertisements in selected newspapers collectively serving all urban areas of the state, and other appropriate means. Persons applying for the private sector, nonmotorized transportation, special needs transportation, or the public member position must provide a letter of interest and a resume to the secretary of the department of transportation. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason or when a private sector, nonmotorized transportation, special needs transportation, or public member resigns or is unable or unwilling to serve.

~~((8))~~ (11) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years. The initial term of appointed members may be for less than four years. No appointed member may serve more than two consecutive four-year terms.

~~((9))~~ (12) The board shall elect a chair from among its members for a two-year term.

~~((10))~~ (13) Expenses of the board shall be paid in accordance with RCW 47.26.140.

~~((11))~~ (14) For purposes of this section, "public transit system" means a city-owned transit system, county transportation authority, metropolitan municipal corporation, public transportation benefit area, or regional transit authority.

**Sec. 2604.** RCW 47.66.030 and 1993 c 393 s 5 are each amended to read as follows:

(1)(a) The ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board is authorized and responsible for the final selection of programs and projects funded from the central Puget Sound public transportation account; public transportation systems account; high capacity transportation account; and the intermodal surface transportation and efficiency act of 1991, surface transportation program, state-wide competitive.

(b) The ~~((committee))~~ board may establish subcommittees ~~((of the full committee))~~ as well as technical advisory committees to carry out the mandates of this chapter.

(2)~~((a))~~ Expenses of the ~~((committee))~~ board, including administrative expenses for managing the program, shall be paid ~~((from the transportation fund))~~ in accordance with RCW 47.26.140.

~~((b) Members of the committee shall receive no compensation for their services on the committee, but shall be reimbursed for travel expenses incurred while attending meetings of the committee or while engaged on other business of the committee when authorized by the committee in accordance with RCW 43.03.050 and 43.03.060.))~~

**Sec. 2605.** RCW 47.26.140 and 1994 c 179 s 14 are each amended to read as follows:

The transportation improvement board shall appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board, and may employ additional staff as it deems appropriate. All costs associated with staff, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060, shall be paid from the urban arterial trust account, small city account, city

hardship assistance account, transportation fund, and the transportation improvement account in the motor vehicle fund as determined by the biennial appropriation.

**Sec. 2606.** RCW 47.66.040 and 1993 c 393 s 6 are each amended to read as follows:

(1) The (~~((multimodal transportation programs and projects selection committee))~~) transportation improvement board shall select programs and projects based on a competitive process consistent with the mandates governing each account or source of funds. The competition shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the (~~((committee))~~) board in selecting programs and projects:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with disabilities act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by this (~~((committee))~~) board, and safety and security issues.

(3) The (~~((committee))~~) board shall determine the appropriate level of local match required for each program and project based on the source of funds.

**Sec. 2607.** RCW 47.26.160 and 1994 c 179 s 15 are each amended to read as follows:

The transportation improvement board shall:

(1) Adopt rules necessary to implement the provisions of chapter 47.66 RCW and this chapter relating to the allocation of funds;

(2) Adopt reasonably uniform design standards for city and county arterials.

NEW SECTION. **Sec. 2608.** The following acts or parts of acts are each repealed:

- (1) RCW 47.66.020 and 1993 c 393 s 4;
- (2) RCW 47.66.050 and 1993 c 393 s 7; and
- (3) RCW 47.66.060 and 1993 c 393 s 8.

#### PART 27

#### OVERSIGHT COMMITTEE ON LONGSHOREMAN'S AND HARBOR WORKER'S COMPENSATION COVERAGE

NEW SECTION. **Sec. 2701.** The following acts or parts of acts are each repealed:

- (1) RCW 48.22.071 and 1992 c 209 s 3; and
- (2) RCW 48.22.072 and 1993 c 177 s 2 & 1992 c 209 s 4.

#### PART 28

#### BOARD OF ADVISORS FOR SOLID WASTE INCINERATOR AND LANDFILL OPERATOR CERTIFICATION

**Sec. 2801.** RCW 70.95D.010 and 1989 c 431 s 65 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) (~~(("Board" means the board of advisors for solid waste incinerator and landfill operator certification established by RCW 70.95D.050.~~

~~((2)))~~ "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3)))~~ (2) "Department" means the department of ecology.

~~((4))~~ (3) "Director" means the director of ecology.

~~((5))~~ (4) "Incinerator" means a facility which has the primary purpose of burning or which is designed with the primary purpose of burning solid waste or solid waste derived fuel, but excludes facilities that have the primary purpose of burning hog fuel.

~~((6))~~ (5) "Landfill" means a landfill as defined under RCW 70.95.030.

~~((7))~~ (6) "Owner" means, in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee; in the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee; in the case of a privately owned landfill or incinerator, the legal owner.

~~((8))~~ (7) "Solid waste" means solid waste as defined under RCW 70.95.030.

**Sec. 2802.** RCW 70.95D.060 and 1989 c 431 s 70 are each amended to read as follows:

(1) The director may ~~((with the recommendation of the board and after a hearing before the board,))~~ revoke a certificate:

- (a) If it were found to have been obtained by fraud or deceit;
- (b) For gross negligence in the operation of a solid waste incinerator or landfill;
- (c) For violating the requirements of this chapter or any lawful rule or order of the department;

or

(d) If the facility operated by the certified employee is operated in violation of state or federal environmental laws.

(2) A person whose certificate is revoked under this section shall not be eligible to apply for a certificate for one year from the effective date of the final order ~~((or of))~~ of revocation.

NEW SECTION. **Sec. 2803.** RCW 70.95D.050 and 1989 c 431 s 69 are each repealed.

NEW SECTION. **Sec. 2804.** A new section is added to chapter 70.95D RCW to read as follows:

The director may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance on the certification of solid waste incinerator and landfill operators.

PART 29  
WATER AND WASTEWATER OPERATOR CERTIFICATION  
BOARD OF EXAMINERS

**Sec. 2901.** RCW 70.95B.020 and 1987 c 357 s 1 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) ~~((Board means the water and wastewater operator certification board of examiners established by RCW 70.95B.070.~~

~~((4))~~ "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((5))~~ (4) "Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems.

~~((6))~~ (5) "Operator in responsible charge" means an individual who is designated by the owner as the person on-site in responsible charge of the routine operation of a wastewater treatment plant.

~~((7))~~ (6) "Nationally recognized association of certification authorities" shall mean that organization which serves as an information center for certification activities, recommends minimum

standards and guidelines for classification of potable water treatment plants, water distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((8))~~ (7) "Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used for the purpose of collecting and transporting wastewater.

~~((9))~~ (8) "Operating experience" means routine performance of duties, on-site in a wastewater treatment plant, that affects plant performance or effluent quality.

~~((10))~~ (9) "Owner" means in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chairman of the county legislative authority or the chairman's designee; in the case of a sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee; in the case of a privately owned wastewater treatment plant, the legal owner.

~~((11))~~ (10) "Wastewater certification program coordinator" means an employee of the department ~~((who is appointed by the director to serve on the board and))~~ who administers the wastewater treatment plant operators' certification program.

**Sec. 2902.** RCW 70.95B.040 and 1987 c 357 s 3 are each amended to read as follows:

The director ~~((, with the approval of the board,))~~ shall adopt and enforce such rules and regulations as may be necessary for the administration of this chapter. The rules and regulations shall include, but not be limited to, provisions for the qualification and certification of operators for different classifications of wastewater treatment plants.

**Sec. 2903.** RCW 70.95B.100 and 1973 c 139 s 10 are each amended to read as follows:

The director may, ~~((with the recommendation of the board and after a hearing before the same))~~ after conducting a hearing, revoke a certificate found to have been obtained by fraud or deceit, or for gross negligence in the operation of a waste treatment plant, or for violating the requirements of this chapter or any lawful rule, order or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of this final order or revocation.

**Sec. 2904.** RCW 70.119.020 and 1991 c 305 s 2 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) ~~(("Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.~~

~~((2))~~ (2) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ (2) "Certified operator" means an individual holding a valid certificate and employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington and who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

~~((4))~~ (3) "Department" means the department of health.

~~((5))~~ (4) "Distribution system" means that portion of a public water system which stores, transmits, pumps and distributes water to consumers.

~~((6))~~ (5) "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:

(a) Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as giardia lamblia; or

(b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

~~((7))~~ (6) "Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections.

Group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people.

~~((8))~~ (7) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((9))~~ (8) "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

~~((10))~~ (9) "Purification plant" means that portion of a public water system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

~~((11))~~ (10) "Secretary" means the secretary of the department of health.

~~((12))~~ (11) "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations, three persons will be considered equivalent to one service.

~~((13))~~ (12) "Surface water" means all water open to the atmosphere and subject to surface runoff.

**Sec. 2905.** RCW 70.119.050 and 1983 c 292 s 4 are each amended to read as follows:

The secretary shall adopt~~(, with the approval of the board,)~~ such rules and regulations as may be necessary for the administration of this chapter and shall enforce such rules and regulations. The rules and regulations shall include provisions establishing minimum qualifications and procedures for the certification of operators, criteria for determining the kind and nature of continuing educational requirements for renewal of certification under RCW 70.119.100(2), and provisions for classifying water purification plants and distribution systems.

Rules and regulations adopted under the provisions of this section shall be adopted in accordance with the provisions of chapter 34.05 RCW.

**Sec. 2906.** RCW 70.119.110 and 1991 c 305 s 7 are each amended to read as follows:

The secretary may~~(, with the recommendation of the board and after hearing before the same,)~~ after conducting a hearing revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for an intentional violation of the requirements of this chapter or any lawful rules, order, or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of the final order of revocation.

NEW SECTION. **Sec. 2907.** The following acts or parts of acts are each repealed:

(1) RCW 70.95B.070 and 1984 c 287 s 106, 1975-'76 2nd ex.s. c 34 s 161, & 1973 c 139 s 7;  
and

(2) RCW 70.119.080 and 1983 c 292 s 6 & 1977 ex.s. c 99 s 8.

NEW SECTION. **Sec. 2908.** A new section is added to chapter 70.95B RCW to read as follows:

The director, in cooperation with the secretary of health, may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance regarding the examination and certification of operators of wastewater treatment plants.

NEW SECTION. **Sec. 2909.** A new section is added to chapter 70.119 RCW to read as follows:

The secretary, in cooperation with the director of ecology, may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance regarding the development of rules implementing this chapter and on the examination and certification of operators of water systems.

PART 30  
TWIN RIVERS CORRECTIONS CENTER  
VOLUNTEER ADVISORY COMMITTEE

NEW SECTION. **Sec. 3001.** By July 1, 1995, the secretary of the department of corrections shall abolish the twin rivers corrections center volunteer advisory committee.

PART 31  
SEA URCHIN AND SEA CUCUMBER ADVISORY REVIEW BOARDS

**Sec. 3101.** RCW 75.30.050 and 1994 sp.s. c 9 s 807 and 1994 c 260 s 18 are each reenacted and amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

(a) The commercial crab fishing industry in cases involving Dungeness crab—Puget Sound fishery licenses;

(b) The commercial herring fishery in cases involving herring fishery licenses;

(c) The commercial sea urchin and sea cucumber fishery in cases involving sea urchin and sea cucumber dive fishery licenses;

(d) ~~((The commercial sea cucumber fishery in cases involving sea cucumber dive fishery licenses;~~

~~(e)))~~ (e)) The commercial ocean pink shrimp industry (*Pandalus jordani*) in cases involving ocean pink shrimp delivery licenses; and

~~((f)))~~ (e) The commercial coastal crab fishery in cases involving Dungeness crab—coastal fishery licenses and Dungeness crab—coastal class B fishery licenses. The members shall include one person from the commercial crab processors, one Dungeness crab—coastal fishery license holder, and one citizen representative of a coastal community.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

PART 32  
ADVISORY BOARD FOR THE PURCHASE OF  
FISHING VESSELS AND LICENSES

**Sec. 3201.** RCW 75.44.140 and 1983 1st ex.s. c 46 s 159 are each amended to read as follows:

The director shall adopt rules for the administration of the program. To assist the department in the administration of the program, the director may contract with persons not employed by the state and may enlist the aid of other state agencies.

~~((The director shall appoint an advisory board composed of five individuals who are knowledgeable of the commercial fishing industry to advise the director concerning the values of licenses and permits. Advisory board members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.))~~

PART 33  
RAIL DEVELOPMENT COMMISSION

NEW SECTION. **Sec. 3301.** The following acts or parts of acts are each repealed:

(1) RCW 81.62.010 and 1987 c 429 s 1;

(2) RCW 81.62.020 and 1987 c 429 s 2;

- (3) RCW 81.62.030 and 1987 c 429 s 3;
- (4) RCW 81.62.040 and 1987 c 429 s 4;
- (5) RCW 81.62.050 and 1987 c 429 s 5;
- (6) RCW 81.62.060 and 1987 c 429 s 6;
- (7) RCW 81.62.900 and 1987 c 429 s 7; and
- (8) RCW 81.62.901 and 1987 c 429 s 8.

PART 34  
MARINE OVERSIGHT BOARD

NEW SECTION. **Sec. 3401.** RCW 90.56.450 and 1992 c 73 s 40 & 1991 c 200 s 501 are each repealed.

PART 35  
INTERAGENCY COORDINATING COMMITTEE FOR PUGET SOUND  
AMBIENT MONITORING PROGRAM

**Sec. 3501** RCW 90.70.065 and 1994 c 264 s 98 are each amended to read as follows:

(1) In addition to other powers and duties specified in this chapter, the authority shall ensure implementation and coordination of the Puget Sound ambient monitoring program established in the plan under RCW 90.70.060(12). The program shall:

- (a) Develop a baseline and examine differences among areas of Puget Sound, for environmental conditions, natural resources, and contaminants in seafood, against which future changes can be measured;
- (b) Take measurements relating to specific program elements identified in the plan;
- (c) Measure the progress of the ambient monitoring programs implemented under the plan;
- (d) Provide a permanent record of significant natural and human-caused changes in key environmental indicators in Puget Sound; and
- (e) Help support research on Puget Sound.

(2) ~~((To ensure proper coordination of the ambient monitoring program, the authority may establish an interagency coordinating committee consisting of representatives from the departments of ecology, fish and wildlife, natural resources, and health, and such federal, local, tribal, and other organizations as are necessary to implement the program.~~

(3)) Each state agency with responsibilities for implementing the Puget Sound ambient monitoring program, as specified in the plan, shall participate in the program.

PART 36  
MISCELLANEOUS

NEW SECTION. **Sec. 3601.** Part headings as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 3602.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 3603.** Section 301 of this act shall take effect June 30, 1997.

NEW SECTION. **Sec. 3604.** Sections 101, 201, 302, 303, 401, 402, 501 through 505, 601, 701, 801, 901, 1001, 1101, 1201 through 1203, 1301, 1302, 1401 through 1407, 1501, 1601, 1701, 1801, 1901, 1902, 2001, 2101, 2102, 2201 through 2204, 2301, 2302, 2401, 2501, 2601 through 2608, 2701, 2801 through 2804, 2901 through 2909, 3001, 3101, 3201, 3301, 3401, and 3501 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."



On page 1, line 2 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 13.40.025, 9.94A.040, 18.16.050, 18.145.030, 18.145.050, 18.145.070, 18.145.080, 28B.10.804, 28B.80.575, 38.54.030, 38.52.040, 43.19.190, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1937, 43.19A.020, 43.20A.750, 43.70.010, 43.70.070, 70.170.020, 43.150.030, 46.61.380, 81.104.090, 47.26.121, 47.66.030, 47.26.140, 47.66.040, 47.26.160, 70.95D.010, 70.95D.060, 70.95B.020, 70.95B.040, 70.95B.100, 70.119.020, 70.119.050, 70.119.110, 75.44.140, and 90.70.065; reenacting and amending RCW 38.52.030, 82.44.180, and 75.30.050; adding a new section to chapter 9.94A RCW; adding a new section to chapter 39.19 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 70.95D RCW; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.119 RCW; creating new sections; repealing RCW 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050, 1.30.060, 2.52.010, 2.52.020, 2.52.030, 2.52.035, 2.52.040, 2.52.050, 18.145.060, 27.34.300, 27.60.010, 27.60.020, 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.090, 27.60.900, 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904, 43.20A.730, 43.31.631, 43.52.373, 70.170.030, 70.170.040, 43.150.060, 43.17.260, 43.17.270, 43.17.280, 43.17.290, 43.17.300, 47.66.020, 47.66.050, 47.66.060, 48.22.071, 48.22.072, 70.95D.050, 70.95B.070, 70.119.080, 81.62.010, 81.62.020, 81.62.030, 81.62.040, 81.62.050, 81.62.060, 81.62.900, 81.62.901, and 90.56.450; repealing 1994 c 232 s 27 (uncodified); repealing 1991 c 53 s 1 and 1987 c 480 s 6 (uncodified); providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Reams moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1107 and pass the bill as amended by the Senate. The motion was carried.

Representatives Reams and Rust spoke in favor of passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1107 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1107 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Beeksmas, Dellwo, Fisher, G., Fuhrman and Patterson - 5.

Engrossed Substitute House Bill No. 1107, as amended by the Senate, having received the constitutional majority, was declared passed.

## CONFERENCE COMMITTEE REPORT

ESB 5873 Date: April 23, 1995

Includes "new item": YES

Mr. Speaker:  
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5873, raising the fine for parking in places reserved for physically handicapped persons, have had the same under consideration and we recommend that the House amendments not be adopted and the bill be amended as follows:

On page 3, strike lines 32 and 33 and insert:

"(7) It is a (~~traffic~~) parking infraction, with a monetary penalty of (~~fifty~~) one hundred seventy-five dollars for any person to park a vehicle in a parking"

On page 4, strike lines 4 through 6 and insert:

"(8) The (~~portion of a~~) penalty imposed under subsection (7) of this section (~~(that is retained by a local jurisdiction under RCW 3.46.120, 3.50.100, 3.62.020, 3.62.040, or 35.20.220)~~) shall be used by that local"

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Fairley, Sellar, Smith; Representatives Sheahan, Costa.

### MOTION

Representative Sheahan moved that the House adopt the Report of the Conference Committee on Engrossed Senate Bill No. 5873 and pass the bill as recommended by the Conference Committee.

Representatives Sheahan and Costa spoke in favor of the motion and it was carried.

### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5873 as recommended by the Conference Committee.

Representatives Brown and Benton spoke in favor of passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5873 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott,

Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representative Van Luven - 1.

Excused: Representatives Beeksma, Dellwo, Fisher, G., Fuhrman and Patterson - 5.

Engrossed Senate Bill No. 5873, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

#### SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED HOUSE BILL NO. 1173,  
HOUSE BILL NO. 1225,  
SUBSTITUTE HOUSE BILL NO. 1250,  
HOUSE BILL NO. 1359,  
SUBSTITUTE HOUSE BILL NO. 1434,  
HOUSE BILL NO. 1445,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,  
HOUSE BILL NO. 1495,  
SUBSTITUTE HOUSE BILL NO. 1560,  
SUBSTITUTE HOUSE BILL NO. 1669,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821,  
SUBSTITUTE HOUSE BILL NO. 1871,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941,  
ENGROSSED HOUSE BILL NO. 2057,  
HOUSE CONCURRENT RESOLUTION NO. 4408,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5169,  
SENATE BILL NO. 5990,

#### MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5770, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5885, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

There being no objection, House Concurrent Resolution No. 4414 was read the first time.

#### MOTION

On motion of Representative Foreman, the rules were suspended and House Concurrent Resolution No. 4414 was advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4414, by Representative Foreman

Extending cut-off for SB 5776.

The resolution was read the second time.

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

House Resolution No. 4414 was adopted.

#### MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5873, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### CONFERENCE COMMITTEE REPORT

SSB 5516 Date: April 23, 1995

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5516, providing for drug-free workplaces, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached H-3167.1/95) be adopted, and that the Conference Committee striking amendment (H-3167.1/95) be amended as follows:

On page 15, line 12 of the striking amendment, after "exceed" strike "five" and insert "three"

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to promote drug-free workplaces to improve the safety of the workplace, protect the health of workers, and afford employers in this state the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace, and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from substance abuse by employees.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(2) "Alcohol test" means a chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of alcohol within an individual's body systems.

(3) "Chain of custody" means the methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition for all specimens and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.

(4) "Collection site" means a place where individuals present themselves for the purpose of providing a urine, breath, or other specimen to be analyzed for the presence of drugs or alcohol.

(5) "Confirmation test," "confirmed test," or "confirmed substance abuse test" means a second analytical procedure used to identify the presence of a specific drug or metabolic in a specimen. Drug tests must be confirmed as specified in section 6(5) of this act. Alcohol tests must be confirmed by a second breath test or as specified for drug tests.

(6) "Department" means the department of social and health services.

(7) "Drug" means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any such substances.

(8) "Drug test" means a chemical, biological, or physical instrumental analysis administered on a specimen sample for the purpose of determining the presence or absence of a drug or its metabolites within the sample.

(9) "Employee" means a person who is employed for salary, wages, or other remuneration by an employer.

(10) "Employee assistance program" means a program designed to assist in the identification and resolution of job performance problems associated with employees impaired by personal concerns. A minimum level of core services must include: Consultation and professional, confidential, appropriate, and timely problem assessment services; short-term problem resolution; referrals for appropriate diagnosis, treatment, and assistance; follow-up and monitoring; employee education; and supervisory training.

(11) "Employer" means an employer subject to Title 51 RCW but does not include the state or any department, agency, or instrumentality of the state; any county; any city; any county or independent school system or municipal corporation; or any employer that is self-insured for purposes of Title 51 RCW.

(12) "Initial test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. An initial drug test must use an immunoassay procedure or an equivalent procedure or must use a more accurate scientifically accepted method approved by the national institute on drug abuse as more accurate technology becomes available in a cost-effective form.

(13) "Injury" means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result and occurring from without, and such physical conditions as result therefrom.

(14) "Job applicant" means a person who has applied for employment with an employer and has been offered employment conditioned upon successfully passing a drug test and may have begun work pending the results of the drug test.

(15) "Last-chance agreement" means a notice to an employee who is referred to the employee assistance program due to a verified positive alcohol or drug test or for violating an alcohol or drug-related employer rule that states the terms and conditions of continued employment with which the employee must comply.

(16) "Medical review officer" means a licensed physician trained in the field of drug testing who provides medical assessment of positive test results, requests reanalysis if necessary, and makes a determination whether or not drug misuse has occurred.

(17) "Nonprescription medication" means a drug or medication authorized under federal or state law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.

(18) "Prescription medication" means a drug or medication lawfully prescribed by a physician, or other health care provider licensed to prescribe medication, for an individual and taken in accordance with the prescription.

(19) "Rehabilitation program" means a program approved by the department that is capable of providing expert identification, assessment, and resolution of employee drug or alcohol abuse in a confidential and timely service. Any rehabilitation program under this chapter must contain a two-year continuing care component.

(20) "Specimen" means breath or urine. "Specimen" may include other products of the human body capable of revealing the presence of drugs or their metabolites or of alcohol, if approved by the United States department of health and human services and permitted by rules adopted under section 13 of this act.

(21) "Substance" means drugs or alcohol.

(22) "Substance abuse test" or "test" means a chemical, biological, or physical instrumental analysis administered on a specimen sample for the purpose of determining the presence or absence of a drug or its metabolites or of alcohol within the sample.

(23) "Threshold detection level" means the level at which the presence of a drug or alcohol can be reasonably expected to be detected by an initial and confirmation test performed by a laboratory meeting the standards specified in this chapter. The threshold detection level indicates the level at which a valid conclusion can be drawn that the drug or alcohol is present in the employee's specimen.

(24) "Verified positive test result" means a confirmed positive test result obtained by a laboratory meeting the standards specified in this chapter that has been reviewed and verified by a medical review officer in accordance with medical review officer guidelines promulgated by the United States department of health and human services.

**NEW SECTION. Sec. 3.** (1) An employer implementing a drug-free workplace program in accordance with section 4 of this act, shall qualify for a five percent premium discount under the employer's workers' compensation insurance policy as provided under chapter 51.16 RCW upon certification by the division of alcohol and substance abuse of the department as provided in section 13 of this act.

(2) The premium discount must remain in effect as long as the employer is certified under section 13 of this act, up to a maximum of three years from the date of certification.

(3) A certified employer may discontinue operating a drug-free workplace program at any time. The qualification for a premium discount shall expire in accordance with decertification rules adopted by the department under section 13 of this act.

(4) An employer whose substance abuse testing program reasonably meets, as of July 1, 1995, the requirements for the premium discount provided in this section is not eligible for certification.

(5) Nothing in this chapter creates or alters an obligation on the part of an employer seeking to participate in this program to bargain with a collective bargaining representative of its employees.

(6) An employer may not receive premium discounts from the department of labor and industries under more than one premium discount program. An employer participating in and meeting all of the requirements for the discount provided in this section and also participating in another premium discount program offered by the department of labor and industries is only entitled to the premium discount that is the highest.

**NEW SECTION. Sec. 4.** (1) A drug-free workplace program established under this chapter must contain the following elements:

- (a) A written policy statement as provided in section 5 of this act;
- (b) Substance abuse testing as provided in section 6 of this act;
- (c) An employee assistance program as provided in accordance with section 7 of this act;
- (d) Employee education as provided in section 9 of this act; and
- (e) Supervisor training in accordance with section 10 of this act.

(2) In addition to the requirements of subsection (1) of this section, a drug-free workplace program established under this chapter must be implemented in compliance with the confidentiality standards provided in section 12 of this act.

**NEW SECTION. Sec. 5.** (1) An alcohol and drug-free workplace program established under this chapter must contain a written substance abuse policy statement in order to qualify for the premium discount provided under section 3 of this act. The policy must:

- (a) Notify employees that the use or being under any influence of alcohol during working hours is prohibited;
- (b) Notify employees that the use, purchase, possession, or transfer of drugs or having illegal drugs in their system is prohibited and that prescription or nonprescription medications are not prohibited when taken in accordance with a lawful prescription or consistent with standard dosage recommendations;
- (c) Identify the types of testing an employee or job applicant may be required to submit to or other basis used to determine when such a test will be required;
- (d) Identify the actions the employer may take against an employee or job applicant on the basis of a verified positive test result;
- (e) Contain a statement advising an employee or job applicant of the existence of this chapter;
- (f) Contain a general statement concerning confidentiality;
- (g) Identify the consequences of refusing to submit to a drug test;
- (h) Contain a statement advising an employee of the employee assistance program;
- (i) Contain a statement that an employee or job applicant who receives a verified positive test result may contest or explain the result to the employer within five working days after receiving written notification of the positive test result;
- (j) Contain a statement informing an employee of the provisions of the federal drug-free workplace act, if applicable to the employer; and
- (k) Notify employees that the employer may discipline an employee for failure to report an injury in the workplace.

(2) An employer not having a substance abuse testing program in effect on July 1, 1995, shall ensure that at least sixty days elapse between a general one-time notice to all employees that a substance abuse testing program is being implemented and the beginning of the actual testing. An employer having a substance abuse testing program in place before July 1, 1995, is not required to provide a sixty-day notice period.

(3) An employer shall include notice of substance abuse testing to all job applicants. A notice of the employer's substance abuse testing policy must also be posted in an appropriate and conspicuous location on the employer's premises, and copies of the policy must be made available for inspection by the employees or job applicants of the employer during regular business hours in the employer's personnel office or other suitable locations. An employer with employees or job applicants who have trouble communicating in English shall make reasonable efforts to help the employees understand the policy statement.

**NEW SECTION. Sec. 6.** (1) Substance abuse testing conducted under this chapter must be conducted in conformity with the standards and procedures established in this chapter and all applicable rules adopted by the department under this chapter. If an employer fails to maintain an alcohol and drug-free workplace program in accordance with the standards, procedures, and rules established under this chapter, the employer shall not qualify for the workers' compensation premium discount provided under section 3 of this act.

(2) To qualify for the premium discount under section 3 of this act, an employer shall:

(a) Be in good standing and remain in good standing with the department of labor and industries with respect to the employer's workers' compensation premium obligations;

(b) Require job applicants to submit to a drug test after extending an offer of employment. The employer may use a refusal to submit to a drug test or a verified positive test as a basis for not hiring the job applicant;

(c) Investigate each workplace injury that results in a worker needing off-site medical attention and require an employee to submit to drug and alcohol tests if the employer reasonably believes the employee has caused or contributed to an injury which resulted in off-site medical attention. Under this chapter, a first-time verified positive test result may not be used as a basis to terminate an employee's employment. However, an employee may be terminated for independent reasons, such as a violation of a safety rule or regulation;

(d) If the employee in the course of employment is referred to the employee assistance program by the employer as a result of a verified positive drug or alcohol test or an alcohol or drug-related incident in violation of employer rules, require the employee to submit to drug and alcohol testing in conjunction with any recommended rehabilitation program. If the employee assistance program determines that the employee does not require treatment services, the employee must still be required to participate in follow-up testing. However, if an employee voluntarily enters an employee assistance program, without a verified positive drug or alcohol test or a violation of any drug or alcohol related employer rule, follow-up testing is not required. If follow-up testing is conducted, the frequency of the testing shall be at least four times a year for a two-year period after completion of the rehabilitation program and advance notice of the testing date may not be given. A verified positive follow-up test result shall normally require termination of employment.

(3) Specimen collection and substance abuse testing under this section must be performed in accordance with regulations and procedures approved by the United States department of health and human services and the United States department of transportation regulations for alcohol and drug testing and must include testing for marijuana, cocaine, amphetamines, opiates, and phencyclidine. Employers may test for any drug listed in section 2(7) of this act.

(a) A specimen must be collected with due regard to the privacy of the individual providing the specimen and in a manner reasonably calculated to prevent substitution or contamination of the specimen.

(b) Specimen collection and analysis must be documented. The documentation procedures must include:

(i) Labeling of specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results; and

(ii) An opportunity for the employee or job applicant to provide to a medical review officer information the employee or applicant considers relevant to the drug test, including identification of currently or recently used prescription or nonprescription medication or other relevant medical information.

(c) Specimen collection, storage, and transportation to the testing site must be performed in a manner that reasonably precludes specimen contamination or adulteration.

(d) An initial and confirmation test conducted under this section, not including the taking or collecting of a specimen to be tested, must be conducted by a laboratory as described in subsection (4) of this section.

(e) A specimen for a test may be taken or collected by any of the following persons:

(i) A physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment;



(ii) A qualified person certified or employed by a laboratory certified by the substance abuse and mental health administration or the college of American pathologists; or

(iii) A qualified person certified or employed by a collection company using collection procedures adopted by the United States department of health and human services and the United States department of transportation for alcohol collection.

(f) Within five working days after receipt of a verified positive test result from the laboratory, an employer shall inform an employee or job applicant in writing of the positive test result, the consequences of the result, and the options available to the employee or job applicant.

(g) The employer shall provide to the employee or job applicant, upon request, a copy of the test results.

(h) An initial test having a positive result must be verified by a confirmation test.

(i) An employer who performs drug testing or specimen collection shall use chain of custody procedures to ensure proper recordkeeping, handling, labeling, and identification of all specimens to be tested.

(j) An employer shall pay the cost of all drug or alcohol tests, initial and confirmation, that the employer requires of employees.

(k) An employee or job applicant shall pay the cost of additional tests not required by the employer.

(4)(a) A laboratory may not analyze initial or confirmation drug specimens unless:

(i) The laboratory is approved by the substance abuse and mental health administration or the college of American pathologists;

(ii) The laboratory has written procedures to ensure the chain of custody; and

(iii) The laboratory follows proper quality control procedures including, but not limited to:

(A) The use of internal quality controls including the use of samples of known concentrations that are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy;

(B) An internal review and certification process for test results, conducted by a person qualified to perform that function in the testing laboratory;

(C) Security measures implemented by the testing laboratory to preclude adulteration of specimens and test results; and

(D) Other necessary and proper actions taken to ensure reliable and accurate drug test results.

(b) A laboratory shall disclose to the employer a written test result report within seven working days after receipt of the sample. A laboratory report of a substance abuse test result must, at a minimum, state:

(i) The name and address of the laboratory that performed the test and the positive identification of the person tested;

(ii) Positive results on confirmation tests only, or negative results, as applicable;

(iii) A list of the drugs for which the drug analyses were conducted; and

(iv) The type of tests conducted for both initial and confirmation tests and the threshold detection levels of the tests.

A report may not disclose the presence or absence of a drug other than a specific drug and its metabolites listed under this chapter.

(c) A laboratory shall provide technical assistance through the use of a medical review officer to the employer, employee, or job applicant for the purpose of interpreting a positive confirmed drug test result that could have been caused by prescription or nonprescription medication taken by the employee or job applicant. The medical review officer shall interpret and evaluate the laboratory's positive drug test result and eliminate test results that could have been caused by prescription medication or other medically documented sources in accordance with the United States department of health and human services medical review officer manual.

(5) A positive initial drug test must be confirmed using the gas chromatography/mass spectrometry method or an equivalent or more accurate scientifically accepted method approved by the substance abuse and mental health administration as the technology becomes available in a cost-effective form.

(6) A workplace safety committee established according to the standards for safety committees under chapter 49.17 RCW shall monitor the ongoing effectiveness of the substance abuse testing program established by the employer under this chapter and shall, at reasonable intervals established by the committee but not less than annually, make recommendations for improving the program.

**NEW SECTION. Sec. 7.** (1) The employee assistance program required under this chapter shall provide the employer with a system for dealing with employees whose job performances are declining due to unresolved problems, including alcohol or other drug-related problems, marital problems, or legal or financial problems.

(2) To ensure appropriate assessment and referral to treatment:

(a) The employer must notify the employees of the benefits and services of the employee assistance program;

(b) The employer shall publish notice of the employee assistance program in conspicuous places and explore alternative routine and reinforcing means of publicizing the services; and

(c) The employer shall provide the employee with notice of the policies and procedures regarding access to and use of the employee assistance program.

(3) A list of approved employee assistance programs must be provided by the department according to recognized program standards.

**NEW SECTION. Sec. 8.** (1)(a) Rehabilitation of employees suffering from either or both alcohol or drug addiction shall be a primary focus of an employee assistance program.

(b) Under any program under this chapter, the employer may not use a first-time verified positive drug or alcohol test as the basis for termination of an employee. After a first-time verified positive test result, the employee must be given an opportunity to keep his or her job through the use of a last-chance agreement. The last-chance agreement shall require an employee to:

(i) Submit to an employee assistance program evaluation for chemical dependency;

(ii) Comply with any treatment recommendations;

(iii) Be subject to follow-up drug and alcohol testing for two years;

(iv) Meet the same standards of performance and conduct that are set for other employees; and

(v) Authorize the employer to receive all relevant information regarding the employee's progress in treatment, if applicable.

Failure to comply with all the terms of this agreement normally will result in termination of employment.

(2) When substance abuse treatment is necessary, employees must use treatment services approved by the department, which include a continuing care component lasting for two years.

(a) The employee assistance program shall monitor the employee's progress while in treatment, including the two-year continuing care component, and notify the employer when an employee is not complying with the programs's treatment recommendations.

(b) The employer shall monitor job performance and conduct follow-up testing.

(3) An employer may terminate an employee for the following reasons:

(a) Refusal to submit to a drug or alcohol test;

(b) Refusal to agree to or failure to comply with the conditions of a last-chance agreement;

(c) A second verified positive drug or alcohol test result; or

(d) After the first verified positive drug or alcohol test, any violation of employer rules pertaining to alcohol and drugs.

(4) Nothing in this chapter limits the right of any employer who participates in the worker's compensation premium discount program under this chapter to terminate employment for any other reason.

**NEW SECTION. Sec. 9.** As part of a program established under this chapter, an employer shall provide all employees with an annual education program on substance abuse, in general, and its effects on the workplace, specifically. An employer with employees who have trouble communicating in English shall make reasonable efforts to help the employees understand the substance of the

education program. An education program for a minimum of one hour should include but is not limited to the following information:

- (1) The explanation of the disease model of addiction for alcohol and drugs;
- (2) The effects and dangers of the commonly abused substances in the workplace; and
- (3) The employer's policies and procedures regarding substance abuse in the workplace and how employees who wish to obtain substance abuse treatment can do so.

**NEW SECTION. Sec. 10.** In addition to the education program provided in section 9 of this act, an employer shall provide all supervisory personnel with a minimum of two hours of supervisor training, that should include but is not limited to the following information:

- (1) How to recognize signs of employee substance abuse;
  - (2) How to document and collaborate signs of employee substance abuse;
  - (3) How to refer employees to the employee assistance program or proper treatment providers;
- and
- (4) Circumstances and procedures for postinjury testing.

**NEW SECTION. Sec. 11.** (1) A physician-patient relationship is not created between an employee or job applicant and an employer, medical review officer, or person performing or evaluating a drug or alcohol test solely by the establishment, implementation, or administration of a drug or alcohol testing program.

(2) This chapter may not be construed to prevent an employer from establishing reasonable work rules related to employee possession, use, sale, or solicitation of drugs, including convictions for drug-related offenses, and taking action based upon a violation of any of those rules.

(3) This chapter may not be construed to operate retroactively. This chapter does not abrogate the right of an employer under state or federal law to conduct drug or alcohol tests or implement employee drug or alcohol testing programs. However, only those programs that meet the criteria outlined in this chapter qualify for workers' compensation insurance premiums discounts.

(4) This chapter may not be construed to prohibit an employer from conducting medical screening or other tests required, permitted, or not disallowed by a statute or rule for the purpose of monitoring exposure of employees to toxic or other unhealthy materials in the workplace or in the performance of job responsibilities. The screening or tests must be limited to testing for the specific material expressly identified in the statute or rule, unless prior written consent of the employee is obtained for other tests.

(5) This chapter does not establish a legal duty for employers to conduct alcohol or drug tests of employees or job applicants. A cause of action may not arise in favor of a person based upon the failure of an employer to establish or conduct a program or policy for substance abuse testing or to conduct a program or policy in conformance with the standards and procedures established in this chapter. This chapter does not create individual rights of action and may be enforced only by the department by denial of the workers' compensation premium discount provided in section 3 of this act.

**NEW SECTION. Sec. 12.** Confidentiality standards that apply to substance abuse testing programs implemented under this chapter include the following:

(1) Information, interviews, reports, statements, memoranda, and test results, written or otherwise, received through a substance abuse testing program are confidential communications, and may not be used or received in evidence, obtained in discovery, or disclosed in a civil or administrative proceeding, except as provided in subsection (5) of this section.

(2) An employer, laboratory, medical review officer, employee assistance program, drug or alcohol rehabilitation program, and their agents who receive or have access to information concerning test results shall keep the information confidential, except as provided in subsection (5) of this section.

(3) Any release of the information must be pursuant to a written consent form that complies with RCW 70.02.030 and is signed voluntarily by the person tested, unless the release is compelled by the division of alcohol and substance abuse of the department or a court of competent jurisdiction in accordance with state and federal confidentiality laws, or unless required by a professional or occupational licensing board in a related disciplinary proceeding. Any disclosure by any agency

approved by the department must be in accordance with RCW 70.96A.150. The consent form must contain at a minimum:

- (a) The name of the person who is authorized to obtain the information;
- (b) The purpose of the disclosure;
- (c) The precise information to be disclosed;
- (d) The duration of the consent; and
- (e) The signature of the person authorizing release of the information.

(4) Information on test results may not be released or used in a criminal proceeding against the employee or job applicant. Information released contrary to this subsection is inadmissible as evidence in a criminal proceeding.

(5) Nothing in this chapter prohibits:

(a) An employer from using information concerning an employee or job applicant's substance abuse test results in a lawful manner with respect to that employee or applicant; or

(b) An entity that obtains the information from disclosing or using the information in a lawful manner as part of a matter relating to the substance abuse test, the test result, or an employer action with respect to the job applicant or employee.

**NEW SECTION. Sec. 13.** The department shall adopt by rule procedures and forms for the certification of employers who establish and maintain a drug-free workplace that complies with this chapter. The department shall adopt by rule procedures for the decertification of employers formally certified for the workers' compensation premium discount provided under this chapter. The department may charge a fee for the certification of a drug-free workplace program in an amount that must approximate its administrative costs related to the certification. Certification of an employer is required for each year in which a premium discount is granted. The department may adopt any other rules necessary for the implementation of this chapter.

**NEW SECTION. Sec. 14.** (1) The department of labor and industries may adopt rules necessary for the implementation of this chapter including but not limited to provisions for penalties and repayment of premium discounts by employers that are decertified by the department of social and health services under section 13 of this act.

(2) The department of labor and industries shall conduct an evaluation of the effect of the premium discount provided for under section 3 of this act on workplace safety and the state of Washington industrial insurance fund. The department of labor and industries shall report its preliminary findings to the appropriate committees of the legislature on September 1 of 1996 and 1997 and shall issue a comprehensive final report on December 1, 1998.

**NEW SECTION. Sec. 15.** Notwithstanding any other provisions of this chapter, the total premium discounts available under section 3 of this act shall not exceed five million dollars during any fiscal year.

**NEW SECTION. Sec. 16.** Sections 1 through 15 of this act shall constitute a new chapter in Title 49 RCW.

**NEW SECTION. Sec. 17.** Sections 1 through 15 of this act shall expire January 1, 2001.

**NEW SECTION. Sec. 18.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "workplaces;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; providing an effective date; providing an expiration date; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Owen, Newhouse; Representatives Lisk, Elliot.

## MOTION

Representative Elliot moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5516 and pass the bill as recommended by the Conference Committee.

Representative Elliot spoke in favor of the motion.

Representatives Conway, Cody, Romero, Dickerson, Costa, Mason, Cole, spoke against the motion.

The Speaker called on Representative Horn to preside.

## MOTION

Representative Ebersole moved that the House defer further consideration of Substitute Senate Bill No. 5516.

A division was called. The Speaker (Representative Horn presiding) called on the House to divide. The results of the division was: 58-YEAS, 36-NAYS. The motion was not adopted.

Representatives Hatfield, Veloria and Chopp spoke against the motion to adopt the report of the Conference Committee.

The motion to adopt the report of the Conference Committee was carried.

## FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5516 as recommended by the Conference Committee.

Representative Elliot again spoke in favor of passage of the bill.

Representatives Conway, Romero, Campbell, Basich, Cody, Quall, Dickerson and Mason spoke against passage of the bill.

Representative Elliot spoke in favor of passage of the bill.

Representative Conway again spoke against passage of the bill.

Representative K. Schmidt demanded the previous question and the demand was sustained.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5516 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 53, Nays - 41, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Blanton, Boldt, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Reams, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 53.

Voting nay: Representatives Appelwick, Basich, Benton, Brown, Brumsickle, Campbell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, R., Grant, Hargrove, Hatfield, Jacobsen, Kessler, Mason, Morris, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Scott, Smith, Sommers, Sterk, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 41.

Excused: Representatives Beeksmas, Dellwo, Fisher, G. and Patterson - 4.

Substitute Senate Bill No. 5516, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, Substitute Senate Bill No. 5516 was immediately transmitted to the Senate.

#### MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The President ruled the House amendments to SUBSTITUTE SENATE BILL NO. 5606 beyond the scope and object of the bill. The Senate refuses to concur in the House amendments and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Chandler moved that the House recede from its position and pass Substitute Senate Bill No. 5606 without the House amendments.

Representative Chandler spoke in favor of the motion and it was carried.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5606 without the House amendments.

Representative Rust spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5606 without the House amendments, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Dellwo, Fisher, G. and Patterson - 4.

Substitute Senate Bill No. 5606, without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5529 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative B. Thomas moved that the House adhere to its position on Engrossed Senate Bill No. 5529. The motion was carried.

MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate insists on its position regarding its amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724 and again asks the House to concur therein.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Mielke moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1724 and pass the bill as amended by the Senate.

Representatives Reams and Rust spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1724 as amended by the Senate.

Representatives Reams and Rust spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1724 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksmas, Dellwo, Fisher, G. and Patterson - 4.

Engrossed Substitute House Bill No. 1724, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5127,  
SUBSTITUTE SENATE BILL NO. 5141,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5466,  
SENATE BILL NO. 5544,  
SUBSTITUTE SENATE BILL NO. 5551,  
SECOND SUBSTITUTE SENATE BILL NO. 5574,  
SENATE BILL NO. 5652,  
SENATE BILL NO. 5655,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5684,  
SUBSTITUTE SENATE BILL NO. 5800,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5943,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8008,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4414,

and the same is herewith transmitted.



Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1173,  
HOUSE BILL NO. 1225,  
SUBSTITUTE HOUSE BILL NO. 1250,  
HOUSE BILL NO. 1359,  
HOUSE BILL NO. 1445,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,  
HOUSE BILL NO. 1495,  
SUBSTITUTE HOUSE BILL NO. 1560,  
SUBSTITUTE HOUSE BILL NO. 1669,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821,  
SUBSTITUTE HOUSE BILL NO. 1871,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941,  
ENGROSSED HOUSE BILL NO. 2057,  
HOUSE CONCURRENT RESOLUTION NO. 4408,

and the same are herewith transmitted.

Marty Brown, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107,  
SECOND SUBSTITUTE HOUSE BILL NO. 1524,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589,

MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5776,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, Engrossed Senate Bill No. 5776 was read the first time.

There being no objection, the rules were suspended and Engrossed Senate Bill No. 5776 was advanced to second reading and read the second time in full.

ENGROSSED SENATE BILL NO. 5776, by Senator Fraser

Integrating water resources and growth management.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Representative Reams yielded to a question by Representative Elliot.

Representative Elliot: What is the purpose of the sections 11 & 12 concerning wetlands?

Representative Reams: The purpose is to establish consistency and use the 1987 U. S. Army Corp of Engineers Wetlands delineation manual. This applies to all counties, cities and towns in the state.

Representatives Reams and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5776.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5776, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Dellwo, Fisher, G. and Patterson - 4.

Engrossed Senate Bill No. 5776, having received the constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5127,  
SUBSTITUTE SENATE BILL NO. 5141,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5466,  
SENATE BILL NO. 5544,  
SUBSTITUTE SENATE BILL NO. 5551,  
SECOND SUBSTITUTE SENATE BILL NO. 5574,  
SENATE BILL NO. 5652,  
SENATE BILL NO. 5655,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5684,  
SUBSTITUTE SENATE BILL NO. 5800,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5943,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8008,  
SENATE CONCURRENT RESOLUTION NO. 8407,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8410,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5011,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5244,  
SUBSTITUTE SENATE BILL NO. 5365,  
SENATE BILL NO. 5434,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448,  
ENGROSSED SENATE BILL NO. 5770,  
SUBSTITUTE SENATE BILL NO. 5854,  
ENGROSSED SENATE BILL NO. 5873,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5885,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5606,

and the same is herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8409,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107,  
SECOND SUBSTITUTE HOUSE BILL NO. 1524,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4414,  
ENGROSSED SENATE BILL NO. 5011,  
SUBSTITUTE SENATE BILL NO. 5127,  
SUBSTITUTE SENATE BILL NO. 5141,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5244,  
SUBSTITUTE SENATE BILL NO. 5365,  
SENATE BILL NO. 5434,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5448,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5466,  
SENATE BILL NO. 5544,  
SUBSTITUTE SENATE BILL NO. 5551,  
SECOND SUBSTITUTE SENATE BILL NO. 5574,  
SENATE BILL NO. 5652,  
SENATE BILL NO. 5655,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5684,

ENGROSSED SENATE BILL NO. 5770,  
SUBSTITUTE SENATE BILL NO. 5800,  
SUBSTITUTE SENATE BILL NO. 5854,  
ENGROSSED SUBSTITUTE BILL NO. 5873,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5885,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5943,  
SUBSTITUTE SENATE BILL NO. 8008,  
SENATE CONCURRENT RESOLUTION NO. 8407,

#### SPEAKER'S PRIVILEGE

The Speaker is pleased to announce the following appointments:

##### Statute Law Committee

Representative Larry Sheahan  
Representative Tim Hickel  
Representative Marlin Appelwick

##### Council for the Prevention of Child Abuse and Neglect

Representative Julia Patterson  
Representative GiGi Talcott (will continue to serve)

##### Student Learning Improvement Committee of the State Board

Representative Renee Radcliff

##### Legislative Budget Committee

Representative Jean Silver  
Representative Val Stevens  
Representative Kathy McMorris  
Representative Gary Chandler  
Representative Debbie Regala  
Representative Val Ogden  
Representative Helen Sommers  
Representative Georgette Valle

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

#### INTRODUCTIONS AND FIRST READING

HB 2097 by Representatives Dyer, Campbell, Foreman, Casada, Hymes, L. Thomas, D. Schmidt, Mulliken, Crouse, Carrell, Boldt, Lisk, Lambert, Johnson, Hankins, Ballasiotes, Pelesky, Sterk, Silver, Radcliff, Mitchell, Robertson, Skinner, Pennington, Clements, Chandler, Blanton, Carlson, Schoesler, Smith, Brumsickle, Hargrove, B. Thomas, Koster, Goldsmith, McMorris, Basich, Sehlin, Morris, Ebersole, Conway, Stevens, Kremen, Chappell, Huff, Talcott, Kessler, Dickerson, Grant, Cody, Hatfield, Cooke, Sheldon, Thompson, Cairnes, McMahan, Van Luven, Costa, Delvin, Benton and Mason

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

Referred to Committee on Health Care.  
Held on first reading from 4/21/95

HB 2098 by Representatives Clements, Skinner, Foreman, Appelwick, Hankins, Sheahan, Huff, Lisk, Honeyford, Elliot, Thompson, Brumsickle, Mulliken, Boldt, Mitchell, McMahan, Radcliff, D. Schmidt, Delvin, Backlund, Smith, Kremen, Pennington, Chandler, Sheldon, Horn, Silver, Beeksma, Blanton, Campbell, G. Fisher, Conway, Ebersole, Costa, Dickerson, Kessler, Johnson, Benton and Chappell

AN ACT Relating to the swift and certain punishment of individuals convicted of committing a terrorist act that results in the death of an innocent person; amending RCW 9A.32.030, 9A.32.050, 10.95.020, and 10.95.030; adding a new section to chapter 9A.32 RCW; adding new sections to chapter 10.95 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Law & Justice.  
Held on first reading from 4/22/95

HB 2099 by Representatives Silver, Foreman, Horn, Robertson, Radcliff, Skinner, D. Schmidt, Pennington, Sterk, Campbell, Blanton, Smith, Hickel, Pelesky, Elliot, Beeksma, Sehlin, Johnson, Cooke, Benton, Thompson, L. Thomas, Honeyford and Huff

AN ACT Relating to common school construction funding; amending 1994 c 308 s 74 (uncodified); making appropriations; and declaring an emergency.

Referred to the Rules Committee.

HB 2100 by Representatives B. Thomas, Dyer, Carlson, Cooke, Radcliff, L. Thomas and Huff

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

Referred to Committee on Government Operations.

HCR 4409 by Representatives Carrell, B. Thomas, Mulliken, Brumsickle, Sheldon, Morris, Talcott, Benton, Honeyford, Ballasiotes, Horn, Pelesky, Mitchell, Lambert, Romero, Hatfield, Dickerson, Pennington, Backlund, Crouse, Smith, Boldt, Tokuda, Casada, Hymes, Van Luven, McMahan, Regala, Stevens, Wolfe, Kessler, Thibaudeau, Mielke, Campbell, Costa, Quall, McMorris, Cairnes, Schoesler, Delvin, Buck, Mason, Huff, Chappell, Elliot, Conway, Cody, Dellwo, Johnson, Thompson, Hargrove, Basich, L. Thomas, Kremen, D. Schmidt, Cooke, Koster, Dyer, Hankins, Blanton, Chandler, Skinner and Clements

Forming a joint select committee on property tax reform.

Referred to Committee on Finance.  
Held on first reading from 4/19/95.

HCR 4410 by Representatives Ebersole, Appelwick, Brown and Grant

Adopting the joint rules.

Held on first reading from 4/20/95.

HCR 4411 by Representatives Lambert, Costa, Koster, McMorris, Mulliken, Campbell, Smith, Morris, Backlund, Scott, Patterson, Johnson, Sheldon, Thompson, Hargrove, Basich,

McMahan, Pelesky, L. Thomas, Kremen, D. Schmidt, Hankins, Blanton, Chappell, Stevens, Chandler, Kessler, Cooke and Benton

Calling for a study to reduce the size of the Revised Code of Washington.

Referred to Committee on Government Operations.

Held on first reading from 4/20/95

HCR 4412 by Representatives Boldt, Mulliken, Pennington, Carrell, Chandler, Elliot, Thompson, Sheldon, Benton, McMahan and L. Thomas

Creating a joint select committee on business tax reform.

Referred to Committee on Finance.

Held on first reading from 4/22/95

HCR 4413 by Representatives Wolfe, Carrell, Brown, Foreman, Appelwick, Hickel, Mitchell, Sheahan, Talcott, Lambert, Campbell, Morris, Patterson, McMahan, Chappell, Scott, Costa, Conway, Hankins, Delvin, Ballasiotes, Hymes, Thibaudeau, Sommers, Valle, Dickerson, Tokuda, Chopp, K. Schmidt, Smith, Fuhrman, Basich, Regala, Cole, Cody, Poulsen, Radcliff, D. Schmidt, Kremen, Koster, Hargrove, G. Fisher, Hatfield, Romero, Goldsmith, Cooke, Ebersole, Mastin, Buck, Pelesky, Sheldon, Robertson, Mason, L. Thomas, Boldt, B. Thomas, Huff, Sherstad, Rust, Ogden, Thompson and Kessler

Resolving to create a joint task force to review the child support schedule.

Referred to Committee on Law & Justice.

SCR 8407 by Senator Gaspard

Presenting the Washington Performance Partnership statement of strategic intent.

Referred to the Committee on Government Operations.

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

#### INTRODUCTIONS AND FIRST READING SUPPLEMENTAL

SCR 8409 by Senators Gaspard and McDonald

Adjourning Sine Die.

SCR 8410 by Senators Gaspard and McDonald

Concerning the status of bills, resolutions, and memorials prior to adjournment Sine Die.

#### MOTION

On motion of Representative Foreman, the rules were suspended, and Senate Concurrent Resolution No. 8410 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8410, by Senators Gaspard and McDonald  
Concerning the status of bills, resolutions, and memorials prior to adjournment Sine Die.

The resolution was read the second time.

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

Senate Concurrent Resolution No. 8410 was adopted.

MOTION

On motion of Representative Foreman, the rules were suspended, and Senate Concurrent Resolution No. 8409 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Gaspard and McDonald  
Adjourning Sine Die.

The resolution was read the second time.

MOTION

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

Senate Concurrent Resolution No. 8409 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5606,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724,

MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724,

and the same is herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:



The President has signed:  
ENGROSSED SENATE BILL NO. 5776,  
and the same is herewith transmitted.

Marty Brown, Secretary  
April 23, 1995

Mr. Speaker:

The President has signed:  
SENATE CONCURRENT RESOLUTION NO. 8409,  
and the same is herewith transmitted.

Marty Brown, Secretary  
April 23, 1995

Mr. Speaker:

The President has signed:  
HOUSE CONCURRENT RESOLUTION NO. 4414,  
and the same is herewith transmitted.

Marty Brown, Secretary  
April 23, 1995

Mr. Speaker:

The President has signed:  
SENATE CONCURRENT RESOLUTION NO. 8410,  
and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SENATE BILL NO. 5776,  
SENATE CONCURRENT RESOLUTION NO. 8409,  
SENATE CONCURRENT RESOLUTION NO. 8410,

MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8410, the Senate returned the following House Bills to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1008,  
HOUSE BILL NO. 1019,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1021,  
HOUSE BILL NO. 1023,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1024,  
HOUSE BILL NO. 1029,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030,  
SUBSTITUTE HOUSE BILL NO. 1032,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1036,  
SECOND SUBSTITUTE HOUSE BILL NO. 1044,  
HOUSE BILL NO. 1048,  
HOUSE BILL NO. 1051,  
HOUSE BILL NO. 1052,  
ENGROSSED HOUSE BILL NO. 1055,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1065,  
SUBSTITUTE HOUSE BILL NO. 1066,  
SECOND SUBSTITUTE HOUSE BILL NO. 1078,  
SUBSTITUTE HOUSE BILL NO. 1083,  
SUBSTITUTE HOUSE BILL NO. 1084,  
SUBSTITUTE HOUSE BILL NO. 1090,  
SUBSTITUTE HOUSE BILL NO. 1093,  
SUBSTITUTE HOUSE BILL NO. 1097,  
ENGROSSED HOUSE BILL NO. 1099,  
HOUSE BILL NO. 1102,  
SUBSTITUTE HOUSE BILL NO. 1111,  
HOUSE BILL NO. 1113,  
HOUSE BILL NO. 1115,  
ENGROSSED HOUSE BILL NO. 1132,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1135,  
HOUSE BILL NO. 1142,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147,  
HOUSE BILL NO. 1151,  
ENGROSSED HOUSE BILL NO. 1155,  
HOUSE BILL NO. 1174,  
HOUSE BILL NO. 1180,  
SUBSTITUTE HOUSE BILL NO. 1182,  
SUBSTITUTE HOUSE BILL NO. 1187,  
SUBSTITUTE HOUSE BILL NO. 1200,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1203,  
SECOND SUBSTITUTE HOUSE BILL NO. 1214,  
SUBSTITUTE HOUSE BILL NO. 1221,  
SUBSTITUTE HOUSE BILL NO. 1236,  
HOUSE BILL NO. 1238,  
HOUSE BILL NO. 1251,  
HOUSE BILL NO. 1256,  
SUBSTITUTE HOUSE BILL NO. 1259,  
ENGROSSED HOUSE BILL NO. 1271,

SUBSTITUTE HOUSE BILL NO. 1272,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1274,  
HOUSE BILL NO. 1275,  
SUBSTITUTE HOUSE BILL NO. 1276,  
SUBSTITUTE HOUSE BILL NO. 1278,  
SUBSTITUTE HOUSE BILL NO. 1279,  
SECOND SUBSTITUTE HOUSE BILL NO. 1286,  
SUBSTITUTE HOUSE BILL NO. 1289,  
SUBSTITUTE HOUSE BILL NO. 1292,  
SECOND SUBSTITUTE HOUSE BILL NO. 1313,  
SECOND SUBSTITUTE HOUSE BILL NO. 1318,  
ENGROSSED HOUSE BILL NO. 1322,  
ENGROSSED HOUSE BILL NO. 1323,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,  
SUBSTITUTE HOUSE BILL NO. 1327,  
SUBSTITUTE HOUSE BILL NO. 1328,  
SUBSTITUTE HOUSE BILL NO. 1329,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1330,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331,  
SUBSTITUTE HOUSE BILL NO. 1337,  
HOUSE BILL NO. 1349,  
HOUSE BILL NO. 1351,  
SUBSTITUTE HOUSE BILL NO. 1354,  
HOUSE BILL NO. 1361,  
SUBSTITUTE HOUSE BILL NO. 1364,  
HOUSE BILL NO. 1370,  
HOUSE BILL NO. 1371,  
HOUSE BILL NO. 1373,  
HOUSE BILL NO. 1374,  
SUBSTITUTE HOUSE BILL NO. 1375,  
SUBSTITUTE HOUSE BILL NO. 1399,  
SECOND SUBSTITUTE HOUSE BILL NO. 1400,  
HOUSE BILL NO. 1412,  
SUBSTITUTE HOUSE BILL NO. 1413,  
HOUSE BILL NO. 1415,  
ENGROSSED HOUSE BILL NO. 1416,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1417,  
SUBSTITUTE HOUSE BILL NO. 1418,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1421,  
HOUSE BILL NO. 1424,  
SUBSTITUTE HOUSE BILL NO. 1440,  
SUBSTITUTE HOUSE BILL NO. 1447,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1451,  
HOUSE BILL NO. 1456,  
SUBSTITUTE HOUSE BILL NO. 1459,  
HOUSE BILL NO. 1460,  
SUBSTITUTE HOUSE BILL NO. 1473,  
SUBSTITUTE HOUSE BILL NO. 1476,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1481,  
SUBSTITUTE HOUSE BILL NO. 1484,  
SUBSTITUTE HOUSE BILL NO. 1491,  
SUBSTITUTE HOUSE BILL NO. 1508,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510,  
SUBSTITUTE HOUSE BILL NO. 1514,

SUBSTITUTE HOUSE BILL NO. 1522,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,  
SUBSTITUTE HOUSE BILL NO. 1536,  
SECOND SUBSTITUTE HOUSE BILL NO. 1537,  
SUBSTITUTE HOUSE BILL NO. 1540,  
HOUSE BILL NO. 1542,  
HOUSE BILL NO. 1545,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1546,  
SUBSTITUTE HOUSE BILL NO. 1548,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1555,  
HOUSE BILL NO. 1562,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1566,  
HOUSE BILL NO. 1567,  
SUBSTITUTE HOUSE BILL NO. 1573,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1574,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594,  
SUBSTITUTE HOUSE BILL NO. 1597,  
HOUSE BILL NO. 1607,  
ENGROSSED HOUSE BILL NO. 1619,  
SUBSTITUTE HOUSE BILL NO. 1625,  
HOUSE BILL NO. 1627,  
SUBSTITUTE HOUSE BILL NO. 1634,  
SUBSTITUTE HOUSE BILL NO. 1639,  
SUBSTITUTE HOUSE BILL NO. 1648,  
SUBSTITUTE HOUSE BILL NO. 1649,  
SUBSTITUTE HOUSE BILL NO. 1654,  
ENGROSSED HOUSE BILL NO. 1659,  
HOUSE BILL NO. 1662,  
HOUSE BILL NO. 1663,  
SUBSTITUTE HOUSE BILL NO. 1665,  
HOUSE BILL NO. 1667,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1704,  
SUBSTITUTE HOUSE BILL NO. 1705,  
HOUSE BILL NO. 1707,  
HOUSE BILL NO. 1709,  
ENGROSSED HOUSE BILL NO. 1710,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1719,  
HOUSE BILL NO. 1727,  
ENGROSSED HOUSE BILL NO. 1729,  
SUBSTITUTE HOUSE BILL NO. 1733,  
SUBSTITUTE HOUSE BILL NO. 1736,  
SUBSTITUTE HOUSE BILL NO. 1738,  
SUBSTITUTE HOUSE BILL NO. 1739,  
SUBSTITUTE HOUSE BILL NO. 1741,  
HOUSE BILL NO. 1742,  
ENGROSSED HOUSE BILL NO. 1749,  
SUBSTITUTE HOUSE BILL NO. 1750,  
SUBSTITUTE HOUSE BILL NO. 1758,  
SUBSTITUTE HOUSE BILL NO. 1769,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1774,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1775,  
SUBSTITUTE HOUSE BILL NO. 1788,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1791,

HOUSE BILL NO. 1792,  
 SUBSTITUTE HOUSE BILL NO. 1813,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1814,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1837,  
 HOUSE BILL NO. 1843,  
 HOUSE BILL NO. 1851,  
 SUBSTITUTE HOUSE BILL NO. 1857,  
 SUBSTITUTE HOUSE BILL NO. 1878,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877,  
 SUBSTITUTE HOUSE BILL NO. 1880,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1882,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1890,  
 HOUSE BILL NO. 1891,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1903,  
 SUBSTITUTE HOUSE BILL NO. 1910,  
 SUBSTITUTE HOUSE BILL NO. 1911,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913,  
 HOUSE BILL NO. 1914,  
 ENGROSSED HOUSE BILL NO. 1934,  
 SUBSTITUTE HOUSE BILL NO. 1939,  
 SUBSTITUTE HOUSE BILL NO. 1957,  
 SUBSTITUTE HOUSE BILL NO. 1964,  
 SUBSTITUTE HOUSE BILL NO. 1968,  
 SUBSTITUTE HOUSE BILL NO. 1977,  
 HOUSE BILL NO. 1991,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009,  
 HOUSE BILL NO. 2032,  
 SUBSTITUTE HOUSE BILL NO. 2034,  
 HOUSE BILL NO. 2039,  
 SUBSTITUTE HOUSE BILL NO. 2042,  
 HOUSE BILL NO. 2070,  
 ENGROSSED HOUSE BILL NO. 2071,  
 HOUSE BILL NO. 2072,  
 HOUSE BILL NO. 2074,  
 HOUSE BILL NO. 2082,  
 HOUSE BILL NO. 2084,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2087,  
 ENGROSSED HOUSE BILL NO. 2089,  
 HOUSE JOINT MEMORIAL NO. 4000,  
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005,  
 HOUSE JOINT MEMORIAL NO. 4009,  
 HOUSE JOINT MEMORIAL NO. 4010,  
 HOUSE JOINT MEMORIAL NO. 4013,  
 HOUSE JOINT MEMORIAL NO. 4017,  
 HOUSE JOINT MEMORIAL NO. 4018,  
 HOUSE JOINT MEMORIAL NO. 4020,  
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4024,  
 HOUSE JOINT MEMORIAL NO. 4027,  
 HOUSE CONCURRENT RESOLUTION NO. 4406,  
 HOUSE CONCURRENT RESOLUTION NO. 4407,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8410, the Senate returned the following House Bills to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1006,  
HOUSE BILL NO. 1016,  
SUBSTITUTE HOUSE BILL NO. 1018,  
HOUSE BILL NO. 1049,  
SUBSTITUTE HOUSE BILL NO. 1057,  
SUBSTITUTE HOUSE BILL NO. 1071,  
SUBSTITUTE HOUSE BILL NO. 1082,  
SUBSTITUTE HOUSE BILL NO. 1091,  
HOUSE BILL NO. 1096,  
SUBSTITUTE HOUSE BILL NO. 1100,  
HOUSE BILL NO. 1104,  
SUBSTITUTE HOUSE BILL NO. 1133,  
SUBSTITUTE HOUSE BILL NO. 1183,  
SUBSTITUTE HOUSE BILL NO. 1185,  
HOUSE BILL NO. 1228,  
SUBSTITUTE HOUSE BILL NO. 1229,  
SUBSTITUTE HOUSE BILL NO. 1230,  
HOUSE BILL NO. 1302,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357,  
SUBSTITUTE HOUSE BILL NO. 1446,  
SECOND SUBSTITUTE HOUSE BILL NO. 1539,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1556,  
HOUSE BILL NO. 1601,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1604,  
SUBSTITUTE HOUSE BILL NO. 1643,  
SUBSTITUTE HOUSE BILL NO. 1645,  
HOUSE BILL NO. 1647,  
HOUSE BILL NO. 1712,  
SUBSTITUTE HOUSE BILL NO. 1776,  
SUBSTITUTE HOUSE BILL NO. 1802,  
SUBSTITUTE HOUSE BILL NO. 1818,  
ENGROSSED HOUSE BILL NO. 1835,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1860,  
SUBSTITUTE HOUSE BILL NO. 1862,  
SUBSTITUTE HOUSE BILL NO. 1921,  
SUBSTITUTE HOUSE BILL NO. 1938,  
SECOND SUBSTITUTE HOUSE BILL NO. 2004,  
HOUSE JOINT MEMORIAL NO. 4001,  
HOUSE JOINT MEMORIAL NO. 4003,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4012,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8410, the senate returned the following House Bills to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,  
SUBSTITUTE HOUSE BILL NO. 1129,  
HOUSE BILL NO. 1296,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,  
HOUSE BILL NO. 1436,  
SUBSTITUTE HOUSE BILL NO. 1630,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080,

and the same are herewith transmitted.

Marty Brown, Secretary

Mr. President:

Under the provisions of Senate Concurrent Resolution No. 8410, the following Senate bills were returned to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5000,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,  
SUBSTITUTE SENATE BILL NO. 5002,  
SUBSTITUTE SENATE BILL NO. 5013,  
SUBSTITUTE SENATE BILL NO. 5021,  
SUBSTITUTE SENATE BILL NO. 5024,  
SENATE BILL NO. 5030,  
SUBSTITUTE SENATE BILL, NO. 5031,  
SENATE BILL NO. 5032,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5033,  
SENATE BILL NO. 5041,  
SUBSTITUTE SENATE BILL NO. 5053,  
SENATE BILL NO. 5054,  
SENATE BILL NO. 5055,  
SENATE BILL NO. 5065,  
SUBSTITUTE SENATE BILL NO. 5066,  
ENGROSSED SENATE BILL NO. 5070,  
ENGROSSED SENATE BILL NO. 5074,  
SUBSTITUTE SENATE BILL NO. 5076,  
SECOND SUBSTITUTE SENATE BILL NO. 5082,  
SENATE BILL NO. 5091,  
SUBSTITUTE SENATE BILL NO. 5097,  
SUBSTITUTE SENATE BILL NO. 5103,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,  
SENATE BILL NO. 5124,  
SUBSTITUTE SENATE BILL NO. 5126,  
SENATE BILL NO. 5128,  
SENATE BILL NO. 5130,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5131,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5139,  
SUBSTITUTE SENATE BILL NO. 5140,  
SECOND SUBSTITUTE SENATE BILL NO. 5159,  
SUBSTITUTE SENATE BILL NO. 5167,  
SUBSTITUTE SENATE BILL NO. 5170,  
SENATE BILL NO. 5173,  
SUBSTITUTE SENATE BILL NO. 5175,  
SENATE BILL NO. 5176,  
ENGROSSED SENATE BILL NO. 5194,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5199,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5201,  
SENATE BILL NO. 5202,  
ENGROSSED SENATE BILL NO. 5204,  
SUBSTITUTE SENATE BILL NO. 5207,  
SENATE BILL NO. 5208,  
SUBSTITUTE SENATE BILL NO. 5211,  
ENGROSSED SENATE BILL NO. 5213,  
SECOND SUBSTITUTE SENATE BILL NO. 5216,  
SENATE BILL NO. 5229,  
SECOND SUBSTITUTE SENATE BILL NO. 5236,  
SENATE BILL NO. 5238,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5247,  
SENATE BILL NO. 5256,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5258,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5262,  
SENATE BILL NO. 5268,  
SENATE BILL NO. 5272,  
SENATE BILL NO. 5273,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5280,  
SUBSTITUTE SENATE BILL NO. 5281,  
SENATE BILL NO. 5286,  
SENATE BILL NO. 5291,  
SUBSTITUTE SENATE BILL NO. 5305,  
SENATE BILL NO. 5310,  
SUBSTITUTE SENATE BILL NO. 5322,  
SUBSTITUTE SENATE BILL NO. 5331,  
SUBSTITUTE SENATE BILL NO. 5336,  
SUBSTITUTE SENATE BILL NO. 5343,  
ENGROSSED SENATE BILL NO. 5344,  
SUBSTITUTE SENATE BILL NO. 5350,  
SUBSTITUTE SENATE BILL NO. 5359,  
ENGROSSED SENATE BILL NO. 5361,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5375,  
SUBSTITUTE SENATE BILL NO. 5377,  
SUBSTITUTE SENATE BILL NO. 5393,  
SUBSTITUTE SENATE BILL NO. 5404,  
SUBSTITUTE SENATE BILL NO. 5407,  
ENGROSSED SENATE BILL NO. 5409,  
SENATE BILL NO. 5429,  
SUBSTITUTE SENATE BILL NO. 5431,  
SUBSTITUTE SENATE BILL NO. 5442,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5447,  
SUBSTITUTE SENATE BILL NO. 5449,  
SENATE BILL NO. 5465,



SUBSTITUTE SENATE BILL NO. 5467,  
SUBSTITUTE SENATE BILL NO. 5469,  
SUBSTITUTE SENATE BILL NO. 5472,  
SENATE BILL NO. 5474,  
SECOND SUBSTITUTE SENATE BILL NO. 5476,  
SUBSTITUTE SENATE BILL NO. 5477,  
SENATE BILL NO. 5488,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5491,  
SECOND SUBSTITUTE SENATE BILL NO. 5497,  
SENATE BILL NO. 5500,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5502,  
SENATE BILL NO. 5510,  
SUBSTITUTE SENATE BILL NO. 5513,  
SUBSTITUTE SENATE BILL NO. 5521,  
SUBSTITUTE SENATE BILL NO. 5522,  
SENATE BILL NO. 5524,  
SENATE BILL NO. 5525,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5530,  
SENATE BILL NO. 5538,  
SUBSTITUTE SENATE BILL NO. 5540,  
SUBSTITUTE SENATE BILL NO. 5545,  
ENGROSSED SENATE BILL NO. 5546,  
SENATE BILL NO. 5548,  
ENGROSSED SENATE BILL NO. 5555,  
SUBSTITUTE SENATE BILL NO. 5556,  
SECOND SUBSTITUTE SENATE BILL NO. 5557,  
SUBSTITUTE SENATE BILL NO. 5568,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5576,  
SENATE BILL NO. 5581,  
SUBSTITUTE SENATE BILL NO. 5588,  
SENATE BILL NO. 5590,  
SUBSTITUTE SENATE BILL NO. 5591,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5605,  
SENATE BILL NO. 5614,  
SENATE BILL NO. 5615,  
SENATE BILL NO. 5626,  
SENATE BILL NO. 5627,  
SUBSTITUTE SENATE BILL NO. 5628,  
SENATE BILL NO. 5641,  
SENATE BILL NO. 5642,  
SUBSTITUTE SENATE BILL NO. 5644,  
SUBSTITUTE SENATE BILL NO. 5648,  
SUBSTITUTE SENATE BILL NO. 5669,  
SUBSTITUTE SENATE BILL NO. 5676,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5690,  
ENGROSSED SENATE BILL NO. 5691,  
SENATE BILL NO. 5698,  
SENATE BILL NO. 5705,  
SUBSTITUTE SENATE BILL NO. 5725,  
SUBSTITUTE SENATE BILL NO. 5727,  
SUBSTITUTE SENATE BILL NO. 5743,  
SUBSTITUTE SENATE BILL NO. 5747,  
SENATE BILL NO. 5758,  
SENATE BILL NO. 5759,

SENATE BILL NO. 5760,  
 ENGROSSED SENATE BILL NO. 5768,  
 SENATE BILL NO. 5787,  
 SUBSTITUTE SENATE BILL NO. 5797,  
 SENATE BILL NO. 5802,  
 SUBSTITUTE SENATE BILL NO. 5818,  
 SENATE BILL NO. 5819,  
 SENATE BILL NO. 5824,  
 SUBSTITUTE SENATE BILL NO. 5825,  
 SENATE BILL NO. 5830,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5831,  
 ENGROSSED SENATE BILL NO. 5837,  
 ENGROSSED SENATE BILL NO. 5841,  
 ENGROSSED SENATE BILL NO. 5852,  
 SUBSTITUTE SENATE BILL NO. 5858,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5875,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,  
 SENATE BILL NO. 5879,  
 SUBSTITUTE SENATE BILL NO. 5884,  
 SUBSTITUTE SENATE BILL NO. 5889,  
 SUBSTITUTE SENATE BILL NO. 5899,  
 SENATE BILL NO. 5900,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5901,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5916,  
 ENGROSSED SENATE BILL NO. 5920,  
 SUBSTITUTE SENATE BILL NO. 5947,  
 SENATE BILL NO. 5986,  
 SUBSTITUTE SENATE BILL NO. 5993,  
 SUBSTITUTE SENATE BILL NO. 6000,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6009,  
 SENATE BILL NO. 6020,  
 ENGROSSED SENATE BILL NO. 6034,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6044,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6047,  
 ENGROSSED SENATE JOINT MEMORIAL NO. 8000,  
 SENATE JOINT MEMORIAL NO. 8001,  
 SENATE JOINT MEMORIAL NO. 8017,  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8020,  
 SENATE CONCURRENT RESOLUTION NO. 8400,  
 ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402,  
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8404,

The following bills were returned to the Rules Committee:

SUBSTITUTE HOUSE BILL NO. 1231,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,  
 HOUSE BILL NO. 1461,  
 SUBSTITUTE HOUSE BILL NO. 1630,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080,  
 HOUSE JOINT MEMORIAL NO. 4030,

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

MOTION

On motion of Representative Foreman, the 1995 Regular Session of the Fifty-Fourth Legislature was adjourned Sine Die.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

ONE HUNDRED-FIFTH DAY, APRIL 23, 1995

JOURNAL OF THE HOUSE

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

**FIRST DAY**

**FIRST SPECIAL SESSION**

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**MORNING SESSION**

---

House Chamber, Olympia, Monday, April 24, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Janna Schneider and Emily Laine. Prayer was offered by Representative Hargrove.

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

**PROCLAMATION BY THE GOVERNOR**

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 1995 regular session of the legislature adjourned April 23, 1995, the 105th day of the session, without completing its work; and

WHEREAS, it is therefore necessary for me to convene a Special Session for the purpose of addressing matters related to the Budgets, the Puget Sound Water Quality Authority, Juvenile Justice reform, Personnel System reform, and the Presidential Primary;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7, of the Washington State Constitution, do hereby convene the Legislature of the State of Washington on Monday, the 24th day of April, 1995 at 10:00 a.m. in Special Session in the Capitol at Olympia for the purpose stated herein.

IN WITNESS whereof, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 23rd day of April, A.D., nineteen hundred and ninety-five.  
(Seal)

The Speaker declared the House to be at ease.

The Speaker called the House to order.

**MESSAGES FROM THE SENATE**

April 24, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8411,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 24, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8412,

and the same is herewith transmitted.

Marty Brown, Secretary

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

#### INTRODUCTIONS AND FIRST READING

SCR 8411 by Senators Gaspard and McDonald

Concerning the status of bills, memorials, and resolutions for the 1995 first special session of the fifty-fourth legislature.

SCR 8412 by Senators Gaspard and McDonald

Limiting the measures to be considered in the 1995 first special session of the Fifty-fourth Legislature.

There being no objection, the rules were suspended, and Senate Concurrent Resolution No. 8411 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Gaspard and McDonald

Concerning the status of bills, memorials, and resolutions for the 1995 first special session of the fifty-fourth legislature.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Senate Concurrent Resolution No. 8411 was adopted.

There being no objection, the rules were suspended, and Senate Concurrent Resolution No. 8412 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8412, by Senators Gaspard and McDonald

Limiting the measures to be considered in the 1995 first special session of the Fifty-fourth Legislature.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Senate Concurrent Resolution No. 8412 was adopted.

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

#### MOTION

On motion of Representative Foreman, the House adjourned until 10:00 a.m., Tuesday, April 25, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIRST DAY, APRIL 24, 1995

#### JOURNAL OF THE HOUSE

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

#### SECOND DAY

#### FIRST SPECIAL SESSION

---

#### MORNING SESSION

---

House Chamber, Olympia, Tuesday, April 25, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Melissa Hays and Molly Moore. Prayer was offered by Representative D. Schmidt.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

#### MESSAGES FROM THE SENATE

April 24, 1995

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8411,  
SENATE CONCURRENT RESOLUTION NO. 8412,

and the same are herewith transmitted.

Marty Brown, Secretary

April 25, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5103,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### RESOLUTIONS

HOUSE RESOLUTION NO. 95-4671, by Representatives Conway, D. Schmidt, Benton, Brown, Jacobsen, Hatfield, Romero, Chappell, Kremen, Dickerson, Grant, Quall, Morris, Radcliff, Delvin, Poulsen, Wolfe, Chopp, Ogden, Valle, Sommers, Patterson, Appelwick, Costa, Basich, Clements, Cairnes, Scott, Cole, G. Fisher, Reams, Ebersole, Cody, Mason, Thibaudeau, Voloria, Regala, R. Fisher, Kessler, Honeyford, Huff, Brumsickle, Robertson, Sheldon and Carrell

WHEREAS, Franklin Delano Roosevelt, the thirty-second President of the United States of America, hailed as the greatest president of the Twentieth Century, died on this day fifty years ago; and

WHEREAS, As president, Franklin Delano Roosevelt led this nation out of the Great Depression, exhorting Americans that "The only thing we have to fear, is fear itself -- nameless, unreasoning, unjustified terror, which paralyzes needed efforts to convert retreat into advance"; and

WHEREAS, Franklin Delano Roosevelt promised and delivered a "New Deal," providing family-wage jobs to working-class Americans, Social Security to older Americans, and an end to soup kitchens, disillusionment, and lost dreams; and

WHEREAS, Franklin Delano Roosevelt, as Commander-in-Chief, rallied this nation and the world through four years of the Second World War, working relentlessly, at the expense of his health, toward an Allied victory he would never see; and

WHEREAS, Franklin Delano Roosevelt overcame the challenge of physical disability to lead his nation and the world through the worst crises in modern history;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and commemorate the life of Franklin Delano Roosevelt, a great American, and president, whose achievements and sacrifice left this nation and this world a better place for all.

Representative Conway moved adoption of the resolution.

Representatives Conway, Campbell, Basich, Ebersole, Pennington, Valle, Sherstad, Smith, Thibaudeau, Pelesky, Quall and Stevens spoke in favor of adoption of the resolution.

House Resolution No. 4671 was adopted.

HOUSE RESOLUTION NO. 95-4685, by Representatives Smith, McMahan, Lambert, Hymes, Clements, Cairnes, Thompson, Schoesler, Hankins, Honeyford, D. Schmidt, Casada, Pelesky, Fuhrman, Radcliff, Sherstad, Delvin, Koster, Van Luven, Buck, Blanton, Reams, Carrell, Mulliken, Horn, Campbell, Robertson, Sehlin, Sheahan, Chandler, Lisk, L. Thomas, K. Schmidt, Talcott, Beekma, Skinner, Mitchell, Ballasiotes, Huff, Goldsmith, Hickel, Johnson, Hargrove, Carlson, Pennington, McMorris, Sterk, Boldt, Silver and Elliot



WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Ronald Wilson Reagan, our fortieth President of these United States, has demonstrated the very highest excellence in selfless services to the citizens of the great state of Washington and these United States; and

WHEREAS, Former President Reagan was born on February 6, 1911, in Tampico, Illinois, to John and Nellie Reagan; and

WHEREAS, Former President Reagan received degrees in Economics and Sociology from Eureka College in 1932 and later moved to California where he pursued a career in motion pictures; and

WHEREAS, Former President Reagan valiantly and proudly served his country in the Armed Forces of the United States, to wit., having served during World War II in the Army Air Corp; and

WHEREAS, Former President Reagan and Nancy Davis were married in 1952 and raised their two children, Patricia Ann and Ronald Prescott, in addition to Michael, who has a well-received radio program, and Maureen, who has successfully served as Cochair of the Republican National Committee; and

WHEREAS, Former President Reagan began his distinguished and selfless public service in 1966 wherein he served as Governor of the state of California, being elected by nearly a million vote margin, and wherein the citizens of the state of California overwhelmingly again elected him to a second term in 1970; and

WHEREAS, Former President Reagan was first elected to the Presidency of the United States in 1980, and again in 1984, during which time he demonstrated, unfaltering, visionary, and courageous leadership of this nation and the free world; and

WHEREAS, Former President Reagan's accomplishments as President of these United States, which overcame untold domestic and international challenges, were manifestly historical for which the nation and the world not only benefit today but will endure for future generations; and

WHEREAS, It is with deep regret that Former President Reagan recently advised the nation and the world that he was diagnosed with the debilitating Alzheimer's disease, for which currently there is no known cure; and

WHEREAS, Ronald Wilson Reagan unabashedly and boldly confronts this personal challenge with the same trust in God and selfless service for others that exemplify his public service;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the excellence in service to the citizens of the great state of Washington and these United States as living inspiration to all those in the world who seek freedom as their way of life; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Former President Reagan, his wife Nancy, and the Presidential Library in California.

Representative Smith moved adoption of the resolution.

Representatives Smith, Ebersole, Beeksma, Ogden, Reams, Hatfield, Campbell, Kessler, Conway, Carrell, Thibaudeau, and Elliot spoke in favor of adoption of the resolution.

House Resolution No. 4685 was adopted.

#### SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8411,  
SENATE CONCURRENT RESOLUTION NO. 8412,

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

#### MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, April 26, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SECOND DAY, APRIL 25, 1995

JOURNAL OF THE HOUSE

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**THIRD DAY**

First Special Session

---

MORNING SESSION

---

House Chamber, Olympia, Wednesday, April 26, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Pranett Ung and Christi Vital. Prayer was offered by Representative Dickerson.

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

The Speaker (Representative Horn presiding) declared the House to at ease.

The Speaker called the House to order.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Thursday, April 27, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

THIRD DAY, APRIL 26, 1995

JOURNAL OF THE HOUSE

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**FOURTH DAY**

First Special Session

---

MORNING SESSION

---

House Chamber, Olympia, Thursday, April 27, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Adrian Person and Daniel Krenelka. Prayer was offered by Representative Ogden.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Friday, April 28, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

FOURTH DAY, APRIL 27, 1995

JOURNAL OF THE HOUSE

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**FIFTH DAY**

FIRST SPECIAL SESSION

—————  
MORNING SESSION

House Chamber, Olympia, Friday, April 28, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding).

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

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Monday, May 1, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIFTH DAY, APRIL 28, 1995

JOURNAL OF THE HOUSE

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**EIGHTH DAY**

First Special Session

---

MORNING SESSION

---

House Chamber, Olympia, Monday, May 1, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Doug Follett and Dave Mangino. Prayer was offered by Representative Regala.

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

MESSAGE FROM THE SENATE

April 27, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5408,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

INTRODUCTIONS AND FIRST READING

HJM 4033 by Representatives Koster, Stevens, McMorris, Crouse, Campbell, Sherstad, Beeksma, D. Schmidt, Lambert, Smith, Thompson, Fuhrman, Backlund, Pelesky, L. Thomas, Boldt, Johnson, Casada, Hargrove, Sterk, Goldsmith, Mulliken, Hymes, McMahan, Talcott and Carrell

Requesting the U.S. Senate to reject adoption of the Convention of the Rights of the Child.

Referred to Committee on Children & Family Services.

HCR 4415 by Representatives Jacobsen, Carlson, Mason and Basich

Honoring the accomplishments of Professor Emeritus Hugh Alvin Bone, Jr.

Referred to the Committee on Rules.

ESSB 5103 by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart and West; by request of Office of Financial Management)

Making supplemental appropriations for the 1993-95 biennium.

Held on First Reading from April 26, 1995.

ESSB 5408 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Johnson, Quigley and Long; by request of Office of Financial Management)

Changing school bus purchasing procedures.

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

There being no objection, the rules were suspended, and Engrossed Substitute Senate Bill No. 5408 was advanced to second reading and read the second time in full.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5408, by Senators McAuliffe, Johnson, Quigley and Long; by request of Office of Financial Management

Changing school bus purchasing procedures.

The bill was read the second time.

There being no objection, the House deferred further consideration of Engrossed Substitute Senate Bill No. 5408.

There being no objection, the rules were suspended, and Engrossed Substitute Senate Bill No. 5103 was advanced to second reading and read the second time in full.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5103, by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart and West; by request of Office of Financial Management)

Making supplemental appropriations for the 1993-95 biennium.

The bill was read the second time.

With the consent of the House, amendment number 920 to Engrossed Substitute Senate Bill No. 5103 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

## MOTIONS

On motion of Representative Veloria, Representatives Rust, Grant and Brown were excused.

On motion of Representative Chopp, Representatives Patterson, G. Fisher and Chappell were excused.

Representatives Silver, Sommers, Foreman, Conway, Sheldon and Cole spoke in favor of passage of the bill.

Representative Kessler spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5103.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5103, and the bill passed the House by the following vote: Yeas - 86, Nays - 2, Absent - 1, Excused - 9.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Mason, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 86.

Voting nay: Representatives Kessler and Thibaudeau - 2.

Absent: Representative Mastin - 1.

Excused: Representatives Brown, Chandler, Chappell, Dyer, Fisher, G., Grant, Lisk, Patterson and Rust - 9.

Engrossed Substitute Senate Bill No. 5103, having received the constitutional majority, was declared passed.

## STATEMENT FOR THE JOURNAL

I would have voted YEA on Engrossed Substitute Senate Bill No. 5103.

JULIA PATTERSON, 33rd District

## MOTION FOR RECONSIDERATION

Representative Mielke: Having voted on the prevailing side moved that the House immediately reconsider the vote on Engrossed Substitute Senate Bill No. 5103.

## RECONSIDERATION

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5103 on reconsideration.

## ROLL CALL



The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5103 on reconsideration, and the bill passed the House by the following vote: Yeas - 88, Nays - 2, Absent - 1, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Kessler and Thibaudeau - 2.

Absent: Representative Mastin - 1.

Excused: Representatives Brown, Chandler, Chappell, Fisher, G., Grant, Patterson and Rust - 7.

Engrossed Substitute Senate Bill No. 5103 on reconsideration, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House resumed consideration of Engrossed Substitute Senate Bill No. 5408.

With the consent of the House, amendment number 924 to Engrossed Substitute Senate Bill No. 5408 was withdrawn.

Representative Brumsickle moved adoption of the following amendment by Representative Brumsickle:

On page 1, line 8, after "instruction" insert ",in consultation with the regional transportation coordinators of the educational service districts,"

On page 1, line 11, after "superintendent" insert "'in consultation with the regional transportation coordinators of the educational service districts,"

On page 1, line 12, after "bus." insert "The categories shall be developed to produce minimum long range operating costs, including costs of equipment and all costs in operating the vehicles. The categories, for purposes of comparative studies, will be at a minimum the same as those in the beginning of the 1994-95 school year."

On page 1, line 15, after "superintendent" insert "in consultation with the regional transportation coordinators of the educational service districts"

On page 6, line 24, after "1995," insert "the legislative budget committee in consultation with"

On page 6, line 25, after "instruction" insert ",,"

Representative Sommers moved adoption of the following amendment to the amendment by Representative Sommers:

On page 1, beginning on line 18 of the amendment, strike all material through the end of line 20 and insert the following:

"On page 6, line 24, after "December 15," strike "1995" and insert "1996"

On page 6, line 25, after "instruction" insert ", in consultation with the legislative budget committee,""

Representatives Sommers and Brumsickle spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representatives Brumsickle and Cole spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

Representative Carlson spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5408 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5408 as amended by the House, and the bill passed the House by the following vote: Yeas - 83, Nays - 6, Absent - 2, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Lambert, Lisk, Mason, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 83.

6. Voting nay: Representatives Beeksma, Brumsickle, Carlson, Dyer, Kremen and Thomas, B. -

Absent: Representatives Mastin and Tokuda - 2.

7. Excused: Representatives Brown, Chandler, Chappell, Fisher, G., Grant, Patterson and Rust -

Engrossed Substitute Senate Bill No. 5408, as amended by the House, having received the constitutional majority, was declared passed.

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

#### MOTION

On motion of Representative Foreman, the House adjourned until 10:00 a.m., Tuesday, May 2, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

EIGHTH DAY, MAY 1, 1995

JOURNAL OF THE HOUSE

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

**NINTH DAY**

First Special Session

---

**MORNING SESSION**

---

House Chamber, Olympia, Tuesday, May 2, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Cullen and David Nelson. Prayer was offered by Representative Quall.

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

The Speaker assumed the chair.

**MESSAGE FROM THE SENATE**

May 1, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5103,

and the same is herewith transmitted.

Marty Brown, Secretary

**SIGNED BY THE SPEAKER**

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5103,

The Speaker called on Representative Horn to preside.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, May 3, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

NINTH DAY, MAY 2, 1995

JOURNAL OF THE HOUSE

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

**TENTH DAY**

First Special Session

---

**MORNING SESSION**

---

House Chamber, Olympia, Wednesday, May 3, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tory Tjersland and Kenneth Dunn. Prayer was offered by Representative Kessler.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

**MESSAGES FROM THE SENATE**

May 2, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5408 and passed the bill as amended by the House.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 2, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6073,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 2, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8414,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

MOTION

There being no objection, the House adjourned until 9:00 a.m., Thursday, May 4, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

TENTH DAY, MAY 3, 1995

JOURNAL OF THE HOUSE

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**ELEVENTH DAY**

First Special Session

—————  
MORNING SESSION

—————  
House Chamber, Olympia, Thursday, May 4, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bill Baxter and Doug Follett. Prayer was offered by Representative Kremen.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

MOTION

There being no objection, the House adjourned until 9:00 a.m., Friday, May 5, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk



ELEVENTH DAY, MAY 4, 1995

JOURNAL OF THE HOUSE

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**TWELFTH DAY**

First Special Session

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**MORNING SESSION**

---

House Chamber, Olympia, Friday, May 5, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Mangino and Tory Tjersland. Prayer was offered by Representative Basich.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

**MOTION**

There being no objection, the House adjourned until 9:30 a.m., Monday, May 8, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWELFTH DAY, MAY 5, 1995

JOURNAL OF THE HOUSE

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**FIFTIETH DAY**

First Special Session

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MORNING SESSION

---

House Chamber, Olympia, Tuesday, May 8, 1995

The House was called to order at 9:30 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Nelson and John Cullen. Prayer was offered by Representative Pennington.

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

The Speaker (Representative Horn presiding) declared the House to ease.

The Speaker (Representative Horn presiding) called the House to order.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Tuesday, May 9, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

FIFTIETH DAY, MAY 8, 1995

JOURNAL OF THE HOUSE

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**SIXTEENTH DAY**

First Special Session

—————  
**MORNING SESSION**  
—————

House Chamber, Olympia, Tuesday, May 9, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Anderson and Christian McCabe. Prayer was offered by Representative Talcott.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

**MOTION**

There being no objection, the House adjourned until 9:00 a.m., Wednesday, May 10, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

SIXTIETH DAY, MAY 9, 1995

JOURNAL OF THE HOUSE

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**SEVENTEENTH DAY**

First Special Session

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MORNING SESSION

---

House Chamber, Olympia, Wednesday, May 10, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ken Dunn and Scott Hillwick. Prayer was offered by Representative Johnson.

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

MESSAGES FROM THE SENATE

May 9, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5231,  
SUBSTITUTE SENATE BILL NO. 5568,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 3, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5408,

and the same is herewith transmitted.

Marty Brown, Secretary

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

MOTION

There being no objection, the House adjourned until 9:00 a.m., Thursday, May 11, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SEVENTIETH DAY, MAY 10, 1995

JOURNAL OF THE HOUSE

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**EIGHTEENTH DAY**

First Special Session

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MORNING SESSION

---

House Chamber, Olympia, Thursday, May 11, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bill Baxter and David Nelson. Prayer was offered by Representative Sherstad.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

MOTION

There being no objection, the House adjourned until 9:00 a.m., Friday, May 12, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

EIGHTEENTH DAY, MAY 11, 1995

JOURNAL OF THE HOUSE

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**NINETEENTH DAY**

First Special Session

---

**MORNING SESSION**

---

House Chamber, Olympia, Friday, May 12, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Doug Follett and David Mangino. Prayer was offered by Representative Lambert.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

**MOTION**

There being no objection, the House adjourned until 10:00 a.m., Monday, May 15, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker



NINETEENTH DAY, MAY 12, 1995

JOURNAL OF THE HOUSE

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**TWENTY-SECOND DAY**

First Special Session

—————  
MORNING SESSION  
—————

House Chamber, Olympia, Monday, May 15, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bill Baxter and Scott Hillwick. Prayer was offered by Representative Thompson.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Tuesday, May 16, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-SECOND DAY, MAY 15, 1995

JOURNAL OF THE HOUSE

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**TWENTY-THIRD DAY**

First Special Session

—————  
MORNING SESSION  
—————

House Chamber, Olympia, Tuesday, May 16, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Cullen and Dave Mangino. Prayer was offered by Representative Backlund.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, May 17, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-THIRD DAY, MAY 16, 1995

JOURNAL OF THE HOUSE

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**TWENTY-FOURTH DAY**

First Special Session

—————  
MORNING SESSION  
—————

House Chamber, Olympia, Wednesday, May 17, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tory Tjersland and Ken Dunn. Prayer was offered by Representative Cooke.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

May 16, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6010,  
SUBSTITUTE SENATE BILL NO. 6058,  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8404,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5408,

There being no objection, the Rules Committee was relieved of Engrossed Substitute House Bill No. 1317, House Bill No. 1016 and Substitute House Bill No. 1093 and the bills were placed on third reading.

#### MOTION

On motion of Representative Patterson, Representatives Chappell, Dellwo, Ogden, Scott and Tokuda were excused.

There being no objection, the rules were suspended, and House Bill No. 1016 was returned to second reading for the purpose of an amendment.

HOUSE BILL NO. 1016, by Representatives K. Schmidt and Kremen

Exempting state and county ferry fuel sales and use tax.

The bill was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 82.38.030 and 1989 c 193 s 3 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate computed in the manner provided in RCW 82.36.025 per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use of special fuel in any motor vehicle, or a ferry owned or operated by the state of Washington or one of its political subdivisions, operated upon the highways or waterways of this state during the fiscal year for which such rate is applicable.

(2) The tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser is not the holder of a valid special fuel license issued pursuant to this chapter allowing the purchase of untaxed special fuel, except sales of special fuel for export. To claim an exemption on account of sales by a licensed special fuel dealer for export, the purchaser shall obtain from the selling special fuel dealer, and such selling special fuel dealer must furnish the purchaser, an invoice giving such details of the sale for export as the director may require, copies of which shall be furnished the department and the entity of the state or foreign jurisdiction of destination which is charged by the laws of that state or foreign jurisdiction with the control or monitoring or both, of the sales or movement of special fuel in that state or foreign jurisdiction.

(3) The tax shall be paid over to the department by the special fuel user as hereinafter provided with respect to the taxable use of special fuel upon which the tax has not previously been imposed.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer.

**Sec. 2.** RCW 82.36.410 and 1973 c 95 s 5 are each amended to read as follows:

All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. All revenues from fuel purchased for marine use by the state ferry system shall be credited to the Puget Sound ferry operations account created under RCW 47.60.530. All revenues from fuel purchased for marine use by Pierce, Skagit, and Whatcom counties for county ferry operations shall be credited to the motor vehicle fund and distributed under RCW 46.68.100(3) and allocated according to RCW 47.56.725. All revenues from fuel purchased by Wahkiakum county for

county ferry operations shall be directly reimbursed by the state treasurer to the Wahkiakum county treasurer.

**Sec. 3.** RCW 47.56.725 and 1991 c 310 s 1 are each amended to read as follows:

(1) The department is hereby authorized to enter into a continuing agreement with Pierce, Skagit, and Whatcom counties pursuant to which the department shall, from time to time, direct the distribution to each of the counties the amounts authorized in subsection (2) of this section in accordance with RCW 46.68.100.

(2) The department is authorized to include in each agreement a provision for the distribution of funds to each county to reimburse the county for fifty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry system owned and operated by the county. The total amount to be reimbursed to Pierce, Skagit, and Whatcom counties collectively shall not exceed one million dollars in any biennium. Refunds of motor vehicle fuel taxes for county ferry operations shall not be considered in the amount to be reimbursed. Each county agreement shall contain a requirement that the county shall maintain tolls on its ferries at least equal to tolls in place on January 1, 1990.

(3) The annual fiscal year operating and maintenance deficit, if any, shall be determined by Pierce, Skagit, and Whatcom counties subject to review and approval of the department. The annual fiscal year operating and maintenance deficit is defined as the total of operations and maintenance expenditures less the sum of ferry toll revenues and that portion of fuel tax revenue distributions which are attributable to the county ferry as determined by the department. Distribution of the amounts authorized by subsection (2) of this section by the state treasurer shall be directed by the department upon the receipt of properly executed vouchers from each county.

(4) The county road administration board may evaluate requests by Pierce, Skagit, Wahkiakum, and Whatcom counties for county ferry capital improvement funds. The board shall evaluate the requests and, if approved by a majority of the board, submit the requests to the legislature for funding out of the amounts available under RCW 46.68.100(3). Any county making a request under this subsection shall first seek funding through the public works trust fund, or any other available revenue source, where appropriate."

On page 1, line 1 of the title, after "ferries;" strike the remainder of the title and insert "and amending RCW 82.38.030, 82.36.410, and 47.56.725."

Representative K. Schmidt spoke in favor of the adoption of the amendment.

#### MOTION

On motion of Representative Patterson, Representatives Brown and Morris were excused.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt and R. Fisher spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Talcott, Representative Horn was excused.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1016.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1016, and the bill passed the House by the following vote: Yeas - 74, Nays - 15, Absent - 0, Excused - 9.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wolfe and Mr. Speaker - 74.

Voting nay: Representatives Casada, Chopp, Cody, Cole, Dickerson, Fisher, G., Mason, Patterson, Pelesky, Poulsen, Rust, Sommers, Thibaudeau, Valle and Veloria - 15.

Excused: Representatives Brown, Chandler, Chappell, Dellwo, Ebersole, Horn, Morris, Ogden and Tokuda - 9.

Engrossed House Bill No. 1016, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended, and Substitute House Bill No. 1093 was returned to second reading for the purpose of an amendment.

SUBSTITUTE HOUSE BILL NO. 1093, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Johnson, Romero and Wolfe; by request of Department of General Administration)

Revising bidding procedures for public agencies.

The bill was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 47.56.030 and 1977 ex.s. c 151 s 66 are each amended to read as follows:

The department of transportation shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof. The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law. The department shall have full charge of design of all toll facilities. The department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities.

The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(1) When the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals

solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(2) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price maintainability; reliability; commonality; performance levels; life cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(a) The ability, capacity, and skill of the proposer to perform the contract or provide the service required;

(b) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(c) Whether the proposer can perform the contract within the time specified;

(d) The quality of performance of previous contracts or services;

(e) The previous and existing compliance by the proposer with laws relating to the contract or services;

(f) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(g) Such other information as may be secured having a bearing on the decision to award the contract.

When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When a life cycle cost analysis is used, the life cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request of proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose proposal is most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

(3) The legislative transportation committee shall review the secretary's use of the request for proposals solicitation for Washington state ferries projects to determine if the process established under this act is appropriate. The results of the review, including recommendations for modification of the request for proposal process, shall be reported to the house of representatives and senate transportation committees by January 1, 1997.

**Sec. 2.** RCW 47.60.140 and 1987 c 69 s 1 are each amended to read as follows:

(1) The department is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, and toll bridges as a revenue-producing and self-liquidating undertaking. The department has full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation, and maintenance of the ferry system, including toll bridges, approaches, and roadways incidental thereto that may be authorized by the department, including the collection of tolls and other charges for the services and facilities of the undertaking. The department has the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches, and landings, but, except as provided in subsection (2) of this section, no such leases or contracts may be entered into for more than ~~((five years, nor without public advertisement for bids as may be prescribed by the department. However, except as provided in subsection (2) of this section, the Colman Dock facilities may be leased for a period not to exceed))~~ ten years, nor without a competitive contract process, except as otherwise provided in this section. The competitive process shall be either an invitation for bids in accordance with the process established by chapter 43.19 RCW, or a request for proposals in accordance with the process established by RCW 47.56.030.

(2) As part of a joint development agreement under which a public or private developer constructs or installs improvements on ferry system property, the department may lease all or part of such property and improvements to such developers for that period of time, not to exceed fifty-five years, or not to exceed thirty years for those areas located within harbor areas, which the department determines is necessary to allow the developer to make reasonable recovery on its initial investment.

Any lease entered into as provided for in this subsection that involves state aquatic lands shall conform with the Washington state Constitution and applicable statutory requirements as determined by the department of natural resources. That portion of the lease rate attributable to the state aquatic lands shall be distributed in the same manner as other lease revenues derived from state aquatic lands as provided in RCW 79.24.580.

**NEW SECTION. Sec. 3.** The following acts or parts of acts are each repealed:

- (1) RCW 47.60.651 and 1987 c 183 s 1;
- (2) RCW 47.60.653 and 1987 c 183 s 2;
- (3) RCW 47.60.655 and 1987 c 183 s 3;
- (4) RCW 47.60.657 and 1987 c 183 s 4;
- (5) RCW 47.60.659 and 1987 c 183 s 5; and
- (6) RCW 47.60.661 and 1987 c 183 s 6.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "ferries;" strike the remainder of the title and insert "amending RCW 47.56.030 and 47.60.140; repealing RCW 47.60.651, 47.60.653, 47.60.655, 47.60.657, 47.60.659, and 47.60.661; and declaring an emergency."

Representative K. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1093.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1093, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 89.

Excused: Representatives Brown, Chandler, Chappell, Dellwo, Ebersole, Horn, Morris, Ogden and Tokuda - 9.

Engrossed Substitute House Bill No. 1093, having received the constitutional majority, was declared passed.

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

#### INTRODUCTIONS AND FIRST READING



SSB 5231 by Senate Committee on Transportation (originally sponsored by Senators Owen and Prince; by request of Department of Transportation)

Separating payment of transportation agency tort liabilities.

SB 6073 by Senators Smith and Schow

Amending RCW 46.63.020 to include reference to section 5 of Substitute Senate Bill No. 5141.

There being no objection, the rules were suspended, and Substitute Senate Bill No. 5231 and Senate Bill No. 6073 were advanced to second reading and read the second time in full.

SUBSTITUTE SENATE BILL NO. 5231, by Senate Committee on Transportation (originally sponsored by Senators Owen and Prince; by request of Department of Transportation)

Separating payment of transportation agency tort liabilities.

The bill was read the second time.

There being no objection, the House deferred further consideration of Substitute Senate Bill No. 5231 and the bill held it's place on the second reading calendar.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House resumed consideration of Substitute Senate Bill No. 5231.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5231.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5231, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 90.

Excused: Representatives Brown, Chandler, Chappell, Dellwo, Morris, Ogden, Thompson and Tokuda - 8.

Substitute Senate Bill No. 5231, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6073, by Senators Smith and Schow

Amending RCW 46.63.020 to include reference to section 5 of Substitute Senate Bill No. 5141.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 6073.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6073, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 90.

Excused: Representatives Brown, Chandler, Chappell, Dellwo, Morris, Ogden, Thompson and Tokuda - 8.

Senate Bill No. 6073, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended, and Engrossed Substitute House Bill No. 1317 was returned to second reading for the purpose of an amendment.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317, by House Committee on Transportation (originally sponsored by Representatives Robertson, Cairnes, B. Thomas, Mitchell, Van Luven, Dyer, Lambert, Radcliff, D. Schmidt, Backlund, Cooke, Reams, Campbell, Stevens, L. Thomas and Koster)

Revising the selection process for transportation systems and facilities demonstration projects.

The bill was read the second time.

With the consent of the House, amendment number 930 to Engrossed Substitute House Bill No. 1317 was withdrawn.

Representative R. Fisher moved adoption of the following amendment by Representative R. Fisher:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The following acts or parts of acts are each repealed:

- (1) RCW 47.46.010 and 1993 c 370 s 1;
- (2) RCW 47.46.020 and 1993 c 370 s 2;
- (3) RCW 47.46.030 and 1993 c 370 s 3;
- (4) RCW 47.46.040 and 1993 c 370 s 4;

- (5) RCW 47.46.050 and 1993 c 370 s 5; and  
(6) RCW 47.46.900 and 1993 c 370 s 7.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

**NEW SECTION. Sec. 3.** The legislature finds and declares:

It is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system.

The ability of the state to provide an efficient transportation system will be enhanced by a public-private sector program providing for private entities to undertake all or a portion of the study, planning, design, development, financing, acquisition, installation, construction or improvement, operation, and maintenance of transportation systems and facility projects.

A public-private initiatives program will provide benefits to both the public and private sectors. Public-private initiatives provide a sound economic investment opportunity for the private sector. Such initiatives will provide the state with increased access to property development and project opportunities, financial and development expertise, and will supplement state transportation revenues, allowing the state to use its limited resources for other needed projects.

The public-private initiatives program, to the fullest extent possible, should encourage and promote business and employment opportunities for Washington state citizens.

The public-private initiatives program should be implemented in cooperation and consultation with affected local jurisdictions.

The secretary of transportation should be permitted and encouraged to test the feasibility of building privately funded transportation systems and facilities or segments thereof through the use of innovative agreements with the private sector. The secretary of transportation should be vested with the authority to solicit, evaluate, negotiate, and administer public-private agreements with the private sector relating to the planning, construction, upgrading, or reconstruction of transportation systems and facilities.

The department of transportation should be encouraged to take advantage of new opportunities provided by federal legislation under section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That section establishes a new program authorizing federal participation in construction or improvement or improvement of publicly or privately owned toll roads, bridges, and tunnels, and allows states to leverage available federal funds as a means for attracting private sector capital.

**NEW SECTION. Sec. 4.** As used in this chapter, "transportation systems and facilities" means capital-related improvements and additions to the state's transportation infrastructure, including but not limited to highways, roads, bridges, vehicles, and equipment, marine-related facilities, vehicles, and equipment, park and ride lots, transit stations and equipment, transportation management systems, and other transportation-related investments.

**NEW SECTION. Sec. 5.** The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of financing.

The public-private initiative program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project. The commission shall approve each of the selected projects.

Proposals and demonstration projects may be selected by the public and private sectors at their discretion. All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

**NEW SECTION. Sec. 6.** Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services under the agreement may be entered into with any qualified law enforcement agency, and shall provide for full reimbursement for services rendered by that agency. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans. Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

**NEW SECTION. Sec. 7.** The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied to payment of the private entity's capital outlay costs for the project, including interest expense, the costs associated with operations, toll collection, maintenance and administration of the facility, reimbursement to the state for the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. The use of any excess toll revenues or user fees may be negotiated between the parties.

After expiration of the lease of a facility to a private entity, the secretary may continue to charge user fees or tolls for the use of the facility, with these revenues to be used for operations and maintenance of the facility, or to be paid to the local transportation planning agency, or any combination of such uses.

NEW SECTION. **Sec. 8.** Sections 3 through 7 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof. The ballot title for this referendum measure is as follows:

"Shall the state supplement state revenue by authorizing private sector financing for the construction of unfunded transportation systems and facilities through user fees or tolls?"

NEW SECTION. **Sec. 9.** Sections 3 through 7 of this act are each added to chapter 47.46 RCW."

Fix the title accordingly.

Representative R. Fisher spoke in favor of the adoption of the amendment.

Representative Robertson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Robertson moved adoption of the following amendment by Representative Robertson:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 47.46.010 and 1993 c 370 s 1 are each amended to read as follows:

The legislature finds and declares:

It is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system.

The ability of the state to provide an efficient transportation system will be enhanced by a public-private sector program providing for private entities to undertake all or a portion of the study, planning, design, development, financing, acquisition, installation, construction or improvement, operation, and maintenance of transportation systems and facility projects.

A public-private initiatives program will provide benefits to both the public and private sectors. Public-private initiatives provide a sound economic investment opportunity for the private sector. Such initiatives will provide the state with increased access to property development and

project opportunities, financial and development expertise, and will supplement state transportation revenues, allowing the state to use its limited resources for other needed projects.

The public-private initiatives program, to the fullest extent possible, should encourage and promote business and employment opportunities for Washington state citizens.

The public-private initiatives program should be implemented in cooperation and consultation with affected local jurisdictions.

The secretary of transportation should be permitted and encouraged to test the feasibility of building privately funded transportation systems and facilities or segments thereof through the use of innovative agreements with the private sector. The secretary of transportation should be vested with the authority to solicit, evaluate, negotiate, and administer public-private agreements with the private sector relating to the planning, construction, upgrading, or reconstruction of transportation systems and facilities.

Agreements negotiated under a public-private initiatives program will not bestow on private entities an immediate right to construct and operate the proposed transportation facilities. Rather, agreements will grant to private entities the opportunity to design the proposed facilities, demonstrate public support for proposed facilities, and complete the planning processes required in order to obtain a future decision by the department of transportation and other state and local lead agencies on whether the facilities should be permitted and built.

Agreements negotiated under the public-private initiative's program should establish the conditions under which the private developer may secure the approval necessary to develop and operate the proposed transportation facilities; create a framework to attract the private capital necessary to finance their development; and ensure that the transportation facilities will be designed, constructed, and operated in accordance with applicable local, regional, state, and federal laws and the applicable standards and policies of the department of transportation.

The legislature finds that the Puget Sound congestion pricing project, selected under this chapter, raises major transportation policy, economic, and equity concerns. These relate to the integrity of the state's high-occupancy vehicle program; the cost-effective movement of freight and goods; the diversion of traffic to local streets and arterials; and possible financial hardship to commuters. The legislature further finds that these potential economic and social impacts require comprehensive legislative review prior to advancement of the project and directs that the secretary not proceed with the implementation of the project without prior approval of the legislature.

The department of transportation should be encouraged to take advantage of new opportunities provided by federal legislation under section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That section establishes a new program authorizing federal participation in construction or improvement or improvement of publicly or privately owned toll roads, bridges, and tunnels, and allows states to leverage available federal funds as a means for attracting private sector capital.

**Sec. 2.** RCW 47.46.030 and 1993 c 370 s 3 are each amended to read as follows:

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of financing.

The public-private initiative program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project. ~~((The commission shall approve each of the selected projects.~~

~~Proposals and demonstration projects may be selected by the public and private sectors at their discretion. All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.~~

~~The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.)~~ (2) If projects selected prior to September 1, 1994, are terminated by the public or private sectors, no other projects shall be selected as replacement projects until the department develops a public involvement process to identify prospective projects.

The public involvement process for replacement projects shall, at a minimum, identify projects that: (a) Have the potential of achieving overall public support among users of the projects, residents of communities in the vicinity of the projects, and residents of communities impacted by the projects; (b) meet a state transportation need; (c) provide a significant state benefit; and (d) have the capability of receiving more than one proposal from private entities to ensure greater competition among proposers and maximum cost benefits to users. Prospective projects may include projects identified by the department or submitted by the private sector.

The department shall develop a public involvement plan for identifying replacement projects and the cost of the plan by January 1, 1997, and shall submit the plan to the legislative transportation committee for review. Project selections for replacement projects made after September 1, 1994, shall be carried out utilizing the public involvement process developed by the department and reviewed by the legislative transportation committee. Projects that meet the criteria established under this section shall be submitted for review by the Washington state transportation commission. The commission shall submit a list of eligible projects to the legislative transportation committee for its consideration. If within forty-five calendar days of submission the legislative transportation committee has not adopted a resolution recommending that the secretary reject an eligible project, the secretary is authorized to solicit proposals for the eligible project.

(3) The department shall require projects selected by the department prior to and after September 1, 1994, except as provided for in subsection (12) of this section, to comply with the requirements of subsections (4) through (11) of this section.

(4) Prior to entering into agreements with private entities under the requirements of RCW 47.46.040 for any project selected before or after September 1, 1994, except as provided for in subsection (12) of this section, the department shall require an advisory vote as mandated under subsections (5) through (11) of this section.

(5)(a) Prior to conducting the advisory vote, the department shall establish a committee comprised of individuals who represent cities and counties in the vicinity of the project; organizations formed to support or oppose the project; and users of the project. The committee shall be named the public-private local involvement committee, and be known as the local involvement committee.

(b) The members of the local involvement committee shall be: (i) An elected official from each city within the county or counties in which the project is located; (ii) an elected official from each county in which the project is located; (iii) two persons from each county in which the project is located who represent an organization formed in support of the project, if the organization exists; (iv) two persons from each county in which the project is located who represent an organization formed to oppose the project, if the organization exists; and (v) two public members active in a state-wide transportation organization. If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the project is located.

(c) City and county elected officials shall be appointed by a majority of the members of the city and county legislative authorities of each city and county in which the project is located. The county legislative authority of each county in which the project is located shall identify and validate organizations officially formed in support of or in opposition to the project and shall make the appointments required under this section from a list submitted by the chair of the organizations. Public members shall be appointed by the governor. All appointments to the local involvement committee shall be made and submitted to the department of transportation no later than August 1, 1995. Vacancies in the membership of the local involvement committee shall be filled by the appointing authority under (b) of this subsection for each position on the committee.

(6) In preparing for the advisory vote the department and the local involvement committee shall conduct a comprehensive analysis of traffic patterns and economic impact to determine and define the geographical boundary of the project area that is most affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department and the local involvement committee shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of and impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) an analysis of the anticipated traffic diversion patterns; (c) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (d) an analysis of the economic

impact of tolls or user fees on the price of goods and services generally; and (e) an analysis of the relationship of the project to state transportation needs and benefits.

(7) After a determination and definition by the department and the local involvement committee of the affected project area, the department and the local involvement committee shall conduct a minimum thirty-day public comment period. The department and the local involvement committee may make adjustments to the definition of the geographical boundary of the affected project area, based on comments received from the public. Within fourteen calendar days after the public comment period, the department and the local involvement committee shall establish the boundaries of the affected project area in units no smaller than a precinct as defined in RCW 29.01.120.

If after establishing the boundaries of the affected project area, the department and the local involvement committee determine that the membership of the local involvement committee requires modification, the department and the committee shall submit recommendations for modification to the legislative transportation committee for consideration by the house of representatives and senate transportation committees during the next succeeding legislative session.

(8) The department and the local involvement committee shall develop a project description for selected projects, using project proposals submitted as a result of solicitations by the department for proposals, technical evaluations of project proposals, and any other salient information. After developing the project description, the department and the local involvement committee shall conduct a thirty-day public comment period. The department and the local involvement committee may make adjustments to the project description based on comments received from the public. Within fourteen calendar days after the public comment period, the department and the local involvement committee shall transmit a copy of the map depicting the affected project area and the project description and characteristics to the county auditor of the county in which any portion of the affected project area, as defined by the department and the local involvement committee, is located.

(9) The department and the local involvement committee shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project area and project description and characteristics.

(10) Upon receipt of the map and the project description and characteristics, the county auditor shall, within sixty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project and shall set an election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees to implement the proposed project within the affected project area, which date may be the next succeeding general election to be held in the state, or at a special election, if requested by the department. The text of the project must appear in a voter's pamphlet for the affected project area. The department shall pay the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days but, if authorized under RCW 29.13.020, no more than ninety days after the receipt of the final map and project description and characteristics by the auditor. The department shall pay the cost of an election held under this section.

(11) The department and the local involvement committee shall submit the results of the advisory vote on any project selected under this chapter, along with any other pertinent information, to the legislative transportation committee within seven calendar days of certification of the vote. No later than thirty days prior to the next legislative session, the legislative transportation committee shall adopt a resolution making a recommendation to the department regarding the disposition of the project proposals.

(12) Subsections (5) through (11) of this section shall not apply to projects selected prior to September 1, 1994, that have no organized public opposition as demonstrated by the submission to the department of petitions bearing at least five thousand signatures opposing the project, collected after September 1, 1994, and by thirty calendar days after the effective date of this act.

**Sec. 3.** RCW 47.46.040 and 1993 c 370 s 4 are each amended to read as follows:

(1) All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

(2) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.



(3) Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

(4) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. ~~Agreements for police services for projects, involving state highway routes, developed under ((the agreement may))~~ agreements shall be entered into with ((any qualified law enforcement agency, and shall provide for full reimbursement for services rendered by that agency)) the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(5) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

(6) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

(7) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

(8) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

(9) Agreements shall include a process that provides for public involvement in decision making with respect to the development of the projects.

(10)(a) In carrying out the public involvement process required in subsection (9) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates overall public support among: Users of the

project, residents of communities in the vicinity of the project, and residents of communities impacted by the project. The public involvement process shall provide opportunities for users and residents to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.

(b) The private entity shall cause to be conducted on one or more occasions, a comprehensive inventory of public positions of users and of residents of communities in the affected project area. If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of and impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.

The agreement may require an advisory vote by users of and residents in the affected project area under the terms and conditions established for the vote in RCW 47.46.030(5) through (10), except that the private entity shall pay all costs associated with the advisory vote.

The comprehensive inventory of public positions shall be conducted by an independent accountant or other independent professional jointly selected and supervised by the private entity and the department in consultation with the local involvement committee and the legislative transportation committee. The independent accountant or other independent professional must have a proven history and expertise in assessing public opinion and shall not have a direct or indirect interest in such project. The results of the inventory of public positions shall be made available for public review and comment.

(c) In seeking public participation, the private entity shall involve the local involvement committee established under RCW 47.46.030. If no local involvement committee has been established for the project prior to entering into the agreement, the private entity shall, at a minimum, establish the committee as required under the specifications of RCW 47.46.030(5) (b) and (c). Additions to the committee may be made as a result of defining the affected project area as required under subsection (10)(b) of this section.

(d) The local involvement committee shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(e) The department and the private entity shall provide the legislative transportation committee and the local involvement committee with progress reports on the status of the public involvement process and the inventory of public positions. The results of the inventory of public positions, including public comment on such inventory of public positions, shall be forwarded to the legislative transportation committee and the local involvement committee for their review.

(11) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

**Sec. 4.** RCW 47.46.050 and 1993 c 370 s 5 are each amended to read as follows:

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to

the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of the private entity's capital outlay costs for the project, including project development costs, interest expense, the costs associated with design, construction, operations, toll collection, maintenance and administration of the ((facility)) project, reimbursement to the state for all costs associated with an election as required under RCW 47.46.030, the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. ~~((The use of any excess toll revenues or user fees may be negotiated between the parties.~~

~~After expiration of the lease of a facility to a private entity, the secretary may continue to charge user fees or tolls for the use of the facility, with these revenues to be used for operations and maintenance of the facility, or to be paid to the local transportation planning agency, or any combination of such uses.))~~ A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under this subsection.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 47.46.010, 47.46.030, 47.46.040, and 47.46.050; and declaring an emergency."

Representatives Robertson, Chopp and K. Schmidt spoke in favor of the adoption of the amendment.

Representative R. Fisher spoke against the adoption of the amendment.

#### POINT OF INQUIRY

Representative Robertson yielded to a question by Representative K. Schmidt.

Representative K. Schmidt: Is it the intent of Engrossed Substitute House Bill No. 1317 that the signatures (opposing a particular project) collected under the requirements of Section 2, Subsection (12) of the bill, be collected in the locality in the proximate vicinity of such project?

Representative Robertson: Yes, that is the intent; and it is in keeping with the requirements that the advisory vote be in the affected project area.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robertson and D. Schmidt spoke in favor of passage of the bill.

Representative R. Fisher spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1317.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1317, and the bill passed the House by the following vote: Yeas - 79, Nays - 12, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chopp, Clements, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mitchell, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Van Luven, Wolfe and Mr. Speaker - 79.

Voting nay: Representatives Casada, Cody, Fisher, R., Hargrove, Mason, Mielke, Regala, Romero, Silver, Sommers, Valle and Veloria - 12.

Excused: Representatives Brown, Chandler, Chappell, Dellwo, Morris, Thompson and Tokuda - 7.

Second Engrossed Substitute House Bill No. 1317, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Engrossed Substitute House Bill No. 1317.

CATHY WOLFE, 22nd District

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

#### MOTION

There being no objection, the House adjourned until 10:00 a.m., Thursday, May 18, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-FOURTH DAY, MAY 17, 1995

JOURNAL OF THE HOUSE

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

**TWENTY-FIFTH DAY**

First Special Session

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MORNING SESSION

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House Chamber, Olympia, Thursday, May 18, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Doug Follett and David Mangino. Prayer was offered by Representative Hankins.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

**MOTION FOR RECONSIDERATION**

Representative Ebersole: Having voted on the prevailing side of Second Engrossed Substitute House Bill No. 1317, moved that the House immediately reconsider the vote.

Representative Robertson spoke in favor of passage of the bill.

Representative R. Fisher spoke against passage of the bill.

**RECONSIDERATION**

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1317 on reconsideration.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1317 on reconsideration, and the bill passed the House by the following vote: Yeas - 67, Nays - 21, Absent - 7, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Clements, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins,

Hatfield, Hickel, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mitchell, Ogden, Pennington, Poulsen, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 67.

Voting nay: Representatives Brown, Casada, Cody, Cole, Conway, Ebersole, Fisher, R., Hargrove, Mason, Mielke, Pelesky, Quall, Regala, Romero, Rust, Silver, Sommers, Tokuda, Valle, Veloria and Wolfe - 21.

Absent: Representatives Chappell, Chopp, Dellwo, Fisher, G., Kessler, Morris and Patterson - 7.

Excused: Representatives Honeyford, Horn and Mulliken - 3.

Second Engrossed Substitute House Bill No. 1317, on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration on Engrossed Second Substitute House Bill No. 2010 and the bill was placed on third reading.

There being no objection, the rules were suspended and Engrossed Second Substitute House Bill No. 2010 was returned to second reading for the purpose of an amendment.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010, by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton)

Revising corrections provisions.

Second Substitute House Bill No. 2010 was read the second time.

Representative Ballasiotes moved adoption of the following amendment by Representative Ballasiotes:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds the increasing number of inmates incarcerated in state correctional institutions, and the expenses associated with their incarceration, require expanded efforts to contain corrections costs. Cost containment requires improved planning and oversight, and increased accountability and responsibility on the part of inmates and the department.

The legislature further finds motivating inmates to participate in meaningful education and work programs in order to learn transferable skills and earn basic privileges is an effective and efficient way to meet the pedological objectives of the corrections system.

The purpose of this act is to assure that the department fulfills its mission to reduce offender recidivism, to mirror the values of the community by clearly linking inmate behavior to receipt of privileges, and to prudently manage the resources it receives through tax dollars. This purpose is accomplished through the implementation of specific cost-control measures and creation of a planning and oversight process that will improve the department's effectiveness and efficiencies.

**Sec. 2.** RCW 72.09.010 and 1981 c 136 s 2 are each amended to read as follows:

It is the intent of the legislature to establish a comprehensive system of corrections for convicted law violators within the state of Washington to accomplish the following objectives.

(1) The system should ensure the public safety. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and the inmates.

(2) The system should punish the offender for violating the laws of the state of Washington. This punishment should generally be limited to the denial of liberty of the offender.

(3) The system should positively impact offenders by stressing personal responsibility and accountability and by discouraging recidivism.

~~(4)~~ The system should treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.

~~((4))~~ (5) The system, as much as possible, should reflect the values of the community including:

(a) Avoiding idleness. Idleness is not only wasteful but destructive to the individual and to the community.

(b) Adoption of the work ethic. It is the community expectation that all ~~((citizens))~~ individuals should work and through their efforts benefit both themselves and the community.

(c) Providing opportunities for self improvement. All individuals should have opportunities to grow and expand their skills and abilities so as to fulfill their role in the community.

~~(d) ((Providing tangible rewards for accomplishment.))~~ Linking the receipt or denial of privileges to responsible behavior and accomplishments. The individual who works to improve himself or herself and the community should be rewarded for these efforts. As a corollary, there should be no rewards for no effort.

(e) Sharing in the obligations of the community. All citizens, the public and inmates alike, have a personal and fiscal obligation in the corrections system. All communities must share in the responsibility of the corrections system.

~~((5))~~ (6) The system should provide for prudent management of resources. The avoidance of unnecessary or inefficient public expenditures on the part of offenders and the department is essential. Offenders must be accountable to the department, and the department to the public and the legislature. The human and fiscal resources of the community are limited. The management and use of these resources can be enhanced by wise investment, productive programs, the reduction of duplication and waste, and the joining together of all involved parties in a common endeavor. Since ~~((virtually all))~~ most offenders return to the community, it is wise for the state and the communities to make an investment in effective rehabilitation programs for offenders and the wise use of resources.

~~((6))~~ (7) The system should provide for restitution. Those who have damaged others, persons or property, have a responsibility to make restitution for these damages.

~~((7))~~ (8) The system should be accountable to the citizens of the state. In return, the individual citizens and local units of government must meet their responsibilities to make the corrections system effective.

~~((8))~~ (9) The system should meet those national standards which the state determines to be appropriate.

**Sec. 3.** RCW 72.09.015 and 1987 c 312 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

~~(1) ("Department" means the department of corrections.~~

~~(2) "Secretary" means the secretary of corrections.~~

~~(3) "County" refers to a county or combination of counties.~~

~~(4))~~ "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(2) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(3) "County" means a county or combination of counties.

(4) "Department" means the department of corrections.

(5) "Earned early release" means earned early release as authorized by RCW 9.94A.150.

(6) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

(7) "Good conduct" means compliance with department rules and policies.

(8) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

(9) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

(10) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

(11) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

(12) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

(13) "Secretary" means the secretary of corrections or his or her designee.

(14) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

(15) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW to read as follows:

(1) An inmate shall not be denied access to services or supplies required by state or federal law solely on the basis of his or her inability to pay for them.

(2) The department shall record all lawfully authorized assessments for services or supplies as a debt to the department and shall recoup the assessments when the inmate's institutional account exceeds the indigency standard.

NEW SECTION. Sec. 5. A new section is added to chapter 72.09 RCW to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted under subsection (3) of this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges. The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs.

(2) The department shall, to the extent possible and considering all available funds, prioritized its resources to meet the following goals for inmates in the order listed:

(a) Achievement of basic academic skills through obtaining a high school diploma or its equivalent and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;

(b) Additional work and education programs based on assessments and placements under subsection (4) of this section; and

(c) Other work and education programs as appropriate.

(3) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

(4) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the



first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming;

(b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors:

(i) An inmate's release date and custody level, except an inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date;

(ii) An inmate's education history and basic academic skills;

(iii) An inmate's work history and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department-approved education or work programs;

(c) Performance and goals. The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals;

(d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in:

(A) Second and subsequent vocational programs associated with an inmate's work programs; and

(B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection;

(ii) Inmates shall pay all costs and tuition for participation in:

(A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and

(B) Second and subsequent vocational programs not associated with an inmate's work program.

Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and

(e) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release:

(i) Shall not be required to participate in education programming; and

(ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers.

If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section.

(5) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns.

(6) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release.

(7) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction.

(8) Following completion of the review required by section 27(3) of this act the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release.

**Sec. 6.** RCW 72.09.130 and 1981 c 136 s 17 are each amended to read as follows:

(1) The department shall adopt, by rule, a system (~~(providing incentives for good conduct and disincentives for poor conduct)~~) that clearly links an inmate's behavior and participation in available education and work programs with the receipt or denial of earned early release days and other privileges. The system (~~(may)~~) shall include increases or decreases in the degree of liberty granted the inmate within the programs operated by the department, access to or withholding of privileges available within correctional institutions, and recommended increases or decreases in the number of earned early release days that an inmate can earn for good conduct and good performance.

(2) Earned early release days shall be recommended by the department as a (~~(form of tangible)~~) reward for accomplishment. The system shall be fair, measurable, and understandable to offenders, staff, and the public. At least once in each twelve-month period, the department shall inform the offender in writing as to his or her conduct and performance. This written evaluation shall include reasons for awarding or not awarding recommended earned early release days for good conduct and good performance. (~~(The term "good performance" as used in this section means successfully performing a work, work training, or educational task to levels of expectation as specified in writing by the department. The term "good conduct" as used in this section refers to compliance with department rules.~~

~~Within one year after July 1, 1981, the department shall adopt, and provide a written description of, the system.)~~ An inmate is not eligible to receive earned early release days during any time in which he or she refuses to participate in an available education or work program into which he or she has been placed under section 5 of this act.

(3) The department shall provide (~~(a copy of this description to)~~) each offender in its custody a written description of the system created under this section.

**NEW SECTION. Sec. 7.** A new section is added to chapter 72.09 RCW to read as follows:

To the greatest extent practical, all inmates shall contribute to the cost of privileges. The department shall establish standards by which inmates shall contribute a portion of the department's capital costs of providing privileges, including television cable access, extended family visitation, weight lifting, and other recreational sports equipment and supplies. The standards shall also require inmates to contribute a significant portion of the department's operating costs directly associated with providing privileges, including staff and supplies. Inmate contributions may be in the form of individual user fees assessed against an inmate's institution account, deductions from an inmate's gross wages or gratuities, or inmates' collective contributions to the institutional welfare/betterment fund. The department shall make every effort to maximize individual inmate contributions to payment for privileges. The department shall not limit inmates' financial support for privileges to contributions from the institutional welfare/betterment fund. The standards shall consider the assets available to the inmates, the cost of administering compliance with the contribution requirements, and shall promote a responsible work ethic.

**NEW SECTION. Sec. 8.** A new section is added to chapter 72.09 RCW to read as follows:

When an inmate receives any funds in addition to his or her wages or gratuities, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

**NEW SECTION. Sec. 9.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall establish a uniform policy on the privilege of extended family visitation. Not fewer than sixty days before making any changes in any policy on extended family visitation, the department shall: (a) Notify the appropriate legislative committees of the proposed

change; and (b) notify the committee created under section 23 of this act of the proposed change. The department shall seek the advice of the committee established under section 23 of this act and other appropriate committees on all proposed changes and shall, before the effective date of any change, offer the committees an opportunity to provide input on proposed changes.

(2) In addition to its duties under chapter 34.05 RCW, the department shall provide the committee established under section 23 of this act and other appropriate committees of the legislature a written copy of any proposed adoption, revision, or repeal of any rule relating to extended family visitation. Except for adoption, revision, or repeal of a rule on an emergency basis, the copy shall be provided not fewer than thirty days before any public hearing scheduled on the rule.

**NEW SECTION. Sec. 10.** A new section is added to chapter 72.09 RCW to read as follows:

An inmate found by the superintendent in the institution in which the inmate is incarcerated to have committed an aggravated assault against another person, under rules adopted by the department, is prohibited from participating in weight lifting for a period of two years from the date the finding is made. At the conclusion of the two-year period the superintendent shall review the inmate's infraction record to determine if additional weight-lifting prohibitions are appropriate. If, based on the review, it is determined by the superintendent that the inmate poses a threat to the safety of others or the order of the facility, or otherwise does not meet requirements for the weight-lifting privilege, the superintendent may impose an additional reasonable restriction period.

**NEW SECTION. Sec. 11.** A new section is added to chapter 72.09 RCW to read as follows:

Purchases of recreational equipment following the effective date of this act shall be cost-effective and, to the extent possible, minimize an inmate's ability to substantially increase muscle mass. Dietary supplements made for the sole purpose of increasing muscle mass shall not be available for purchase by inmates unless prescribed by a physician for medical purposes or for inmates officially competing in department-sanctioned competitive weight lifting.

**NEW SECTION. Sec. 12.** A new section is added to chapter 72.09 RCW to read as follows:

No inmate may acquire or possess a television for personal use for at least sixty days following completion of his or her intake and evaluation process at the Washington Corrections Center or the Washington Corrections Center for Women.

**NEW SECTION. Sec. 13.** A new section is added to chapter 72.09 RCW to read as follows:

The secretary shall, in consultation with the attorney general, adopt by rule a uniform policy that prohibits receipt or possession of anything that is determined to be contraband. The rule shall provide consistent maximum protection of legitimate pedagogical interests, including prison security and order and deterrence of criminal activity. The rule shall protect the legitimate interests of the public and inmates in the exchange of ideas. The secretary shall establish a method of reviewing all incoming and outgoing material, consistent with constitutional constraints, for the purpose of confiscating anything determined to be contraband. The secretary shall consult regularly with the committee created under section 23 of this act on the development of the policy and implementation of the rule.

**Sec. 14.** RCW 4.24.130 and 1995 c 246 s 34 are each amended to read as follows:

(1) Any person desiring a change of his or her name or that of his or her child or ward, may apply therefor to the district court of the judicial district in which he or she resides, by petition setting forth the reasons for such change; thereupon such court in its discretion may order a change of the name and thenceforth the new name shall be in place of the former.

(2) An offender under the jurisdiction of the department of corrections who applies to change his or her name under subsection (1) of this section shall submit a copy of the application to the department of corrections not fewer than five days before the entry of an order granting the name change. No offender under the jurisdiction of the department of corrections at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate pedagogical interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. An offender under the jurisdiction of the department of corrections who receives an order changing his or

her name shall submit a copy of the order to the department of corrections within five days of the entry of the order. Violation of this subsection is a misdemeanor.

(3) The district court shall collect the fees authorized by RCW 36.18.010 for filing and recording a name change order, and transmit the fee and the order to the county auditor. The court may collect a reasonable fee to cover the cost of transmitting the order to the county auditor.

~~((2))~~ (4) Name change petitions may be filed and shall be heard in superior court when the person desiring a change of his or her name or that of his or her child or ward is a victim of domestic violence as defined in RCW 26.50.010(1) and the person seeks to have the name change file sealed due to reasonable fear for his or her safety or that of his or her child or ward. Upon granting the name change, the superior court shall seal the file if the court finds that the safety of the person seeking the name change or his or her child or ward warrants sealing the file. In all cases filed under this subsection, whether or not the name change petition is granted, there shall be no public access to any court record of the name change filing, proceeding, or order, unless the name change is granted but the file is not sealed.

NEW SECTION. Sec. 15. A new section is added to chapter 72.09 RCW to read as follows:

The department may require an offender who obtains an order under RCW 4.24.130 to use the name under which he or she was committed to the department during all official communications with department personnel and in all matters relating to the offender's incarceration or community supervision. An offender officially communicating with the department may also use his or her new name in addition to the name under which he or she was committed. Violation of this section is a misdemeanor.

**Sec. 16.** RCW 72.10.010 and 1989 c 157 s 2 are each amended to read as follows:

As used in this chapter:

- (1) "Department" means the department of corrections.
- (2) "Health care practitioner" means an individual or firm licensed or certified to actively engage in a regulated health profession.
- (3) "Health profession" means ~~((and includes))~~ those licensed or regulated professions set forth in RCW 18.120.020(4).
- (4) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility ~~((federally approved under 42 CFR 405.2100))~~, or federally approved blood bank ~~((federally licensed under 21 CFR 607))~~.
- (5) "Health care services" means ~~((and includes))~~ medical, dental, and mental health care services.
- (6) "Secretary" means the secretary of the department ~~((of corrections))~~.
- (7) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the department, or his or her designee.

**Sec. 17.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read as follows:

(1) Upon entry into the correctional system, offenders shall receive an initial medical examination. The department shall prepare a health profile for each offender that includes at least the following information: (a) An identification of the offender's serious medical and dental needs; (b) an evaluation of the offender's capacity for work and recreation; and (c) a financial assessment of the offender's ability to pay for all or a portion of his or her health care services from personal resources or private insurance.

(2)(a) The department may develop and implement a ~~((health services))~~ plan for the delivery of health care services and personal hygiene items to ~~((inmates))~~ offenders in the department's ~~((custody))~~ correctional facilities, at the discretion of the secretary, and in conformity with federal law.

(b) To discourage unwarranted use of health care services caused by unnecessary visits to health care providers, offenders shall participate in the costs of their health care services by paying a nominal amount of no less than three dollars per visit, as determined by the secretary. Under the authority granted in RCW 72.01.050(2), the secretary may authorize the superintendent to collect this amount directly from an offender's institution account. All copayments collected from offenders' institution accounts shall be deposited into the general fund.

(c) Offenders are required to make copayments for initial health care visits that are offender initiated and, by rule adopted by the department, may be charged a copayment for subsequent visits related to the medical condition which caused the initial visit. Offenders are not required to pay for emergency treatment or for visits initiated by health care staff or treatment of those conditions that constitute a serious health care need.

(d) No offender may be refused any health care service because of indigence.

(e) At no time shall the withdrawal of funds for the payment of a medical service copayment result in reducing an offender's institution account to an amount less than the level of indigency as defined in chapter 72.09 RCW.

(3)(a) The department shall report annually to the legislature the following information for the fiscal year preceding the report: (i) The total number of health care visits made by offenders; (ii) the total number of copayments assessed; (iii) the total dollar amount of copayments collected; (iv) the total number of copayments not collected due to an offender's indigency; and (v) the total number of copayments not assessed due to the serious or emergent nature of the health care treatment or because the health care visit was not offender initiated.

(b) The first report required under this section shall be submitted not later than October 1, 1996, and shall include, at a minimum, all available information collected through the second half of fiscal year 1996. This subsection (3)(b) shall expire December 1, 1996.

(4)(a) The secretary shall adopt, by rule, a uniform policy relating to the distribution and replenishment of personal hygiene items for inmates incarcerated in all department institutions. The policy shall provide for the initial distribution of adequate personal hygiene items to inmates upon their arrival at an institution.

(b) The acquisition of replenishment personal hygiene items is the responsibility of inmates, except that indigent inmates shall not be denied adequate personal hygiene items based on their inability to pay for them.

(c) The policy shall provide that the replenishment personal hygiene items be distributed to inmates only in authorized quantities and at intervals that reflect prudent use and customary wear and consumption of the items.

(5) The following become a debt and are subject to section 4 of this act:

(a) All copayments under subsection (2) of this section that are not collected when the visit occurs; and

(b) All charges for replenishment personal hygiene items that are not collected when the item is distributed.

NEW SECTION. Sec. 18. The department shall adopt rules to implement RCW 72.10.020.

NEW SECTION. Sec. 19. The office of financial management shall contract with a private research company to conduct a review of the department of corrections health services delivery and administration to determine whether alternative methods, including other organizational models of service delivery and administration, could be more efficiently achieved by contracting with private vendors and whether there are more cost-efficient methods of providing nonprescription medications. The study shall include an analysis of the impact expanded privatization of administration or delivery of the services would have on the quality of health services and on critical components of the system including but not limited to eye and dental care and laboratory services. The study shall be submitted to the legislature by December 1, 1996. The decision to implement any recommendations made in the report shall be made by the legislature.

Sec. 20. RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read as follows:

(1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:

~~((a))~~ (i) Is sentenced to a term of total confinement of not less than ~~((twenty-two))~~ sixteen months or more than thirty-six months~~((;~~

~~((b))~~ Is between the ages of eighteen and twenty-eight years~~); and~~

~~((c))~~ (ii) Has no current or prior convictions for any sex offenses or for violent offenses other than drug offenses for manufacturing, possession, delivery, or intent to deliver a controlled substance.

(b) The length of the work ethic camp shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.

(2) If the sentencing judge determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard range and may recommend that the offender serve the sentence at a work ethic camp. The sentence shall provide that if the offender successfully completes the program, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. ~~((The court shall also provide that upon completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement.))~~ In sentencing an offender to the work ethic camp, the court shall specify: (a) That upon completion of the work ethic camp the offender shall be released on community custody for any remaining time of total confinement; (b) the applicable conditions of supervision on community custody status as required by RCW 9.94A.120(9)(b) and authorized by RCW 9.94A.120(9)(c); and (c) that violation of the conditions may result in a return to total confinement for the balance of the offender's remaining time of confinement.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless: (a) The department determines that the offender has physical or mental impairments that would prevent participation and completion of the program~~((-))~~; (b) the department determines that the offender's custody level prevents placement in the program; or (c) the offender refuses to agree to the terms and conditions of the program.

(4) An ~~((inmate))~~ offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time.

(5) ~~((The length of the work ethic camp program shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.~~

~~((6))~~ During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

**NEW SECTION. Sec. 21.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The department is authorized to establish a camp for alien offenders and shall be ready to assign offenders to the camp not later than January 1, 1997. The secretary shall locate the camp within the boundaries of an existing department facility.

(2) The secretary, in consultation with the committee established in section 23 of this act, shall prepare a report to the legislature by December 1, 1995, on an implementation plan for the camp. The plan shall include recommendations on meeting the following goals: (a) Expedited deportation of alien offenders; (b) reduced daily costs of incarceration; (c) enhanced public benefit through an emphasis on inmate work and exemption from education programs other than those programs necessary for offenders to understand and follow directions; (d) minimum access to privileges; and (e) maximized use of nonstate resources for the costs of incarceration.

(3) In preparing the plan, the secretary shall address at least the following: (a) Eligibility criteria for prompt admission to the camp; (b) whether to have a minimum and maximum length of stay in the camp; (c) operational elements including residential arrangements, inmate conduct and programming standards, and achieving maximum cooperation with the United States government to expedite deportation of alien offenders and reduce the likelihood that alien offenders who complete the camp will avoid deportation; (d) mitigating adverse impacts the camp may have on other offender programs; (e) meeting the goals set forth in this section; and (f) any state law and fiscal issues that are necessary for implementation of the camp.

(4) The department shall consult with all appropriate public safety organizations and the committee created under section 23 of this act in developing the plan.

**NEW SECTION. Sec. 22.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The secretary shall establish, at each institution with an inmate population of more than one hundred, a corrections advisory team. The team shall consist of two representatives from management personnel, two representatives from personnel represented by an exclusive bargaining unit selected by those personnel, and not more than three persons from among the education or work programs operating within the institution. The secretary shall invite other groups to select a representative to serve on the team, including but not limited to, the following:

- (a) The superior court judges in the county in which the institution is located;
  - (b) The prosecuting attorney for the county in which the institution is located;
  - (c) An organization whose primary purpose is legal representation of persons accused or convicted of crimes;
  - (d) A sheriff or police chief whose jurisdiction includes, or is in close proximity to the institution; and
  - (e) An organization whose primary purpose is advocacy of the interests of crime victims.
- (2) The teams shall meet at least quarterly and have the following duties:
- (a) Review existing or proposed work and education programs for the purpose of commenting on the program's cost-effectiveness and impact on recidivism;
  - (b) Suggest revisions in existing, or addition of new, programs in the institution; and
  - (c) Identify cost-saving opportunities in institution operations.
- (3) The superintendent of each institution that meets the criteria in this section shall annually prepare a report to the secretary on the work of the team in his or her institution. The report shall include the superintendent's response to recommendations made by the team. The secretary shall collect and forward the reports to the legislature not later than December 1 of each year, together with such recommendations as the secretary finds appropriate.
- (4) The secretary shall provide reasonably necessary support, within available funds, for the teams to carry out their duties under this section.
- (5) Members of a team shall be eligible for travel expenses and per diem under RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 23.** A new section is added to chapter 72.09 RCW to read as follows:

- (1) There is created a joint committee on corrections cost-efficiencies oversight. The committee shall consist of: (a) Three members of the senate appointed by the president of the senate, two of whom shall be members of the majority party and one of whom shall be a member of the minority party; and (b) three members of the house of representatives, appointed by the speaker of the house of representatives, two of whom shall be members of the majority party and one of whom shall be a member of the minority party.
- (2) The committee shall elect a chair and vice-chair. The chair shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years.
- (3) The committee shall:
- (a) Review all reports required under sections 25 and 26 of this act;
  - (b) Review all reports required and recommendations submitted by the teams under section 22 of this act;
  - (c) Initiate or review studies relevant to the issues of corrections cost-efficiencies and programmatic improvements;
  - (d) Review all rules proposed by the department to ensure consistency with the purpose of chapter..., Laws of 1995 (this act);
  - (e) Periodically make recommendations to the legislature regarding corrections cost-efficiencies and programmatic improvements; and
  - (f) By December 1, 1996, report to the legislature the amount of actual and projected cost savings within the department during the 1995-97 biennium and report its further recommendations to address expenditure growth in the department.
- (4) This section expires July 1, 1997.

**NEW SECTION. Sec. 24.** A new section is added to chapter 43.17 RCW to read as follows:

- (1) Through June 30, 1997, moneys shall not be appropriated or expended for acquisition of works of art under this chapter to be placed integral to, attached to, or detached within or outside a building or structure owned or operated by the department of corrections if the building or structure is not in existence or under construction as of the effective date of this act.
- (2) The Washington state arts commission and the department of corrections shall prepare and deliver a report to the legislature by July 1, 1996, on the feasibility of creating class I or class II correctional industries for the creation of works of art created by resident Washington state artists and funded under this chapter for placement integral to, attached to, or detached within or outside buildings and structures owned or operated by the department of corrections.

(3) The report shall include, but not be limited to, a review of and recommendations on: (a) Whether to provide preferences or incentives to units of government other than the state to acquire works of art created by artists and produced in the department of corrections; (b) the size of a market for public and private sales of art produced in the department of corrections; (c) the appropriate process for selection of works of art to be produced in the department of corrections; and (d) the appropriate work and education skills that would be achieved by inmates engaged in the production of art.

(4) This section expires June 30, 1997.

**NEW SECTION. Sec. 25.** The department of corrections shall conduct the following reviews and prepare the following reports:

(1) The secretary shall seek federal funding for the incarceration of undocumented felons. The secretary shall pursue amendments to the federal transfer treaty program to facilitate deportation of undocumented alien offenders, specifically current treaties that require voluntary participation by the offender and loss of jurisdiction by the sending agency. The secretary shall seek enforcement of, and pursue amendments to, current federal sanctions for alien reentry, specifically amendments to the allowance of at least two prior felony convictions and at least two prior deportations before indictment for reentry is considered. By December 1, 1995, the secretary shall submit a report on progress on these matters to the legislature and the committee created under section 23 of this act.

(2) The secretary shall review current perimeter security technologies and designs that could minimize or eliminate the need for staffed perimeter guard towers at medium, close, and maximum custody correctional institutions. By December 1, 1995, the secretary shall complete the review and submit a report, including recommendations, to the legislature and the committee created under section 23 of this act.

(3) The secretary shall review the feasibility and desirability of implementing a system to allow prison beds to be used on a rotational basis. The review shall include at least the following: (a) A fiscal analysis of the capital and operating costs of implementing a twelve-hour scheduled rotation in which each prison cell and bed could be used by multiple inmates; and (b) an analysis of how the department would address safety issues that might arise from a rotation system that increases the amount of time inmates would spend out of their cells. By December 1, 1995, the secretary shall submit a report, including recommendations, to the legislature and the committee created under section 23 of this act.

(4) The secretary shall prepare and provide to the legislature by July 1, 1996, a report on the implementation of the administrative and programmatic changes required by sections 5 through 8, 17, and 22 of this act. The report shall provide a comparative measure of the total number and percentages of inmates who obtain a composite eighth grade level of basic academic skills after implementation of chapter . . . , Laws of 1995 (this act).

**NEW SECTION. Sec. 26.** The department of corrections shall cooperate in the preparation of the following reviews and reports:

(1) The office of the state auditor shall review the department's budgeting process and operating budget request to the governor for the 1995-97 biennium. By December 1, 1995, the office of the state auditor shall submit a report of its findings and recommendations to the legislature and the secretary of corrections.

(2) The department of transportation shall review the feasibility and desirability of privatizing the department of corrections marine fleet, operation, or both. The review shall include a comparison of department of corrections employee salaries with equivalent private marine positions salaries. By December 1, 1995, the department of transportation shall submit its report, including recommendations, to the secretary of corrections, the legislature, and the committee created under section 23 of this act.

(3) The office of financial management and the department of general administration shall jointly review the food planning model developed by the department of corrections for possible expansion to a uniform, state-wide planning, purchasing, and distribution of food products for state institutions, including but not limited to prisons, juvenile correctional institutions, and state hospitals. By December 1, 1995, the office of financial management and the department of general administration shall submit their report, including recommendations, to the secretary of corrections, the legislature, and the committee created under section 23 of this act.



(4) The printing and duplicating management center in the department of general administration shall review the feasibility and desirability of establishing a class II correctional industry within one or more correctional institutions, a print shop, and printers apprentice program. By December 1, 1995, the center shall submit its report, including recommendations, to the secretary of corrections, the legislature, and the committee created by section 23 of this act.

**NEW SECTION. Sec. 27.** (1)(a) In addition to the requirements of section 24 of this act, the correctional industries board of directors shall review the following options for expanding work programs, as defined in section 3 of this act: (i) Recycling of inorganic materials within or without the facilities; (ii) redesigning and refabrication of industrial products; (iii) data management services; (iv) industrial food services; (v) expanded opportunities for construction and maintenance of state adult and juvenile correctional institutions; (vi) construction of migrant farmworker housing using state and federal housing funds; (vii) opportunities for support staffing in recreation and fitness programs within institutions; (viii) use of the Airway Heights prison kitchen to prepare kosher meals for correctional facilities inside and outside Washington state; and (ix) horticulture specialty crops. The board shall consider the cost of the studies in determining the order of conducting the studies.

(b) The board shall examine at least the following in preparing its report: (i) The existence and sustainability of a public and private market for the item; (ii) the impact development of an option would have on private and public competitors producing the same item; (iii) demands on the resources of the department, including transportation and security costs; (iv) the number of job opportunities likely to be created; (v) requirements for staff training; and (vi) the costs and benefits of each option.

(2) The board shall report its findings and recommendations to the secretary and the committee created under section 23 of this act by June 30, 1996.

(3) The correctional industries board of directors and the secretary of corrections shall jointly review all current and proposed education and vocational training programs. The review shall identify whether the curriculum corresponds to current and proposed correctional industries jobs and whether the curriculum teaches skills relevant to employment opportunities inmates may qualify for after they are released. Upon completion of the review, the board and the secretary shall submit a joint report of their findings and recommendations to the legislature by December 1, 1995.

**NEW SECTION. Sec. 28.** (1) The secretary of corrections shall seek to expand the use of, and opportunities at, the correctional facility at McNeil Island. To accomplish this the secretary shall, among other things, make a formal request to the appropriate federal agencies for a waiver of environmental impact restrictions in order to increase the agricultural yield on McNeil Island. Additionally, the secretary shall seek authorization from the appropriate federal agencies to expand the acreage available for use at McNeil Island. The secretary shall initiate the request for waivers by August 1, 1995, and shall advise the committee created under section 23 of this act of the waiver request and any response to the request.

(2) If there are state statutory or regulatory constraints which operate to impede expanding the opportunities at, or size of, the facility at McNeil Island, the secretary shall inform the legislature and recommend any appropriate revisions.

**Sec. 29.** RCW 9.95.210 and 1995 c 33 s 6 are each amended to read as follows:

(1) In granting probation, the court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(2) In the order granting probation and as a condition thereof, the court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the court shall require the payment of the penalty assessment required by RCW 7.68.035. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: ~~((1))~~ (a) To comply with any order of the court for the payment of family support~~((2))~~; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement~~((3))~~; (c) to pay such fine as may be imposed

and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required(~~(, (4))~~); (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation(~~(, (5))~~); (e) to contribute to a county or interlocal drug fund(~~(, (6))~~); and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(4) In granting probation, the court (~~shall~~) may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow (~~implicitly~~) the instructions of the secretary.

(5) If the probationer has been ordered to make restitution and the court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

**Sec. 30.** RCW 9.92.060 and 1987 c 202 s 142 are each amended to read as follows:

(1) Whenever any person (~~shall be~~) is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, (~~car~~ ~~knowledge~~) rape of a (~~female~~) child (~~under the age of ten years~~), or rape, the court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by such court, and that the sentenced person be placed under the charge of a (~~parole or peace officer during the term of such suspension~~) community corrections officer employed by the department of corrections upon such terms as the court may determine(~~(, PROVIDED, That)~~).

(2) As a condition to suspension of sentence, the court shall require the payment of the penalty assessment required by RCW 7.68.035(~~(, PROVIDED FURTHER, That as a condition to suspension of sentence)~~). In addition, the court may require the convicted person to make such monetary payments, on such terms as the court deems appropriate under the circumstances, as are necessary (~~(4)~~): (a) To comply with any order of the court for the payment of family support(~~(, (2))~~); (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement(~~(, (3))~~); (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required(~~(, (4))~~); and (~~(4)~~) (d) to contribute to a county or interlocal drug fund. (~~In no case shall a sentence be suspended under the provisions of this section unless the person if sentenced to confinement in a penal institution be placed under the charge of a parole officer, who is a duly appointed and acting officer of the institution to which the person is sentenced: PROVIDED, That persons convicted in district court may be placed under supervision of a probation officer employed for that purpose.~~)

(3) As a condition of the suspended sentence, the court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary.

(4) If restitution to the victim has been ordered under subsection (2)(b) of this section and the court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to

ascertain whether restitution has been made as ordered. If the court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

**NEW SECTION. Sec. 31.** A new section is added to chapter 9.95 RCW to read as follows:

(1) The Washington state law and justice advisory council, appointed under RCW 72.09.300(7), shall by October 1, 1995, develop proposed standards for the supervision of misdemeanor probationers sentenced by superior courts under RCW 9.92.060 or 9.95.210. In developing the standards, the council shall consider realistic current funding levels or reasonable expansions thereof, the recommendations of the department of corrections, county probation departments, superior and district court judges, and the misdemeanor corrections association. The supervision standards shall establish classifications of misdemeanor probationers based upon the seriousness of the offense, the perceived risks to the community, and other relevant factors. The standards may provide discretion to officials supervising misdemeanor probationers to adjust the supervision standards, for good cause, based upon individual circumstances surrounding the probationer. The supervision standards shall include provisions for reciprocal supervision of offenders who are sentenced in counties other than their counties of residence.

(2) The department of corrections shall report to the legislature by December 1, 1995, the estimated cost of fully implementing the proposed standards. The report shall rank by relative costs each of the elements of the proposed standards and shall identify the total daily supervision cost per offender. The report shall also include an accounting of the amount of supervision fees assessed and collected by the department under section 32 of this act.

**NEW SECTION. Sec. 32.** A new section is added to chapter 9.95 RCW to read as follows:

Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and the defendant is supervised by the department of corrections, the department may assess and collect from the defendant for the duration of the term of supervision a monthly assessment not to exceed one hundred dollars per month. This assessment shall be paid to the department and shall be applied, along with funds appropriated by the legislature, toward the payment or part payment of the cost of supervising the defendant.

**Sec. 33.** RCW 72.09.100 and 1994 c 224 s 1 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) **CLASS I: FREE VENTURE INDUSTRIES.** The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers. The correctional industries board of directors shall review these proposed industries before the department contracts to provide such products or services. The review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community and labor market.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons. Correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors. The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

Subject to approval of the correctional industries board, provisions of RCW 41.06.380 prohibiting contracting out work performed by classified employees shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community service order as ordered by the sentencing court.

Employment shall be in a community service program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

NEW SECTION. Sec. 34. The legislature requires reductions in department of corrections staffing levels appropriated by the 1995-97 omnibus appropriations act be implemented so as to preserve the safe and orderly operation of the institutions, including the safety of staff, visitors, and inmates and to protect public safety. To accomplish this, the department shall target staff reductions in: (1) Exempt positions within the department's headquarters and division of prisons such as assistant secretaries, assistants to the secretary, superintendents, associate superintendents, and federal and state liaisons; and (2) management positions of lieutenant and above as classified by the department of personnel.

NEW SECTION. Sec. 35. A new section is added to chapter 72.09 RCW to read as follows: The ratio of recreational leader positions 2, 3, and 4 to average daily inmate population within the department shall be maintained as established pursuant to the 1995 omnibus appropriations act.

NEW SECTION. Sec. 36. RCW 72.09.020 and 1988 c 153 s 7 & 1981 c 136 s 7 are each repealed.

NEW SECTION. Sec. 37. This act shall be known as the department of corrections cost-efficiency and inmate responsibility omnibus act.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 39. If specific funding for the purpose of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 40. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "corrections;" strike the remainder of the title and insert "amending RCW 72.09.010, 72.09.015, 72.09.130, 4.24.130, 72.10.010, 72.10.020, 9.94A.137, 9.95.210, 9.92.060, and 72.09.100; adding new sections to chapter 72.09 RCW; adding a new section to chapter 43.17 RCW; adding new sections to chapter 9.95 RCW; creating new sections; repealing RCW 72.09.020; prescribing penalties; and declaring an emergency."

Representative Ballasiotes spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler, Quall and Ballasiotes spoke in favor of passage of the bill.

## MOTION

On motion of Representative Brown, Representatives Chappell, Chopp, Dellwo and Kessler were excused.

The Speaker stated the question before the House to be final passage of Second Engrossed Second Substitute House Bill No. 2010.

## ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 2010, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 90.

Excused: Representatives Chappell, Chopp, Dellwo, Honeyford, Horn, Kessler, Mulliken and Patterson - 8.

Second Engrossed Second Substitute House Bill No. 2010, having received the constitutional majority, was declared passed.

## MESSAGES FROM THE SENATE

May 17, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6074,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 17, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6049,  
SENATE BILL NO. 6077,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 18, 1995

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6073,  
SUBSTITUTE SENATE BILL NO. 5231,

and the same are herewith transmitted.

Marty Brown, Secretary

May 17, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8416,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SINGED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 6073,  
SUBSTITUTE SENATE BILL NO. 5231,

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the Rules Committee was relieved of further consideration of House Bill No. 1908 and the bill was placed on second reading.

HOUSE BILL NO. 1908, by House Committee on Health Care (originally sponsored by Representatives Dyer, Cooke, Ballasiotes, Stevens, Elliot, Talcott, Cairnes, Lambert, Pelesky, Hymes, Robertson, Mielke, Carrell, Backlund and L. Thomas)

Modifying long-term care provisions.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1908 was substituted for House Bill No. 1908 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1908 was read the second time.

With the consent of the House, amendment number 932 to Second Substitute House Bill No. 1908 was withdrawn.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 74.39A RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a facility licensed under chapter 70.128 RCW.

(2) "Adult residential care" means personal care services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under section 15 of this act.

(3) "Aging and adult services administration" means the aging and adult services administration of the department.

(4) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 and the resident is housed in a private apartment-like unit.

(5) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(6) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

(7) "Department" means the department of social and health services.

(8) "Home and community services" means assisted living services, enhanced adult residential care, adult residential care, adult family homes, in-home services, and other services administered by the aging and adult services administration of the department directly or through contract with area agencies on aging.

(9) "Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

(10) "Enhanced adult residential care" means personal care services and limited nursing services, as defined by the department of health in rule, which services are provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under section 15 of this act.

(11) "Nursing facility" means a nursing facility as defined in section 1919(a) of the federal social security act and regulations adopted thereunder.

(12) "Nursing home" means a facility licensed under chapter 18.51 RCW.

(13) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.39A RCW to read as follows:

(1) To the extent of available funding, the department shall expand cost-effective options for home and community services for consumers for whom the state participates in the cost of their care.

(2) In expanding home and community services, the department shall: (a) Take full advantage of federal funding available under Title XVIII and Title XIX of the federal social security act, including home health, adult day care, waiver options, and state plan services; and (b) be authorized to use funds available under its community options program entry system waiver granted under section 1915(c) of the federal social security act to expand the availability of in-home, adult residential care, adult family homes, enhanced adult residential care, and assisted living services. By June 30, 1997, the department shall undertake to reduce the nursing home medicaid census by at least one thousand six hundred by assisting individuals who would otherwise require nursing facility services to obtain services of their choice, including assisted living services, enhanced adult residential care, and other home and community services. If a resident, or his or her legal representative, objects to a discharge decision initiated by the department, the resident shall not be discharged if the resident has been assessed and determined to require nursing facility services. In contracting with nursing homes and boarding homes for enhanced adult residential care placements, the department shall not require, by contract or through other means, structural modifications to existing building construction.



(3)(a) The department shall by rule establish payment rates for home and community services that support the provision of cost-effective care.

(b) The department may authorize an enhanced adult residential care rate for nursing homes that temporarily or permanently convert their bed use for the purpose of providing enhanced adult residential care under chapter 70.38 RCW, when the department determines that payment of an enhanced rate is cost-effective and necessary to foster expansion of contracted enhanced adult residential care services. As an incentive for nursing homes to permanently convert a portion of its nursing home bed capacity for the purpose of providing enhanced adult residential care, the department may authorize a supplemental add-on to the enhanced adult residential care rate.

(c) The department may authorize a supplemental assisted living services rate for up to four years for facilities that convert from nursing home use and do not retain rights to the converted nursing home beds under chapter 70.38 RCW, if the department determines that payment of a supplemental rate is cost-effective and necessary to foster expansion of contracted assisted living services.

**NEW SECTION.** **Sec. 3.** A new section is added to chapter 70.41 RCW to read as follows:

(1)(a) The department of social and health services, in consultation with hospitals and acute care facilities, shall promote the most appropriate and cost-effective use of long-term care services by developing and distributing to hospitals and other appropriate health care settings information on the various chronic long-term care programs that it administers directly or through contract. The information developed by the department of social and health services shall, at a minimum, include the following:

(i) An identification and detailed description of each long-term care service available in the state;

(ii) Functional, cognitive, and medicaid eligibility criteria that may be required for placement or admission to each long-term care service; and

(iii) A long-term care services resource manual for each hospital, that identifies the long-term care services operating within each hospital's patient service area. The long-term care services resource manual shall, at a minimum, identify the name, address, and telephone number of each entity known to be providing long-term care services; a brief description of the programs or services provided by each of the identified entities; and the name or names of a person or persons who may be contacted for further information or assistance in accessing the programs or services at each of the identified entities.

(b) The information required in (a) of this subsection shall be periodically updated and distributed to hospitals by the department of social and health services so that the information reflects current long-term care service options available within each hospital's patient service area.

(2) To the extent that a patient will have continuing care needs, once discharged from the hospital setting, hospitals shall, during the course of the patient's hospital stay, promote each patient's family member's and/or legal representative's understanding of available long-term care service discharge options by, at a minimum:

(a) Discussing the various and relevant long-term care services available, including eligibility criteria;

(b) Making available, to patients, their family members, and/or legal representative, a copy of the most current long-term care services resource manual;

(c) Responding to long-term care questions posed by patients, their family members, and/or legal representative;

(d) Assisting the patient, their family members, and/or legal representative in contacting appropriate persons or entities to respond to the question or questions posed; and

(e) Linking the patient and family to the local, state-designated aging and long-term care network to ensure effective transitions to appropriate levels of care and ongoing support.

**NEW SECTION.** **Sec. 4.** A new section is added to chapter 70.41 RCW to read as follows: "Cost-effective care" and "long-term care services," where used in sections 3 and 5 of this act, shall have the same meaning as that given in section 1 of this act.

**NEW SECTION.** **Sec. 5.** A new section is added to chapter 70.41 RCW to read as follows:

(1) Hospitals and acute care facilities shall:

(a) Work cooperatively with the department of social and health services, area agencies on aging, and local long-term care information and assistance organizations in the planning and implementation of patient discharges to long-term care services.

(b) Establish and maintain a system for discharge planning and designate a person responsible for system management and implementation.

(c) Establish written policies and procedures to:

(i) Identify patients needing further nursing, therapy, or supportive care following discharge from the hospital;

(ii) Develop a documented discharge plan for each identified patient, including relevant patient history, specific care requirements, and date such follow-up care is to be initiated;

(iii) Coordinate with patient, family, caregiver, and appropriate members of the health care team;

(iv) Provide any patient, regardless of income status, written information and verbal consultation regarding the array of long-term care options available in the community, including the relative cost, eligibility criteria, location, and contact persons;

(v) Promote an informed choice of long-term care services on the part of patients, family members, and legal representatives; and

(vi) Coordinate with the department and specialized case management agencies, including area agencies on aging and other appropriate long-term care providers, as necessary, to ensure timely transition to appropriate home, community residential, or nursing facility care.

(d) Work in cooperation with the department which is responsible for ensuring that patients eligible for medicaid long-term care receive prompt assessment and appropriate service authorization.

(2) In partnership with selected hospitals, the department of social and health services shall develop and implement pilot projects in up to three areas of the state with the goal of providing information about appropriate in-home and community services to individuals and their families early during the individual's hospital stay.

The department shall not delay hospital discharges but shall assist and support the activities of hospital discharge planners. The department also shall coordinate with home health and hospice agencies whenever appropriate. The role of the department is to assist the hospital and to assist patients and their families in making informed choices by providing information regarding home and community options.

The department shall by December 12, 1995, report to the house of representatives health care committee and the senate health and long-term care committee regarding the progress and results of the pilot projects along with recommendations regarding continuation or modification of the pilot projects.

In conducting the pilot projects, the department shall:

(a) Assess and offer information regarding appropriate in-home and community services to individuals who are medicaid clients or applicants; and

(b) Offer assessment and information regarding appropriate in-home and community services to individuals who are reasonably expected to become medicaid recipients within one hundred eighty days of admission to a nursing facility.

**NEW SECTION. Sec. 6.** A new section is added to chapter 74.39A RCW to read as follows:

The department shall work in partnership with hospitals in assisting patients and their families to find long-term care services of their choice. The department shall not delay hospital discharges but shall assist and support the activities of hospital discharge planners. The department also shall coordinate with home health and hospice agencies whenever appropriate. The role of the department is to assist the hospital and to assist patients and their families in making informed choices by providing information regarding home and community options to individuals who are hospitalized and likely to need long-term care.

(1) To the extent of available funds, the department shall assess individuals who:

(a) Are medicaid clients, medicaid applicants, or eligible for both medicare and medicaid; and

(b) Apply or are likely to apply for admission to a nursing facility.

(2) For individuals who are reasonably expected to become medicaid recipients within one hundred eighty days of admission to a nursing facility, the department shall, to the extent of available funds, offer an assessment and information regarding appropriate in-home and community services.

(3) When the department finds, based on assessment, that the individual prefers and could live appropriately and cost-effectively at home or in some other community-based setting, the department shall:

- (a) Advise the individual that an in-home or other community service is appropriate;
- (b) Develop, with the individual or the individual's representative, a comprehensive community service plan;
- (c) Inform the individual regarding the availability of services that could meet the applicant's needs as set forth in the community service plan and explain the cost to the applicant of the available in-home and community services relative to nursing facility care; and

(d) Discuss and evaluate the need for on-going involvement with the individual or the individual's representative.

(4) When the department finds, based on assessment, that the individual prefers and needs nursing facility care, the department shall:

(a) Advise the individual that nursing facility care is appropriate and inform the individual of the available nursing facility vacancies;

(b) If appropriate, advise the individual that the stay in the nursing facility may be short term; and

(c) Describe the role of the department in providing nursing facility case management.

**NEW SECTION. Sec. 7.** A new section is added to chapter 74.42 RCW to read as follows:

A nursing facility shall not admit any individual who is medicaid eligible unless that individual has been assessed by the department. Appropriate hospital discharge shall not be delayed pending the assessment.

To ensure timely hospital discharge of medicaid eligible persons, the date of the request for a department long-term care assessment, or the date that nursing home care actually begins, whichever is later, shall be deemed the effective date of the initial service and payment authorization. The department shall respond promptly to such requests.

A nursing facility admitting an individual without a request for a department assessment shall not be reimbursed by the department and shall not be allowed to collect payment from a medicaid eligible individual for any care rendered before the date the facility makes a request to the department for an assessment. The date on which a nursing facility makes a request for a department long-term care assessment, or the date that nursing home care actually begins, whichever is later, shall be deemed the effective date of initial service and payment authorization for admissions regardless of the source of referral.

A medicaid eligible individual residing in a nursing facility who is transferred to an acute care hospital shall not be required to have a department assessment under this section prior to returning to the same or another nursing facility.

**NEW SECTION. Sec. 8.** A new section is added to chapter 74.42 RCW to read as follows:

If a nursing facility has reason to know that a resident is likely to become financially eligible for medicaid benefits within one hundred eighty days, the nursing facility shall notify the patient or his or her representative and the department. The department may:

(1) Assess any such resident to determine if the resident prefers and could live appropriately at home or in some other community-based setting; and

(2) Provide case management services to the resident.

**NEW SECTION. Sec. 9.** A new section is added to chapter 74.42 RCW to read as follows:

(1) To the extent of available funding, the department shall provide case management services to assist nursing facility residents, in conjunction and partnership with nursing facility staff. The purpose of the case management services is to assist residents and their families to assess the appropriateness and availability of home and community services that could meet the resident's needs so that the resident and family can make informed choices.

(2) To the extent of available funding, the department shall provide case management services to nursing facility residents who are:

- (a) Medicaid funded;
- (b) Dually medicaid and medicare eligible;
- (c) Medicaid applicants; and

(d) Likely to become financially eligible for medicaid within one hundred eighty days, pursuant to section 8 of this act.

**Sec. 10.** RCW 74.39.005 and 1989 c 427 s 2 are each amended to read as follows:

The purpose of this chapter is to:

(1) Establish a balanced range of ~~((community-based))~~ health, social, and supportive services that deliver long-term care services to chronically, functionally disabled persons of all ages;

(2) Ensure that functional ~~((disability))~~ ability shall be the determining factor in defining long-term care service needs and that these needs will be determined by a uniform system for comprehensively assessing functional disability;

(3) Ensure that services are provided in the most independent living situation consistent with individual needs;

(4) Ensure that long-term care service options shall be developed and made available that enable functionally disabled persons to continue to live in their homes or other community residential facilities while in the care of their families or other volunteer support persons;

(5) Ensure that long-term care services are coordinated in a way that minimizes administrative cost, eliminates unnecessarily complex organization, minimizes program and service duplication, and maximizes the use of financial resources in directly meeting the needs of persons with functional limitations;

(6) Develop a systematic plan for the coordination, planning, budgeting, and administration of long-term care services now fragmented between the division of developmental disabilities, division of mental health, aging and adult services administration, division of children and family services, division of vocational rehabilitation, office on AIDS, division of health, and bureau of alcohol and substance abuse;

(7) Encourage the development of a state-wide long-term care case management system that effectively coordinates the plan of care and services provided to eligible clients;

(8) Ensure that individuals and organizations affected by or interested in long-term care programs have an opportunity to participate in identification of needs and priorities, policy development, planning, and development, implementation, and monitoring of state supported long-term care programs;

(9) Support educational institutions in Washington state to assist in the procurement of federal support for expanded research and training in long-term care; and

(10) Facilitate the development of a coordinated system of long-term care education that is clearly articulated between all levels of higher education and reflective of both in-home care needs and institutional care needs of functionally disabled persons.

**Sec. 11.** RCW 74.39.040 and 1989 c 427 s 13 are each amended to read as follows:

~~((1) A long term care commission is created. It shall consist of:~~

~~(a) Four legislators who shall serve on the executive committee, one from each of the two largest caucuses in the house of representatives and the senate who shall be selected by the president of the senate and the speaker of the house of representatives;~~

~~(b) Six members, to be selected by the executive committee, who shall be authorities in gerontology, developmental disabilities, neurological impairments, physical disabilities, mental illness, nursing, long term care service delivery, long term care service financing, systems development, or systems analysis;~~

~~(c) Three members, to be selected by the executive committee, who represent long term care consumers, services providers, or advocates;~~

~~(d) Two members, to be selected by the executive committee, who represent county government;~~

~~(e) One member, to be selected by the secretary of social and health services, to represent the department of social and health services long term care programs, including at least developmental disabilities, mental health, aging and adult services, AIDS, children's services, alcohol and substance abuse, and vocational rehabilitation; and~~

~~(f) Two members, to represent the governor, who shall serve on the executive committee.~~

~~The legislative members shall select a chair from the membership of the commission.~~

~~The commission shall be staffed, to the extent possible, by staff from the appropriate senate and house of representatives committees.~~

~~The commission may form technical advisory committees to assist it with any particular matters deemed necessary by the commission.~~

~~The commission and technical advisory committee members shall receive no compensation, but except for publicly funded agency staff, shall, to the extent funds are available, be reimbursed for their expenses while attending any meetings in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.~~

~~The commission may receive appropriations, grants, gifts, and other payments from any governmental or other public or private entity or person which it may use to defray the cost of its operations or to contract for technical assistance, with the approval of the senate committee on facilities and operations and the house of representatives executive rules committee.~~

~~(2) The long term care commission shall develop legislation and recommend administrative actions necessary to achieve the following long term care reforms:~~

~~(a) The systematic coordination, planning, budgeting, and administration of long term care services currently administered by the department of social and health services, division of developmental disabilities, aging and adult services administration, division of vocational rehabilitation, office on AIDS, division of health, and the bureau of alcohol and substance abuse;~~

~~(b)) The legislature finds the intent of the 1989 legislature to reform statutory provisions of long-term care for persons of all ages with chronic functional disability, although not enacted, continues to be applicable. The need to streamline the current bureaucratic fragmentation of chronic health services for the person with functional disabilities and facilitate the development of client centered, accessible, high quality, cost-effective, and appropriate long-term care services options for persons with functional disabilities is even more pressing today. The legislature further finds that if we are going to meet the significant and growing chronic care needs in the next two decades, rapid fundamental changes will need to take place in the way we finance, organize, and provide long-term care services to the functionally disabled. The public demands, and it is the intent of the legislature to reduce the cost and size of government and provide efficient and effective public service to the persons most impaired by chronic functional disability.~~

~~To realize the need for a cost-effective, uniform, and fully integrated long-term care system while simultaneously reducing the size and cost of government, the legislative budget committee, in coordination with the Washington health care policy board, shall develop a working plan for long-term care reform, including recommendations and statutory changes, by December 12, 1995, to accomplish the following:~~

~~(1) Reorganize and consolidate, on a noncategorical basis, all disease or age-specific (categorical) organizational entities of state administration and their regional elements pertaining to chronic care services to persons with functional mental and physical disabilities, including but not limited to: In the department of social and health services: Health and rehabilitative services and aging and adult services; in the department of health: Aids chronic care and boarding homes; the department of services to the blind; in the department of veterans affairs: Nursing facilities; and in all other state agencies that provide chronic long-term health care services;~~

~~(2) Implement a streamlined client centered administrative and delivery system for long-term care services state-wide that incorporates all long-term care services for the person with functional disabilities to include the functionally disabled, developmentally disabled, mentally ill, traumatically brain injured, and others with chronic functional disabilities. The system shall be a single point entry system administered at the local level that allows the person with functional disabilities to obtain needs determination, eligibility screening, priority setting, and services information and assistance. The system shall be designed so that acute health care services are effectively coordinated with long-term care services. The system shall recognize and respect the individuality and dignity of all functionally disabled individuals and promote self-reliance and the preference for the assistance and comfort provided by families, friends, and community volunteers. It shall also recognize the importance of community organizations and the public and private infrastructure in the delivery of care and support. All major points of access into the long-term care system shall be identified and integrated into the system to insure that clients are fully informed of the most appropriate least expensive care options;~~

~~(3) Provision of long-term care services to persons based on their functional disabilities noncategorically and in the most independent living situation consistent with the person's needs and preferences;~~

~~((e))~~ (4) A consistent definition of appropriate roles and responsibilities for state and local government, regional organizations, and private organizations in the planning, administration, financing, and delivery of long-term care services;

~~((d))~~ (5) Technical assistance to enable local communities to have greater participation and control in the planning, administration, and provision of long-term care services;

~~((e))~~ (6) A case management system that coordinates an appropriate and cost-effective plan of care and services for eligible functionally disabled persons based on their individual needs and preferences;

~~((f))~~ (7) A sufficient supply of quality institutional and noninstitutional residential alternatives for functionally disabled persons, and supports for the providers of such services;

~~((g))~~ (8) Public and private alternative funding for long-term care services, ~~((such as federal Title XIX funding of personal care services through the limited casualty program for the medically needy and other optional services))~~ that includes the promotion of affordable stand alone long-term care insurance options or as part of overall health care insurance benefits, a uniform fee copayment scale for client participation in state-funded, long-term care programs, and private, long-term care insurance;

~~((h))~~ (9) A systematic and balanced long-term care services payment and reimbursement system, including a case mix nursing home reimbursement, that will provide access to needed services while controlling the rate of cost increases for such services;

~~((i))~~ (10) Active involvement of volunteers and advocacy groups;

~~((j))~~ (11) An integrated data base that provides long-term care client tracking;

~~((k))~~ (12) A coordinated education system for long-term care to insure client safety and quality of services; ~~(and~~

~~((l))~~ (13) Administratively separate the nonmeans tested economic and social welfare and advocacy programs of the older Americans act, 42 U.S.C. Chap 35 and 45 C.F.R. 1321 et seq. from the need and means tested programs for persons with functional disabilities;

(14) Review all activities mandated and expenditures authorized by the senior citizens services act, chapter 74.38 RCW; and identify which funds are being used for functionally disabled seniors and identify how these senior citizens services act funds can be directed to programs serving the most disabled elderly; and

(15) Other issues deemed appropriate by the ~~((implementation team))~~ joint committee on health systems oversight.

The ~~((commission))~~ legislative budget committee shall report to the legislature with its findings, recommendations, and proposed legislation by December ~~((1, 1990))~~ 12, 1995.

NEW SECTION. Sec. 12. A new section is added to chapter 74.39A RCW to read as follows:

The department's system of quality improvement for long-term care services shall be guided by the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be consumer centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers.

(3) Providers should be supported in their efforts to improve quality through training, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints.

(6) Providers generally should be assisted in addressing identified problems initially through consultation and technical assistance. Enforcement remedies shall be available for problems that are serious, recurring, or that have been uncorrected.

NEW SECTION. Sec. 13. A new section is added to chapter 74.39A RCW to read as follows:

(1) The aging and adult services administration of the department shall establish and maintain a toll-free telephone number for receiving complaints regarding a facility that the administration licenses or with which it contracts for long-term care services.

(2) All facilities that are licensed by, or that contract with the aging and adult services administration to provide long-term care services shall post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number.

(3) The aging and adult services administration shall investigate complaints if the subject of the complaint is within its authority unless the department determines that: (a) The complaint is intended to willfully harass a licensee or employee of the licensee; (b) there is no reasonable basis for investigation; or (c) corrective action has been taken.

(4) The aging and adult services administration shall refer complaints to appropriate state agencies, law enforcement agencies, the attorney general, the long-term care ombudsman, or other entities if the department lacks authority to investigate.

(5) The department may not provide the substance of the complaint to the licensee or contractor before the completion of the investigation by the department. Neither the substance of the complaint provided to the licensee or contractor nor any copy of the complaint or related report published, released, or made otherwise available shall disclose the name, title, or identity of any complainant, or other person mentioned in the complaint, except that the department may disclose the identity of the complainant if such disclosure is requested in writing by the complainant.

(6) A facility that provides long-term care services shall not discriminate or retaliate in any manner against a resident on the basis or for the reason that such resident or any other person made a complaint to the department or the long-term care ombudsman or cooperated with the investigation of such a complaint. The department may impose a civil penalty of not more than three thousand dollars for a violation of this subsection and require the facility to mitigate any damages incurred by the resident.

**Sec. 14.** RCW 74.39A.010 and 1993 c 508 s 3 are each amended to read as follows:

(1) To the extent of available funding, the department of social and health services may contract with licensed boarding homes under chapter 18.20 RCW and tribally licensed boarding homes for assisted living services and enhanced adult residential care. The department shall develop rules for facilities that contract with the department for assisted living services or enhanced adult residential care to establish:

(a) Facility service standards consistent with the principles in section 12 of this act and consistent with chapter 70.129 RCW;

(b) Standards for resident living areas consistent with section 2 of this act;

(c) Training requirements for providers and their staff.

(2) The department's rules shall provide that (~~ensure that the contracted~~) services in assisted living and enhanced adult residential care:

~~((1))~~ (a) Recognize individual needs, privacy, and autonomy;

~~((2))~~ (b) Include, but not be limited to, personal care, nursing services, medication administration, and supportive services that promote independence and self-sufficiency;

~~((3))~~ (c) Are of sufficient scope to assure that each resident who chooses to remain in the assisted living or enhanced adult residential care may do so, (~~unless nursing care needs exceed the level of care defined by the department~~) to the extent that the care provided continues to be cost-effective and safe and promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice;

~~((4))~~ (d) Are directed first to those persons most likely, in the absence of enhanced adult residential care or assisted living services, to need hospital, nursing facility, or other out-of-home placement; and

~~((5))~~ (e) Are provided in compliance with applicable (~~department of health~~) facility and professional licensing laws and rules.

(3) When a facility contracts with the department for assisted living services or enhanced adult residential care, only services and facility standards that are provided to or in behalf of the assisted living services or enhanced adult residential care client shall be subject to the department's rules.

NEW SECTION. **Sec. 15.** A new section is added to chapter 74.39A RCW to read as follows:

(1) To the extent of available funding, the department of social and health services may contract for adult residential care and enhanced adult residential care.

(2) The department shall, by rule, develop terms and conditions for facilities that contract with the department for adult residential care and enhanced adult residential care to establish:

(a) Facility service standards consistent with the principles in section 12 of this act and consistent with chapter 70.129 RCW; and

(b) Training requirements for providers and their staff.

(3) The department shall, by rule, provide that services in adult residential care and enhanced adult residential care facilities:

(a) Recognize individual needs, privacy, and autonomy;

(b) Include personal care and limited nursing services and other services that promote independence and self-sufficiency and aging in place;

(c) Are directed first to those persons most likely, in the absence of adult residential care and enhanced adult residential care services, to need hospital, nursing facility, or other out-of-home placement; and

(d) Are provided in compliance with applicable facility and professional licensing laws and rules.

(4) When a facility contracts with the department for adult residential care and enhanced adult residential care, only services and facility standards that are provided to or in behalf of the adult residential care or the enhanced adult residential care client shall be subject to the adult residential care or enhanced adult residential care rules.

(5) To the extent of available funding, the department may also contract under this section with a tribally licensed boarding home for the provision of services of the same nature as the services provided by adult residential care facilities. The provisions of subsections (2) (a) and (b) and (3) (a) through (d) of this section apply to such a contract.

**NEW SECTION. Sec. 16.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The department shall, by rule, establish reasonable minimum qualifications and training requirements to assure that assisted living service, enhanced adult residential care service, and adult residential care providers with whom the department contracts are capable of providing services consistent with this chapter. The rules shall apply only to residential capacity for which the state contracts.

(2) The department shall not contract for assisted living, enhanced adult residential care, or adult residential care services with a provider if the department finds that the provider or any partner, officer, director, managerial employee, or owner of five percent or more of the provider has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

**NEW SECTION. Sec. 17.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that a provider of assisted living services or enhanced adult residential care services has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a contract;

(b) Impose reasonable conditions on a contract, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a contract; or

(e) Suspend admissions to the facility by imposing stop placement on contracted services.



(3) When the department orders stop placement, the facility shall not admit any person admitted by contract until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing contracts suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending any hearing.

**NEW SECTION. Sec. 18.** A new section is added to chapter 18.20 RCW to read as follows:

(1) The department of health is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that a boarding home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated a boarding home without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a license; or

(e) Suspend admissions to the boarding home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any new resident until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

**Sec. 19.** RCW 70.128.007 and 1989 c 427 s 15 are each amended to read as follows:

The purposes of this chapter are to:

(1) Encourage the establishment and maintenance of adult family homes that provide a humane, safe, and homelike environment for persons with functional limitations who need personal and special care;

(2) Establish standards for regulating adult family homes that adequately protect residents ~~((, but are consistent with the abilities and resources of an adult family home so as not to discourage individuals from serving as adult family home providers; and))~~;

(3) Encourage consumers, families, providers, and the public to become active in assuring their full participation in development of adult family homes that provide high quality and cost-effective care;

(4) Provide for appropriate care of residents in adult family homes by requiring that each resident have a care plan that promotes the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice; and

(5) Accord each resident the right to participate in the development of the care plan and in other major decisions involving the resident and their care.

**Sec. 20.** RCW 70.128.057 and 1991 c 40 s 2 are each amended to read as follows:

Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law, upon the advice of the attorney general who shall represent the department in the

proceedings, maintain an action in the name of the state for an injunction, civil penalty, or other process against a person to restrain or prevent the operation or maintenance of an adult family home without a license under this chapter.

**NEW SECTION. Sec. 21.** A new section is added to chapter 70.128 RCW to read as follows:

The legislature finds that the operation of an adult family home without a license in violation of this chapter is a matter vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Operation of an adult family home without a license in violation of this chapter is not reasonable in relation to the development and preservation of business. Such a violation is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

**Sec. 22.** RCW 70.128.070 and 1989 c 427 s 22 are each amended to read as follows:

(1) A license shall be valid for one year.  
(2) At least ~~((ninety))~~ sixty days prior to expiration of the license, the provider shall submit an application for renewal of a license. The department shall send the provider an application for renewal prior to this time. The department shall have the authority to investigate any information included in the application for renewal of a license.

(3)(a) Homes applying for a license shall be inspected at the time of licensure.

(b) Homes licensed by the department shall be inspected at least every eighteen months, subject to available funds.

~~(c) ((Licensed homes where a complaint has been received by the department may be inspected at any time.))~~ The department may make an unannounced inspection of a licensed home at any time to assure that the home and provider are in compliance with this chapter and the rules adopted under this chapter.

(4) If the department finds that the home is not in compliance with this chapter, it shall require the home to correct any violations as provided in this chapter. If the department finds that the home is in compliance with this chapter and the rules adopted under this chapter, the department shall renew the license of the home.

**Sec. 23.** RCW 70.128.080 and 1989 c 427 s 21 are each amended to read as follows:

An adult family home shall have readily available for review by the department, residents, and the public:

(1) Its license to operate; and  
(2) A copy of each inspection report received by the home from the department for the past three years.

**Sec. 24.** RCW 70.128.090 and 1989 c 427 s 30 are each amended to read as follows:

(1) During inspections of an adult family home, the department shall have access and authority to examine areas and articles in the home used to provide care or support to residents, including residents' records, accounts, and the physical premises, including the buildings, grounds, and equipment. The department also shall have the authority to interview the provider and residents of an adult family home.

(2) Whenever an inspection is conducted, the department shall prepare a written report that summarizes all information obtained during the inspection, and if the home is in violation of this chapter, serve a copy of the inspection report upon the provider at the same time as a notice of violation. If the home is not in violation of this chapter, a copy of the inspection report shall be mailed to the provider within ten days of the inspection of the home. All inspection reports shall be made available to the public at the department during business hours.

~~(3) ((The inspection report shall describe any corrective measures on the part of the provider necessary to pass a reinspection. If the department finds upon reinspection of the home that the corrective measures have been satisfactorily implemented, the department shall cease any actions taken against the home. Nothing in this section shall require the department to license or renew the license of a home where serious physical harm or death has occurred to a resident.))~~ The provider shall develop corrective measures for any violations found by the department's inspection. The department may provide consultation and technical assistance to assist the provider in developing effective corrective

measures. The department shall include a statement of the provider's corrective measures in the department's inspection report.

**NEW SECTION. Sec. 25.** A new section is added to chapter 70.128 RCW to read as follows:

The legislature recognizes that adult family homes located within the boundaries of a federally recognized Indian reservation may be licensed by the Indian tribe. The department may pay for care for persons residing in such homes, if there has been a tribal or state criminal background check of the provider and any staff, and the client is otherwise eligible for services administered by the department.

**Sec. 26.** RCW 70.128.140 and 1989 c 427 s 27 are each amended to read as follows:

Each adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations as they pertain to a single-family residence. It is the responsibility of the home to check with local authorities to ensure all local codes are met.

**Sec. 27.** RCW 70.128.150 and 1989 c 427 s 28 are each amended to read as follows:

Whenever possible adult family homes are encouraged to contact and work with local quality assurance projects such as the volunteer ombudsman with the goal of assuring high quality care is provided in the home.

An adult family home may not willfully interfere with a representative of the long-term care ombudsman program in the performance of official duties. The department shall impose a penalty of not more than one thousand dollars for any such willful interference.

**Sec. 28.** RCW 70.128.160 and 1989 c 427 s 31 are each amended to read as follows:

(1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an adult family home without a license or under a revoked license;

(c) Knowingly or with reason to know made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a license; or

~~((e))~~ (e) Suspend admissions to the adult family home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any person until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue in effect pending any hearing.

**Sec. 29.** RCW 70.128.175 and 1989 1st ex.s. c 9 s 815 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, these definitions shall apply throughout this section and RCW 35.63.140, 35A.63.149, 36.70.755, 35.22.680, and 36.32.560~~((, and 70.128.180))~~:

(a) "Adult family home" means a ~~((facility licensed pursuant to chapter 70.128 RCW or the))~~ regular family abode of a person or persons ~~((who are))~~ providing personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

(b) "Residential care facility" means a facility that cares for at least five, but not more than fifteen functionally disabled persons, that is not licensed pursuant to chapter 70.128 RCW.

(c) "Department" means the department of social and health services.

(2) An adult family home shall be considered a residential use of property for zoning purposes. Adult family homes shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single family dwellings.

**NEW SECTION. Sec. 30.** A new section is added to chapter 70.128 RCW to read as follows:

(1) The department shall maintain a toll-free telephone number for receiving complaints regarding adult family homes.

(2) An adult family home shall post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number.

(3) No adult family home shall discriminate or retaliate in any manner against a resident on the basis or for the reason that such resident or any other person made a complaint to the department or the long-term care ombudsman or cooperated with the investigation of such a complaint.

**NEW SECTION. Sec. 31.** RCW 70.128.180 and 1989 c 427 s 41 are each repealed.

**Sec. 32.** RCW 43.190.020 and 1991 sp.s. c 8 s 3 are each amended to read as follows:

As used in this chapter, "long-term care facility" means any of the following (~~which provide services to persons sixty years of age and older and is~~):

(1) A facility which:

(a) Maintains and operates twenty-four hour skilled nursing services for the care and treatment of chronically ill or convalescent patients, including mental, emotional, or behavioral problems, mental retardation, or alcoholism;

(b) Provides supportive, restorative, and preventive health services in conjunction with a socially oriented program to its residents, and which maintains and operates twenty-four hour services including board, room, personal care, and intermittent nursing care. "Long-term health care facility" includes nursing homes and nursing facilities, but does not include acute care hospital or other licensed facilities except for that distinct part of the hospital or facility which provides nursing facility services.

(2) Any family home, group care facility, or similar facility determined by the secretary, for twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(3) Any swing bed in an acute care facility.

**Sec. 33.** RCW 43.190.060 and 1987 c 158 s 3 are each amended to read as follows:

A long-term care ombudsman shall:

(1) Investigate and resolve complaints made by or on behalf of (~~older individuals who are~~) residents of long-term care facilities relating to administrative action which may adversely affect the health, safety, welfare, and rights of these individuals;

(2) Monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies with respect to long-term care facilities in this state;

(3) Provide information as appropriate to public agencies regarding the problems of individuals residing in long-term care facilities; and

(4) Provide for training volunteers and promoting the development of citizen organizations to participate in the ombudsman program. A volunteer long-term care ombudsman shall be able to identify and resolve problems regarding the care of residents in long-term care facilities and to assist such residents in the assertion of their civil and human rights. However, volunteers shall not be used for complaint investigations but may engage in fact-finding activities to determine whether a formal complaint should be submitted to the department.

**NEW SECTION. Sec. 34.** RCW 74.08.530, 74.08.560, 74.08.570, 74.08.545, and 74.08.550 are each recodified in chapter 74.39A RCW.

**NEW SECTION. Sec. 35.** RCW 74.08.541 and 1989 c 427 s 4, 1986 c 222 s 1, 1983 1st ex.s. c 41 s 39, & 1981 1st ex.s. c 6 s 17 are each repealed.

**Sec. 36.** RCW 74.08.545 and 1989 c 427 s 5 are each amended to read as follows:

It is the intent of the legislature that chore services be provided to eligible persons within the limits of funds appropriated for that purpose. Therefore, the department shall provide services only to those persons identified as at risk of being placed in a long-term care facility in the absence of such services. The department shall not provide chore services to any individual who is eligible for, and whose needs can be met by another community service administered by the department. Chore services shall be provided to the extent necessary to maintain a safe and healthful living environment. It is the policy of the state to encourage the development of volunteer chore services in local communities as a means of meeting chore care service needs and directing financial resources. In determining eligibility for chore services, the department shall consider the following:

- (1) The kind of services needed;
- (2) The degree of service need, and the extent to which an individual is dependent upon such services to remain in his or her home or return to his or her home;
- (3) The availability of personal or community resources which may be utilized to meet the individual's need; and
- (4) Such other factors as the department considers necessary to insure service is provided only to those persons whose chore service needs cannot be met by relatives, friends, nonprofit organizations, ~~((or))~~ other persons, or by other programs or resources.

In determining the level of services to be provided under this chapter, ~~((the))~~ the client shall be assessed using an instrument designed by the department to determine the level of functional disability, the need for service and the person's risk of long-term care facility placement.

NEW SECTION. **Sec. 37.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The department shall establish a monthly dollar lid for each region on chore services expenditures within the legislative appropriation. Priority for services shall be given to the following situations:

- (a) People who were receiving chore personal care services as of June 30, 1995;
- (b) People for whom chore personal care services are necessary to return to the community from a nursing home;
- (c) People for whom chore personal care services are necessary to prevent unnecessary nursing home placement; and
- (d) People for whom chore personal care services are necessary as a protective measure based on referrals resulting from an adult protective services investigation.

(2) The department shall require a client to participate in the cost of chore services as a necessary precondition to receiving chore services paid for by the state. The client shall retain an amount equal to one hundred percent of the federal poverty level, adjusted for household size, for maintenance needs. The department shall consider the remaining income as the client participation amount for chore services except for those persons whose participation is established under RCW 74.08.570.

(3) The department shall establish, by rule, the maximum amount of resources a person may retain and be eligible for chore services.

NEW SECTION. **Sec. 38.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The legislature intends that any staff reassigned by the department as a result of shifting of the reauthorization responsibilities by contract outlined in this section shall be dedicated for discharge planning and assisting with discharge planning and information on existing discharge planning cases. Discharge planning, as directed in this section, is intended for residents and patients identified for discharge to long-term care pursuant to sections 5, 6, and 9 of this act. The purpose of discharge planning is to protect residents and patients from the financial incentives inherent in keeping residents or patients in a more expensive higher level of care and shall focus on care options that are in the best interest of the patient or resident.

(2) The department shall contract with area agencies on aging:

- (a) To provide case management services to individuals receiving home and community services in their own home; and

(b) To reassess and reauthorize home and community services in home or in other settings for individuals consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive home and community services; and

(ii) Who, at the time of reassessment and reauthorization, are receiving home and community services in their own home.

(3) In the event that an area agency on aging is unwilling to enter into or satisfactorily fulfill a contract to provide these services, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

**Sec. 39.** RCW 74.09.520 and 1994 c 21 s 4 are each amended to read as follows:

(1) The term "medical assistance" may include the following care and services: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and x-ray services; (d) nursing facility services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical and occupational therapy and related services; (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services; and (o) like services when furnished to a child by a school district in a manner consistent with the requirements of this chapter. For the purposes of this section, the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services.

(2) The department shall amend the state plan for medical assistance under Title XIX of the federal social security act to include personal care services, as defined in 42 C.F.R. 440.170(f), in the categorically needy program.

(3) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care must be (~~approved and~~) reviewed by a nurse.

(4) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(5) The department shall report to the appropriate fiscal committees of the legislature on the utilization and associated costs of the personal care option under Title XIX of the federal social security act, as defined in 42 C.F.R. 440.170(f), in the categorically needy program. This report shall be submitted by January 1, 1990, and submitted on a yearly basis thereafter.

(6) Effective July 1, 1989, the department shall offer hospice services in accordance with available funds.

(7) For Title XIX personal care services administered by aging and adult services administration of the department, the department shall contract with area agencies on aging:

(a) To provide case management services to individuals receiving Title XIX personal care services in their own home; and

(b) To reassess and reauthorize Title XIX personal care services or other home and community services as defined in section 1 of this act in home or in other settings for individuals consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive Title XIX personal care services or other home and community services as defined in section 1 of this act; and

(ii) Who, at the time of reassessment and reauthorization, are receiving such services in their own home.

(8) In the event that an area agency on aging is unwilling to enter into or satisfactorily fulfill a contract to provide these services, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

**Sec. 40.** RCW 74.08.550 and 1989 c 427 s 6 are each amended to read as follows:

(1) The department is authorized to develop a program to provide for ~~((those))~~ chore services ~~((enumerated in RCW 74.08.541))~~ under this chapter.

(2) The department may provide assistance in the recruiting of providers of the services enumerated in ~~((RCW 74.08.541))~~ section 37 of this act and seek to assure the timely provision of services in emergency situations.

(3) The department shall assure that all providers of the chore services ~~((enumerated in RCW 74.08.541))~~ under this chapter are compensated for the delivery of the services on a prompt and regular basis.

**Sec. 41.** RCW 74.08.570 and 1989 c 427 s 7 are each amended to read as follows:

(1) An otherwise eligible disabled person shall not be deemed ineligible for chore services under this chapter if the person's gross income from employment, adjusted downward by the cost of the chore services to be provided and the disabled person's work expenses, does not exceed the maximum eligibility standard established by the department for such chore services. The department shall establish a ~~((sliding scale fee schedule for))~~ methodology for client participation that allows such disabled persons ~~((, taking into consideration the person's ability to pay and work expenses))~~ to be employed.

(2) If a disabled person arranges for chore services through an individual provider arrangement, the client's contribution shall be counted as first dollar toward the total amount owed to the provider for chore services rendered.

(3) As used in this section:

(a) "Gross income" means total earned wages, commissions, salary, and any bonus;

(b) "Work expenses" includes:

(i) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(ii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(iii) Expenses of employment necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job;

(c) "Employment" means any work activity for which a recipient receives monetary compensation;

(d) "Disabled" means:

(i) Permanently and totally disabled as defined by the department and as such definition is approved by the federal social security administration for federal matching funds;

(ii) Eighteen years of age or older;

(iii) A resident of the state of Washington; and

(iv) Willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

**Sec. 42.** RCW 18.51.091 and 1987 c 476 s 24 are each amended to read as follows:

The department shall make or cause to be made at least one inspection of each nursing home ~~((prior to license renewal and shall inspect community-based services as part of the licensing renewal survey))~~ at least every eighteen months, except that the department may not inspect a facility that was citation-free at the previous inspection sooner than twelve months after the date of the previous inspection. The inspection shall be made without providing advance notice of it. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of

administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

**Sec. 43.** RCW 18.51.140 and 1995 c . . . s 6 (Engrossed Substitute Senate Bill No. 5093) are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the chief of the Washington state patrol, through the director of fire protection, who shall adopt such recognized standards as may be applicable to nursing homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the nursing home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the chief of the Washington state patrol, through the director of fire protection, he or she shall promptly make a written report to the nursing home and the department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the chief of the Washington state patrol, through the director of fire protection, upon completion of any requirements made by him or her, and the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the nursing home to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such nursing homes at least ~~((annually))~~ every eighteen months.

In cities which have in force a comprehensive building code, the provisions of which are determined by the chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for nursing homes adopted by the chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the chief of the Washington state patrol, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

**Sec. 44.** RCW 18.51.300 and 1981 1st ex.s. c 2 s 24 are each amended to read as follows:

Unless specified otherwise by the department, a nursing home shall retain and preserve all records which relate directly to the care and treatment of a patient for a period of no less than ~~((ten))~~ eight years following the most recent discharge of the patient; except the records of minors, which shall be retained and preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.

If a nursing home ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of its records.

The department shall by regulation define the type of records and the information required to be included in the records to be retained and preserved under this section; which records may be retained in photographic form pursuant to chapter 5.46 RCW.



**NEW SECTION. Sec. 45.** A new section is added to chapter 18.88A RCW to read as follows:

The legislature recognizes that nurses have been successfully delegating nursing care tasks to family members and auxiliary staff for many years. The opportunity for a nurse to delegate to nursing assistants qualifying under section 46 of this act may enhance the viability and quality of care in community health settings for long-term care services and to allow citizens to live as independently as possible with maximum safeguards.

**NEW SECTION. Sec. 46.** A new section is added to chapter 18.88A RCW to read as follows:

(1) A nurse may delegate specific care tasks to nursing assistants meeting the requirements of this section and who provide care to individuals in community residential programs for the developmentally disabled certified by the department of social and health services under chapter 71A.12 RCW, to individuals residing in adult family homes licensed under chapter 70.128 RCW, and to individuals residing in boarding homes licensed under chapter 18.20 RCW contracting with the department of social and health services to provide assisted living services pursuant to RCW 74.39A.010.

(2) For the purposes of this section, "nursing assistant" means a nursing assistant-registered or a nursing assistant-certified. Nothing in this section may be construed to affect the authority of nurses to delegate nursing tasks to other persons, including licensed practical nurses, as authorized by law.

(3) Before commencing any specific nursing care tasks authorized under this chapter, the nursing assistant must (a) provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating the completion of basic core training as provided in this section, (b) be regulated by the department of health pursuant to this chapter, subject to the uniform disciplinary act under chapter 18.130 RCW, and (c) meet any additional training requirements identified by the nursing care quality assurance commission and authorized by this section.

(4) A nurse may delegate the following care tasks:

- (a) Oral and topical medications and ointments;
- (b) Nose, ear, eye drops, and ointments;
- (c) Dressing changes and catheterization using clean techniques as defined by the nursing care quality assurance commission;
- (d) Suppositories, enemas, ostomy care;
- (e) Blood glucose monitoring;
- (f) Gastrostomy feedings in established and healed condition.

(5) On or before September 1, 1995, the nursing care quality assurance commission, in conjunction with the professional nursing organizations, shall develop rules for nurse delegation protocols and by December 5, 1995, identify training beyond the core training that is deemed necessary for the delegation of complex tasks and patient care.

(6) Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur but are intended to ensure that nursing care services have a consistent standard of practice upon which the public and profession may rely and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task. Protocols shall include at least the following:

(a) Ensure that determination of the appropriateness of delegation of a nursing task is at the discretion of the nurse;

(b) Allow delegation of a nursing care task only for patients who have a stable and predictable condition. "Stable and predictable condition" means a situation, as defined by rule by the nursing care quality assurance commission, in which the patient's clinical and behavioral status is known and does not require frequent presence and evaluation of a registered nurse;

(c) Assure that the delegations of nursing tasks pursuant to this chapter have the written informed consent of the patient consistent with the provisions for informed consent under chapter 7.70 RCW, as well as with the consent of the delegating nurse and nursing assistant. The delegating nurse shall inform patients of the level of training of all care providers in the setting;

(d) Verify that the nursing assistant has completed the core training;

(e) Require assessment by the nurse of the ability and willingness of the nursing assistant to perform the delegated nursing task in the absence of direct nurse supervision and to refrain from delegation if the nursing assistant is not able or willing to perform the task;

(f) Require the nurse to analyze the complexity of the nursing task that is considered for delegation and determine the appropriate level of training and any need of additional training for the nursing assistant;

(g) Require the teaching of the nursing care task to the nursing assistant including return demonstration under observation while performing the task;

(h) Require a plan of nursing supervision and reevaluation of the delegated nursing task. "Nursing supervision" means that the registered nurse monitors by direct observation the skill and ability of the nursing assistant to perform delegated nursing tasks. Frequency of supervision is at the discretion of the registered nurse but shall occur at least every sixty days;

(i) Require instruction to the nursing assistant that the delegated nursing task is specific to a patient and is not transferable;

(j) Require documentation and written instruction related to the delegated nursing task be provided to the nursing assistant and a copy maintained in the patient record;

(k) Ensure that the nursing assistant is prepared to effectively deal with the predictable outcomes of performing the nursing task;

(l) Include in the delegation of tasks an awareness of the nature of the condition requiring treatment, risks of the treatment, side effects, and interaction of prescribed medications;

(m) Require documentation in the patient's record of the rationale for delegating or not delegating nursing tasks.

(7) A basic core training curriculum on providing care for individuals in community residential programs for the developmentally disabled certified by the department of social and health services under chapter 71A.12 RCW shall be in addition to the training requirements specified in subsection (5) of this section. Basic core training shall be developed and adopted by rule by the secretary of the department of social and health services. The department of social and health services shall appoint an advisory panel to assist in the development of core training comprised of representatives of the following:

(a) The division of developmental disabilities;

(b) The nursing care quality assurance commission;

(c) Professional nursing organizations;

(d) A state-wide organization of community residential service providers whose members are programs certified by the department under chapter 71A.12 RCW.

(8) A basic core training curriculum on providing care to residents in residential settings licensed under chapter 70.128 RCW, or in assisted living pursuant to RCW 74.39A.010 shall be mandatory for nursing assistants prior to assessment by a nurse regarding the ability and willingness to perform a delegated nursing task. Core training shall be developed and adopted by rule by the secretary of the department of social and health services, in conjunction with an advisory panel. The advisory panel shall be comprised of representatives from, at a minimum, the following:

(a) The nursing care quality assurance commission;

(b) Professional nurse organizations;

(c) A state-wide association of community residential service providers whose members are programs certified by the department under chapter 71A.12 RCW;

(d) Aging consumer groups;

(e) Associations representing homes licensed under chapters 70.128 and 18.20 RCW; and

(f) Associations representing home health, hospice, and home care agencies licensed under chapter 70.127 RCW.

**NEW SECTION. Sec. 47.** A new section is added to chapter 18.88A RCW to read as follows:

On or before December 1, 1995, the department of health and the department of social and health services, in consultation with the nursing care quality assurance commission, shall develop and clarify program and reimbursement policies, as well as clarify barriers to current delegation, relating to the ability and authority of a nurse to delegate care tasks in the programs and services operating under their authority.

The nursing care quality assurance commission shall develop model forms that will assist in standardizing the practice of delegation.

**NEW SECTION. Sec. 48.** A new section is added to chapter 18.88A RCW to read as follows:

(1) The nurse and nursing assistant shall be accountable for their own individual actions in the delegation process. Nurses acting within the protocols of their delegation authority shall be immune from liability for any action performed in the course of their delegation duties. Nursing assistants following written delegation instructions from registered nurses performed in the course of their accurately written, delegated duties shall be immune from liability.

(2) No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the Washington nursing care quality assurance commission for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety. Nursing assistants shall not be subject to any employer reprisal or disciplinary action by the nursing care quality assurance commission for refusing to accept delegation of a nursing task. No community residential program, adult family home, or boarding home contracting to provide assisted-living services may discriminate or retaliate in any manner against a person because the person made a complaint or cooperated in the investigation of a complaint.

(3) The department of social and health services shall impose a civil fine of not less than two hundred fifty dollars nor more than one thousand dollars on a community residential program, adult family home, or boarding home under this act that knowingly permits an employee to perform a nursing task except as delegated by a nurse pursuant to this act.

**NEW SECTION. Sec. 49.** A new section is added to chapter 18.88A RCW to read as follows:

The aging and adult services administration of the department of social and health services shall establish a toll-free telephone number for receiving complaints regarding delegation of specific nursing tasks to nursing assistants, in conjunction with any other such system maintained for long-term care services. Complaints specifically related to nurse-delegation shall be referred to the nursing care quality assurance commission for appropriate disposition in accordance with established procedures.

**Sec. 50.** RCW 18.79.040 and 1994 sp.s. c 9 s 404 are each amended to read as follows:

(1) "Registered nursing practice" means the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the principles of the biological, physiological, behavioral, and sociological sciences in either:

(a) The observation, assessment, diagnosis, care or counsel, and health teaching of the ill, injured, or infirm, or in the maintenance of health or prevention of illness of others;

(b) The performance of such additional acts requiring education and training and that are recognized by the medical and nursing professions as proper and recognized by the commission to be performed by registered nurses licensed under this chapter and that are authorized by the commission through its rules;

(c) The administration, supervision, delegation, and evaluation of nursing practice. However, nothing in this subsection affects the authority of a hospital, hospital district, medical clinic, or office, concerning its administration and supervision;

(d) The teaching of nursing;

(e) The executing of medical regimen as prescribed by a licensed physician and surgeon, dentist, osteopathic physician and surgeon, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner.

(2) Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

(3) This section does not prohibit (a) the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be a registered nurse, ~~((b))~~ (b) the practice of licensed practical nursing by a licensed practical nurse, or (c) the practice of a nursing assistant, providing delegated nursing tasks under chapter 18.88A RCW.

**Sec. 51.** RCW 18.79.260 and 1995 c 295 s 1 are each amended to read as follows:

A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof, she or he may do the following things that shall not be done by a person not so licensed, except as provided in RCW 18.79.270 and section 46 of this act:

(1) At or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, naturopathic physician, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner acting within the scope of his or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required. Such direction must be for acts which are within the scope of registered nursing practice;

(2) Delegate to other persons (~~(engaged in nursing,)~~) the functions outlined in subsection (1) of this section in accordance with chapter 18.88A RCW;

(3) Instruct nurses in technical subjects pertaining to nursing;

(4) Hold herself or himself out to the public or designate herself or himself as a registered nurse.

**Sec. 52.** RCW 18.88A.030 and 1994 sp.s. c 9 s 709 are each amended to read as follows:

(1) A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed (registered) nurse or licensed practical nurse.

(2) A health care facility shall not assign a nursing assistant-registered to provide care until the nursing assistant-registered has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

(3) Nothing in this chapter shall be construed to confer on a nursing assistant the authority to administer medication unless delegated as a specific nursing task pursuant to this chapter or to practice as a licensed (registered) nurse or licensed practical nurse as defined in chapter 18.79 RCW.

(4) Certification is voluntary for nursing assistants working in health care facilities other than nursing homes unless otherwise required by state or federal law or regulation.

(5) The commission may adopt rules to implement the provisions of this chapter.

**NEW SECTION. Sec. 53.** The secretary of health in consultation with the Washington nursing care quality assurance commission and the department of social and health services shall monitor the implementation of sections 45 through 54 of this act and shall make an interim report by December 31, 1996, and a final report by December 31, 1997, to the legislature with any recommendations for improvements. As part of the monitoring process, the secretary of health and the secretary of social and health services, in consultation with the University of Washington school of nursing, shall conduct a study to be completed by September 30, 1997, which shall be a part of the final report to be submitted to the legislature by December 31, 1997. The study shall include consideration of the protection of health and safety of persons with developmental disabilities and residents of adult family homes and boarding homes providing assisted living services, including the appropriateness of the tasks allowed for delegation, level and type of training and regulation of nursing assistants. The report shall include direct observation, documentation, and interviews, and shall specifically include data on the following:

(1) Patient, nurse, and nursing assistant satisfaction;

(2) Medication errors, including those resulting in hospitalization;

(3) Compliance with required training;

(4) Compliance with nurse delegation protocols;

(5) Incidence of harm to patients, including abuse and neglect;

(6) Impact on access to care;

(7) Impact on patient quality of life; and

(8) Incidence of coercion in the nurse-delegation process.

**NEW SECTION. Sec. 54.** A special legislative task force is established to monitor implementation of sections 45 through 53 of this act. The task force shall consist of four members from the house of representatives, no more than two of whom shall be members of the same caucus, who shall be appointed by the speaker of the house of representatives, and four members from the senate, no more than two of whom shall be members of the same caucus, who shall be appointed by the president of the senate. The task force shall:

(1) Review the proposed nurse delegation protocols developed by the nursing care quality assurance commission;

(2) Review the proposed core and specialized training curricula developed by the department of social and health services and by the nursing care quality assurance commission;

(3) Review the program and reimbursement policies, and the identified barriers to nurse delegation, developed by the department of health and department of social and health services;

(4) Submit an interim report of its findings and recommendations on the above actions to the legislature by January 1, 1996;

(5) During 1996, conduct hearings to assess the effectiveness with which the delegation protocols, the core training, and nurse oversight are being implemented, and their impact on patient care and quality of life;

(6) Review and approve the proposed study designs;

(7) By February 1, 1997, recommend to the legislature a mechanism and time frame for extending nurse delegation provisions similar to those described in this act to persons residing in their own homes;

(8) During 1997, receive interim reports on the findings of the studies conducted in accordance with this act, and conduct additional fact-finding hearings on the implementation and impact of the nurse delegation provisions of sections 45 through 53 of this act.

The office of program research and senate committee services shall provide staff support to the task force. The department of health, the department of social and health services, and the nursing care quality assurance commission shall provide technical support as needed. The task force shall cease to exist on January 1, 1998, unless extended by act of the legislature.

**NEW SECTION. Sec. 55.** A new section is added to chapter 74.39A RCW to read as follows:

(1) A person who receives an asset from an applicant for or recipient of long-term care services for less than fair market value shall be subject to a civil fine payable to the department if:

(a) The applicant for or recipient of long-term care services transferred the asset for the purpose of qualifying for state or federal coverage for long-term care services and the person who received the asset was aware, or should have been aware, of this purpose;

(b) Such transfer establishes a period of ineligibility for such service under state or federal laws or regulations; and

(c) The department provides coverage for such services during the period of ineligibility because the failure to provide such coverage would result in an undue hardship for the applicant or recipient.

(2) The civil fine imposed under this section shall be imposed in a judicial proceeding initiated by the department and shall equal (a) up to one hundred fifty percent of the amount the department expends for the care of the applicant or recipient during the period of ineligibility attributable to the amount transferred to the person subject to the civil fine plus (b) the department's court costs and legal fees.

(3) Transfers subject to a civil fine under this section shall be considered null and void and a fraudulent conveyance as to the department. The department shall have the right to petition a court to set aside such transfers and require all assets transferred returned to the applicant or recipient.

**NEW SECTION. Sec. 56.** A new section is added to chapter 74.39A RCW to read as follows:

(1) All payments made in state-funded long-term care shall be recoverable as if they were medical assistance payments subject to recovery under 42 U.S.C. Sec. 1396p and chapter 43.20B RCW, but without regard to the recipient's age.

(2) In determining eligibility for state-funded long-term care services programs, the department shall impose the same rules with respect to the transfer of assets for less than fair market value as are imposed under 42 U.S.C. 1396p with respect to nursing home and home and community services.

**NEW SECTION. Sec. 57.** A new section is added to chapter 74.39A RCW to read as follows:

Notwithstanding any other provision of law:

(1) In order to facilitate and ensure compliance with the federal social security act, Title XIX, as now existing or hereafter amended, later enactment to be adopted by reference by the director by rule, and other state laws mandating recovery of assets from estates of persons receiving long-term care services, the secretary of the department, with the approval of the office of the attorney general, may pay the reasonable and proper fees of attorneys admitted to practice before courts of this state, and associated professionals such as guardians, who are engaged in probate practice for the purpose of maintaining actions under Title 11 RCW, to the end that assets are not wasted, but are rather collected and preserved, and used for the care of the client or the reimbursement of the department pursuant to this chapter or chapter 43.20B RCW.

(2) The department may hire such other agencies and professionals on a contingency basis or otherwise as are necessary and cost-effective to collect bad debts owed to the department for long-term care services.

**Sec. 58.** RCW 11.40.010 and 1994 c 221 s 25 are each amended to read as follows:

Every personal representative shall, after appointment and qualification, give a notice to the creditors of the deceased, stating such appointment and qualification as personal representative and requiring all persons having claims against the deceased to serve the same on the personal representative or the estate's attorney of record, and file an executed copy thereof with the clerk of the court, within four months after the date of the first publication of such notice described in this section or within four months after the date of the filing of the copy of such notice with the clerk of the court, whichever is the later, or within the time otherwise provided in RCW 11.40.013. The four-month time period after the later of the date of the first publication of the notice to creditors or the date of the filing of such notice with the clerk of the court is referred to in this chapter as the "four-month time limitation." Such notice shall be given as follows:

(1) The personal representative shall give actual notice, as provided in RCW 11.40.013, to such creditors who become known to the personal representative within such four-month time limitation;

(2) The personal representative shall cause such notice to be published once in each week for three successive weeks in the county in which the estate is being administered; ~~(and)~~

(3) The personal representative shall file a copy of such notice with the clerk of the court; and

(4) The personal representative shall mail a copy of the notice, including the decedent's social security number, to the state of Washington, department of social and health services, office of financial recovery.

Except as otherwise provided in RCW 11.40.011 or 11.40.013, any claim not filed within the four-month time limitation shall be forever barred, if not already barred by any otherwise applicable statute of limitations. This bar is effective as to claims against both the decedent's probate assets and nonprobate assets as described in RCW 11.18.200. Proof by affidavit of the giving and publication of such notice shall be filed with the court by the personal representative.

Acts of a notice agent in complying with chapter 221, Laws of 1994 may be adopted and ratified by the personal representative as if done by the personal representative in complying with this chapter, except that if at the time of the appointment and qualification of the personal representative a notice agent had commenced nonprobate notice to creditors under chapter 11.42 RCW, the personal representative shall give published notice as provided in RCW 11.42.180.

**Sec. 59.** RCW 11.42.020 and 1994 c 221 s 32 are each amended to read as follows:

(1) The notice agent may give nonprobate notice to the creditors of the decedent if:

(a) As of the date of the filing of a copy of the notice with the clerk of the superior court for the notice county, the notice agent has no knowledge of the appointment and qualification of a personal representative in the decedent's estate in the state of Washington or of another person becoming a notice agent; and

(b) According to the records of the clerk of the superior court for the notice county as of 8:00 a.m. on the date of the filing, no personal representative of the decedent's estate had been appointed and qualified and no cause number regarding the decedent had been issued to any other notice agent by the clerk under RCW 11.42.010.

(2) The notice must state that all persons having claims against the decedent shall: (a) Serve the same on the notice agent if the notice agent is a resident of the state of Washington upon whom service of all papers may be made, or on the nonprobate resident agent for the notice agent, if any, or

on the attorneys of record of the notice agent at their respective address in the state of Washington; and (b) file an executed copy of the notice with the clerk of the superior court for the notice county, within: (i)(A) Four months after the date of the first publication of the notice described in this section; or (B) four months after the date of the filing of the copy of the notice with the clerk of the superior court for the notice county, whichever is later; or (ii) the time otherwise provided in RCW 11.42.050. The four-month time period after the later of the date of the first publication of the notice to creditors or the date of the filing of the notice with the clerk of the court is referred to in this chapter as the "four-month time limitation."

(3) The notice agent shall declare in the notice in affidavit form or under the penalty of perjury under the laws of the state of Washington as provided in RCW 9A.72.085 that: (a) The notice agent is entitled to give the nonprobate notice under subsection (1) of this section; and (b) the notice is being given by the notice agent as permitted by this section.

(4) The notice agent shall sign the notice and file it with the clerk of the superior court for the notice county. The notice must be given as follows:

(a) The notice agent shall give actual notice as to creditors of the decedent who become known to the notice agent within the four-month time limitation as required in RCW 11.42.050;

(b) The notice agent shall cause the notice to be published once in each week for three successive weeks in the notice county; (~~and~~)

(c) The notice agent shall file a copy of the notice with the clerk of the superior court for the notice county; and

(d) The notice agent shall mail a copy of the notice, including the decedent's social security number, to the state of Washington, department of social and health services, office of financial recovery.

(5) A claim not filed within the four-month time limitation is forever barred, if not already barred by an otherwise applicable statute of limitations, except as provided in RCW 11.42.030 or 11.42.050. The bar is effective to bar claims against both the probate estate of the decedent and nonprobate assets that were subject to satisfaction of the decedent's general liabilities immediately before the decedent's death. If a notice to the creditors of a decedent is published by more than one notice agent and the notice agents are not acting jointly, the four-month time limitation means the four-month time limitation that applies to the notice agent who first publishes the notice. Proof by affidavit or perjury declaration made under RCW 9A.72.085 of the giving and publication of the notice must be filed with the clerk of the superior court for the notice county by the notice agent.

**Sec. 60.** RCW 11.62.010 and 1993 c 291 s 1 are each amended to read as follows:

(1) At any time after forty days from the date of a decedent's death, any person who is indebted to or who has possession of any personal property belonging to the decedent or to the decedent and his or her surviving spouse as a community, which debt or personal property is an asset which is subject to probate, shall pay such indebtedness or deliver such personal property, or so much of either as is claimed, to a person claiming to be a successor of the decedent upon receipt of proof of death and of an affidavit made by said person which meets the requirements of subsection (2) of this section.

(2) An affidavit which is to be made pursuant to this section shall state:

(a) The claiming successor's name and address, and that the claiming successor is a "successor" as defined in RCW 11.62.005;

(b) That the decedent was a resident of the state of Washington on the date of his or her death;

(c) That the value of the decedent's entire estate subject to probate, not including the surviving spouse's community property interest in any assets which are subject to probate in the decedent's estate, wherever located, less liens and encumbrances, does not exceed sixty thousand dollars;

(d) That forty days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(f) That all debts of the decedent including funeral and burial expenses have been paid or provided for;

(g) A description of the personal property and the portion thereof claimed, together with a statement that such personal property is subject to probate;

(h) That the claiming successor has given written notice, either by personal service or by mail, identifying his or her claim, and describing the property claimed, to all other successors of the decedent, and that at least ten days have elapsed since the service or mailing of such notice; and

(i) That the claiming successor is either personally entitled to full payment or delivery of the property claimed or is entitled to full payment or delivery thereof on the behalf and with the written authority of all other successors who have an interest therein.

(3) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to be the successor with respect to such security upon the presentation of proof of death and of an affidavit made by such person which meets the requirements of subsection (2) of this section. Any governmental agency required to issue certificates of ownership or of license registration to personal property shall issue a new certificate of ownership or of license registration to a person claiming to be a successor of the decedent upon receipt of proof of death and of an affidavit made by such person which meets the requirements of subsection (2) of this section.

(4) No release from any Washington state or local taxing authority may be required before any assets or debts are paid or delivered to a successor of a decedent as required under this section.

(5) A copy of the affidavit, including the decedent's social security number, shall be mailed to the state of Washington, department of social and health services, office of financial recovery.

**Sec. 61.** RCW 11.28.120 and 1994 c 221 s 23 are each amended to read as follows:

Administration of an estate if the decedent died intestate or if the personal representative or representatives named in the will declined or were unable to serve shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

(1) The surviving spouse, or such person as he or she may request to have appointed.

(2) The next of kin in the following order: (a) Child or children; (b) father or mother; (c) brothers or sisters; (d) grandchildren; (e) nephews or nieces.

(3) The trustee named by the decedent in an inter vivos trust instrument, testamentary trustee named in the will, guardian of the person or estate of the decedent, or attorney in fact appointed by the decedent, if any such a fiduciary controlled or potentially controlled substantially all of the decedent's probate and nonprobate assets.

(4) One or more of the beneficiaries or transferees of the decedent's probate or nonprobate assets.

(5)(a) The director of revenue, or the director's designee, for those estates having property subject to the provisions of chapter 11.08 RCW; however, the director may waive this right.

(b) The secretary of the department of social and health services for those estates owing debts for long-term care services as defined in section 1 of this act; however the secretary may waive this right.

(6) One or more of the principal creditors.

(7) If the persons so entitled shall fail for more than forty days after the death of the decedent to present a petition for letters of administration, or if it appears to the satisfaction of the court that there is no next of kin, as above specified eligible to appointment, or they waive their right, and there are no principal creditor or creditors, or such creditor or creditors waive their right, then the court may appoint any suitable person to administer such estate.

**Sec. 62.** RCW 18.39.250 and 1989 c 390 s 3 are each amended to read as follows:

(1) Any funeral establishment selling funeral merchandise or services by prearrangement funeral service contract and accepting moneys therefore shall establish and maintain one or more prearrangement funeral service trusts under Washington state law with two or more designated trustees, for the benefit of the beneficiary of the prearrangement funeral service contract or may join with one or more other Washington state licensed funeral establishments in a "master trust" provided that each member of the "master trust" shall comply individually with the requirements of this chapter.

(2) Up to ten percent of the cash purchase price of each prearrangement funeral service contract, excluding sales tax, may be retained by the funeral establishment unless otherwise provided in this chapter. If the prearrangement funeral service contract is canceled within thirty calendar days of its signing, then the purchaser shall receive a full refund of all moneys paid under the contract.



(3) At least ninety percent of the cash purchase price of each prearrangement funeral service contract, paid in advance, excluding sales tax, shall be placed in the trust established or utilized by the funeral establishment. Deposits to the prearrangement funeral service trust shall be made not later than the twentieth day of the month following receipt of each payment made on the last ninety percent of each prearrangement funeral service contract, excluding sales tax.

(4) All prearrangement funeral service trust moneys shall be deposited in an insured account in a qualified public depository or shall be invested in instruments issued or insured by any agency of the federal government if these securities are held in a public depository. The account shall be designated as the prearrangement funeral service trust of the funeral establishment for the benefit of the beneficiaries named in the prearrangement funeral service contracts. The prearrangement funeral service trust shall not be considered as, nor shall it be used as, an asset of the funeral establishment.

(5) After deduction of reasonable fees for the administration of the trust, taxes paid or withheld, or other expenses of the trust, all interest, dividends, increases, or accretions of whatever nature earned by a trust shall be kept unimpaired and shall become a part of the trust. Adequate records shall be maintained to allocate the share of principal and interest to each contract. Fees deducted for the administration of the trust shall not exceed one percent of the face amount of the prearrangement funeral service contract per annum. In no instance shall the administrative charges deducted from the prearrangement funeral service trust reduce, diminish, or in any other way lessen the value of the trust so that the services or merchandise provided for under the contract are reduced, diminished, or in any other way lessened.

(6) Except as otherwise provided in this chapter, the trustees of a prearrangement funeral service trust shall permit withdrawal of all funds deposited under a prearrangement funeral service contract, plus accruals thereon, under the following circumstances and conditions:

(a) If the funeral establishment files a verified statement with the trustees that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or

(b) If the funeral establishment files a verified statement with the trustees that the prearrangement funeral merchandise and services covered by the contract have been canceled in accordance with its terms.

(7) Subsequent to the thirty calendar day cancellation period provided for in this chapter, any purchaser or beneficiary who has a revocable prearrangement funeral service contract has the right to demand a refund of the amount in trust.

(8) Prearrangement funeral service contracts which have or should have an account in a prearrangement funeral service trust may be terminated by the board if the funeral establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, has its prearrangement funeral service certificate of registration revoked, or for any other reason is unable to fulfill the obligations under the contract. In such event, or upon demand by the purchaser or beneficiary of the prearrangement funeral service contract, the funeral establishment shall refund to the purchaser or beneficiary all moneys deposited in the trust and allocated to the contract unless otherwise ordered by a court of competent jurisdiction. The purchaser or beneficiary may, in lieu of a refund, elect to transfer the prearrangement funeral service contract and all amounts in trust to another funeral establishment licensed under this chapter which will agree, by endorsement to the contract, to be bound by the contract and to provide the funeral merchandise or services. Election of this option shall not relieve the defaulting funeral establishment of its obligation to the purchaser or beneficiary for any amounts required to be, but not placed, in trust.

(9) Prior to the sale or transfer of ownership or control of any funeral establishment which has contracted for prearrangement funeral service contracts, any person, corporation, or other legal entity desiring to acquire such ownership or control shall apply to the director in accordance with RCW 18.39.145. Persons and business entities selling or relinquishing, and persons and business entities purchasing or acquiring ownership or control of such funeral establishments shall each verify and attest to a report showing the status of the prearrangement funeral service trust or trusts on the date of the sale. This report shall be on a form prescribed by the board and shall be considered part of the application for a funeral establishment license. In the event of failure to comply with this subsection, the funeral establishment shall be deemed to have gone out of business and the provisions of subsection (8) of this section shall apply.

(10) Prearrangement funeral service trust moneys shall not be used, directly or indirectly, for the benefit of the funeral establishment or any director, officer, agent, or employee of the funeral

establishment including, but not limited to, any encumbrance, pledge, or other use of prearrangement funeral service trust moneys as collateral or other security.

(11)(a) If, at the time of the signing of the prearrangement funeral service contract, the beneficiary of the trust is a recipient of public assistance as defined in RCW 74.04.005, or reasonably anticipates being so defined, the contract may provide that the trust will be irrevocable. If after the contract is entered into, the beneficiary becomes eligible or seeks to become eligible for public assistance under Title 74 RCW, the contract may provide for an election by the beneficiary, or by the purchaser on behalf of the beneficiary, to make the trust irrevocable thereafter in order to become or remain eligible for such assistance.

(b) The department of social and health services shall notify the trustee of any prearrangement service trust that the department has a claim on the estate of a beneficiary for long-term care services. Such notice shall be renewed at least every three years. The trustees upon becoming aware of the death of a beneficiary shall give notice to the department of social and health services, office of financial recovery, who shall file any claim there may be within thirty days of the notice.

(12) Every prearrangement funeral service contract financed through a prearrangement funeral service trust shall contain language which:

(a) Informs the purchaser of the prearrangement funeral service trust and the amount to be deposited in the trust;

(b) Indicates if the contract is revocable or not in accordance with subsection (11) of this section;

(c) Specifies that a full refund of all moneys paid on the contract will be made if the contract is canceled within thirty calendar days of its signing;

(d) Specifies that, in the case of cancellation by a purchaser or beneficiary eligible to cancel under the contract or under this chapter, up to ten percent of the contract amount may be retained by the seller to cover the necessary expenses of selling and setting up the contract;

(e) Identifies the trust to be used and contains information as to how the trustees may be contacted.

**Sec. 63.** RCW 18.39.255 and 1989 c 390 s 4 are each amended to read as follows:

Prearranged funeral service contracts funded through insurance shall contain language which:

(1) States the amount of insurance;

(2) Informs the purchaser of the name and address of the insurance company through which the insurance will be provided, the policy number, and the name of the beneficiary; ~~((and))~~

(3) Informs the purchaser that amounts paid for insurance may not be refundable;

(4) Informs that any funds from the policy not used for services may be subject to a claim for reimbursement for long-term care services paid for by the state; and

(5) States that for purposes of the contract, the procedures in RCW 18.39.250(11)(b) shall control such recoupment.

**Sec. 64.** RCW 74.42.450 and 1979 ex.s. c 211 s 45 are each amended to read as follows:

(1) The facility shall admit as residents only those individuals whose needs can be met by:

(a) The facility;

(b) The facility cooperating with community resources; or

(c) The facility cooperating with other providers of care affiliated or under contract with the facility.

(2) The facility shall transfer a resident to a hospital or other appropriate facility when a change occurs in the resident's physical or mental condition that requires care or service that the facility cannot provide. The resident, the resident's guardian, if any, the resident's next of kin, the attending physician, and the department shall be consulted at least fifteen days before a transfer or discharge unless the resident is transferred under emergency circumstances. The department shall use casework services or other means to insure that adequate arrangements are made to meet the resident's needs.

(3) A resident shall be transferred or discharged only for medical reasons, the resident's welfare or request, the welfare of other residents, or nonpayment. A resident may not be discharged for nonpayment if the discharge would be prohibited by the medicaid program.

(4) If a resident chooses to remain in the nursing facility, the department shall respect that choice, provided that if the resident is a medicaid recipient, the resident continues to require a nursing facility level of care.

(5) If the department determines that a resident no longer requires a nursing facility level of care, the resident shall not be discharged from the nursing facility until at least thirty days after written notice is given to the resident, the resident's surrogate decision maker and, if appropriate, a family member or the resident's representative. A form for requesting a hearing to appeal the discharge decision shall be attached to the written notice. The written notice shall include at least the following:

(a) The reason for the discharge;

(b) A statement that the resident has the right to appeal the discharge; and

(c) The name, address, and telephone number of the state long-term care ombudsman.

(6) If the resident appeals a department discharge decision, the resident shall not be discharged without the resident's consent until at least thirty days after a final order is entered upholding the decision to discharge the resident.

**Sec. 65.** RCW 68.46.050 and 1973 1st ex.s. c 68 s 5 are each amended to read as follows:

(1) A bank, trust company, or savings and loan association designated as the depository of prearrangement funds shall permit withdrawal by a cemetery authority of all funds deposited under any specific prearrangement contract plus interest accrued thereon, under the following circumstances and conditions:

~~((1))~~ (a) If the cemetery authority files a verified statement with the depository that the prearrangement merchandise and services covered by a contract have been furnished and delivered in accordance therewith; or

~~((2))~~ (b) If the cemetery authority files a verified statement that a specific prearrangement contract has been canceled in accordance with its terms.

(2) The department of social and health services shall notify the cemetery authority maintaining a prearrangement trust fund regulated by this chapter that the department has a claim on the estate of a beneficiary for long-term care services. Such notice shall be renewed at least every three years. The cemetery authority upon becoming aware of the death of a beneficiary shall give notice to the department of social and health services, office of financial recovery, who shall file any claim there may be within thirty days of the notice.

**Sec. 66.** RCW 70.129.040 and 1994 c 214 s 5 are each amended to read as follows:

(1) The resident has the right to manage his or her financial affairs, and the facility may not require residents to deposit their personal funds with the facility.

(2) Upon written authorization of a resident, if the facility agrees to manage the resident's personal funds, the facility must hold, safeguard, manage, and account for the personal funds of the resident deposited with the facility as specified in this section.

~~((3))~~(a) The facility must deposit a resident's personal funds in excess of one hundred dollars in an interest-bearing account or accounts that is separate from any of the facility's operating accounts, and that credits all interest earned on residents' funds to that account. In pooled accounts, there must be a separate accounting for each resident's share.

(b) The facility must maintain a resident's personal funds that do not exceed one hundred dollars in a noninterest-bearing account, interest-bearing account, or petty cash fund.

~~((4))~~ (3) The facility must establish and maintain a system that assures a full and complete and separate accounting of each resident's personal funds entrusted to the facility on the resident's behalf.

(a) The system must preclude any commingling of resident funds with facility funds or with the funds of any person other than another resident.

(b) The individual financial record must be available on request to the resident or his or her legal representative.

~~((5))~~ (4) Upon the death of a resident with a personal fund deposited with the facility the facility must convey within forty-five days the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate; but in the case of a resident who received long-term care services paid for by the state, the funds and accounting shall be sent to the state of Washington, department of social and health services, office of financial recovery. The department shall establish a release procedure for use for burial expenses.

**Sec. 67.** RCW 43.20B.080 and 1994 c 21 s 3 are each amended to read as follows:

(1) The department shall file liens, seek adjustment, or otherwise effect recovery for medical assistance correctly paid on behalf of an individual as required by this chapter and 42 U.S.C. Sec. 1396p.

(2) Liens may be adjusted by foreclosure in accordance with chapter 61.12 RCW.

(3) In the case of an individual who was fifty-five years (~~or -of~~) of age or older when the individual received medical assistance, the department shall seek adjustment or recovery from the individual's estate, and from nonprobate assets of the individual as defined by RCW 11.02.005 except property passing through a community property agreement, but only for medical assistance consisting of nursing facility services, home and community-based services, other services that the department determines to be appropriate, and related hospital and prescription drug services. Recovery from the individual's estate, including foreclosure of liens imposed under this section, shall be undertaken as soon as practicable, consistent with the requirements of 42 U.S.C. Sec. 1396p.

~~((3))~~ (4)(a) The department shall establish procedures consistent with standards established by the federal department of health and human services and pursuant to 42 U.S.C. Sec. 1396p to waive recovery when such recovery would work an undue hardship.

~~((4))~~ (b) Recovery of medical assistance from a recipient's estate shall not include property made exempt from claims by federal law or treaty, including exemption for tribal artifacts that may be held by individual Native Americans.

(5) The department is authorized to adopt rules to effect recovery under this section. The department may adopt by rule later enactments of the federal laws referenced in this section.

**Sec. 68.** RCW 74.42.020 and 1982 c 120 s 1 are each amended to read as follows:

The standards in RCW 74.42.030 through 74.42.570 are the minimum standards for facilities licensed under chapter 18.51 RCW: PROVIDED, HOWEVER, That RCW 74.42.040, 74.42.140 through 74.42.280, 74.42.300, 74.42.360, 74.42.370, 74.42.380, 74.42.420 (2), (4), (5), (6) and (7), 74.42.430(3), 74.42.450 (2) and (3), 74.42.520, 74.42.530, 74.42.540, 74.42.570, and 74.42.580 shall not apply to ~~((Christian Science sanatoria facilities operated and listed or certified by The First Church of Christ, Scientist, in Boston, Massachusetts))~~ any nursing home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination, or for any nursing home or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy.

NEW SECTION. **Sec. 69.** A new section is added to chapter 74.46 RCW to read as follows:

Upon the death of a resident with a personal fund deposited with the facility, the facility must convey within forty-five days the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate; but in the case of a resident who received long-term care services, the funds and accounting shall be sent to the state of Washington, department of social and health services, office of financial recovery. The department shall establish a release procedure for use for burial expenses.

**Sec. 70.** RCW 74.46.450 and 1993 sp.s. c 13 s 9 are each amended to read as follows:

(1) Prospective reimbursement rates for a new contractor will be established within sixty days following receipt by the department of the properly completed projected budget required by RCW 74.46.670. Such reimbursement rates will become effective as of the effective date of the contract and shall remain in effect until adjusted or reset as provided in this chapter.

(2) Such reimbursement rates will be based on the contractor's projected cost of operations and on costs and payment rates of the prior contractor, if any, or of other contractors in comparable circumstances.

(3) For nursing facilities receiving original certificate of need approval prior to June 30, 1988, and commencing operations on or after January 1, 1995, the department shall base initial nursing services, food, administrative, and operational rate components on such component rates immediately above the median for facilities in the same county. Property and return on investment rate components shall be established as provided in this chapter.

(4) If a properly completed budget is not received at least sixty days prior to the effective date of the contract, the department will establish preliminary rates based on the other factors specified in

subsection (2) of this section. These preliminary rates will remain in effect until adjusted or reset as provided in this chapter.

~~((4))~~ (5) The department is authorized to develop policies and procedures in rule to address the computation of rates for the first and second fiscal years of each biennium, including steps necessary to prorate rate adjustments for economic trends and conditions as authorized in RCW 74.46.420, for contractors having less than twelve months of cost report data for the prior calendar year.

**Sec. 71.** RCW 70.38.111 and 1993 c 508 s 5 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which

was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a) (ii) or (iii) or the requirements of (1)(b) (i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements only to the offering of inpatient tertiary health services and then only to the extent that such offering is not exempt under the provisions of this section.

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care

facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed boarding home care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without ~~((being subject to the provisions of this chapter except under RCW 70.38.105(4)(d))~~ obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given no later than two years prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given no later than one year prior to the effective date of license modification reflecting the restored beds.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2)(a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

**Sec. 72.** RCW 70.38.115 and 1993 c 508 s 6 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The need that the population served or to be served by such services has for such services;

(b) The availability of less costly or more effective alternative methods of providing such services;

(c) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served;

(d) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

(e) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project

reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

(f) The special needs and circumstances of osteopathic hospitals, nonallopathic services and children's hospitals;

(g) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

(h) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

(i) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past;

(j) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the secretary; and

(k) In the case of nursing home applications:

(i) The availability of other nursing home beds in the planning area to be served; and

(ii) The availability of other services in the community to be served. Data used to determine the availability of other services will include but not be limited to data provided by the department of social and health services.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility, or any part thereof, with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) Until the final expiration of the state health plan as provided under RCW 70.38.919, the decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department



authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or its designee, shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10)(a) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked has the right to an adjudicative proceeding. The proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act.

(b) Any health care facility or health maintenance organization that: (i) Provides services similar to the services provided by the applicant and under review pursuant to this subsection; (ii) is located within the applicant's health service area; and (iii) testified or submitted evidence at a public hearing held pursuant to subsection (9) of this section, shall be provided an opportunity to present oral or written testimony and argument in a proceeding under this subsection: PROVIDED, That the health care facility or health maintenance organization had, in writing, requested to be informed of the department's decisions.

(c) If the department desires to settle with the applicant prior to the conclusion of the adjudicative proceeding, the department shall so inform the health care facility or health maintenance organization and afford them an opportunity to comment, in advance, on the proposed settlement.

(11) An amended certificate of need shall be required for the following modifications of an approved project:

(a) A new service requiring review under this chapter;

(b) An expansion of a service subject to review beyond that originally approved;

(c) An increase in bed capacity;

(d) A significant reduction in the scope of a nursing home project without a commensurate reduction in the cost of the nursing home project, or a cost increase (as represented in bids on a nursing home construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the nursing home project with the review criteria pertaining to financial feasibility and cost containment.

(12) An application for a certificate of need for a nursing home capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

~~(13) ((In the case of an application for a certificate of need to replace existing nursing home beds, all criteria must be met on the same basis as an application for a certificate of need for a new nursing home, except that the need criteria shall be deemed met if the applicant is an existing licensee who proposes to replace existing beds that the licensee has operated for at least one year with the same or fewer number of beds in the same planning area))~~ (a) Replacement of existing nursing home beds in the same planning area by an existing licensee who has operated the beds for at least one year shall not require a certificate of need under this chapter. The licensee shall give written notice of its intent to replace the existing nursing home beds to the department and shall provide the department with information as may be required pursuant to rule. Replacement of the beds by a party other than the licensee is subject to certificate of need review under this chapter, except as otherwise permitted by subsection (14) of this section.

~~(b) When an entire nursing home ceases operation, ((its beds shall be treated as existing nursing home beds for purposes of replacement))~~ the licensee or any other party who has secured an interest in the beds may reserve his or her interest in the beds for eight years or until a certificate of need to replace them is issued, whichever occurs first. However, the nursing home, licensee, or any other party who has secured an interest in the beds must give notice of its intent to retain the beds to the department of health no later than thirty days after the effective date of the facility's closure. Certificate of need review shall be required for any party who has reserved the nursing home beds except that the need criteria shall be deemed met when the applicant is the licensee who had operated

the beds for at least one year, who has operated the beds for at least one year immediately preceding the reservation of the beds, and who is replacing the beds in the same planning area.

(14) In the event that a licensee, who has provided the department with notice of his or her intent to replace nursing home beds under subsection (13)(a) of this section, engages in unprofessional conduct or becomes unable to practice with reasonable skill and safety by reason of mental or physical condition, pursuant to chapter 18.130 RCW, or dies, the building owner shall be permitted to complete the nursing home bed replacement project, provided the building owner has secured an interest in the beds.

**Sec. 73.** RCW 70.38.125 and 1989 1st ex.s. c 9 s 606 are each amended to read as follows:

(1) A certificate of need shall be valid for two years. One six-month extension may be made if it can be substantiated that substantial and continuing progress toward commencement of the project has been made as defined by regulations to be adopted pursuant to this chapter. An additional extension of up to sixty months shall be made if the project is located in an eligible area, as defined under RCW 82.60.020, or is located in an economically distressed area.

(2) A project for which a certificate of need has been issued shall be commenced during the validity period for the certificate of need.

(3) The department shall monitor the approved projects to assure conformance with certificates of need that have been issued. Rules and regulations adopted shall specify when changes in the project require reevaluation of the project. The department may require applicants to submit periodic progress reports on approved projects or other information as may be necessary to effectuate its monitoring responsibilities.

(4) The secretary, in the case of a new health facility, shall not issue any license unless and until a prior certificate of need shall have been issued by the department for the offering or development of such new health facility.

(5) Any person who engages in any undertaking which requires certificate of need review without first having received from the department either a certificate of need or an exception granted in accordance with this chapter shall be liable to the state in an amount not to exceed one hundred dollars a day for each day of such unauthorized offering or development. Such amounts of money shall be recoverable in an action brought by the attorney general on behalf of the state in the superior court of any county in which the unauthorized undertaking occurred. Any amounts of money so recovered by the attorney general shall be deposited in the state general fund.

(6) The department may bring any action to enjoin a violation or the threatened violation of the provisions of this chapter or any rules and regulations adopted pursuant to this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county.

NEW SECTION. **Sec. 74.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 75.** The department of social and health services shall develop and pilot, for eighteen months, an on-line computer based information system consistent with the information needs outlined in section 3 of this act. The department shall, by December 1, 1996, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the success of the pilot in meeting the information requirements for hospitals outlined in this section.

**Sec. 76.** RCW 48.85.010 and 1993 c 492 s 458 are each amended to read as follows:

The department of social and health services shall ~~((from July 1, 1993, to July 1, 1998)), in conjunction with the office of the insurance commissioner, coordinate a ((pilot)) long-term care insurance program entitled the Washington long-term care partnership, whereby private insurance and medicaid funds shall be used to finance long-term care. ((This program must allow for the exclusion of~~

~~an individual's assets, as approved by the federal health care financing administration, in a determination of the individual's eligibility for medicaid; the amount of any medicaid payment; or any subsequent recovery by the state for a payment for medicaid services to the extent such assets are protected by a long-term care insurance policy or contract governed by chapter 48.84 RCW and meeting the criteria prescribed in this chapter.)~~ For individuals purchasing a long-term care insurance policy or contract governed by chapter 48.84 RCW and meeting the criteria prescribed in this chapter, and any other terms as specified by the office of the insurance commissioner and the department of social and health services, this program shall allow for the exclusion of some or all of the individual's assets in determination of medicaid eligibility as approved by the federal health care financing administration.

**Sec. 77.** RCW 48.85.020 and 1993 c 492 s 459 are each amended to read as follows:

The department of social and health services shall seek approval ~~((and a waiver of appropriate federal medicaid regulations))~~ from the federal health care financing administration to allow the protection of an individual's assets as provided in this chapter. The department shall adopt all rules necessary to implement the Washington long-term care partnership program, which rules shall permit the exclusion of all or some of an individual's assets in a manner specified by the department in a determination of medicaid eligibility to the extent that private long-term care insurance provides payment or benefits for services ~~((that medicaid would approve or cover for medicaid recipients))~~.

**Sec. 78.** RCW 48.85.030 and 1993 c 492 s 460 are each amended to read as follows:

(1) The insurance commissioner shall adopt rules defining the criteria that long-term care insurance policies must meet to satisfy the requirements of this chapter. The rules shall provide that all long-term care insurance policies purchased for the purposes of this chapter:

(a) Be guaranteed renewable;

(b) Provide coverage for ~~((home and community based services and))~~ nursing home care and provide coverage for an alternative plan of care benefit as defined by the commissioner;

(c) Provide optional coverage for home and community-based services. Such home and community-based services shall be included in the coverage unless rejected in writing by the applicant;

(d) Provide automatic inflation protection or similar coverage for any policyholder through the age of seventy-nine and made optional at age eighty to protect the policyholder from future increases in the cost of long-term care;

~~((d))~~ (e) Not require prior hospitalization or confinement in a nursing home as a prerequisite to receiving long-term care benefits; and

~~((e))~~ (f) Contain at least a six-month grace period that permits reinstatement of the policy or contract retroactive to the date of termination if the policy or contract holder's nonpayment of premiums arose as a result of a cognitive impairment suffered by the policy or contract holder as certified by a physician.

(2) Insurers offering long-term care policies for the purposes of this chapter shall demonstrate to the satisfaction of the insurance commissioner that they:

(a) Have procedures to provide notice to each purchaser of the long-term care consumer education program;

(b) Offer case management services;

(c) Have procedures that provide for the keeping of individual policy records and procedures for the explanation of coverage and benefits identifying those payments or services available under the policy that meet the purposes of this chapter;

(d) Agree to provide the insurance commissioner, on or before September 1 of each year, an annual report containing ~~((the following))~~ information~~((:~~

(i) ~~The number of policies issued and of the policies issued, that number sorted by issue age;~~

~~(ii) To the extent possible, the financial circumstance of the individuals covered by such policies;~~

~~(iii) The total number of claims paid; and~~

~~(iv) Of the number of claims paid, the number paid for nursing home care, for home care services, and community-based services))~~ derived from the long-term care partnership long-term care insurance uniform data set as specified by the office of the insurance commissioner.

**Sec. 79.** RCW 48.85.040 and 1993 c 492 s 461 are each amended to read as follows:

The insurance commissioner(~~(, in conjunction with)~~) shall, with the cooperation of the department of social and health services and members of the long-term care insurance industry, (~~shall~~) develop a consumer education program designed to educate consumers as to the need for long-term care, methods for financing long-term care, the availability of long-term care insurance, and the availability and eligibility requirements of the asset protection program provided under this chapter.

**Sec. 80.** RCW 48.85.050 and 1993 c 492 s 462 are each amended to read as follows:

By January 1 of each year until 1998, the insurance commissioner, in conjunction with the department of social and health services, shall report to the legislature on the progress of the asset protection program. The report shall include:

- (1) The success of the agencies in implementing the program;
- (2) The number of insurers offering long-term care policies meeting the criteria for asset protection;
- (3) The number, age, and financial circumstances of individuals purchasing long-term care policies meeting the criteria for asset protection;
- (4) The number of individuals seeking consumer information services;
- (5) The extent and type of benefits paid by insurers offering policies meeting the criteria for asset protection;
- (6) Estimates of the impact of the program on present and future medicaid expenditures;
- (7) The cost-effectiveness of the program; and
- (8) A determination regarding the appropriateness of continuing the program.

**Sec. 81.** RCW 74.09.585 and 1989 c 87 s 7 are each amended to read as follows:

(1) The department shall establish standards consistent with section 1917 of the social security act in determining the period of ineligibility for medical assistance due to the transfer of resources.

(2) There shall be no penalty imposed for the transfer of assets that are excluded in a determination of the individual's eligibility for medicaid to the extent such assets are protected by the long-term care insurance policy or contract pursuant to chapter 48.85 RCW.

(3) The department may waive a period of ineligibility if the department determines that denial of eligibility would work an undue hardship.

**Sec. 82.** RCW 74.34.010 and 1984 c 97 s 7 are each amended to read as follows:

The legislature finds that frail elders and vulnerable adults may be subjected to abuse, neglect, exploitation, or abandonment. The legislature finds that there are a number of adults sixty years of age or older who lack the ability to perform or obtain those services necessary to maintain or establish their well-being. The legislature finds that many frail elders and vulnerable adults have health problems that place them in a dependent position. The legislature further finds that a significant number of frail elders and vulnerable adults have mental and verbal limitations that leave them vulnerable and incapable of asking for help and protection.

It is the intent of the legislature to prevent or remedy the abuse, neglect, exploitation, or abandonment of persons sixty years of age or older who have a functional, mental, or physical inability to care for or protect themselves.

It is the intent of the legislature to assist frail elders and vulnerable adults by providing these persons with the protection of the courts and with the least-restrictive services, such as home care, and by preventing or reducing inappropriate institutional care. The legislature finds that it is in the interests of the public health, safety, and welfare of the people of the state to provide a procedure for identifying these vulnerable persons and providing the services and remedies necessary for their well-being.

**Sec. 83.** RCW 74.34.100 and 1986 c 187 s 4 are each amended to read as follows:

The legislature finds that frail elders and vulnerable adults (~~(, -)~~) who are (~~(physically or emotionally)~~) abused, neglected, abandoned, or (~~(financially)~~) exploited may need the protection of the courts. The legislature further finds that many of these elderly or vulnerable persons may be homebound or otherwise may be unable to represent themselves in court or to retain legal counsel in order to obtain the relief available to them under this chapter.

It is the intent of the legislature to improve access to the courts for victims of abuse, neglect, exploitation, and abandonment in order to better protect the state's frail elderly and vulnerable adults.

**Sec. 84.** RCW 74.34.020 and 1984 c 97 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Abandonment" means ~~((leaving a))~~ action or inaction by a person or entity with a duty of care for a frail elder or a vulnerable adult that leaves the vulnerable ~~((adult))~~ person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means ~~((an))~~ a nonaccidental act of physical or mental mistreatment or injury, or sexual mistreatment, which harms ~~((or threatens))~~ a person through action or inaction by another individual.

(3) "Consent" means express written consent granted after the person has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Exploitation" means the illegal or improper use of a frail elder or vulnerable adult or that ~~((adult's))~~ person's income or resources, including trust funds, for another person's profit or advantage.

(6) "Neglect" means a pattern of conduct ~~((resulting))~~ or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that results in the deprivation of care necessary to maintain ~~((minimum))~~ the vulnerable person's physical ~~((and))~~ or mental health.

(7) "Secretary" means the secretary of social and health services.

(8) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" shall include persons found incapacitated under chapter 11.88 RCW, or a person who has a developmental disability under chapter 71A.10 RCW, and persons admitted to any long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, or persons receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW.

**NEW SECTION. Sec. 85.** A new section is added to chapter 74.34 RCW to read as follows:

(1) In addition to other remedies available under the law, a frail elder or vulnerable adult or a person age eighteen or older who has been subjected to abuse, neglect, exploitation, or abandonment either while residing in a long-term care facility or in the case of a person in the care of a home health, hospice, or home care agency, residing at home, shall have a cause of action for damages on account of his or her injuries, pain and suffering, and loss of property sustained thereby. This action shall be available where the defendant is or was a corporation, trust, unincorporated association, partnership, administrator, employee, agent, officer, partner, or director of a long-term care facility, such as a nursing home or boarding home, that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, or of a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW, as now or subsequently designated.

(2) It is the intent of the legislature, however, that where there is a dispute about the care or treatment of a frail elder or vulnerable adult, the parties should use the least formal means available to try to resolve the dispute. Where feasible, parties are encouraged but not mandated to employ direct discussion with the health care provider, use of the long-term care ombudsman or other intermediaries, and, when necessary, recourse through licensing or other regulatory authorities.

(3) In an action brought under this section, a prevailing plaintiff shall be awarded his or her actual damages, together with the costs of the suit, including a reasonable attorney's fee. The term "costs" includes, but is not limited to, the reasonable fees for a guardian, guardian ad litem, and experts, if any, that may be necessary to the litigation of a claim brought under this section.

**NEW SECTION. Sec. 86.** A new section is added to chapter 74.34 RCW to read as follows:

A petition for an order for protection or an action for damages under this chapter may be brought by the plaintiff, or where necessary, by his or her family members and/or guardian or legal fiduciary, or as otherwise provided under this chapter. The death of the plaintiff shall not deprive the court of jurisdiction over a petition or claim brought under this chapter. Upon petition, after the death of the vulnerable person, the right to initiate or maintain the action shall be transferred to the executor or administrator of the deceased, for the benefit of the surviving spouse, child or children, or other heirs set forth in chapter 4.20 RCW.

**Sec. 87.** RCW 74.34.070 and 1984 c 97 s 13 are each amended to read as follows:

In responding to reports of abuse, exploitation, neglect, or abandonment under this chapter, the department shall provide information to the ~~((elderly person))~~ frail elder or vulnerable adult on protective services available to the person and inform the person of the right to refuse such services. The department shall develop cooperative agreements with community-based agencies servicing the abused elderly and vulnerable adults. The agreements shall cover such subjects as the appropriate roles and responsibilities of the department and community-based agencies in identifying and responding to reports of ~~((elderly))~~ abuse, the provision of case-management services, standardized data collection procedures, and related coordination activities.

**Sec. 88.** RCW 74.34.030 and 1986 c 187 s 1 are each amended to read as follows:

Any person, including but not limited to, financial institutions or attorneys, having reasonable cause to believe that a vulnerable adult has suffered abuse, exploitation, neglect, or abandonment, or is otherwise in need of protective services may report such information to the department. Any police officer, social worker, employee of the department, a social service, welfare, mental health, or health agency, including but not limited to home health, hospice, and home care agencies licensed under chapter 70.127 RCW, congregate long-term care facility, including but not limited to adult family homes licensed under chapter 70.128 RCW, boarding homes licensed under chapter 18.20 RCW, and nursing homes licensed under chapter 18.51 RCW, or assisted living services pursuant to RCW 74.39A.010, or health care provider licensed under Title 18 RCW, including but not limited to doctors, nurses, psychologists, and pharmacists, having reasonable cause to believe that a vulnerable adult has suffered abuse, exploitation, neglect, or abandonment, shall make an immediate oral report of such information to the department and shall report such information in writing to the department within ten calendar days of receiving the information.

NEW SECTION. **Sec. 89.** RCW 74.34.100 is recodified as RCW 74.34.015.

**Sec. 90.** RCW 74.46.020 and 1993 sp.s. c 13 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectible from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

(26) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(27) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(28) "Net book value" means the historical cost of an asset less accumulated depreciation.

(29) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the product of the per patient day rate multiplied by the prior calendar year reported total patient days of each contractor.

(30) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(31) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(32) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(33) "Patient day" or "~~(client)~~ resident day" means a calendar day of care provided to a nursing facility resident, which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. A "client day" or "recipient day" means a calendar day of care provided to a medical care recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

(34) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

(35) "Qualified therapist" means:



(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW;

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training; and

(i) A respiratory care practitioner certified under chapter 18.89 RCW.

(36) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

(37) "Rebased rate" or "cost-rebased rate" means a facility-specific rate assigned to a nursing facility for a particular rate period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year.

(38) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((38))~~ (39) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((39))~~ (40) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((40))~~ (41) "Secretary" means the secretary of the department of social and health services.

~~((41))~~ (42) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

~~((42))~~ (43) "Physical plant capital improvement" means a capitalized improvement that is limited to an improvement to the building or the related physical plant.

**Sec. 91.** RCW 74.46.105 and 1985 c 361 s 10 are each amended to read as follows:

Cost reports and patient trust accounts of contractors shall be field audited by the department, either by department staff or by auditors under contract to the department, in accordance with the provisions of this chapter. The department when it deems necessary to assure the accuracy of cost reports may review any underlying financial statements or other records upon which the cost reports are based. The department shall have the authority to accept or reject audits which fail to satisfy the requirements of this section or which are performed by auditors who violate any of the rules of this section. Department audits of the cost reports and patient trust accounts shall be conducted as follows:

(1) Each year the department will provide for field audit of the cost report, statistical reports, and patient trust funds, as established by RCW 74.46.700, of all or a sample of reporting facilities selected by profiles of costs, exceptions, contract terminations, upon special requests or other factors determined by the department.

(2) Beginning with audits for calendar year ~~((1983, up to one hundred percent of contractors cost reports and patient care trust fund accounts shall be audited: PROVIDED, That each contractor shall be audited at least once in every three year period))~~ 1993, contractors' cost reports and resident care trust fund accounts shall be audited periodically as determined necessary by the department.

(3) Facilities ~~((shall be selected for sample audits within one hundred twenty days of submission of a correct and complete cost report, and))~~ shall be ~~((so))~~ informed of the department's

intent to audit at least ten working days before the commencement of an audit of a facility's cost report or resident trust fund accounts. ~~((Audits so scheduled shall be completed within one year of selection.))~~

(4) Where an audit for a recent reporting or trust fund period discloses material discrepancies, undocumented costs or mishandling of patient trust funds, auditors may examine prior unaudited periods, for indication of similar material discrepancies, undocumented costs or mishandling of patient trust funds for not more than two reporting periods preceding the facility reporting period selected in the sample.

(5) The audit will result in a schedule summarizing appropriate adjustments to the contractor's cost report. These adjustments will include an explanation for the adjustment, the general ledger account or account group, and the dollar amount. Patient trust fund audits shall be reported separately and in accordance with RCW 74.46.700.

(6) Audits shall meet generally accepted auditing standards as promulgated by the American institute of certified public accountants and the standards for audit of governmental organizations, programs, activities and functions as published by the comptroller general of the United States. Audits shall be supervised or reviewed by a certified public accountant.

(7) No auditor under contract with or employed by the department to perform audits in accordance with the provisions of this chapter shall:

(a) Have had direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during the period covered by the audits;

(b) Acquire or commit to acquire any direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during said auditor's employment or contract with the department;

(c) Accept as a client any nursing home in this state during or within two years of termination of said auditor's contract or employment with the department.

(8) Audits shall be conducted by auditors who are otherwise independent as determined by the standards of independence established by the American institute of certified public accountants.

(9) All audit rules adopted after March 31, 1984, shall be published before the beginning of the cost report year to which they apply.

**Sec. 92.** RCW 74.46.115 and 1983 1st ex.s. c 67 s 6 are each amended to read as follows:

The office of the state auditor shall ~~((annually))~~ at least once in every three state fiscal years commencing July 1, 1995, review the performance of the department to ensure that departmental audits are conducted in accordance with generally accepted ~~((accounting principles and))~~ auditing standards.

**Sec. 93.** RCW 74.46.160 and 1985 c 361 s 12 are each amended to read as follows:

(1) Within one hundred twenty days after receipt of the proposed preliminary settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the proposed preliminary settlement.

(2) After completion of the audit process, including exhaustion or mutual termination of ~~((reviews and))~~ any administrative appeals ((of)) or exception procedure used by the contractor to contest audit findings or determinations, but not including any judicial review available to and commenced by the contractor, the department will submit a final settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the contractor's cost report. ~~((Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.))~~

**Sec. 94.** RCW 74.46.170 and 1983 1st ex.s. c 67 s 10 are each amended to read as follows:

(1) A contractor shall have ~~((thirty))~~ a period of days, to be established by the department in rule, after the date the preliminary or final settlement report is submitted to the contractor to contest a settlement determination under the administrative appeals or exception procedure established by the department pursuant to RCW 74.46.780. Any such administrative review of a settlement shall be limited to calculation of the settlement or the application of settlement principles and rules, or both, and shall not examine or reexamine payment rate or audit issues. After the ~~((thirty-day))~~ period established by the department in rule has expired, a preliminary or final settlement will not be subject to review.

(2) A preliminary settlement report as issued by the department will become the final settlement report if no audit has been scheduled within twelve calendar months following the department's issuance of a preliminary settlement report to the contractor.

(3) A settlement will be reopened if necessary to make adjustments for findings resulting from an audit performed pursuant to RCW 74.46.105(4).

**Sec. 95.** RCW 74.46.180 and 1993 sp.s. c 13 s 2 are each amended to read as follows:

(1) The ~~((state))~~ department shall make payment of any underpayments to which a contractor is entitled as determined by the department under the provisions of this chapter within ~~((thirty))~~ sixty days after the date the preliminary or final settlement report is submitted to the contractor and the department shall pay interest at the rate of one percent per month on any unpaid preliminary or final settlement balance still due the contractor after such time, accruing from sixty days after the preliminary or final settlement report is submitted to the contractor, and no interest shall accrue or be paid for any period prior to this date: PROVIDED, That any increase in a preliminary or final settlement amount due the contractor resulting from a final administrative or judicial decision shall also bear interest until paid at the rate of one percent per month, accruing from sixty days after the preliminary or final settlement was submitted to the contractor. The department shall pay no interest on amounts due a contractor other than amounts determined by preliminary or final settlement as provided in this subsection.

(2) A contractor found, under a preliminary or final settlement issued by the department, to have received either overpayments or erroneous payments (~~under a preliminary or final settlement~~), to which the contractor is not entitled as determined by the department under the provisions of this chapter, shall refund such erroneous payments or overpayments to the ~~((state))~~ department within ~~((thirty))~~ sixty days after the date the preliminary or final settlement report is submitted to the contractor, subject to the provisions of subsections (3), (4), and ~~((7))~~ (6) of this section, PROVIDED, That for all preliminary or final settlements issued on and after July 1, 1995, regardless of what period a settlement covers, neither a timely filed request to pursue the department's administrative appeals or exception procedure nor commencement of judicial review, as may be available to the contractor in law, contesting the settlement, erroneous payments or overpayments shall delay recovery. A contractor shall pay interest at the rate of one percent per month on any unpaid preliminary or final settlement balance still due the department sixty days after the preliminary or final settlement report is submitted to the contractor, accruing from this date: PROVIDED Further, That the department shall refund interest collected for preliminary and settlement amounts the contractor was entitled to retain as subsequently determined by final administrative or judicial decision.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded to the department. However, in computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings. Not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center. There shall be no shifting out of nursing services, and savings in food shall be shifted only to cover deficits in the nursing services cost center. There shall be no shifting from the operational to the administrative cost center.

(4) Within the administrative and property cost centers, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective audited allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect, except that no savings may be retained if reported costs in the administrative and property cost centers exceed audited allowable costs in these cost areas by a total of ten cents or more per patient day. The secretary, by rule, shall establish the basis for the specific percentages of savings to the contractors. Such rules may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All return on investment rate payments provided by RCW 74.46.530 shall be retained by the contractor to the extent net invested funds are substantiated by department field audit. Any industrial insurance dividend or premium discount under RCW 51.16.035 shall be retained by the contractor to the extent that such dividend or premium discount is attributable to the contractor's private patients.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due the department, plus any interest accrued under ~~((RCW 43.20B.695))~~ subsection (2) of this section, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due the department, plus interest assessed at the rate and in the manner provided in ~~((RCW 43.20B.695))~~ subsection (2) of this section, from any payments due; or (ii) recover the amount due, plus any interest assessed under ~~((RCW 43.20B.695,))~~ subsection (2) of this section from security posted with or otherwise obtained by the department or by any other lawful means.

(7) ~~((Where the facility is pursuing timely filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor.))~~ For all erroneous payments and overpayments determined by preliminary or final settlements issued before July 1, 1995, and not yet recovered by the department because they are specifically disputed by the contractor in a timely filed administrative or judicial review, if the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

**Sec. 96.** RCW 74.46.190 and 1983 1st ex.s. c 67 s 12 are each amended to read as follows:

(1) The substance of a transaction will prevail over its form.

(2) All documented costs which are ordinary, necessary, related to care of medical care recipients, and not expressly unallowable, are to be allowable. Costs of providing ancillary care are allowable, subject to any applicable cost center limit contained in this chapter, provided documentation establishes the costs were incurred for medical care recipients and other sources of payment to which recipients may be legally entitled, such as private insurance or medicare, were first fully utilized.

(3) Costs applicable to services, facilities, and supplies furnished to the provider by related organizations are allowable but at the cost to the related organization, provided they do not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere.

(4) Beginning January 1, 1985, the payment for property usage is to be independent of ownership structure and financing arrangements.

(5) Beginning July 1, 1995, allowable costs shall not include costs reported by a nursing care provider for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the nursing facility in the period to be covered by the rate.

**Sec. 97.** RCW 74.46.410 and 1993 sp.s. c 13 s 6 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after January 1, 1985;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

- (g) Costs in excess of limits or in violation of principles set forth in this chapter;
- (h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;
- (i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;
- (j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;
- (k) Charity and courtesy allowances;
- (l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;
- (m) Vending machine expenses;
- (n) Expenses for barber or beautician services not included in routine care;
- (o) Funeral and burial expenses;
- (p) Costs of gift shop operations and inventory;
- (q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;
- (r) Fund-raising expenses, except those directly related to the patient activity program;
- (s) Penalties and fines;
- (t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;
- (u) Federal, state, and other income taxes;
- (v) Costs of special care services except where authorized by the department;
- (w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;
- (x) Expenses of profit-sharing plans;
- (y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;
- (z) Personal expenses and allowances of owners or relatives;
- (aa) All expenses of maintaining professional licenses or membership in professional organizations;
- (bb) Costs related to agreements not to compete;
- (cc) Amortization of goodwill;
- (dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;
- (ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;
- (ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;
- (gg) Lease acquisition costs and other intangibles not related to patient care;
- (hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after January 1, 1985;
- (ii) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;
- (jj) Compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period;

(kk) For all partial or whole rate periods after July 17, 1984, costs of land and depreciable assets that cannot be reimbursed under the Deficit Reduction Act of 1984 and implementing state statutory and regulatory provisions;

(ll) Costs reported by the contractor for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the contractor in the period to be covered by the rate.

**NEW SECTION. Sec. 98.** A new section is added to chapter 74.46 RCW to read as follows:

The legislature intends to adopt a new system for establishing nursing home payment rates no later than July 1, 1998. Any payments to nursing homes for services provided after June 30, 1998, shall be based on the new system. The system shall include case-mix reimbursement methods for paying for nursing services and shall match payments to patient care needs, while providing incentives for cost control and efficiency. To that end:

(1) In consultation with nursing facility provider associations, consumer groups, and the legislative budget committee, the department of social and health services shall design and develop alternative methods for matching nursing facility payments to patient care needs, while providing incentives for cost control and efficiency.

(2) The department shall report to the fiscal and health care policy committees of the legislature on the projected benefits and costs of these alternative methods by October 15th of 1995, 1996, and 1997. The October 1996 report shall additionally include a recommended time line for implementing the new payment system no later than July 1, 1998.

(3) The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1998:

(a) RCW 74.46.420 and 1993 sp.s. c 13 s 7, 1985 c 361 s 18, 1983 1st ex.s. c 67 s 18, & 1980 c 177 s 42;

(b) RCW 74.46.430 and 1993 sp.s. c 13 s 8, 1987 2nd ex.s. c 1 s 2, 1987 c 476 s 2, 1983 1st ex.s. c 67 s 19, & 1980 c 177 s 43;

(c) RCW 74.46.440 and 1989 c 372 s 16 & 1980 c 177 s 44;

(d) RCW 74.46.450 and 1993 sp.s. c 13 s 9, 1983 1st ex.s. c 67 s 20, & 1980 c 177 s 45;

(e) RCW 74.46.460 and 1993 sp.s. c 13 s 10, 1987 c 476 s 3, 1985 c 361 s 15, 1983 1st ex.s. c 67 s 21, 1981 1st ex.s. c 2 s 5, & 1980 c 177 s 46;

(f) RCW 74.46.465 and 1987 c 476 s 8;

(g) RCW 74.46.470 and 1993 sp.s. c 13 s 11, 1987 c 476 s 4, 1983 1st ex.s. c 67 s 22, & 1980 c 177 s 47;

(h) RCW 74.46.481 and 1993 sp.s. c 13 s 12, 1991 sp.s. c 8 s 16, 1990 c 207 s 1, 1987 c 476 s 5, & 1983 1st ex.s. c 67 s 24;

(i) RCW 74.46.490 and 1993 sp.s. c 13 s 13, 1983 1st ex.s. c 67 s 25, 1981 1st ex.s. c 2 s 6, & 1980 c 177 s 49;

(j) RCW 74.46.500 and 1993 sp.s. c 13 s 14, 1992 c 182 s 1, & 1980 c 177 s 50;

(k) RCW 74.46.505 and 1993 sp.s. c 13 s 15;

(l) RCW 74.46.510 and 1993 sp.s. c 13 s 16 & 1980 c 177 s 51;

(m) RCW 74.46.530 and 1993 sp.s. c 13 s 17, 1991 sp.s. c 8 s 17, 1985 c 361 s 17, 1983 1st ex.s. c 67 s 28, 1981 1st ex.s. c 2 s 7, & 1980 c 177 s 53;

(n) RCW 74.46.540 and 1980 c 177 s 54;

(o) RCW 74.46.550 and 1983 1st ex.s. c 67 s 29 & 1980 c 177 s 55;

(p) RCW 74.46.560 and 1983 1st ex.s. c 67 s 30 & 1980 c 177 s 56;

(q) RCW 74.46.570 and 1983 1st ex.s. c 67 s 31 & 1980 c 177 s 57;

(r) RCW 74.46.580 and 1983 1st ex.s. c 67 s 32 & 1980 c 177 s 58; and

(s) RCW 74.46.590 and 1980 c 177 s 59.

**Sec. 99.** RCW 74.46.420 and 1993 sp.s. c 13 s 7 are each amended to read as follows:

The following principles are inherent in RCW 74.46.430 through 74.46.590:

(1) ~~((Reimbursement))~~ Effective July 1, 1995, through June 30, 1998, nursing facility payment rates will be set or adjusted for economic trends and conditions annually and prospectively on a per ~~((patient))~~ resident day basis ~~((on a two-year cycle corresponding to each state biennium; and))~~, in accordance with the principles and methods set forth in this chapter, to take effect July 1st of each year.

(2) ~~((The rates, in the nursing services, food, administrative, and operational cost centers, shall be adjusted downward or upward when set effective July 1 of the first fiscal year of the two year rate-setting cycle and adjusted again downward or upward effective July 1 of the second fiscal year of the rate setting cycle for economic trends and conditions))~~ July 1, 1995, component rates in the nursing services, food, administrative, and operational cost centers shall be cost-rebased utilizing desk-reviewed and adjusted costs reported for calendar year 1994, for all nursing facilities submitting at least six months of cost data. Such component rates for July 1, 1995, shall also be adjusted downward or upward for economic trends and conditions as provided in this section. Component rates in property and return on investment (ROI) shall be reset annually as provided in this chapter.

(3) The July 1, 1995, component rates ~~((for the first year of each biennium))~~ in the nursing services, food, administrative, and operational cost centers shall be adjusted for economic trends and conditions by the change in the implicit price deflator for personal consumption expenditures index published by the bureau of labor statistics of the United States department of labor (IPD index). The period used to measure the IPD increase or decrease to be applied to these ~~((first year biennial))~~ July 1, 1995, rate(s) components shall be ~~((the))~~ calendar year ~~((preceding the July 1 commencement of the state biennium))~~ 1994.

(4) ~~((The July 1 rates for the second year of each biennium shall be adjusted))~~ July 1, 1996, component rates in the nursing services, food, administrative, and operational cost centers shall not be cost-rebased, but shall be the component rates assigned to each nursing facility in effect on June 30, 1996, adjusted downward or upward for economic trends and conditions by the change in the nursing home input price index without capital costs published by the health care financing administration of the department of health and human services ~~((;))~~ (HCFA index ~~((, however, any increase shall be multiplied by one and one-half)))~~. The period to be used to measure the HCFA index increase ~~((to be multiplied by one and one-half and applied))~~ or decrease to be applied to these ~~((second year biennial))~~ June 30, 1996, component rates shall ~~((also))~~ be ~~((the))~~ calendar year ~~((preceding the July 1 commencement of the state biennium: PROVIDED, However, That in the event the change in the HCFA index measured over the following calendar year, the one terminating six months after the start of the state biennium, is twenty five percent greater or less than the change in the HCFA index measured over the calendar year preceding commencement of the state biennium, the department shall use the HCFA index increase multiplied by one and one-half or decrease in such following calendar year to inflate or decrease nursing facilities' nursing services, food, administrative, and operational rates for July 1 of the second biennial year))~~ 1994.

(5) July 1, 1997, component rates in the nursing services, food, administrative, and operational cost centers shall not be cost-rebased, but shall be the component rates assigned to each nursing facility in effect on June 30, 1997, adjusted downward or upward for economic trends and conditions by the change in the nursing home input price index without capital costs published by the health care financing administration of the department of health and human services (HCFA index), multiplied by a factor of 1.25. The period to be used to measure the HCFA increase or decrease to be applied to these rate components for July 1, 1997, rate setting shall be calendar year 1996.

(6) If either the implicit price deflator (IPD) index or the health care financing administration (HCFA) index specified in this section ceases to be published in the future, the department shall select ~~((by rule))~~ and use in its place or their place one or more measures of change from the same or an alternate source or sources ~~((for))~~ utilizing the same or comparable time periods specified in this section.

**Sec. 100.** RCW 74.46.430 and 1993 sp.s. c 13 s 8 are each amended to read as follows:

(1) The department, as provided by this chapter, will determine prospective ~~((cost-related reimbursement))~~ payment rates for services provided to medical care recipients. Each rate so determined shall represent the contractor's maximum compensation within each cost center and for return on investment for each ~~((patient))~~ resident day for such medical care recipient.

(2) ~~((As required,))~~ The department may modify such maximum per ~~((patient))~~ resident day rates, consistent with this chapter, pursuant to the administrative ~~((review provisions of))~~ appeals or exception procedure authorized by RCW 74.46.780.

(3) For July 1, 1995, and all following rates, the maximum prospective ~~((reimbursement))~~ component payment rates for the nursing services, food, administrative, operational, and property cost centers, and the return on investment (ROI) component rate for each nursing facility shall be

established based upon a minimum licensed bed facility occupancy level of ~~((eighty five))~~ ninety percent, except for rate adjustments as provided for in RCW 74.46.460(6).

(4) The minimum ninety percent facility occupancy shall be used to calculate individual rates, to calculate the median cost limits (MCLs) for the metropolitan statistical area (MSA) and nonmetropolitan statistical area (non-MSA) peer groups, and to array facilities by costs in calculating the variable return portion of the return on investment rate component (ROI).

(5) All contractors shall be required to adjust and maintain wages for all employees to a minimum hourly wage of four dollars and seventy-six cents per hour beginning January 1, 1988, and five dollars and fifteen cents per hour beginning January 1, 1989.

**Sec. 101.** RCW 74.46.450 and 1993 sp.s. c 13 s 9 are each amended to read as follows:

(1) Prospective reimbursement rates for a new contractor, as defined by the department in rule, will be established within sixty days following receipt by the department of the properly completed projected budget required by RCW 74.46.670. Such reimbursement rates will become effective as of the effective date of the contract and shall remain in effect until ~~((adjusted or))~~ the new contractor's rate in all cost areas can be reset ~~((as provided in this chapter))~~ effective July 1st using a cost report of that contractor containing at least six months' data from the prior calendar year, regardless of whether reported costs for other contractors for the prior calendar year in question will be used to rebase their July 1st rates.

(2) Such reimbursement rates will be based on ~~((the contractor's projected cost of operations and on costs and))~~ payment rates of the prior contractor, if any, or of other contractors in comparable circumstances.

(3) ~~((If a properly completed budget is not received at least sixty days prior to the effective date of the contract,))~~ The department will establish ~~((preliminary))~~ a new contractor's initial component rates based on the ~~((other))~~ factors specified in subsections (2) and (4) of this section. These ~~((preliminary))~~ initial rates will remain in effect until adjusted or reset as provided in this chapter.

(4) The department is authorized to develop policies and procedures in rule ~~((to address the computation of rates for the first and second fiscal years of each biennium, including steps necessary to prorate rate adjustments for economic trends and conditions as authorized in RCW 74.46.420, for contractors having less than twelve months of cost report data for the prior calendar year))~~ that comply with the policies and purposes of this chapter to establish factors by which a new contractor's rate will be set, for example, occupancy level or proration of rate adjustments for economic trends and conditions as authorized in RCW 74.46.420. However, a new contractor, whose medicaid contract was effective in calendar year 1994; and whose nursing facility occupancy during calendar year 1994 increased by at least five percent over that of the prior owner, shall have its July 1995 rate for nursing services, food, administrative, operational, and property cost centers, and the return on investment (ROI) based upon a minimum facility occupancy of eighty-five percent.

**Sec. 102.** RCW 74.46.460 and 1993 sp.s. c 13 s 10 are each amended to read as follows:

(1) Each contractor's ~~((reimbursement))~~ nursing services, food, administrative, and operational component payment rates will be ~~((determined or))~~ adjusted for economic trends and conditions prospectively at least once during each calendar year, as provided in this chapter, to be effective July 1st~~((-))~~: PROVIDED, That except for the rates of new contractors as defined by the department, a ~~((contractor's))~~ nursing facility's cost-rebased rate for ~~((the first fiscal year of each biennium))~~ July 1, 1995, must be established upon ~~((its))~~ the facility's own ~~((prior calendar period))~~ cost report of at least six months of adjusted and/or audited cost data from the calendar year 1994.

(2) Subject to the provisions of subsections (3) through (6) of this section, rates may be adjusted ~~((as determined))~~ by the department at the request of the nursing facility to cover the medicaid share of incremental costs necessary to address and take into account variations in the distribution of all medicaid and nonmedicaid patient classifications or changes in all medicaid or nonmedicaid patient characteristics from the prior reporting year, program changes required by the department, or changes in staffing levels at a facility required by the department. Rates may also be adjusted to cover costs associated with placing a nursing home in receivership which costs are not covered by the rate of the former contractor, including: Compensation of the receiver, reasonable expenses of receivership and transition of control, and costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found. Rates shall be adjusted as provided in this section for any capitalized additions or



replacements made as a condition for licensure or certification. Rates shall be adjusted as provided in this section for capitalized improvements done under RCW 74.46.465.

(3) Except for rate adjustments granted for economic trends and conditions as authorized in this chapter to be effective each July 1st, all rate adjustments granted by the department for any other purpose, including those granted for capitalized additions or replacements or for staffing, whether made or not made as a condition of licensure or certification, shall be limited in total amount each fiscal year to the total current legislative appropriation, if any, specifically made to fund the medicaid share of such adjustments for the fiscal year.

(4) The department is authorized to adopt rules to ensure that funding granted for additional staffing will be cost-effective in providing increased quantity and quality of services to nursing facility residents and to ensure that spending limitations will not be exceeded.

(5) Funds disbursed representing rate adjustments granted under authority of this section and not spent by the contractor for the purposes granted are subject to immediate recovery by the department by means of recoupment from current contract payments or any other means authorized by law and contractors shall pay interest on such unused or misused funds at the rate of one percent per month from the date of disbursement to the date of recovery. If a contractor requests an administrative review of a department recovery action under rules established under RCW 74.46.780, such request shall not stay recoupment from current facility contract payments or other recovery.

(6) All rate component adjustments to fund the medicaid share of nursing facility new construction or refurbishing projects costing in excess of one million two hundred thousand dollars, or projects requiring state or federal approval, shall be based upon a minimum facility occupancy of eighty-five percent for the nursing services, food, administrative, operational, and property cost centers, and the return on investment (ROI), during the initial rate period in which the adjustment is granted, and shall be based upon a minimum facility occupancy of ninety percent for the nursing services, food, administrative, operational, and property cost centers, and the return on investment (ROI), for all rate periods thereafter.

**Sec. 103.** RCW 74.46.470 and 1993 sp.s. c 13 s 11 are each amended to read as follows:

(1) A contractor's ~~((reimbursement))~~ nursing facility per resident day component rates for medical care recipients ((will)) shall be determined as provided in this chapter utilizing net invested funds and desk-reviewed cost report data within the following cost centers:

- (a) Nursing services;
- (b) Food;
- (c) Administrative;
- (d) Operational; and
- (e) Property.

(2) There shall be for the time period January 1988 through June 1990 only an enhancement cost center established to reimburse contractors for specific legislatively authorized enhancements for nonadministrative wages and benefits to ensure that such enhancements are used exclusively for the legislatively authorized purposes. For purposes of settlement, funds appropriated to this cost center shall only be used for expenditures for which the legislative authorization is granted. Such funds may be used only in the following circumstances:

(a) The contractor has increased expenditures for which legislative authorization is granted to at least the highest level paid in any of the last three cost years, plus, beginning July 1, 1987, any percentage inflation adjustment as was granted each year under RCW 74.46.495; and

(b) All funds shifted from the enhancement cost center are shown to have been expended for legislatively authorized enhancements.

(3) If the contractor does not spend the amount appropriated to this cost center in the legislatively authorized manner, then the amounts not appropriately spent shall be recouped at preliminary or final settlement pursuant to RCW 74.46.160.

(4) For purposes of this section, "nonadministrative wages and benefits" means wages and payroll taxes paid with respect to, and the employer share of the cost of benefits provided to, employees in job classes specified in an appropriation, which may not include administrators, assistant administrators, or administrators in training.

(5) Amounts expended in the enhancement cost center in excess of the minimum wage established under RCW 74.46.430 are subject to all provisions contained in this chapter.

**Sec. 104.** RCW 74.46.481 and 1993 sp.s. c 13 s 12 are each amended to read as follows:

(1) The nursing services cost center shall include for reporting and audit purposes all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel, and the cost of nursing supplies. The department shall adopt by administrative rule a definition of "related care". For rates effective after June 30, 1991, nursing services costs, as reimbursed within this chapter, shall not include costs of any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period.

(2) The department shall adopt through administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants and the supervision of that training for nursing assistants shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

(a) The correlation between alternative measures and facility nursing staff; and

(b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure. A regression calculated shall be effective for the entire biennium.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit. However, nursing staff levels established under subsection (3) of this section shall not apply to the nursing services cost center reimbursement rate only for the pilot facility especially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan. (5) ~~(Every two years when rates are set at the beginning of each new biennium))~~ For July 1, 1995, rate setting only, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office (MSA) and (b) those not located in such an area (non-MSA). The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per ~~((patient))~~ resident day desk-reviewed, adjusted nursing services cost from the ~~((prior))~~ 1994 calendar report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Nursing services component rates for facilities within each peer group ~~((for the first year of the biennium))~~ shall be set at the lower of the facility's desk-reviewed, adjusted per ~~((patient))~~ resident day nursing services cost from the ~~((prior))~~ 1994 report period or the median cost for the facility's peer group, utilizing the same calendar year report data plus twenty-five percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420. However, the per patient day peer group median cost plus twenty-five percent limit shall not apply to the nursing services cost center reimbursement rate only for the pilot facility especially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan.

(6) ~~((If a nursing facility is impacted by the limit authorized in subsection (5) of this section, it shall not receive a prospective rate in nursing services for July 1, 1993, less than the same facility's prospective rate in nursing services as of June 30, 1993, adjusted by any increase in the implicit price deflator for personal consumption expenditures, IPD index, as measured over the period authorized by RCW 74.46.420(3).))~~

(7) For rates effective July 1, 1996, a nursing facility's noncost-rebased component rate in nursing services ~~((for the second year of each biennium))~~ shall be that facility's nursing services component rate ~~((as of July 1 of the first year of that biennium))~~ existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420. ~~((The alternating procedures prescribed in this section for a~~

~~facility's two July 1 nursing services rates occurring within each biennium shall be followed in the same order for each succeeding biennium.)~~ The July 1, 1996, nursing services component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective nursing services rate as of June 30, 1996, excluding any rate increases granted pursuant to RCW 74.46.460.

(7) For rates effective July 1, 1997, a nursing facility's noncost-rebased component rate in nursing services shall be that facility's nursing services component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420. The July 1, 1997, nursing services component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective nursing services rate as of June 30, 1997, excluding any rate increases granted pursuant to RCW 74.46.460.

(8) Median cost((s)) limits for peer groups shall be calculated initially for July 1, 1995, rate setting as provided in this chapter on the basis of ((the most recent)) adjusted 1994 nursing services cost report information available to the department prior to the calculation of the new rates for July 1, 1995 ((of the first fiscal year of each biennium)), regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31, 1995 ((of the first fiscal year of each biennium)), and shall apply retroactively to ((the prior)) July 1, 1995, rates, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median cost((s)) limits, once calculated using October 31, 1995, adjusted cost information shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

(9) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose during the periods authorized by such appropriations or other laws and the increases shall be conditioned on specified improvements in patient care at such facilities.

(10) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

(11) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

(a) Increases in debility levels of contractors' residents determined in accordance with the department's assessment and reporting procedures and requirements utilizing the minimum data set;

(b) Staffing patterns for similar facilities in the same peer group;

(c) Physical plant of contractor; and

(d) Survey, inspection of care, and department consultation results.

**Sec. 105.** RCW 74.46.490 and 1993 sp.s. c 13 s 13 are each amended to read as follows:

(1) The food cost center shall include for reporting purposes all costs for bulk and raw food and beverages purchased for the dietary needs of medical care recipients.

(2) ((Every two years when rates are set at the beginning of each new biennium)) For July 1, 1995, rate setting only, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office (MSA) and (b) those not located in such an area (non-MSA). The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per ((patient)) resident day desk-reviewed, adjusted food cost from the ((prior)) 1994 calendar report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Food component rates for facilities within each peer group ((for the first year of the biennium)) shall be set at the lower of the facility's

desk-reviewed, adjusted per ((patient)) resident day food cost from the ((prior)) 1994 report period or the median cost for the facility's peer group, using the same calendar year report data, plus twenty-five percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420.

(3) For rates effective July 1, 1996, a nursing facility's noncost-rebased food component rate ((for the second year of each biennium)) shall be that facility's food component rate ((as of July 1 of the first year of that biennium)) existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420. ((The alternating procedures prescribed in this section for a facility's two July 1 food rates occurring within each biennium shall be followed in the same order for each succeeding biennium.)) The July 1, 1996, food component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective food component rate as of June 30, 1996, excluding any rate increases granted pursuant to RCW 74.46.460.

(4) For rates effective July 1, 1997, a nursing facility's noncost-rebased food component rate shall be that facility's food component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420. The July 1, 1997, food component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective food component rate as of June 30, 1997, excluding any rate increases granted pursuant to RCW 74.46.460.

((4)) (5) Median cost((s)) limits for peer groups shall be calculated initially for July 1, 1995, rate setting as provided in this chapter on the basis of ((the most recent)) adjusted 1994 food cost report information available to the department prior to the calculation of the new rates for July 1, 1995 ((of the first fiscal year of each biennium)), regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31, 1995 ((of the first fiscal year of each biennium)), and shall apply retroactively to ((the prior)) July 1, 1995, rates, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median cost((s)) limits, once calculated utilizing October 31, 1995, adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

**Sec. 106.** RCW 74.46.500 and 1993 sp.s. c 13 s 14 are each amended to read as follows:

(1) The administrative cost center shall include for cost reporting purposes all administrative, oversight, and management costs whether facility on-site or allocated in accordance with a department-approved joint-cost allocation methodology. Such costs shall be identical to the cost report line item costs categorized under "general and administrative" in the "administration and operations" combined cost center existing prior to January 1, 1993, except for nursing supplies and purchased medical records.

(2) ~~((Every two years when rates are set at the beginning of each new biennium))~~ For July 1, 1995, rate setting only, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office (MSA) and (b) those not located in such an area (non-MSA). The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per ((patient)) resident day desk-reviewed, adjusted administrative cost from the ((prior)) 1994 calendar report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Administrative component rates for facilities within each peer group ((for the first year of the biennium)) shall be set at the lower of the facility's desk-reviewed, adjusted per ((patient)) resident day administrative cost from the ((prior)) 1994 report period or the median cost for the facility's peer group, utilizing the same calendar year report data, plus ten percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420.

(3) For rates effective July 1, 1996, a nursing facility's noncost-rebased administrative component rate ((for the second year of each biennium)) shall be that facility's administrative component rate ((as of July 1 of the first year of that biennium)) existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420. ~~((The alternating procedures prescribed in this section for a facility's two July 1 administrative rates occurring within each biennium shall be followed in the same order for each succeeding biennium.))~~ The July 1, 1996, administrative component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective administrative component rate as of June 30, 1996, excluding any rate increases granted pursuant to RCW 74.46.460.

(4) For rates effective July 1, 1997, a nursing facility's noncost-rebased administrative component rate shall be that facility's administrative component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420. The July 1, 1997, administrative component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective administrative component rate as of June 30, 1997, excluding any rate increases granted pursuant to RCW 74.46.460.

~~((4))~~ (5) Median cost((s)) limits for peer groups shall be calculated initially for July 1, 1995, rate setting as provided in this chapter on the basis of ((the most recent)) adjusted 1994 administrative cost report information available to the department prior to the calculation of the new rates for July 1, 1995 ((of the first fiscal year of each biennium)), regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31, 1995 ((of the first fiscal year of each biennium)), and shall apply retroactively to ((the prior)) July 1, 1995, rates, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median cost((s)) limits, once calculated utilizing October 31, 1995, adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

**Sec. 107.** RCW 74.46.505 and 1993 sp.s. c 13 s 15 are each amended to read as follows:

(1) The operational cost center shall include for cost reporting purposes all allowable costs of the daily operation of the facility not included in nursing services and related care, food, administrative, or property costs, whether such costs are facility on-site or allocated in accordance with a department-approved joint-cost allocation methodology.

(2) ~~((Every two years when rates are set at the beginning of each new biennium))~~ For July 1, 1995, rate setting only, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office (MSA) and (b) those not located in such an area (non-MSA). The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per ((patient)) resident day desk-reviewed, adjusted operational cost from the ((prior)) 1994 calendar report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Operational component rates for facilities within each peer group ((for the first year of the biennium)) shall be set at the lower of the facility's desk-reviewed, adjusted per ((patient)) resident day operational cost from the ((prior)) 1994 report period or the median cost for the facility's peer group, utilizing the same calendar year report data, plus twenty-five percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420.

(3) For rates effective July 1, 1996, a nursing facility's noncost-rebased operational component rate ((for the second year of each biennium)) shall be that facility's operational component rate ((as of July 1 of the first year of that biennium)) existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420. ((The alternating procedures prescribed in this section for a facility's two July 1 operational rates occurring within each biennium shall be followed in the same order for each succeeding biennium.)) The July 1, 1996, operational component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective operational component rate as of June 30, 1996, excluding any rate increases granted pursuant to RCW 74.46.460.

(4) For rates effective July 1, 1997, a nursing facility's noncost-rebased operational component rate shall be that facility's operational component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420. The July 1, 1997, operational component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective operational component rate as of June 30, 1997, excluding any rate increases granted pursuant to RCW 74.46.460.

~~((4))~~ (5) Median cost((s)) limits for peer groups shall be calculated initially for July 1, 1995, rate setting as provided in this chapter on the basis of ((the most recent)) adjusted 1994 operational cost report information available to the department prior to the calculation of the new rate for July 1, 1995 ((of the first fiscal year of each biennium)), regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31, 1995 ((of the first fiscal year of each biennium)), and shall apply retroactively to ((the prior)) July 1, 1995, rates, regardless of whether the adjustments are contested or

subject to pending administrative or judicial review. Median cost((s)) limits, once calculated utilizing October 31, 1995, adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

**Sec. 108.** RCW 74.46.510 and 1993 sp.s. c 13 s 16 are each amended to read as follows:

(1) The property cost center rate for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation, subject to RCW 74.46.310 through 74.46.380, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center, as provided in RCW 74.46.180, by the greater of a facility's total ((patient)) resident days for the facility in the prior period or resident days as calculated on ninety or eighty-five percent facility occupancy as applicable. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total ((patient)) resident days used in computing the property cost center rate shall be adjusted to anticipated ((patient)) resident day level.

(2) A nursing facility's property rate shall be rebased annually, effective July 1, in accordance with this section and this chapter ~~((regardless of whether the rate is for the first or second year of the biennium))~~.

(3) When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

**Sec. 109.** RCW 74.46.530 and 1993 sp.s. c 13 s 17 are each amended to read as follows:

(1) The department shall establish for each medicaid nursing facility a return on investment (ROI) rate composed of two parts: A financing allowance and a variable return allowance. The financing allowance part of a facility's return on investment component rate shall be rebased annually, effective July 1, in accordance with the provisions of this section and this chapter~~((, regardless of whether the rate is for the first or second year of the biennium))~~.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by .10, and dividing by the ~~((contractor's))~~ greater of a nursing facility's total ((patient)) resident days from the most recent cost report period or resident days calculated on ninety percent or eighty-five percent facility occupancy as applicable. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total ((patient)) resident days used in computing the financing and variable return allowances shall be adjusted to the anticipated ((patient)) resident day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, 74.46.370, and 74.46.380, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing ((patient)) resident care shall also be included. Subject to provisions and limitations contained in this chapter, for land purchased by owners or lessors before July 18, 1984, capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased after July 17, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) ~~((Every two years at the start of each new biennium))~~ For July 1, 1995, rate setting only, the department, without utilizing peer groups, ~~((will))~~ shall first rank all facilities in numerical order from highest to lowest according to their per ((patient)) resident day adjusted or audited, or both, allowable costs for nursing services, food, administrative, and operational costs combined for the ~~((previous))~~ 1994 calendar year cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the sum of the facility's nursing services, food, administrative, and operational rate components. The percentage amounts will be based on groupings of facilities according to the rankings

prescribed in (i) of this subsection (1)(c). The percentages calculated and assigned will remain the same for the ~~((next))~~ variable return allowance paid in ~~((the second year of the biennium))~~ all July 1, 1996, and July 1, 1997, rates as well. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(d) The sum of the financing allowance and the variable return allowance shall be the return on investment rate for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total ~~((patient))~~ resident days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment rate determined according to subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subsection (1)(e)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total ~~((patient))~~ resident days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment rate.

(iii) The return on investment rate determined according to subsection (1)(d) of this section or the alternate return on investment rate, whichever is greater, shall be the return on investment rate for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(f) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (1)(e) of this section shall be applied except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(2) Each biennium, beginning in 1985, the secretary shall review the adequacy of return on investment rates in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

**Sec. 110.** RCW 74.46.560 and 1983 1st ex.s. c 67 s 30 are each amended to read as follows:

The department will notify each contractor in writing of its prospective ~~((reimbursement))~~ payment rates by the effective dates of the rates. Unless otherwise specified at the time it is issued, ~~((the))~~ a rate will be effective from the first day of the month in which it is issued until a new rate becomes effective. If a rate is changed as the result of an appeals or exception procedure established in accordance with RCW 74.46.780, it will be effective as of the date the appealed rate became effective.

**Sec. 111.** RCW 74.46.570 and 1983 1st ex.s. c 67 s 31 are each amended to read as follows:

(1) Prospective rates are subject to adjustment by the department as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of the effective date of the adjustment, and of any amount due to the department or to the contractor as a result of the rate adjustment.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, amended cost report pages shall be prepared and submitted by the contractor. Amended pages shall be accompanied by a certification signed by the licensed administrator of the nursing facility and a written

justification explaining why the amendment is necessary. The certification and justification shall meet such criteria as are adopted by the department. Such amendments may be used to revise a prospective rate but shall not be used to revise a settlement if submitted after commencement of the field audit. All changes determined to be material by the department shall be subject to field audit. If changes are found to be incorrect or otherwise unacceptable, any rate adjustment based thereon shall be null and void and resulting payments or payment increases shall be subject to refund.

(3) The contractor shall pay an amount owed the department resulting from an error or omission as determined by the department on or after July 1, 1995, or commence repayment in accordance with a schedule determined and agreed to in writing by the department, within sixty days after receipt of notification of the rate adjustment~~((, unless the contractor contests the department's determination in accordance with the procedures set forth in RCW 74.46.780. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings))~~. If a refund as determined by the department is not paid when due, the amount thereof may be deducted from current payments by the department. However, neither a timely filed request to pursue the department's administrative appeals or exception procedure nor commencement of judicial review, as may be available to the contractor in law, shall delay recovery.

(4) The department shall pay any amount owed the contractor as a result of a rate adjustment within thirty days after the contractor is notified of the rate adjustment.

(5) No adjustments will be made to a rate more than one hundred twenty days after the final audit narrative and summary for the period the rate was effective is sent to the contractor or, if no audit is held, more than one hundred twenty days after the preliminary settlement becomes the final settlement, except when a settlement is reopened as provided in RCW 74.46.170(3).

**Sec. 112.** RCW 74.46.640 and 1983 1st ex.s. c 67 s 34 are each amended to read as follows:

(1) Payments to a contractor may be withheld by the department in each of the following circumstances:

(a) A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extension. Payments will be released as soon as a properly completed report is received;

(b) State auditors, department auditors, or authorized personnel in the course of their duties are refused access to a nursing ~~((home))~~ facility or are not provided with existing appropriate records. Payments will be released as soon as such access or records are provided;

(c) A refund in connection with a preliminary or final settlement or rate adjustment is not paid by the contractor when due. The amount withheld will be limited to the unpaid amount of the refund and any accumulated interest owed to the department as authorized by this chapter; ~~((and))~~

(d) Payment for the final ~~((thirty))~~ sixty days of service under a contract will be held in the absence of adequate alternate security acceptable to the department pending final settlement when the contract is terminated; and

(e) Payment for services at any time during the contract period in the absence of adequate alternate security acceptable to the department, if a contractor's net medicaid overpayment liability for one or more nursing facilities or other debt to the department, as determined by preliminary settlement, final settlement, civil fines imposed by the department, third-party liabilities or other source, reaches or exceeds fifty thousand dollars, whether subject to good faith dispute or not, and for each subsequent increase in liability reaching or exceeding twenty-five thousand dollars. Payments will be released as soon as practicable after acceptable security is provided or refund to the department is made.

(2) No payment will be withheld until written notification of the suspension is provided to the contractor, stating the reason ~~((therefor))~~ for the withholding, except that neither a request to pursue the administrative appeals or exception procedure established by the department in rule nor commencement of judicial review, as may be available to the contractor in law, shall delay suspension of payment.

**Sec. 113.** RCW 74.46.690 and 1985 c 361 s 3 are each amended to read as follows:

(1) When a facility contract is terminated for any reason, the old contractor shall submit final reports as required by RCW 74.46.040.

(2) Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for any



period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The reasonable estimate shall be based upon prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department. The department shall also determine and add in the total of all other debts owed to the department regardless of source, including, but not limited to, interest owed to the department as authorized by this chapter, civil fines imposed by the department, or third-party liabilities.

(3) The old contractor shall provide security, in a form deemed adequate by the department, ~~((it))~~ equal to the total amount of determined and estimated overpayments and all other debts from any source, whether or not the overpayments are the subject of good faith dispute. Security shall consist of:

- (a) Withheld payments due the contractor; or
- (b) A surety bond issued by a bonding company acceptable to the department; or
- (c) An assignment of funds to the department; or
- (d) Collateral acceptable to the department; or
- (e) A purchaser's assumption of liability for the prior contractor's overpayment; ~~((or))~~
- (f) A promissory note secured by a deed of trust; or
- (g) Any combination of (a), (b), (c), (d), ~~((or))~~ (e), or (f) of this subsection.

(4) A surety bond or assignment of funds shall:

(a) Be at least equal in amount to determined or estimated overpayments, whether or not the subject of good faith dispute, minus withheld payments;

(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;

(c) Be for a term, as determined by the department, sufficient to ensure effectiveness after final settlement and the exhaustion of any administrative appeals or exception procedure and judicial remedies, as may be available to and sought by the contractor, regarding payment, settlement, civil fine, interest assessment, or other debt issues: PROVIDED, That the bond or assignment shall initially be for a term of at least five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining combined overpayment ((in dispute)) and debt liability as determined by the department;

(d) Provide that the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final cost report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the auditor; and

(e) Provide that an amount equal to any recovery the department determines is due from the contractor ~~((at))~~ from settlement or from any other source of debt to the department, but not exceeding the amount of the bond and assignment, shall be paid to the department if the contractor does not pay the refund and debt within sixty days following receipt of written demand ~~((or the conclusion of administrative or judicial proceedings to contest settlement issues))~~ for payment from the department to the contractor.

(5) The department shall release any payment withheld as security if alternate security is provided under subsection (3) of this section in an amount equivalent to determined and estimated overpayments.

(6) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state and shall become a lien against the real and personal property of the contractor from the time of filing by the department with the county auditor of the county where the contractor resides or owns property, and the lien claim has preference over the claims of all unsecured creditors.

(7) The contractor shall file a properly completed final cost report in accordance with the requirements of this chapter, which shall be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process, including completion of any administrative appeals or exception procedure review of the audit requested by the contractor, but not including completion of any judicial review available to and commenced by the contractor.

(8) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after all overpayments, erroneous payments, and debts determined in connection with final settlement, or otherwise, including accumulated interest owed the department, have been paid by the contractor. ~~((If the contractor contests the settlement determination in accordance with RCW 74.46.170, the department shall hold the security, not to exceed the amount of~~

~~estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.))~~

(9) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.

~~(10) ((If a contract is terminated solely in order for the same owner to contract with the department to deliver services to another classification of medical care recipients at the same facility, the contractor is not required to submit final cost reports, and security shall not be required))~~ Regardless of whether a contractor intends to terminate its medicaid contracts, if a contractor's net medicaid overpayments and erroneous payments for one or more settlement periods, and for one or more nursing facilities, combined with debts due the department, reaches or exceeds a total of fifty thousand dollars, as determined by preliminary settlement, final settlement, civil fines imposed by the department, third-party liabilities or by any other source, whether such amounts are subject to good faith dispute or not, the department shall demand and obtain security equivalent to the total of such overpayments, erroneous payments, and debts and shall obtain security for each subsequent increase in liability reaching or exceeding twenty-five thousand dollars. Such security shall meet the criteria in subsections (3) and (4) of this section, except that the department shall not accept an assumption of liability. The department shall withhold all or portions of a contractor's current contract payments or impose liens, or both, if security acceptable to the department is not forthcoming. The department shall release a contractor's withheld payments or lift liens, or both, if the contractor subsequently provides security acceptable to the department. This subsection shall apply to all overpayments and erroneous payments determined by preliminary or final settlements issued on or after July 1, 1995, regardless of what payment periods the settlements may cover and shall apply to all debts owed the department from any source, including interest debts, which become due on or after July 1, 1995.

**Sec. 114.** RCW 74.46.770 and 1983 1st ex.s. c 67 s 39 are each amended to read as follows:

(1) For all nursing facility medicaid payment rates effective on or after July 1, 1995, and for all settlements and audits issued on or after July 1, 1995, regardless of what periods the settlements or audits may cover, if a contractor wishes to contest the way in which a rule ~~((or contract provision))~~ relating to the ~~((prospective cost related reimbursement))~~ medicaid payment rate system was applied to the contractor by the department, it shall ~~((first))~~ pursue the ~~((administrative review process set forth in))~~ appeals or exception procedure established by the department in rule authorized by RCW 74.46.780.

(2) ~~((The administrative review and fair hearing process in RCW 74.46.780 need not be exhausted if a contractor wishes to challenge the legal validity of a statute, rule, or contract provision.))~~ If a contractor wishes to challenge the legal validity of a statute, rule, or contract provision or wishes to bring a challenge based in whole or in part on federal law, including but not limited to issues of procedural or substantive compliance with the federal medicaid minimum payment standard for long-term care facility services, the appeals or exception procedure established by the department in rule may not be used for these purposes. This prohibition shall apply regardless of whether the contractor wishes to obtain a decision or ruling on an issue of validity or federal compliance or wishes only to make a record for the purpose of subsequent judicial review.

(3) If a contractor wishes to challenge the legal validity of a statute, rule, or contract provision relating to the medicaid payment rate system, or wishes to bring a challenge based in whole or in part on federal law, it must bring such action de novo in a court of proper jurisdiction as may be provided by law.

**Sec. 115.** RCW 74.46.780 and 1989 c 175 s 159 are each amended to read as follows:

~~((1) Within twenty eight days after a contractor is notified of an action or determination it wishes to challenge, the contractor shall request in writing that the secretary review such determination. The request shall be signed by the contractor or the licensed administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for its contention that the determination was erroneous. Copies of any documentation on which the contractor intends to rely to support its position shall be included with the request.~~

(2) After receiving a request meeting the above criteria, the secretary or his designee will contact the contractor to schedule a conference for the earliest mutually convenient time. The

conference shall be scheduled for no later than ninety days after a properly completed request is received unless both parties agree in writing to a specified later date.

~~(3) The contractor and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the contractor may attend and participate. The contractor shall provide to the department in advance of the conference any documentation on which it intends to rely to support its contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than twenty eight days after the initial session unless both parties agree in writing to a specific later date.~~

~~(4) A written decision by the secretary will be furnished to the contractor within sixty days after the conclusion of the conference.~~

~~(5) If the contractor desires review of an adverse decision of the secretary, it shall within twenty eight days following receipt of such decision file a written application for an adjudicative proceeding. The proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act.)~~  
For all nursing facility medicaid payment rates effective on or after July 1, 1995, and for all audits completed and settlements issued on or after July 1, 1995, regardless of what periods the payment rates, audits, or settlements may cover, the department shall establish in rule, consistent with federal requirements for nursing facilities participating in the medicaid program, an appeals or exception procedure that allows individual nursing care providers an opportunity to submit additional evidence and receive prompt administrative review of payment rates with respect to such issues as the department deems appropriate.

**Sec. 116.** 1995 c 260 s 12 (uncodified) is amended to read as follows:  
Sections 7 through 11 of this act shall take effect ~~((January))~~ July 1, 1996.

**Sec. 117.** RCW 70.128.120 and 1995 c 260 s 5 are each amended to read as follows:  
An adult family home provider shall have the following minimum qualifications:

- (1) Twenty-one years of age or older;
- (2) Good moral and responsible character and reputation;
- (3) Literacy;
- (4) Management and administrative ability to carry out the requirements of this chapter;
- (5) Satisfactory completion of department-approved initial training and continuing education training as specified by the department in rule;
- (6) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;
- (7) Not been convicted of any crime listed in RCW 43.43.830 and 43.43.842; and
- (8) Effective July 1, 1996, registered with the department of health.

NEW SECTION. **Sec. 118.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 119.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 120.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.39.005, 74.39.040, 74.39A.010, 70.128.007, 70.128.057, 70.128.070, 70.128.080, 70.128.090, 70.128.140, 70.128.150, 70.128.160, 70.128.175, 43.190.020, 43.190.060, 74.08.545, 74.09.520, 74.08.550, 74.08.570, 18.51.091, 18.51.140, 18.51.300, 18.79.040,

18.79.260, 18.88A.030, 11.40.010, 11.42.020, 11.62.010, 11.28.120, 18.39.250, 18.39.255, 74.42.450, 68.46.050, 70.129.040, 43.20B.080, 74.42.020, 74.46.450, 70.38.111, 70.38.115, 70.38.125, 48.85.010, 48.85.020, 48.85.030, 48.85.040, 48.85.050, 74.09.585, 74.34.010, 74.34.100, 74.34.020, 74.34.070, 74.34.030, 74.46.020, 74.46.105, 74.46.115, 74.46.160, 74.46.170, 74.46.180, 74.46.190, 74.46.410, 74.46.420, 74.46.430, 74.46.450, 74.46.460, 74.46.470, 74.46.481, 74.46.490, 74.46.500, 74.46.505, 74.46.510, 74.46.530, 74.46.560, 74.46.570, 74.46.640, 74.46.690, 74.46.770, 74.46.780, and 70.128.120; amending 1995 c 260 s 12 (uncodified); adding new sections to chapter 74.39A RCW; adding new sections to chapter 70.41 RCW; adding new sections to chapter 74.42 RCW; adding a new section to chapter 18.20 RCW; adding new sections to chapter 70.128 RCW; adding new sections to chapter 18.88A RCW; adding new sections to chapter 74.46 RCW; adding new sections to chapter 74.34 RCW; creating new sections; recodifying RCW 74.08.530, 74.08.560, 74.08.570, 74.08.545, 74.08.550, and 74.34.100; repealing RCW 70.128.180, 74.08.541, 74.46.420, 74.46.430, 74.46.440, 74.46.450, 74.46.460, 74.46.465, 74.46.470, 74.46.481, 74.46.490, 74.46.500, 74.46.505, 74.46.510, 74.46.530, 74.46.540, 74.46.550, 74.46.560, 74.46.570, 74.46.580, and 74.46.590; prescribing penalties; providing an effective date; and declaring an emergency."

Representatives Dyer, Sommers and Huff spoke in favor of the adoption of the amendment.

#### POINT OF INQUIRY

Representative Dyer yielded to a question by Representative Huff.

Representative Huff: In Section 8, the Department of Social and Health Services is authorized to provide assessment and case management services to nursing home residents who may become eligible for medicaid within 180 days. Is it your understanding that this provision is only operative to the extent that nursing home residents are willing to voluntarily provide their personal financial information to the facility and that the nursing home resident chooses to ask for the department's services?

Representative Dyer: You are correct, Representative Huff. It is absolutely our intent to respect the privacy and individual choice of nursing home residents. We only want to offer an option for service to nursing home residents who choose to ask for it.

Representative Huff: Representative Dyer, in Section 94 of the bill it states that the Department will establish procedures to process administrative appeals. Is it your understanding that this will provide a one step review process beyond the Department and that the review will be conducted by an administrative law judge from the independent office of administrative hearings?

Representative Dyer: You are correct, Representative Huff. It is our intent that the appeal process be streamlined to provide a one step, impartial review with both the state and providers able to appeal to the courts as a last resort.

Representative Huff: Representative Dyer, Section 100 changes the minimum occupancy level for rate setting purposes to 90% and extends it to the nursing cost center. Am I correct that a facility may offset the impact of this change by reducing their licensed bed capacity.

Representative Dyer: Yes, you are correct, and it is our intent that the Department promptly process any such request for reduced capacity and that new patient rates be established as soon as reasonably possible.

Representative Huff: Will the provisions of section 102, the section referring to what is commonly called "current funding" require a change to current administrative rules?

Representative Dyer: No. It is the intent of this section to state clearly that the department is limited in the total amount, each fiscal year, it is to expend for "current funding" to that amount

provided in the legislative appropriation. It is not the intent to change any current administrative rules. Rules as currently written fulfill and comply with the provisions of the section.

Representative Huff: Will the provisions of sections 115 regarding the appeals process mean a denial of a fair hearing or compromise the rights of any nursing facility appealing a Department of Social and Health Services rate decision?

Representative Dyer: No. It is the intent of this section that the rules the Department of Social and Health Services establish in regards to appeals on rates, audits, and settlements be consistent with federal requirements for nursing facilities participating in the medicaid program and that the appeals or exceptions procedures established in rule do not deny a fair hearing or compromise the rights of any nursing facility. It is the intent of the Legislature that nursing facilities will have a hearing with an administrative law judge not under the direct employ of the Department of Social and Health Services. Further, it is not the intent of this section to limit the number of appeals any nursing facility may file.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1908.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1908, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 90.

Excused: Representatives Chappell, Chopp, Dellwo, Honeyford, Horn, Kessler, Mulliken and Patterson - 8.

Engrossed Second Substitute House Bill No. 1908, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of House Concurrent Resolution No. 4407 and the resolution was placed on third reading.

HOUSE CONCURRENT RESOLUTION NO. 4407, by Representatives Chandler and Mastin

Establishing a task force on agricultural safety standards.

The resolution was read the third time.

The Speaker stated the question before the House to be final adoption of House Concurrent Resolution No. 4407.

Representatives Chandler, Mastin and Clements spoke in favor of adoption of the resolution.

Representatives Romero and Conway spoke against adoption of the resolution.

Representative Chandler again spoke in favor of adoption of the resolution.

#### ROLL CALL

The Clerk called the roll on the final adoption of House Concurrent Resolution No. 4407, and the resolution was adopted by the following vote: Yeas - 65, Nays - 25, Absent - 0, Excused - 8.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 65.

Voting nay: Representatives Appelwick, Basich, Brown, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Jacobsen, Mason, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 25.

Excused: Representatives Chappell, Chopp, Dellwo, Honeyford, Horn, Kessler, Mulliken and Patterson - 8.

House Concurrent Resolution No. 4407, having received the constitutional majority, was declared adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

#### MOTION

Representative Mielke demanded a Call of the House and the demand was sustained.

#### CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll of the House.

#### MESSAGE FROM THE SERGEANT AT ARMS

The Sergeant at Arms of the House delivered a message to the Speaker of the excused members under the Call of the House. The excused members were: Representatives Chopp, Dellwo, Honeyford, Kessler, Mulliken and Patterson.

#### MOTION

Representative Mielke moved that the House excuse the absent members and proceed with business under the Call of the House.

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

#### MESSAGE FROM THE GOVERNOR

May 16, 1995

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 110, 112, 113, 114, 115, 116, 119, and 504, Engrossed Substitute House Bill No. 1010 entitled:

"AN ACT Relating to regulatory reform;"

Over the last few years, the issue of regulatory reform has generated spirited discussion and debate. I have come to the conclusion that, like beauty, regulatory reform is really in the eye of the beholder. While there is widespread agreement about the problems, there is less clarity regarding solutions. This bill represents a path to regulatory reform that I believe will make significant changes in the regulatory climate. We all must embark upon this path in a spirit of cooperation and with the firm resolve to work together to successfully implement this legislation. Everyone who is concerned with these issues must have a place at the table: the regulated community, state agencies, local governments, the environmental community, labor, and interested citizens groups. Without this cooperative spirit, it will be impossible to implement significant, long-term change.

On August 9, 1993, I signed Executive Order 93-06. The executive order directed state agencies to initiate several efforts to coordinate among themselves and to provide better and more useful information to the public. I stated three goals for regulatory reform in the executive order. They are:

- \* To institute immediate management improvements in state regulatory functions, reducing inefficiencies, conflicts, and delays.

- \* To develop long-term solutions to complex regulatory issues that, if left unresolved, could impede the orderly growth and sustained economic development of the state.

- \* To ensure that any regulatory reform solutions designed to support economic benefits to the state also ensure continued protection of the environment, the health, and the safety of our citizens.

The Executive Order also created the Governor's Task Force on Regulatory Reform, composed of representatives from a cross-section of state citizens and interest groups. The task force established three subcommittees to address the major issue areas set forth in the executive order and made its interim recommendation in its December, 1993 report. The task force made its final recommendations in December, 1994.

Although this bill was not originally based on the task force recommendations, in its final form it has adopted many elements consistent with those recommendations, and I would like to applaud the legislature for incorporating those recommendations.

I want to focus first on the very significant positive steps in regulatory reform that are included in this bill. This bill represents what I hope will be meaningful change in the regulatory environment. At the same time, I believe that it meets the goals I set out when I established the task force: to establish long-term solutions to complex regulatory issues and to ensure that regulatory reform solutions ensure continued protection for the environment, the health, and the safety of our citizens.

I am signing the provisions of section 201 establishing new rule adoption criteria. These criteria were developed by the task force. The application of these criteria to the significant legislative rules of nine major agencies will result in detailed analyses of important factors in agency rulemaking. There are several changes made from the task force recommendations. The task force would have applied these criteria to a limited set of rules for a small number of agencies. It also established a sunset date to assure that the legislature would review these criteria and would determine their effectiveness. This bill expands both the rules and the agencies which must comply with these procedures. There is no sunset on these criteria, but I am hopeful that the legislature will evaluate the impact of these criteria over time. The Office of Financial Management will be reviewing and reporting to the governor and to the legislature on the impact of this section which will allow us to monitor its effects. I also have some reservations regarding the impact of this section in that these procedures may not result in better rules, but only in more litigation. However, I think we must go ahead and implement this section and all work together to make sure that this process does result in better rulemaking--not more delay and confusion.

I am also signing Part VI dealing with technical assistance in its entirety. These provisions will encourage cooperative relationships between agencies and the regulated community. It has always been my firm belief that people will comply with the rules as long as they understand them, and these provisions will make it easier to know how to comply.

I am also signing sections 901 through 905 which allow the recovery of reasonable attorney's fees from the state. The purpose of these sections is to allow individuals and small businesses access to the courts to challenge agency actions by authorizing courts to award attorney's fees when agency actions are successfully challenged. I believe it is important to allow access to our judicial system for those who may not have the necessary financial resources. I am concerned, however, that these provisions, in combination with the rule adoption criteria process in section 201, may create a significant incentive to challenge every agency rules and other agency actions in the hope of recovering attorney's fees. These challenges are likely to be fought out over procedural issues rather than policy issues, and the potential fiscal impact of these provisions are significant. This will have to be monitored over time to determine the effects of these sections.

I am signing provisions establishing a process for an appeal to the governor if an agency refuses to begin rule making proceedings, for a streamlined rule repeal process, and for simplification of rule making for less significant rules.

I am also signing provisions directing the Department of Licensing to establish pilot programs on combined state and local business licensing. This provision is real regulatory reform. These pilot programs will assist businesses in obtaining permits and licenses from multiple jurisdictions, thus addressing one of the major complaints of both small and large businesses.

I am signing section 802 which changes the standard of judicial review of agency rules from the current standard that the rule "could not conceivably have been the product of a rational decision maker" to "arbitrary and capricious." This appears to be consistent with the Washington Supreme Court decision in Neah Bay Chamber of commerce v. Department of Fisheries, 119 W. 2nd 464 (1992). There is some language in the intent section that indicates that a different standard of review was intended. Consistent with the rationale of the Part I grants of authority sections, in which agencies are prohibited from relying on intent statements to develop substantive regulatory programs, the legislature cannot create a different standard of judicial review in an intent section than the standard created in the substantive section 802. Any other reading would suggest an amendment by reference of RCW 34.05.570. I am, therefore, approving section 802 with the understanding that the standard for review will be arbitrary and capricious as articulated by the Washington State Supreme Court.

Turning now to other provisions of the bill, Part I concerns the authority of some agencies to adopt rules. Many in the business community and in the legislature complain about the liberty they believe agencies take with their authority to implement legislation. This has led to an effort to modify what are referred to as "broad grants of rule making authority." The task force struggled with this issue and recommended a solution for future legislation. However, it was unable to find a solution for existing statutes that would not lead to unanticipated consequences. This legislation does not avoid those problems.

Upon careful consideration and after consulting with members of the legislature and with others, I have concluded that sections 101-109 and section 111 only limit the authority of an agency to adopt rules when there is no statutory authority, other than an intent section, for an agency to act. If an agency has been given authority to carry out specific statutory directives in a particular area, even though the statute does not prohibit an agency from adopting rules to implement the legislature's expressed intent that the agency carry out its statutory responsibilities. The language of these sections prohibits agencies from adopting rules solely in reliance on an intent section in combination with the statute establishing the agency. Intent sections should not be used by the agencies or by the legislature as the sole authority to create substantive rules or law.

Section 112 is similar to sections 101-111 except that it contains additional provisions intended to address the issued of prevailing wage. The Department of Labor and Industries' authority to adopt rules governing prevailing wage issues is under attack in the courts. The department is currently in litigation over its authority to adopt rules under the prevailing wage statute. This section includes language indicating it is the intent of the legislature to retain the status quo. This very statement recognizes the possibility that the department's authority is in doubt. This stands to undermine the department's position in ongoing litigation.

Sections 113-116 relate to the authority of the Insurance Commissioner. Unlike the language in sections 101-109 and section 111, these sections directly restrict the commissioner's use of specific



rulemaking authority to develop rules. For example, section 115 allows the commissioner to make rules regarding aspects of health care service contractor practices, including the maintenance of adequate insurance and cash deposits. It is the heart of the authority to regulate health care service contractors. The amendment would not allow the commissioner to rely on that section for rulemaking authority. Section 116 is the authority to regulate health maintenance organizations. This language provides that the commissioner may not rely on this specific authority. As I read this, it would leave the commissioner in the position where the commissioner's ability to regulate important aspects of the health insurance industry would be severely compromised. Removing this authority could create significant risk to consumers. Similarly, section 114 provides authority to regulate against unfair and deceptive practices. This is the heart of the commissioner's consumer protection authority. The commissioner must be able to act quickly as new circumstances arise to protect the public. I cannot sign sections that would significantly reduce the ability of the Insurance Commissioner to act for the public good.

It is important to note the difference in the language used in sections 101-111 and in sections 113-116 dealing with the Insurance Commissioner. In the commissioner's sections, the legislature clearly intended to limit the use of the grant of rule making authority. In sections 101-109 and section 111, however, there is no restriction on the use of the general grant of rule making authority in combination with other substantive provisions of law. It is because of this distinction that I am signing sections 101-109 and section 111.

Section 110 dealing with the Forest Practices Board creates problems due to the placement of the proviso language. This section is a specific grant of rule making authority (in the same manner as section 115 related to the Insurance Commissioner). It also contemplates that the board may specifically rely on RCW 76.09.010 which contains specific directives to the board regarding the development of comprehensive forest practices regulations as the basis for rules. This proviso, as placed, appears to give authority for rule making, then to take it away, then to give it back. It is so ambiguous as to create complete uncertainty for most of the board's regulations.

Section 119 exempts the agencies covered by sections 101 through 116 from the prospective grants of authority requirements of section 118 which apply to all agencies. We must ensure all agencies, including the Department Labor and Industries, the Insurance Commissioner, and the Forest Practices Board, will be subject to the prospective restrictions on grants of authority in section 118.

It is important to note that the very significant provisions of this bill related to technical assistance, rule adoptions criteria, and judicial review all apply to the Department of Labor and Industries, the Insurance Commissioner and the Forest Practices.

Section 504 gives the Joint Administrative Rules Review Committee (JARRC) the ability, by a majority vote, to establish a rebuttable presumption in judicial proceedings that a rule does not comply with the legislature's intent. The burden of proof to establish that a rule was within legislative intent would be shifted to the agency from the individual challenging the rule. This would mean that 5 legislators out of a total of 147 members could determine legislative intent, regardless of their participation in the policy committees that developed the underlying legislation upon which the rule is based.

I have serious concerns about the constitutionality of section 504. This section violates the provisions of the state constitution which require legislative acts be done by the entire legislature with presentment to the governor for approval. Moreover, this violates the separation of powers doctrine, in that it intrudes unduly into those constitutional powers reserved for the executive and judicial branches of government. This is based primarily on the decision of the United States Supreme Court in Immigration & Naturalization Service v. Chadha, 462 U.S. 919 (1983), and the analysis of the overwhelming majority of state and federal court opinions on the subject.

It is my hope that the legislature will work with all interested parties to develop an alternative model to assure the appropriate legislative, executive, and judicial branch roles in reviewing agency rules. I have signed Engrossed Substitute Senate Bill No. 6037 today which commits to study an independent rules review commission as a possible alternative to JARRC. I intend to work with the legislature in exploring this option. In addition, the legislature retains the right to reject an agency rule through a bill adopted by both the House of Representatives and the Senate which goes to the governor for approval. This is consistent with the inherent constitutional principles concerning the appropriate role of the three branches of government.

There are other provisions relating to JARRC which give me great concern for similar reasons. One is in section 201(5)(a)(ii) which purports to allow JARRC to require any agency rule to be bound

by the elaborate rule making criteria in section 201. This is not just for "significant legislative rules," as recommended by the task force, but for any rule. This includes interpretive and procedural rules which are within the unique province of agencies to adopt. However, because this provision is in section 201, I must either veto that entire section or allow this JARRC intrusion into executive branch affairs. I have reluctantly opted for the latter approach, in spite of the unconstitutional nature of this provision.

Section 404 allows JARRC to require agencies to prepare a small business economic impact statement when adopting rules to conform to federal law or regulation. This provision also raises constitutional questions; however, a veto of this section would result in the elimination of the underlying exemption from the automatic requirement for agencies to develop these statements. This would impose an unreasonable burden on state agencies. If JARRC seeks to implement this provision, I trust it will do so with appropriate restraint and with a view toward cooperation with the executive agencies. It is with that understanding, that I am approving this provision.

For these reasons, I have vetoed sections 110, 112, 113, 114, 115, 116, 119, and 504 of Engrossed Substitute House Bill No. 1010.

With the exception of sections 110, 112, 113, 114, 115, 116, 119, and 504, Engrossed Substitute House Bill No. 1010 is approved.

Respectfully submitted,  
Mike Lowry, Governor

#### MOTION

Representative Reams moved that section 112 of Engrossed Substitute House Bill No. 1010 do pass the House notwithstanding the Governor's veto.

#### POINT OF PERSONAL PRIVILEGE

Representative Conway: Thank you Mr. Speaker. I would prefer to have these sections before us before we vote.

Mr. Speaker. Representative Conway, In the back of the room there are copies of the bill if you just open it to that section you will have them before you.

Representative Conway: Mr. Speaker, I don't think one copy back here is enough for the legislative body, I think we could refer a little bit here so we can have copies of this particular act and the proposed changes to this act before us before we do vote. There's a lot of confusion here over some of this language and I think it would be proper that we have it all before us before we're asked to vote on this. Thank you.

Mr. Speaker: Representative Conway, we'll deliver you a copy for your purposes.

#### POINT OF INQUIRY

Representative Reams yielded to a question by Representative Kremen.

Representative Kremen: Is there anything that we're voting on right now that changes the prevailing wage Law of Washington State.

Representative Reams: The best answer is "On page 9, New Section 112, provided that this section shall not apply to rules adopted pursuant to chapter 39.12 RCW. The answer is it does not affect it, In fact it specifically takes care of this problem.

Representatives Reams spoke in favor of the motion and Representatives Romero, Rust and Conway spoke against the motion.

Representative Mielke demand an oral roll call vote and the demand was sustained.

The Speaker stated the question before the House to be the final passage of section 112 of Engrossed Substitute House Bill No. 1010 do pass the House notwithstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of section 112 to Engrossed Substitute House Bill No. 1010 do pass the House notwithstanding the Governor's veto, and the section passed the House by the following vote: Yeas - 62, Nays - 30, Absent - 0, Excused - 6.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 62.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Mason, Morris, Ogden, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 30.

Excused: Representatives Chopp, Dellwo, Honeyford, Kessler, Mulliken and Patterson - 6.

Section 112 of Engrossed Substitute House Bill No. 1010, notwithstanding the Governor's veto, having received the constitutional majority, was declared passed.

Representative Campbell changed his vote from a NAY to a YEA.

#### POINT OF ORDER

Representative Appelwick: Thank you Mr. Speaker. The Rules of the House require all members present in the Bar of the House to vote on a pending action. Representative Patterson was clearly present and witnessed by all the members to be present before the Clerk called the roll. Mr. Speaker, I believe that closing the rules would have violated the House Rules and subjected the veto override to a legal challenge.

#### SPEAKER'S PRIVILEGE

Mr. Speaker: Also the Rules call that members excused and Representative Patterson and Representative Quall were excused. Representative Quall did vote while the vote count was going on; Representative Patterson was late.

#### POINT OF ORDER

Representative Appelwick: Thank you Mr. Speaker. As you hold the vote total open for Representative Campbell's change, Representative Patterson was clearly on the floor, fully observed. Clearly our request for a Point of Order and your attention to make sure that the Clerk register her presence and gave her a chance to vote were noted. This is an extraordinary and very disappointing miss-use of the Rules Mr. Speaker.

#### POINT OF ORDER

Representative Ebersole: Thank you Mr. Speaker. Just to register our view on the issue for future precedent we would that as long as a member is present on the floor before the vote total is announced in an Oral Roll Call they do have the right to vote in this case and in the future. Thank you for your consideration.

## SPEAKER'S PRIVILEGE

The Speaker would like to attempt to clarify some of the discussions and happenings on the floor in the last few minutes. Whether or not a member who is excused can come onto the floor during the vote while they are excused without being recognized as not being excused creates a question.

Example, we are using electronic roll call and somebody walks onto the floor as the vote is being cast it's impossible for them to vote because the machine is locked open. However, in this case we were doing an oral roll call and so obviously the last member who appeared on the floor could have to a verbal response; voted yes or no. However, in this case, the outcome of the vote and passage of the motion would not have been affected. The motion still would have been adopted. Representative Patterson, if she wishes to put a note in the Journal explaining she was on the floor and because of this happening would have voted no; please do so.

There are a number of other things we have gone through in our Rules that leaves us in a gray area and could make a ruling either way.

There being no objection, Representative Patterson was no longer excused under the Call of the House.

## MOTION

Representative Reams moved that section 113 of Engrossed Substitute House Bill No. 1010, do pass the House notwithstanding the Governor's veto.

Representative Reams spoke in favor of the motion and Representatives Rust and Cole spoke against the motion.

Representative Reams again spoke in favor of the motion.

The Speaker stated the question to be final passage of section 113 to Engrossed Substitute House Bill No. 1010 do pass the House notwithstanding the Governor's veto.

## ROLL CALL

The Clerk called the roll on the final passage of section 113 to Engrossed Substitute House Bill No. 1010 do pass the House notwithstanding the Governor's veto, and the section passed the House by the following vote: Yeas - 64, Nays - 29, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 64.

Voting nay: Representatives Appelwick, Basich, Brown, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Mason, Morris, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 29.

Excused: Representatives Chopp, Dellwo, Honeyford, Kessler and Mulliken - 5.

Section 113 of Engrossed Substitute House Bill No. 1010, notwithstanding the Governor's veto, having received the constitutional majority, was declared passed.

## MOTION

Representative Reams moved that section 504 to Engrossed Substitute House Bill No. 1010, do pass the House notwithstanding the Governor's veto.

Representatives Reams and Mastin spoke in favor of the motion and Representative Rust spoke against the motion.

The Speaker stated the question to be final passage of section 504 to Engrossed Substitute House Bill No. 1010 do pass the House not withstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of section 504 to Engrossed Substitute House Bill No. 1010 do pass the House not withstanding the Governor's veto, and the section passed the House by the following vote: Yeas - 69, Nays - 24, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 69.

Voting nay: Representatives Appelwick, Brown, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 24.

Excused: Representatives Chopp, Dellwo, Honeyford, Kessler and Mulliken - 5.

Section 504 of Engrossed Substitute House Bill No. 1010, not withstanding the Governor's veto, having received the constitutional majority, was declared passed.

#### MOTION

Representative Reams moved that section 110 of Engrossed Substitute House Bill No. 1010, do pass the House not withstanding the Governor's veto.

Representative Reams spoke in favor of the motion and Representatives Rust and Regala spoke against the motion.

The Speaker stated the question to be final passage of section 110 to Engrossed Substitute House Bill No. 1010 do pass the House not withstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of section 110 to Engrossed Substitute House Bill No. 1010 do pass the House not withstanding the Governor's veto, and the section passed the House by the following vote: Yeas - 68, Nays - 25, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 68.

Voting nay: Representatives Appelwick, Brown, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 25.

Excused: Representatives Chopp, Dellwo, Honeyford, Kessler and Mulliken - 5.

Section 110 of Engrossed Substitute House Bill No. 1010, not withstanding the Governor's veto, having received the constitutional majority, was declared passed.

MESSAGE FROM THE GOVERNOR

May 16, 1995

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1110 entitled:

"AN ACT Relating to the department of natural resources;"

Substitute House Bill No. 1110 amends Department of Natural Resources (DNR) statutes and the Budget and Accounting Act to require DNR to report to the legislature on the implementation of any long-term land management agreements -- such as a Habitat Conservation Plan -- between DNR and the federal government. The bill also requires DNR to provide specific information related to these agreements along with its biennial budget. This information would include expenditures during the previous biennium, an analysis of the impact of the agreement on state lands, and funding requirements to implement the agreement in the next biennium.

The specific information requested by this bill is unclear and is subject to misinterpretation and misunderstanding between DNR and the legislature. Rather than permanently amending the Budget and Accounting Act, the legislature can request that specific information be made available as part of the next biennial budget process. Although I am vetoing Substitute House Bill No. 1110, I request the legislature to include language clarifying its intent in the final DNR 1995-97 operating budget. This will provide the legislature with the information desired while avoiding a continuing requirement of DNR.

For these reasons, I have vetoed Substitute House Bill No. 1110 in its entirety.

Respectfully submitted,  
Mike Lowry, Governor

MOTION

Representative Buck moved that Substitute House Bill No. 1110 do pass the House notwithstanding the Governor's veto.

Representatives Buck, Sheldon, Basich and Campbell spoke in favor of the motion and Representatives Jacobsen, Regala and Cole spoke against the motion.

Representative Jacobsen again spoke against the motion.

The Speaker stated the question to be final passage of Substitute House Bill No. 1110 do pass the House notwithstanding the Governor's veto.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1110 do pass the House notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas - 68, Nays - 25, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson,

Schmidt, D., Schmidt, K., Schoesler, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 68.

Voting nay: Representatives Appelwick, Brown, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 25.

Excused: Representatives Chopp, Dellwo, Honeyford, Kessler and Mulliken - 5.

Substitute House Bill No. 1110, notwithstanding the Governor's veto, having received the constitutional majority, was declared passed.

#### MOTION

Representative Mielke moved that the Call of the House be dissolved. The motion was carried.

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

#### MOTION

On motion of Representative Mielke, the House adjourned until 10:00 a.m., Friday, May 19, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

TWENTY-FIFTH DAY, MAY 18, 1995

JOURNAL OF THE HOUSE

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**TWENTY-SIXTH DAY**

First Special Session

—————  
MORNING SESSION  
—————

House Chamber, Olympia, Friday, May 19, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Cullen and Scott Hillwick. Prayer was offered by Representative Pelesky.

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

Representative Horn assumed the chair.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

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

INTRODUCTIONS AND FIRST READING

2ESSB 6049 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Finkbeiner, Snyder and Pelz)

Financing public stadiums used by sports teams.

SB 6077 by Senator Smith

Revising probationary licenses and reissue charges for alcohol-related offenses.

There being no objection, the rules were suspended and Senate Bill No. 6077 was advanced to second reading and read the second time in full.

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

SECOND READING



SENATE BILL NO. 6077, by Senator Smith

Revising probationary licenses and reissue charges for alcohol-related offenses.

The bill was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 8, beginning on line 15, strike all of section 3

Renumber the remaining section and correct the title accordingly.

Representatives Appelwick and Sheahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 6077 as amended by the House.

#### MOTION

On motion of Representative Brown, Representatives Chappell and Dellwo were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6077 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Beeksma, Carlson, Chappell, Dellwo, Dyer and Honeyford - 6.

Senate Bill No. 6077, as amended by the House, having received the constitutional majority, was declared passed.

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

There being no objection, the rules were suspended and Second Engrossed Substitute Senate Bill No. 6049 was advanced to second reading and read the second time in full.

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

## SECOND READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6049, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Finkbeiner, Snyder and Pelz)

Financing public stadiums used by sports teams.

The bill was read the second time.

Representative Van Luven moved adoption of the following amendment by Representative Van Luven:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.100.010 and 1995 c ... (Substitute Senate Bill No. 5127) s 1 are each amended to read as follows:

(1) A public facilities district may be created in any county and shall be coextensive with the boundaries of the county.

(2) A public facilities district shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located.

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has ~~((validated the creation of the public facilities district at a general or special election. A single ballot proposition may both authorize the creation of a public facilities district and the imposition of the sales and use tax under RCW 82.14.048 or both the creation of a public facilities district and the imposition of the excise tax under RCW 36.100.040))~~ approved such tax at a general or special election. A single ballot proposition may both validate the imposition of the sales and use tax under RCW 82.14.048 and the excise tax under RCW 36.100.040.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) The county legislative authority may transfer property to the public facilities district as part of the process of creating the public facilities district under this chapter.

**Sec. 2.** RCW 36.100.020 and 1995 c ... (Substitute Senate Bill No. 5127) s 2 are each amended to read as follows:

(1) A public facilities district shall be governed by a board of directors consisting of five or seven members as provided in this section. If the largest city in the county has a population that is at least forty percent of the total county population, the board of directors of the public facilities district shall consist of five members selected as follows: ~~((1))~~ (a) Two members appointed by the county legislative authority to serve for four-year staggered terms; ~~((2))~~ (b) two members appointed by the city council of the largest city in the county to serve for four-year staggered terms; and ~~((3))~~ (c) one person to serve for a four-year term who is selected by the other directors. If the largest city in the county has a population of less than forty percent of the total county population, the county legislative authority shall establish in the resolution creating the public facilities district whether the board of directors of the public facilities district ~~((have))~~ has either five or seven members, and the county legislative authority shall appoint the members of the board of directors to reflect the interests of cities and towns in the county, as well as the unincorporated area of the county. However, if the largest city in the county has a population of less than forty percent of the total county population, and the county operates under a county charter, which provides for an elected county executive, the members shall be appointed by the county executive subject to confirmation by the county legislative authority.

(2) At least one member on the board of directors shall be representative of the lodging industry in the public facilities district before the public facilities district imposes the excise tax under RCW 36.100.040.

(3) Members of the board of directors shall serve four-year terms of office, except that two of the initial five board members or three of the initial seven board members shall serve two-year terms of office.

(4) A vacancy shall be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the office for the position to which he or she was appointed.

(5) A director may be removed from office (~~(for cause)~~) by action of at least two-thirds of the members of the (~~county legislative~~) authority which made the appointment.

**Sec. 3.** RCW 36.100.030 and 1995 c ... (Substitute Senate Bill No. 5127) s 3 are each amended to read as follows:

(1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate sports facilities, entertainment facilities, or convention facilities, or any combination of such facilities, together with contiguous parking facilities. The taxes that are provided for in this chapter may only be imposed for these purposes.

(2) A public facilities district may enter into agreements under chapter 39.34 RCW for the joint provision and operation of such facilities and may enter into contracts under chapter 39.34 RCW where any party to the contract provides and operates such facilities for the other party or parties to the contract.

(3) Notwithstanding the establishment of a career, civil, or merit service system, a public facility district may contract with a public or private entity for the operation or management of its public facilities.

(4) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any of its public facilities.

(5) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations.

**Sec. 4.** RCW 36.100.060 and 1995 c ... (Substitute Senate Bill No. 5127) s 5 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to (~~(three-eighths)~~) one-half of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in this chapter.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) The excise tax imposed pursuant to RCW 36.100.040 shall terminate upon final payment of all bonded indebtedness for its public facilities.

**NEW SECTION. Sec. 5.** No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the county legislative authority.

**NEW SECTION. Sec. 6.** (1) The governing board of a public facilities district may apply for deferral of taxes on the construction of buildings, site preparation, and the acquisition of related machinery and equipment for a new public facility. Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application shall contain information regarding the location of the public facility, estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The

department of revenue shall approve the application within sixty days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on the public facility. The use of the certificate shall be governed by rules established by the department of revenue.

(3) The public facilities district shall begin paying the deferred taxes in the fifth year after the date certified by the department of revenue as the date on which the public facility is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of the public facilities district.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of the public facilities district.

(6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

(7) As used in this section, "public facility" means a baseball stadium with a retractable roof or canopy and natural turf.

**NEW SECTION. Sec. 7.** A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a county with a population of one million or more operating under a county charter may impose a special stadium sales and use tax by resolution adopted on or before December 31, 1995, for collection following its approval by a majority of the voters in the county at a general or special election.

(2) The rate of the tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used in the case of a use tax. The tax imposed under this section shall not be credited against any other tax imposed upon the same taxable event.

(3) The revenue from the tax imposed under this section shall be used for the purpose of principal and interest payments on bonds issued by a public facilities district, created within the county under chapter 36.100 RCW, to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium with a retractable roof or canopy and natural turf. If the revenue from the tax imposed under this section exceeds the amount needed for such principal and interest payments in any year, the excess shall be used solely for either or both: (a) Early retirement of the bonds issued for the baseball stadium; or (b) retirement of bonds issued for expanding, remodeling, repairing, or reequipping of a multipurpose stadium that has a seating capacity over forty-five thousand.

(4) The tax authorized under this section may be collected only after the county executive has certified to the department of revenue that a professional major league baseball team has made a binding and legally enforceable contractual commitment to:

(a) Play at least ninety percent of its home games in the stadium for a period of time not shorter than the term of the bonds issued to finance the initial construction of the stadium;

(b) Contribute principal of forty-five million dollars toward the bonded cost of construction of the stadium, which contribution shall be made during a term not to exceed the term of the bonds issued to finance the initial construction of the stadium. If all or part of the contribution is made after the date of issuance of the bonds, the team shall contribute an additional amount equal to the accruing interest on the deferred portion of the contribution, calculated at the interest rate on the bonds maturing in the year in which the deferred contribution is made; and

(c) Share a portion of the profits generated by the baseball team from the operation of the professional franchise for a period of time equal to the term of the bonds issued to finance the initial construction of the stadium, after offsetting any losses incurred by the baseball team after the effective date of this act. Such profits and the portion to be shared shall be defined by agreement between the public facilities district and the baseball team. The shared profits shall be used to retire the bonds issued to finance the initial construction of the stadium. If the bonds are retired before the expiration of their term, the shared profits shall be paid to the public facilities district.

(5) The tax imposed under this section shall expire when the bonds issued for the construction of the new public facilities are retired, but not later than twenty years after the tax is first collected.

**Sec. 8.** RCW 35.21.280 and 1965 c 7 s 35.21.280 are each amended to read as follows:

Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by county government or a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**Sec. 9.** RCW 36.38.010 and 1963 c 4 s 36.38.010 are each amended to read as follows:

(1) Any county may by ordinance enacted by its (~~board of~~) county (~~commissioners~~) legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) The tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the (~~board of~~) county (~~commissioners~~), except that the legislative authority of a county with a population of one million or more may exclusively levy a tax on events in stadiums constructed on or after January 1, 1995, that are owned by county government or a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the rate of not more than one cent on twenty cents or fraction thereof.

(4) By contract, the county shall obligate itself to provide the revenue from the tax authorized by this section on events in stadia owned, managed, or operated by a public facilities district, having

seating capacities over forty thousand, and constructed on or after January 1, 1995, to the public facilities district.

**Sec. 10.** RCW 67.28.180 and 1995 c ... (Engrossed Substitute Senate Bill No. 5943) s 8 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in other counties, for county-owned facilities for agricultural promotion. A county is exempt under this subsection in respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used as follows:

(i) Seventy-five percent from January 1, 1992, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums,

heritage museums, the arts, and the performing arts. Moneys spent under this subsection (3)(a)(i) shall be used for the purposes of this subsection (3)(a)(i) in all parts of the county.

(ii) Twenty-five percent from January 1, 1992, through December 31, 2000, and thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority: Stadium capital improvements, as defined in subsection (2)(b) of this section; acquisition of open space lands; youth sports activities; and tourism promotion.

(b) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection (3)(b) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection (3)(b) must be financially stable and have at least the following:

(i) A legally constituted and working board of directors;

(ii) A record of artistic, heritage, or cultural accomplishments;

(iii) Been in existence and operating for at least two years;

(iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;

(v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and

(vi) Evidence that there has been independent financial review of the organization.

(c) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through December 31, 2012, shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of (a)(i) of this subsection.

(d) School districts and schools shall not receive revenues distributed pursuant to (a)(i) of this subsection.

(e) Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts, and moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

(f) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a class AA county shall be allocated to nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations shall use moneys from the taxes to promote events in all parts of the class AA county.

(g) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(h) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(i) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired. This subsection (3)(i) does not apply in respect to a public stadium transferred to, owned by, or constructed by a public facilities district under chapter 36.100 RCW.

(j) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(j) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

NEW SECTION. **Sec. 11.** Sections 5 and 6 of this act are each added to chapter 36.100 RCW.

NEW SECTION. **Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 13.** (1) Sections 1 through 9 and 11 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

(2) Sections 10 and 12 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "teams;" strike the remainder of the title and insert "amending RCW 36.100.010, 36.100.020, 36.100.030, 36.100.060, 35.21.280, 36.38.010, and 67.28.180; adding new sections to chapter 36.100 RCW; adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency."

Representative B. Thomas moved adoption of the following amendment to the amendment by Representative B. Thomas:

On page 3, beginning on line 23, strike all of subsection (4) and renumber the remaining subsection consecutively.

Representative B. Thomas spoke in favor of the adoption of the amendment to the amendment.

Representatives Van Luven, Appelwick and Reams spoke against the adoption of the amendment to the amendment.

The amendment was not adopted.

Representatives Van Luven, D. Schmidt, Jacobsen, Appelwick and B. Thomas spoke in favor of the adoption of amendment to the striking amendment.

Representatives L. Thomas, Sheldon and Cairnes spoke against the adoption of the striking amendment.

The striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Luven, D. Schmidt, Tokuda, Brown, Basich, B. Thomas, Appelwick and Clements spoke in favor of passage of the bill.

Representatives Smith, Elliot, Sheldon and Campbell spoke against passage of the bill.

Representative Van Luven again spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Representative Van Luven yielded to a question by Representative Benton.



Representative Benton: Is there any language in this bill that will allow the imposition of any tax on any of the citizens of this state without the opportunity of those citizens to vote on that issue.

Representative Van Luven: No.

Representative Benton: Is there any language in this bill that will cost the state one dime of tax dollars that currently come into the state confers.

Representative Van Luven: No.

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 6049 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6049 as amended by the House, and the bill passed the House by the following vote: Yeas - 57, Nays - 34, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Chandler, Chopp, Clements, Cody, Cole, Costa, Delvin, Dickerson, Ebersole, Fisher, G., Foreman, Fuhrman, Grant, Hankins, Hatfield, Horn, Huff, Jacobsen, Kessler, Lisk, Mastin, McMorris, Mielke, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Reams, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Sommers, Sterk, Thibaudeau, Thomas, B., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 57.

Voting nay: Representatives Benton, Buck, Cairnes, Campbell, Carrell, Casada, Conway, Cooke, Crouse, Elliot, Fisher, R., Goldsmith, Hargrove, Hickel, Hymes, Johnson, Koster, Kremen, Lambert, Mason, McMahan, Mitchell, Pelesky, Pennington, Regala, Robertson, Romero, Schmidt, K., Sheldon, Sherstad, Smith, Stevens, Talcott and Thomas, L. - 34.

Excused: Representatives Beeksma, Carlson, Chappell, Dellwo, Dyer, Honeyford and Mulliken - 7.

Second Substitute Senate Bill No. 6049, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

#### MOTION

There being no objection, the House adjourned until 9:00 a.m., Monday, May 22, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-SIXTH DAY, MAY 19, 1995

JOURNAL OF THE HOUSE

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**TWENTY-NINTH DAY**

First Special Session

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MORNING SESSION

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House Chamber, Olympia, Monday, May 22, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding) presiding. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Doug Follett and Dave Mangino. Prayer was offered by Representative Carlson.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

MESSAGES FROM THE SENATE

May 22, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6049 and passed the bill as amended by the House.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 22, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1908,  
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 22, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5201,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

#### INTRODUCTIONS AND FIRST READING

SSB 6058 by Committee on Ways & Means (originally sponsored by Senator Loveland)

Modifying local public health governance and financing.

There being no objection, the rules were suspended and Substitute Senate Bill No. 6058 was advanced to second reading and read the second time in full.

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

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 6058, by Senate Committee on Ways & Means (originally sponsored by Senator Loveland)

Modifying local public health governance and financing.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer and Dellwo spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Brown, Representative G. Fisher was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6058.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6058, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers,

Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Beeksmā, Fisher, G. and Goldsmith - 3.

Substitute Senate Bill No. 6058, having received the constitutional majority, was declared passed.

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

#### MOTION

There being no objection, the House adjourned until 9:00 a.m., Tuesday, May 23, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

TWENTY-NINTH DAY, MAY 22, 1995

JOURNAL OF THE HOUSE

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**THIRTIETH DAY**

First Special Session

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**MORNING SESSION**

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House Chamber, Olympia, Tuesday, May 23, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Nelson and Bill Baxter. Prayer was offered by Representative Dickerson.

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the Rules Committee was relieved of further consideration of Second Substitute House Bill No. 1318 and Second Substitute House Bill No. 1814 and the bills were placed on third reading.

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

**THIRD READING**

**SECOND SUBSTITUTE HOUSE BILL NO. 1318**, by House Committee on Appropriations (originally sponsored by Representatives Carlson, Mulliken and Mastin; by request of Higher Education Coordinating Board)

Revising provisions for the Washington scholars program.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1318.

Representative Carlson spoke in favor of passage of the bill.

**MOTION**

On motion of Representative Brown, Representative Patterson was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1318, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Beeksmas, Goldsmith, Koster, Patterson, Reams and Stevens - 6.

Second Substitute House Bill No. 1318, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE HOUSE BILL NO. 1814, by House Committee on Appropriations (originally sponsored by Representative Carlson)

Changing provisions relating to the Washington award for vocational excellence.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1814.

Representative Carlson spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1814, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Beeksmas, Goldsmith, Koster, Patterson, Reams and Stevens - 6.

Second Substitute House Bill No. 1814, having received the constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

May 23, 1995

Mr. Speaker:

The Senate has passed:



SUBSTITUTE SENATE BILL NO. 5364,  
SUBSTITUTE SENATE BILL NO. 5739,  
SENATE CONCURRENT RESOLUTION NO. 8417,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 23, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5325,  
SECOND ENGROSSED SENATE BILL NO. 5529,  
ENGROSSED SENATE BILL NO. 6079,

and the same are herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SENATE BILL NO. 5555,

and the same is herewith transmitted.

Marty Brown, Secretary

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

#### INTRODUCTIONS AND FIRST READING

HCR 4416 by Representative Foreman

Pertaining to convening special legislative sessions.

HCR 4417 by Representative Foreman

Adjourning Sine Die.

HCR 4418 by Representative Foreman

Concerning the status of bills, resolutions, and memorials prior to adjournment Sine Die.

2ESSB 5001 by Senate Committee on Ways & Means (originally sponsored by Senators Sheldon, Snyder, Haugen, Winsley, Quigley, Franklin, Rasmussen and Prentice)

Affecting the property taxation of senior citizens and persons retired because of physical disabilities.

2ESSB 5201 by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Cantu, McAuliffe, Haugen, Winsley, Snyder, Loveland, Sheldon, Fairley, West, Long, Palmer, Schow, Moyer, Sellar, Rasmussen, Deccio, Heavey, Quigley, C. Anderson, Oke, Roach and Hale; by request of Governor Lowry)

Providing tax exemptions for manufacturing and processing.

ESSB 5325 by Senate Committee on Higher Education (originally sponsored by Senators Rinehart, Bauer, Prince, Pelz, Sheldon, Kohl, Drew and Wood)

Changing higher education fiscal provisions.

2ESB 5529 by Senators McAuliffe, Rinehart, Moyer, McDonald, Wojahn and Winsley; by request of Office of Financial Management

Changing school district levy provisions.

2ESB 5555 by Senators C. Anderson, Long, Kohl, A. Anderson, Fairley, Sheldon, Prentice and Moyer

Modifying taxation of massage services.

2ESB 5852 by Senators Drew, Sheldon, Wood, Prince, Oke and Winsley; by request of Secretary of State

Revising the presidential primary.

ESB 6079 by Senators Smith and Gaspard

Providing for the well-being of children.

SCR 8417 by Senators Snyder and McDonald

Creating the cigarette tax and revenue loss advisory committee.

There being no objection, Senate Bill No. 6010 was read the first time.

There being no objection, the rules were suspended and Senate Bill No. 6010 was advanced to second reading and read the second time in full.

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

#### SECOND READING

SENATE BILL NO. 6010, by Senators McAuliffe and Rinehart

Affecting the funding formula for the learning assistance program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cole, Brumsickle and Elliot spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 6010.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6010, and the bill passed the House by the following vote: Yeas - 82, Nays - 11, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Blanton, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 82.

Voting nay: Representatives Basich, Benton, Boldt, Campbell, Johnson, Quall, Robertson, Schmidt, K., Sheldon, Smith and Thomas, L. - 11.

Excused: Representatives Beeksmas, Goldsmith, Koster, Patterson and Stevens - 5.

Senate Bill No. 6010, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of House Concurrent Resolution No. 4409 and the resolution was placed on second reading.

HOUSE CONCURRENT RESOLUTION NO. 4409, by Representatives Carrell, B. Thomas, Mulliken, Brumsickle, Sheldon, Morris, Talcott, Benton, Honeyford, Ballasiotes, Horn, Pelesky, Mitchell, Lambert, Romero, Hatfield, Dickerson, Pennington, Backlund, Crouse, Smith, Boldt, Tokuda, Casada, Hymes, Van Luven, McMahan, Regala, Stevens, Wolfe, Kessler, Thibaudeau, Mielke, Campbell, Costa, Quall, McMorris, Cairnes, Schoesler, Delvin, Buck, Mason, Huff, Chappell, Elliot, Conway, Cody, Dellwo, Johnson, Thompson, Hargrove, Basich, L. Thomas, Kremen, D. Schmidt, Cooke, Koster, Dyer, Hankins, Blanton, Chandler, Skinner and Clements

Forming a joint select committee on property tax reform.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representative Carrell spoke in favor of passage of the resolution.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Concurrent Resolution No. 4409.

#### ROLL CALL

The Clerk called the roll on the final passage of House Concurrent Resolution No. 4409, and the resolution was adopted by the following vote: Yeas - 92, Nays - 0, Absent - 2, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen,

Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Absent: Representatives Chopp and Dellwo - 2.

Excused: Representatives Beeksma, Goldsmith, Koster and Stevens - 4.

House Concurrent Resolution No. 4409, having received the constitutional majority, was declared adopted.

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

There being no objection, the rules were suspended and House Concurrent Resolution No. 4416 was advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4416, by Representative Foreman

Pertaining to convening special legislative sessions.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representative Mielke spoke in favor of adoption of the resolution.

The Speaker (Representative Horn presiding) stated the question before the House to be final adoption of House Concurrent Resolution No. 4416.

#### ROLL CALL

The Clerk called the roll on the final passage of House Concurrent Resolution No. 4416, and the resolution was adopted by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Goldsmith, Koster and Stevens - 4.

House Concurrent Resolution No. 4416, having received the constitutional majority, was declared adopted.

There being no objection, the Rules Committee was relieved of further consideration of Engrossed Second Substitute House Bill No. 1566 and placed on third reading.

There being no objection, the rules were suspended and Engrossed Second Substitute House Bill No. 1566 was returned to second reading for the purpose of an amendment.

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

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1566, by House Committee on Appropriations (originally sponsored by Representative Dyer; by request of Health Care Authority)

Modifying public employee health care coverage.

The bill was read the second time.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.400 RCW to read as follows:

(1) In a manner prescribed by the state health care authority, school districts and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120 the amount specified for remittance in the omnibus appropriations act.

(2) The remittance requirements specified in this section shall not apply to employees of a school district or educational service district who receive insurance benefits through contracts with the health care authority.

**Sec. 2.** RCW 41.05.011 and 1994 c 153 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceutical, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW. ~~((On and after July 1, 1995, "insuring entity" means a certified health plan, as defined in RCW 43.72.010.))~~

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) ~~((By October 1, 1995, all employees of school districts and educational service districts. Between October 1, 1994, and September 30, 1995, "employee" includes employees of those school districts and educational service districts for whom the authority has undertaken the purchase of insurance benefits. The transition to insurance benefits purchasing by the authority may not disrupt existing insurance contracts between school district or educational service district employees and insurers. However, except to the extent provided in RCW 28A.400.200, any such contract that provides for health insurance benefits coverage after October 1, 1995, shall be void as of that date if the contract was entered into, renewed, or extended after July 1, 1993. Prior to October 1, 1994, "employee" includes employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority; (b)))~~ Employees of a county,

municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205; (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; and (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350.

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32 or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW.

(9) "Benefits contribution plan" means a premium only contribution plan, a medical flexible spending arrangement, or a cafeteria plan whereby state and public employees may agree to a contribution to benefit costs which will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the benefits contribution plan.

(12) "Plan year" means the time period established by the authority.

**Sec. 3.** RCW 41.05.022 and 1994 c 153 s 3 are each amended to read as follows:

(1) The health care authority is hereby designated as the single state agent for purchasing health services.

(2) On and after January 1, 1995, at least the following state-purchased health services programs shall be merged into a single, community-rated risk pool: Health benefits for groups of employees of school districts and educational service districts that voluntarily purchase health benefits as provided in RCW 41.05.011; health benefits for state employees; health benefits for eligible retired or disabled school employees not eligible for parts A and B of medicare; and health benefits for eligible state retirees not eligible for parts A and B of medicare. ~~((Beginning July 1, 1995, the basic health plan shall be included in the risk pool. The administrator may develop mechanisms to ensure that the cost of comparable benefits packages does not vary widely across the risk pools before they are merged. At the earliest opportunity the governor shall seek necessary federal waivers and state legislation to place the medical and acute care components of the medical assistance program, the limited casualty program, and the medical care services program of the department of social and health services in this single risk pool. Long term care services that are provided under the medical assistance program shall not be placed in the single risk pool until such services have been added to the uniform benefits package. On or before January 1, 1997, the governor shall submit necessary legislation to place the purchasing of health benefits for persons incarcerated in institutions administered by the department of corrections into the single community rated risk pool effective on and after July 1, 1997.))~~

(3) At a minimum, and regardless of other legislative enactments, the state health services purchasing agent shall:

(a) Require that a public agency that provides subsidies for a substantial portion of services now covered under the basic health plan ~~((or a uniform benefits package as adopted by the Washington health services commission as provided in RCW 43.72.130 -))~~ use uniform eligibility processes, insofar as may be possible, and ensure that multiple eligibility determinations are not required;

(b) Require that a health care provider or a health care facility that receives funds from a public program provide care to state residents receiving a state subsidy who may wish to receive care from

them (~~consistent with the provisions of chapter 492, Laws of 1993~~), and that (~~a health maintenance organization, health care service contractor, insurer, or certified health plan~~) an insuring entity that receives funds from a public program accept enrollment from state residents receiving a state subsidy who may wish to enroll with them (~~under the provisions of chapter 492, Laws of 1993~~);

(c) Strive to integrate purchasing for all publicly sponsored health services in order to maximize the cost control potential and promote the most efficient methods of financing and coordinating services;

(d) (~~Annually suggest changes in state and federal law and rules to bring all publicly funded health programs in compliance with the goals and intent of chapter 492, Laws of 1993;~~

~~(e))~~ Consult regularly with the governor, the legislature, and state agency directors whose operations are affected by the implementation of this section; and

(e) Ensure the control of benefit costs under managed competition by adopting rules to prevent employers from entering into an agreement with employees or employee organizations when the agreement would result in increased utilization in public employees' benefits board plans or reduce the expected savings of managed competition.

**Sec. 4.** RCW 41.05.055 and 1994 c 36 s 1 are each amended to read as follows:

(1) The public employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for state employees (~~and school district employees~~).

(2) The board shall be composed of (~~nine~~) seven members appointed by the governor as follows:

(a) Two representatives of state employees, one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the board, and represents an organized group of retired public employees;

(b) (~~Two~~) One representative(~~s~~) of (~~school district employees, one of whom shall represent an association of school employees and one of whom is retired, and represents~~) an organized group of retired school employees;

(c) (~~Four~~) Three members with experience in health benefit management and cost containment; and

(d) The administrator.

(3) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall serve as chair of the board. Meetings of the board shall be at the call of the chair.

**Sec. 5.** RCW 41.05.065 and 1994 c 153 s 5 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state(~~ty~~). However, liability insurance shall not be made available to dependents.

(2) The (~~public employees' benefits~~) board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient

surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of ~~((standard))~~ public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. ~~((On and after July 1, 1995, the uniform benefits package shall constitute the minimum level of health benefits offered to employees.))~~ To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria.

~~(4) ((The board shall attempt to achieve enrollment of all employees and retirees in managed health care systems by July 1994.))~~

The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems.

(5) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(6) The board shall review plans proposed by ~~((insurance carriers))~~ insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by ~~((carriers))~~ insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

**Sec. 6.** RCW 47.64.270 and 1993 c 492 s 224 are each amended to read as follows:

~~((Until December 31, 1996,))~~ Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW; and the ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW 47.64.180. ~~((On January 1, 1997, ferry employees shall enroll in certified health plans under the provisions of chapter 492, Laws of 1993.))~~ To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

**Sec. 7.** RCW 41.05.021 and 1994 c 309 s 1 are each amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The administrator may delegate any power or duty vested in him or her by this chapter, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer state employees' insurance benefits and retired or disabled school employees' insurance benefits((;)); administer the basic health plan pursuant to chapter 70.47 RCW; study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality



health care~~(s)~~; and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for employees and retired or disabled school employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

(v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150;

(g) To establish billing procedures and collect funds from school districts and educational service districts under RCW 28A.400.400 in a way that minimizes the administrative burden on districts; and

(h) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) ~~On and after ((July)) January 1, ((1995)) 1996, the public employees' benefits board ((shall)) may implement strategies to promote managed competition among employee health benefit plans ((in accordance with the Washington health services commission schedule of employer requirements)). Strategies may include but are not limited to:~~

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area~~((If the state's contribution is less than one hundred percent of the lowest priced qualified bid, employee financial contributions shall be structured on a sliding scale basis related to household income))~~;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans state-wide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans. The health care authority shall report its findings and recommendations to the legislature by January 1, 1997.

(3) The health care authority shall, no later than July 1, 1996, submit to the appropriate committees of the legislature, proposed methods whereby, through the use of a voucher-type process, state employees may enroll with any health carrier to receive employee benefits. Such methods shall include the employee option of participating in a health care savings account, as set forth in Title 48 RCW.

(4) The Washington health care policy board shall study the necessity and desirability of the health care authority continuing as a self-insuring entity and make recommendations to the appropriate committees of the legislature by December 1, 1996.

**Sec. 8.** RCW 41.04.205 and 1993 c 386 s 3 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 41.04.180, the employees, with their dependents, of any county, municipality, or other political subdivision of this state shall be eligible to participate in any insurance or self-insurance program for employees administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of this state determines, subject to collective bargaining under applicable statutes, a transfer to an insurance or self-insurance program administered under chapter 41.05 RCW should be made. In the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of June 25, 1976 to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members.

(2) When the legislative authority of a county, municipality, or other political subdivision determines to so transfer, the state health care authority shall:

(a) ~~Establish the conditions ((under which the transfer may be made, which shall include the requirements that:~~

~~(i) All the eligible employees of the political subdivision transfer as a unit, and~~

~~(ii) The political subdivision involved obligate itself to make employer contributions in an amount at least equal to those provided by the state as employer)) for participation; and~~

~~(b) ((Hold public hearings on the application for transfer; and~~

~~(e))) Have the sole right to reject the application.~~

Approval of the application by the state health care authority shall effect a transfer of the employees involved to the insurance, self-insurance, or health care program applied for.

(3) Any application of this section to members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW is subject to chapter 41.56 RCW.

(4) ~~((The requirements in subsection (2)(a) (i) and (ii) of this section need not be applied to))~~ School districts may voluntarily transfer, except that all eligible employees in a bargaining unit of a school district may transfer only as a unit and all nonrepresented employees in a district may transfer only as a unit.

**NEW SECTION. Sec. 9.** The following acts or parts of acts are each repealed:

(1) RCW 41.05.200 and 1993 c 492 s 228;

(2) RCW 41.05.210 and 1993 c 492 s 229;

(3) RCW 41.05.240 and 1993 c 492 s 468; and

(4) RCW 43.72.230 and 1993 c 492 s 465.

**NEW SECTION. Sec. 10.** A new section is added to Title 28C RCW to read as follows:

Employees of vocational technical institutes who were members of the public employees' benefits trust and as a result of chapter 238, Laws of 1991, were required to enroll in public employees' benefits board-sponsored plans, must decide whether to reenroll in the trust by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees of a bargaining unit or administrative or managerial employees otherwise not included in a bargaining unit shall be required to transfer by group. Administrative or managerial employees shall transfer in accordance with rules established by the health care authority. If employee groups elect to transfer, they are eligible to reenroll in the public employees' benefits board-sponsored plans. This one-time reenrollment option in the public employees' benefits board sponsored plans is available to be exercised in January 2001, or only every five years thereafter, until exercised.

**NEW SECTION. Sec. 11.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The state of Washington may enter into benefits contribution plans with employees of the state pursuant to the internal revenue code, 26 U.S.C. Sec. 125, for the purpose of making it possible for employees of the state to select on a "before-tax basis" certain taxable and nontaxable benefits pursuant to 26 U.S.C. Sec. 125. The purpose of the benefits contribution plan established in this chapter is to attract and retain individuals in governmental service by permitting them to enter into

agreements with the state to provide for benefits pursuant to 26 U.S.C. Sec. 125 and other applicable sections of the internal revenue code.

(2) Nothing in the benefits contribution plan constitutes an employment agreement between the participant and the state, and nothing contained in the participant's benefits contribution agreement, the plan, this section, or sections 12 through 17 of this act gives a participant any right to be retained in state employment.

**NEW SECTION. Sec. 12.** A new section is added to chapter 41.05 RCW to read as follows:

The authority shall have responsibility for the formulation and adoption of a plan, policies, and procedures designed to guide, direct, and administer the benefits contribution plan. For the plan year beginning January 1, 1996, the administrator may establish a premium only contribution plan. Expansion of the benefits contribution plan to a medical flexible spending arrangement or cafeteria plan during subsequent plan years shall be subject to approval by the director of the office of financial management.

(1) A plan document describing the benefits contribution plan shall be adopted and administered by the authority. The authority shall represent the state in all matters concerning the administration of the plan. The state, through the authority, may engage the services of a professional consultant or administrator on a contractual basis to serve as an agent to assist the authority or perform the administrative functions necessary in carrying out the purposes of this section and sections 11 and 13 through 16 of this act.

(2) The authority shall formulate and establish policies and procedures for the administration of the benefits contribution plan that are consistent with existing state law, the internal revenue code, and the regulations adopted by the internal revenue service as they may apply to the benefits offered to participants under the plan.

(3) Every action taken by the authority in administering this section and sections 11 and 13 through 16 of this act shall be presumed to be a fair and reasonable exercise of the authority vested in or the duties imposed upon it. The authority shall be presumed to have exercised reasonable care, diligence, and prudence and to have acted impartially as to all persons interested unless the contrary be proved by clear and convincing affirmative evidence.

**NEW SECTION. Sec. 13.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Elected officials and all permanent employees of the state are eligible to participate in the benefits contribution plan and contribute amount(s) by agreement with the authority. The authority may adopt rules to permit participation in the plan by temporary employees of the state.

(2) Persons eligible under subsection (1) of this section may enter into benefits contribution agreements with the state.

(3)(a) In the initial year of the medical flexible spending arrangement or cafeteria plan, if authorized, an eligible person may become a participant after the adoption of the plan and before its effective date by agreeing to have a portion of his or her gross salary contributed and deposited into a health care and other benefits account to be used for reimbursement of expenses covered by the plan.

(b) After the initial year of the medical flexible spending arrangement or cafeteria plan, if authorized, an eligible person may become a participant for a full plan year, with annual benefit selection for each new plan year made before the beginning of the plan year, as determined by the authority, or upon becoming eligible.

(c) Once an eligible person elects to participate and the amount of gross salary that he or she shall contribute and the benefit for which the funds are to be used during the plan year is determined, the agreement shall be irrevocable and may not be amended during the plan year except as provided in (d) of this subsection. Prior to making an election to participate in the benefit contribution plan, the eligible person shall be informed in writing of all the benefits and contributions that will occur as a result of such election.

(d) The authority shall provide in the benefits contribution plan that a participant may enroll, terminate, or change his or her election after the plan year has begun if there is a significant change in a participant's status, as provided by 26 U.S.C. Sec. 125 and the regulations adopted under that section and defined by the authority.

(4) The authority shall establish as part of the benefits contribution plan the procedures for and effect of withdrawal from the plan by reason of retirement, death, leave of absence, or termination of

employment. To the extent possible under federal law, the authority shall protect participants from forfeiture of rights under the plan.

(5) Any contribution under the benefits contribution plan shall continue to be included as reportable compensation for the purpose of computing the state retirement and pension benefits earned by the employee pursuant to chapters 41.26, 41.32, 41.40, and 43.43 RCW.

NEW SECTION. **Sec. 14.** A new section is added to chapter 41.05 RCW to read as follows:

The authority shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of a benefits contribution plan created under section 11 of this act.

NEW SECTION. **Sec. 15.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The state may terminate the benefits contribution plan at the end of the plan year or upon notification of federal action affecting the status of the plan.

(2) The authority may amend the benefits contribution plan at any time if the amendment does not affect the rights of the participants to receive eligible reimbursement from the participants' benefits contribution accounts.

NEW SECTION. **Sec. 16.** A new section is added to chapter 41.05 RCW to read as follows:

The authority shall adopt rules necessary to implement sections 11 through 15 of this act.

NEW SECTION. **Sec. 17.** A new section is added to chapter 41.05 RCW to read as follows:

Sections 11 through 16 of this act shall be construed to effectuate the purposes of 26 U.S.C. Sec. 125 and other applicable sections of the internal revenue code as required.

**Sec. 18.** RCW 28A.400.350 and 1993 c 492 s 226 are each amended to read as follows:

(1) The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Such coverage may be provided by contracts with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. ~~((Except for health benefits purchased with nonstate funds as provided in RCW 28A.400.200, effective on and after October 1, 1995, health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance shall be provided only by contracts with the state health care authority.))~~

(2) Whenever funds are available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members and students, the premiums due on such protection or insurance shall be borne by the assenting school board member or student. The school district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school or school district. The school district board of directors may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the

insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

NEW SECTION. **Sec. 19.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) In a manner prescribed by the state health care authority, technical colleges who have employees enrolled in a benefits trust shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120 the amount specified for remittance in the omnibus appropriations act.

(2) The remittance requirements of this section do not apply to employees of a technical college who receive insurance benefits through contracts with the health care authority.

NEW SECTION. **Sec. 20.** A new section is added to Title 43 RCW to read as follows:

For the purpose of accurately describing professional health services purchased by the state, health-related state agencies may develop fee schedules based on billing codes and service descriptions published by the American medical association or the United States federal health care financing administration, or develop agency unique codes and service descriptions.

**Sec. 21.** RCW 41.04.230 and 1993 c 2 s 26 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct from the salaries or wages of the officers or employees, the amount or amounts of subscription payments, premiums, contributions, or continuation thereof, for payment of the following:

(1) Credit union deductions: **PROVIDED**, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union. An agency may, in its own discretion, establish a minimum participation requirement of fewer than twenty-five employees.

(2) Parking fee deductions: **PROVIDED**, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: **PROVIDED**, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuition or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: **PROVIDED**, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: **AND PROVIDED, FURTHER**, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: **PROVIDED**, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: **PROVIDED, FURTHER**, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Insurance contributions to the authority for payment of premiums under contracts authorized by the state health care authority. However, enrollment or assignment by the state health care authority to participate in a health care benefit plan, as required by RCW 41.05.065(5), shall authorize a payroll deduction of premium contributions without a written consent under the terms and conditions established by the public employees benefits board.

(8) Deductions to a bank, savings bank, or savings and loan association if (a) the bank, savings bank, or savings and loan association is authorized to do business in this state; and (b) twenty-five or more employees of a single agency, or fewer, if a lesser number is established by such agency, or a total of one hundred or more state employees of several agencies have authorized a deduction for payment to the same bank, savings bank, or savings and loan association.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the director of financial management for purposes clearly related to state employment or goals and objectives of the agency and for plans authorized by the state health care authority.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction.

**Sec 22.** RCW 41.05.050 and 1994 c 309 s 2 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups. Contributions to be paid by school districts or educational service districts shall be adjusted by the authority to reflect that retired school employees are covered under \*RCW 41.05.250, and are not covered under RCW 41.05.080. All such contributions will be paid into the public employees' health insurance account.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270 (~~until December 31, 1996. On and after January 1, 1997, ferry employees shall enroll with certified health plans under chapter 492, Laws of 1993~~).

(3) The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

**NEW SECTION. Sec. 23.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Correct the title.

Representative Cody moved adoption of the following amendment to the amendment by Representative Cody:

Beginning on page 6, line 13, strike all of section 4 and insert

"**Sec. 4.** RCW 41.05.055 and 1994 c 36 s 1 are each amended to read as follows:

(1) The public employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for state employees and school district employees.

(2) The board shall be composed of nine members appointed by the governor as follows:

(a) Two representatives of state employees, one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the board, and represents an organized group of retired public employees;

(b) Two representatives of school district employees, one of whom shall represent an association of school employees and one of whom is retired, and represents an organized group of retired school employees;

(c) Four members with experience in health benefit management and cost containment; and

(d) The administrator.

(3) The member who represents an association of school employees and one member appointed pursuant to subsection (2)(c) of this section shall be non-voting members until such time that there are no less than twelve-thousand school district employee subscribers enrolled with the authority for health care coverage.

(4) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall serve as chair of the board. Meetings of the board shall be at the call of the chair."

Representatives Cody and Dyer spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representatives Dyer and Dellwo spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Second Substitute House Bill No. 1566.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1566, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Goldsmith, Koster and Stevens - 4.

Second Engrossed Second Substitute House Bill No. 1566, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

May 23, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6049,  
SUBSTITUTE SENATE BILL NO. 6058,

and the same are herewith transmitted.

Marty Brown, Secretary

There being no objection, all bills passed will be immediately transmitted to the Senate.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6049,  
SUBSTITUTE SENATE BILL NO. 6058,

MESSAGE FROM THE SENATE

May 23, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 6077 and passed the bill as amended by the House.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the Rules Committee was relieved of further consideration of Engrossed Substitute House Bill No. 1410 and placed on third reading.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, by House Committee on Appropriations (originally sponsored by Representatives Silver and Sommers; by request of Office of Financial Management)

Making appropriations for the 1995-97 biennium.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1410.

Representative Silver spoke in favor of passage of the bill.

Representative Sommers spoke against passage of the bill.



## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1410, and the bill passed the House by the following vote: Yeas - 58, Nays - 37, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 58.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 37.

Excused: Representatives Beeksma, Ebersole and Goldsmith - 3.

Engrossed Substitute House Bill No. 1410, having received the constitutional majority, was declared passed.

The Speaker called on Representative Horn to preside.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

## MESSAGES FROM THE SENATE

May 23, 1995

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1318,  
SECOND SUBSTITUTE HOUSE BILL NO. 1814,

and the same are herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010,

and the same is herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6010,  
SENATE BILL NO. 6077,

and the same are herewith transmitted.

Marty Brown, Secretary

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

There being no objection, the rules were suspended and Engrossed Senate Bill No. 6079 was advanced to second reading and read the second time in full.

ENGROSSED SENATE BILL NO. 6079, by Senators Smith and Gaspard

Providing for the well-being of children.

The bill was read the second time.

With the consent of the House, amendment number 957 to Engrossed Senate Bill No. 6079 was withdrawn.

Representative McMahan moved adoption of the following amendment by Representative McMahan:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. As used in sections 1 through 6 of this act, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Minor" means any person under the age of eighteen years.

(2) "Harmful to minors" means any matter or live performance:

(a) That the average adult person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest of minors; and

(b) That explicitly depicts or describes, by prevailing standards in the adult community with respect to what is suitable for minors, patently offensive representations or descriptions of:

(i) Ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, lewd exhibition of the genitals or genital area, sexually explicit conduct, sexual excitement, or sexually explicit nudity; or

(iii) Sexual acts that are violent or destructive, including but not limited to human or animal mutilation, dismemberment, rape, or torture; and

(c) That, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value for minors.

(3) "Matter" means a motion picture film, a publication, a sexual device, or any combination thereof.

(4) "Motion picture film" means any:

(a) Film or plate negative;

(b) Film or plate positive;

(c) Film designed to be projected on a screen for exhibition;

(d) Film, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;

(e) Video tape; or

(f) Any other medium used to electronically transmit or reproduce images on a screen.

(5) "Publication" means any book, magazine, article, pamphlet, writing, printing illustration, picture, sound recording, telephonic communication, or coin-operated machine.

(6) "Sexual device" means any artificial device primarily designed, promoted, or marketed to physically stimulate or manipulate the human genitals.

(7) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, in person or by electronic transmission, or by telephonic communication, with or without consideration.

(8) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(9) "Knowledge of its character" means that the person has knowledge that the matter or performance contains, depicts, or describes activity or conduct that is patently offensive under subsection (2)(b) of this section. Such knowledge may be proved by direct or circumstantial evidence, or both.

(10) "Knowledge" means knowledge as defined in RCW 9A.08.010(1)(b).

(11) "Community" means the state-wide community.

**NEW SECTION. Sec. 2.** No person shall with knowledge of its character:

(1) Display matter that is harmful to minors, as defined in section 1(2) of this act, in such a way that minors, as part of the invited general public, will be exposed to view such matter; however, a person shall be deemed not to have displayed matter harmful to minors if the matter is kept behind devices commonly known as blinder racks so that the lower two-thirds of the matter is not exposed to view. In the case of on-line accessibility to information stored in an electronic form, a person shall be deemed not to have displayed matter harmful to minors if:

(a) The matter is stored in a restricted area where access is allowed only to persons who are reasonably believed to be eighteen years of age or older based on information supplied as provided for in section 3(3) of this act and who have obtained a password or other authorization necessary for access to the matter; or

(b) It is not reasonably possible to restrict access in the manner described in (a) of this subsection;

(2) Sell, furnish, present, distribute, allow to view or hear, or otherwise disseminate to a minor, with or without consideration, any matter that is harmful to minors as defined in section 1(2) of this act; or

(3) Present to a minor or participate in presenting to a minor, with or without consideration, any live performance that is harmful to minors as defined in section 1(2) of this act.

**NEW SECTION. Sec. 3.** In any prosecution for violation of section 2 of this act, it shall be an affirmative defense that:

(1) The matter or performance involved was displayed or otherwise disseminated to a minor by the minor's parent or legal guardian, for bona fide purposes;

(2) The matter or performance involved was displayed or otherwise disseminated to a minor with the written permission of the minor's parent or legal guardian, for bona fide purposes; or

(3) The person made a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper, or copy thereof if supplied by mail or electronic facsimile when in-person production thereof is impractical, and not relying solely on the oral allegations or apparent age of the minor.

**NEW SECTION. Sec. 4.** Any person who is convicted of violating any provision of section 2 of this act is guilty of a gross misdemeanor. Each day that any violation of section 2 of this act occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, thing, or transaction prohibited by section 2 of this act shall constitute a separate offense as to each item, issue, or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume, and number issue, or other such identical material shall constitute a single offense.

**NEW SECTION. Sec. 5.** Nothing in this chapter shall apply to the official distribution of material by a recognized historical society or museum, a library of a college or university, or an archive or library under the supervision and control of the state, county, municipality, or other political subdivision of the state.

**NEW SECTION. Sec. 6.** The state of Washington hereby fully occupies and preempts within the boundaries of the state the entire field of regulation and sanctions for displaying, selling, furnishing, presenting, or otherwise distributing matter or performances that are harmful to minors. Counties, cities, towns, or other municipalities may enact only those laws and ordinances relating to matter and performances harmful to minors that are consistent with this chapter. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of this chapter shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such county, city, town, or municipality.

**NEW SECTION. Sec. 7.** The following acts or parts of acts are each repealed:

- (1) RCW 9.68.015 and 1959 c 260 s 2;
- (2) RCW 9.68.050 and 1992 c 5 s 1 & 1969 ex.s. c 256 s 13;
- (3) RCW 9.68.060 and 1992 c 5 s 2 & 1969 ex.s. c 256 s 14;
- (4) RCW 9.68.070 and 1992 c 5 s 4 & 1969 ex.s. c 256 s 15;
- (5) RCW 9.68.080 and 1969 ex.s. c 256 s 16;
- (6) RCW 9.68.090 and 1992 c 5 s 3 & 1969 ex.s. c 256 s 17;
- (7) RCW 9.68.100 and 1969 ex.s. c 256 s 18;
- (8) RCW 9.68.110 and 1969 ex.s. c 256 s 19;
- (9) RCW 9.68.120 and 1969 ex.s. c 256 s 20;
- (10) RCW 9.68.130 and 1975 1st ex.s. c 156 s 1;
- (11) RCW 9.68A.140 and 1987 c 396 s 1;
- (12) RCW 9.68A.150 and 1987 c 396 s 2; and
- (13) RCW 9.68A.160 and 1987 c 396 s 3.

**NEW SECTION. Sec. 8.** Sections 1 through 6 of this act are each added to chapter 9.68 RCW.

**NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Correct the title.

Representative McMahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 6079 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6079 as amended by the House, and the bill passed the House by the following vote: Yeas - 69, Nays - 27, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Reams,

Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 69.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Ogden, Poulsen, Quall, Radcliff, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Excused: Representatives Ebersole and Goldsmith - 2.

Engrossed Senate Bill No. 6079, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, Engrossed Senate Bill No. 6079 as amended by the House will be immediately transmitted to the Senate.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the Rules Committee was relieved of further consideration of the following bills: Substitute House Bill No. 1957, Substitute House Bill No. 1057, House Bill No. 1102, Substitute House Bill No. 1279, Substitute House Bill No. 1413, Substitute House Bill No. 1440, Engrossed Substitute House Bill No. 1913, Engrossed Substitute House Bill No. 1070 and Substitute House Bill No. 1071 and the bills be placed on third reading.

There being no objection, the rules were suspended and Substitute House Bill No. 1957 was returned to second reading for the purpose of an amendment.

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

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 1957**, by House Committee on Finance (originally sponsored by Representatives B. Thomas, Carrell, Mulliken, Campbell, Foreman, Van Luven, Benton, L. Thomas, Crouse, Backlund, Elliot, McMahan, Smith, Stevens and Schoesler)

Reducing the state property tax levy.

The bill was read the second time.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 84.55 RCW to read as follows:

(1) As used in this section, "full levy" means the levy amount that would be allowed otherwise under this chapter without regard to this section.

(2) The state levy for collection in 1996 shall be reduced by five percent of the full levy for that year. State levies for collection after 1996 shall not exceed the amount that would be allowed otherwise under this chapter if the state levy for collection in 1996 had been set at ninety-five percent of the full levy for that year.

(3) Levies collected before 1996 shall not be used as a base for calculating limits for state levies for collection after 1996."

Correct the title accordingly.

Representative B. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1957.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1957, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Chopp, Rust and Sommers - 3.

Excused: Representative Goldsmith - 1.

Engrossed Substitute House Bill No. 1957, having received the constitutional majority, was declared passed.

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

#### THIRD READING

SUBSTITUTE HOUSE BILL NO. 1057, by House Committee on Agriculture & Ecology (originally sponsored by Representatives Schoesler, Morris, B. Thomas, Delvin, Carlson, Hankins, Dyer, Sheldon, Casada, Chandler, L. Thomas, Fuhrman, Mulliken, Lisk, Cooke, Sheahan and Mastin)

Lowering the tax rate on canola.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1057.

Representative Schoesler spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1057, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Dickerson, Sommers, Thibaudeau and Valle - 4.

Excused: Representative Goldsmith - 1.

Substitute House Bill No. 1057, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1102, by Representatives Sheldon, Johnson, Basich, Hargrove, Hatfield, Koster, Quall, Goldsmith, Kessler, Kremen and Buck

Expanding the base of the tax exemption for food fish eggs and fry to shellfish.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of House Bill No. 1102.

Representative Sheldon spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1102, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Regala, Sommers and Thibaudeau - 3.

Excused: Representative Goldsmith - 1.

House Bill No. 1102, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1279, by House Committee on Finance (originally sponsored by Representatives Pennington, Morris, Schoesler, Campbell, Boldt, Carrell, Mielke, Van Luven, Hymes, McMahan, Mulliken, Foreman, Blanton, Sherstad, Elliot, Backlund, Johnson, L. Thomas and Huff)

Providing a sales tax exemption for certain sales of magazines by subscription.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1279.

Representative Pennington spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1279, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

Substitute House Bill No. 1279, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1413, by House Committee on Finance (originally sponsored by Representatives Boldt, Morris, Lisk, Mulliken and Kremen)

Allowing a business and occupation tax deduction for certain amusement devices.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1413.

Representative Boldt spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1413, and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven and Mr. Speaker - 82.

Voting nay: Representatives Chopp, Cody, Cole, Dickerson, Fisher, R., Jacobsen, Mason, Regala, Romero, Rust, Sommers, Thibaudeau, Valle, Veloria and Wolfe - 15.

Excused: Representative Goldsmith - 1.

Substitute House Bill No. 1413, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended and Substitute House Bill No. 1440 was returned to second reading for the purpose of an amendment.

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



## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1440, by House Committee on Finance (originally sponsored by Representatives Boldt, Dyer, Morris, Backlund, Van Luven, Dellwo, Carrell, B. Thomas, L. Thomas, Thompson, Costa, Sherstad, Chandler, Kremen, Cooke and Jacobsen)

Providing tax exemptions for blood banks.

The bill was read the second time.

Representative Boldt moved adoption of the following amendment by Representative Boldt:

On page 1, beginning on line 7, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 84.36.035 and 1971 ex.s. c 206 s 1 are each amended to read as follows:

The following property shall be exempt from taxation:

All property, whether real or personal, belonging to or leased by any nonprofit corporation or association and used exclusively in the business of (~~procuring, processing, storing, distributing, or using whole blood, plasma, blood products, and blood derivatives~~) a blood, bone, or tissue bank as defined in section 3 of this act, or in the administration of such business. If the real or personal property is leased, the benefit of the exemption shall inure to the nonprofit corporation or association."

Representative Boldt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1440.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1440, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

Engrossed Substitute House Bill No. 1440, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1908,  
SENATE BILL NO. 6010,  
SENATE BILL NO. 6077,

The Speaker called on Representative Horn to preside.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913, by House Committee on Finance  
(originally sponsored by Representatives Van Luven, Sheldon and Smith)

Providing sales and use tax exemptions for film and video production companies.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1913.

Representatives Van Luven, Jacobsen and Smith spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Representative Van Luven yielded to a question by Representative Jacobsen.

Representative Jacobsen: Representative Van Luven, I thought it was the policy of the House we didn't give any tax breaks for entertainment.

Representative Van Luven: Thank you Mr. Jacobsen. I do find it rather interesting that two of my co-sponsors on this bill were not willing to play baseball with me but they are willing to go to the movies with me.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1913, and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Cole, Fisher, G., Fisher, R., Morris, Pennington, Quall, Regala, Rust and Sommers - 9.

Excused: Representative Goldsmith - 1.

Engrossed Substitute House Bill No. 1913, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of Engrossed Substitute House Bill No. 1070 and the bill was placed on third reading.

There being no objection, the rules were suspended and Engrossed Substitute House Bill No. 1070 was returned to second reading for the purpose of an amendment.

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

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden, Dellwo, Schoesler, Sheahan and Chopp; by request of Office of Financial Management)

Adopting the capital budget.

The bill was read the second time.

Representative Sehlin moved adoption of the following amendment by Representative Sehlin:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1997, out of the several funds specified in this act.

**NEW SECTION. Sec. 2.** As used in this act, the following phrases have the following meanings:

- "Aquatic Lands Acct" means the Aquatic Lands Enhancement Account;
- "Cap Bldg Constr Acct" means Capitol Building Construction Account;
- "Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;
- "CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;
- "Common School Constr Fund" means Common School Construction Fund;
- "Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;
- "CWU Cap Proj Acct" means Central Washington University Capital Projects Account;
- "Data Proc Rev Acct" means Data Processing Revolving Account;
- "EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;
- "For Dev Acct" means Forest Development Account;
- "Res Mgmt Cost Acct" means Resource Management Cost Account;
- "Game Spec Wildlife Acct" means Game Special Wildlife Account;
- "H Ed Constr Acct" means Higher Education Construction Account 1979;
- "H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;
- "LIRA" means State and Local Improvement Revolving Account;
- "LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;
- "LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;
- "Lapse" or "revert" means the amount shall return to an unappropriated status;
- "Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;
- "NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account;
- "ORA" means Outdoor Recreation Account;
- "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;
- "Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;
- "Public Safety and Education Acct" means Public Safety and Education Account;
- "Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account;

"Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account;  
 "St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;  
 "St Bldg Constr Acct" means State Building Construction Account;  
 "State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;  
 "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;  
 "Thoroughbred Racing Acct" means Washington Thoroughbred Racing Account;  
 "Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account;  
 "UW Bldg Acct" means University of Washington Building Account;  
 "WA Housing Trust Acct" means Washington Housing Trust Account;  
 "WA St Dev Loan Acct" means Washington State Development Loan Account;  
 "Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;  
 "WSU Bldg Acct" means Washington State University Building Account;  
 "WWU Cap Proj Acct" means Western Washington University Capital Projects Account.  
 Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

PART 1  
 GENERAL GOVERNMENT

**NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Northwest Washington Regional Archives: Construction (90-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,970**

Prior Biennia (Expenditures) \$ 128,341

Future Biennia (Projected Costs) \$ 0

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 TOTAL \$ 132,311

**NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE**

**001) Central Washington Regional Archives--Central Washington University Campus (93-2-**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 434,000**

Prior Biennia (Expenditures) \$ 3,500,000

Future Biennia (Projected Costs) \$ 0

-----  
 TOTAL \$ 3,934,000

**NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Essential Records Storage Site--Asbestos survey and abatement (94-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000 -----

**NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Eastern Washington Branch Archives: Predesign (94-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,200**

Prior Biennia (Expenditures) \$ 52,000

Future Biennia (Projected Costs) \$ 4,540,612 -----

TOTAL \$ 4,598,812

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Puget Sound Branch Archives--Building design and construction (94-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,700,125**

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 6,740,125

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Puget Sound Branch--Building "C" asbestos abatement and demolition (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 125,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 125,000

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Community economic revitalization (86-1-001)**

**Reappropriation:**

**Public Works Assistance Acct--State \$ 3,321,298**

**Pub Fac Constr Loan Rev Acct--State \$ 3,862,729**

**St Bldg Constr Acct--State \$ 2,106,034** -----

Subtotal Reappropriation \$ 9,290,061

**Appropriation:**

**Pub Fac Constr Loan Rev Acct--State \$ 1,500,000**

**Public Works Assistance Acct--State \$ 4,000,000**

Subtotal Appropriation \$ 5,500,000 -----

Prior Biennia (Expenditures) \$ 7,026,937  
Future Biennia (Projected Costs) \$ 24,000,000 -----

TOTAL \$ 45,816,998

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Development loan fund (88-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,000,000**  
**Wa St Dev Loan Acct--Federal \$ 186,654**

Subtotal Reappropriation \$ 2,186,654 -----

**Appropriation:**

**Wa St Dev Loan Acct--Federal \$ 3,500,000**

Prior Biennia (Expenditures) \$ 5,932,935  
Future Biennia (Projected Costs) \$ 20,000,000 -----

TOTAL \$ 31,619,589

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Grays Harbor dredging (88-3-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this reappropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,788,144**

Prior Biennia (Expenditures) \$ 4,211,856  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Housing assistance, weatherization, and affordable housing program (88-5-015)**

The appropriation in this section is subject to the following conditions and limitations: \$1,500,000 of the reappropriation from the state building and construction account, \$2,000,000 of the reappropriation from the charitable, educational, penal, and reformatory institutions account, and \$2,000,000 of the appropriation from the state building and construction account are provided solely for development of at least 367 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall implement this initiative in coordination with the managed care initiative developed by the division of developmental disabilities in accordance with the 1995-97 operating budget.

**Reappropriation:**

St Bldg Constr Acct--State \$ 33,214,000  
CEP & RI Acct--State \$ 2,830,959

Subtotal Reappropriation \$ 36,044,959

**Appropriation:**

St Bldg Constr Acct--State \$ 47,800,000  
WA Housing Trust Acct \$ 2,200,000

Subtotal Appropriation \$ 50,000,000

Prior Biennia (Expenditures) \$ 77,601,500  
Future Biennia (Projected Costs) \$ 100,000,000

TOTAL \$ 263,646,451

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**A Contemporary Theater (ACT)--Seattle (90-1-006)**

This reappropriation is provided solely for the construction or renovation of a new theater in Seattle. If the project funded from the reappropriation in this section is not substantially complete by December 31, 1996, the reappropriation shall lapse.

**Reappropriation:**

St Bldg Constr Acct--State \$ 914,696

Prior Biennia (Expenditures) \$ 85,031  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 999,727

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Seattle Center redevelopment:** For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing **(92-1-019)**

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,735,637**

Prior Biennia (Expenditures) \$ 5,764,364

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,500,001 -----

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Yakima criminal justice facility:** For a grant to the city of Yakima for the construction of a new criminal justice facility **(92-2-001)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

(3) If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,991,000**

Prior Biennia (Expenditures) \$ 9,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000 -----

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**7th Street Theater (90-2-008)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall be matched by at least \$200,000 from nonstate sources. The match may include cash or in-kind contributions. If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 250,000



Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Minor works: Emergency Management Building (92-2-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 62,263**

Prior Biennia (Expenditures) \$ 223,737

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 286,000

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Snohomish County drainage:** To purchase land in drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 348,950**

Prior Biennia (Expenditures) \$ 1,050

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Resource Center for the Handicapped:** To acquire and improve the facilities in which the center currently operates (92-5-000)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources expended for the same purposes. The matching money may include lease-purchase payments made by the center prior to May 28, 1993.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 407,203**

Prior Biennia (Expenditures) \$ 792,797

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Washington Technology Center laboratories (92-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,262,945**

Prior Biennia (Expenditures) \$ 1,419,658

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,682,603 -----

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Columbia River dredging feasibility:** For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose. If the project funded from the reappropriation in this section is not substantially complete by June 30, 1997, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 598,200**

Prior Biennia (Expenditures) \$ 1,800

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000 -----

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Building for the arts:** For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

The appropriations in this section are subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

<b>Phase 1</b>	<b>Estimated Total</b>	<b>Capital</b>
Cost		
Seattle Children's Theater	\$ 8,000,000	
Admiral Theater (Bremerton)	\$ 4,261,000	
Pacific Northwest Ballet	\$ 7,500,000	
Seattle Symphony	\$ 54,000,000	
Seattle Repertory Theater (Phase 1)	\$ 4,000,000	
Broadway Theater District (Tacoma)	\$ 11,800,000	
Allied Arts of Yakima	\$ 500,000	
Spokane Art School	\$ 454,000	
Seattle Art Museum	\$ 4,862,500	
----- Total	\$ 95,377,500	

	<b>Phase 2</b>	Estimated Total	Capital
Cost			
	Bainbridge Performing Arts Center	\$ 1,200,000	
	The Children's Museum	\$ 2,850,000	
	Everett Community Theater	\$ 12,119,063	
	Kirkland Center for the Performing Arts	\$ 2,500,000	
	Makah Cultural and Research Center	\$ 1,600,000	
	Mount Baker Theater Center	\$ 1,581,000	
	Seattle Group Theater	\$ 334,751	
	Seattle Opera Association	\$ 985,000	
	Seattle Repertory Theater (Phase 2)	\$ 4,000,000	
	Valley Museum of Northwest Art	\$ 1,100,000	
	Village Theater	\$ 6,000,000	
	Tacoma Little Theater	\$ 1,250,000	
	The Washington Center for the Performing Arts	\$ 400,000	
	Whidbey Island Center for the Arts	\$ 1,200,000	
-----	Total	\$ 37,119,814	-

	<b>Phase 3</b>	Estimated Total	Capital
Cost			
	ACT Theater	\$ 28,100,000	
	Corbin Art Theater (Spokane)	\$ 69,055	
	Cutter Theater	\$ 725,511	
	Depot Arts Center (Anacortes)	\$ 68,000	
	Little Theater (Walla)	\$ 100,000	
	Meadow for the Arts (Gig Harbor)	\$ 2,550,000	
	New City Theater	\$ 281,000	
	Northwest Puppet Theater	\$ 413,300	
	Paramount Theater	\$ 14,705,262	
	Rainier Valley Cultural Center	\$ 600,000	
	Seattle Children's Theater	\$ 3,200,000	
	Steilacoom Cultural Center	\$ 65,000	
	Meyendenbauer Theater	\$ 2,400,000	
	Tu-Ha-Buts Cultural Center	\$ 777,405	
	Vancouver Arts School	\$ 8,549,313	
	World Kite Museum	\$ 900,000	
	Clallam County Gallery	\$ 174,314	
	Columbia Theater	\$ 500,000	
-----			-

Total \$ 64,178,160

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon: Uniform criteria for the selection of projects and awarding of grants for up to fifteen percent of the total project cost; local community support for the project; a requirement that the sites for the projects are secured or optioned for purchase; and a state-wide geographic distribution of projects.

(5) The reappropriation and new appropriation in this section are provided to fund the state share for phase 1, 2, and 3 of the building for the arts program. Within this amount the department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The department may require that projects re compete for funding.

(6) No single project shall exceed \$4,500,000 unless there are uncommitted funds from the appropriations in this section after January 1, 1997. Nothing in this subsection (6) prevents the department from submitting a request for an increased state share of any project subject to this limitation in the department's 1997-99 capital budget request.

(7) The department is authorized to allocate the amounts appropriated in this section among the eligible projects in phases 1, 2, 3 and to set matching requirements for individual projects.

(8) By December 15, 1995, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

**Reappropriation:**

St Bldg Constr Acct--State \$ 8,000,000

**Appropriation:**

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 9,209,986

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,209,986 -----

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Columbia Gorge Interpretive Center (92-5-101)**

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

**Reappropriation:**

St Bldg Constr Acct--State \$ 1,000,886

Prior Biennia (Expenditures) \$ 3,999,114

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000 -----

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Tri-Cities Trade Center (93-5-003)**

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. These appropriations shall be matched by at least \$2,800,000 provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,527,385**

Prior Biennia (Expenditures) \$ 272,615

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,800,000 -----

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Martin Luther King Jr. Memorial (93-5-005)**

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 95,450**

Prior Biennia (Expenditures) \$ 4,550

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000 -----

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Challenger Learning Center (93-5-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 322,908**

Prior Biennia (Expenditures) \$ 477,092

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000 -----

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Emergency Management Building: Preservation (94-1-018)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 71,759**

Prior Biennia (Expenditures) \$ 13,325  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 85,084

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Public works trust fund loans (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations:  
Up to \$20,000,000 of the new appropriation may be used for preconstruction activity loans  
under chapter 363, Laws of 1995.

**Reappropriation:**

**Public Works Assistance Acct--State \$ 105,699,689**

**Appropriation:**

**Public Works Assistance Acct--State \$ 148,900,000**

Prior Biennia (Expenditures) \$ 151,561,725  
Future Biennia (Projected Costs) \$ 695,900,000

TOTAL \$ 1,102,061,414

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Washington Technology Center: Equipment (94-2-002)**

The reappropriation in this section is provided solely for equipment installations on the first  
floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of  
Washington.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 947,785**

Prior Biennia (Expenditures) \$ 32,215  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 980,000

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Bigelow House:** For restoration and renovation of this historic home to accommodate public  
visitors **(94-2-004)**

The reappropriation in this section is contingent on the project being owned and operated by a  
public or nonprofit organization.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 298,923**

Prior Biennia (Expenditures) \$ 9,077  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 308,000

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Olympic Peninsula Natural History Museum (94-2-005)**

The appropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Thorp Grist Mill:** To develop the ice pond park and provide facilities to accommodate public access (94-2-007)

The reappropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 30,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000 -----

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Camp North Bend Environmental Center:** For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center (94-2-008)

The reappropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Boren Field repairs:** To provide financial assistance to the Seattle school district for repairs to Boren Field (94-2-011)

The reappropriation in this section shall be matched by at least \$50,000 from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 275,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,000 -----

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Camelot community flooding assistance:** To provide financial assistance to King county to relieve flooding in the Camelot community (94-2-012)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 75,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000 -----

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Daybreak Star Center: Remodel (94-2-100)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 88,484**

Prior Biennia (Expenditures) \$ 138,516

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 227,000 -----

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

**Pacific Science Center (96-1-900)**

The appropriation in this section is provided for capital facilities improvements.

**Appropriation:**

**St Bldg Constr Acct--State \$ 4,000,000**



Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Timber ports capital asset improvements:** To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities (94-2-102)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this reappropriation. The match may include cash and land value.
- (2) State assistance to each port shall not exceed the following amounts:

Port      Amount

Port of Grays Harbor \$ 564,000  
Port of Port Angeles \$ 1,500,000  
Port of Longview \$ 1,855,000

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,281,019**

Prior Biennia (Expenditures) \$ 618,981  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,900,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Community Action Agencies:** For grants to nonprofit community action agencies to assist in acquiring, developing, or rehabilitating buildings for the purpose of providing community-based family services under RCW 43.63A.115

The appropriation in this section is subject to the following conditions and limitations:

- (1) The state grant may provide no more than twenty-five percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value, and other in-kind contributions;
- (2) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met; and
- (3) The following projects are eligible for funding:

	Estimated Total Capital Cost	State Grant
Benton Franklin Community Action Committee	\$ 1,200,000	\$ 300,000
Central Area Motivation Project	\$ 1,000,000	\$ 250,000
Community Action Center of Whitman County	\$ 390,000	\$ 90,000
Community Action Council		

of Lewis, Mason, and Thurston Counties	\$ 700,000	\$ 175,000
El Centro de la Raza	\$ 1,250,000	\$ 300,000
Fremont Public Association	\$ 3,000,000	\$ 600,000
Kitsap Community Action Program	\$ 465,000	\$ 110,000
Kittitas Community Action Council	\$ 600,000	\$ 150,000
Lower Columbia Community Action Council	\$ 1,331,625	\$ 300,000
Metropolitan Development Council	\$ 880,000	\$ 220,000
Multiservice Centers of North and East King County	\$ 1,600,000	\$ 350,000
Northeast Washington Rural Resources Development Association	\$ 1,200,000	\$ 350,000
Okanogan County Community Action Council	\$ 350,000	\$ 80,000
South King County Multiservice Center	\$ 800,000	\$ 200,000
Spokane Neighborhood Action Programs	\$ 1,500,000	\$ 375,000
Yakima Valley Farmworker Clinic	\$ 605,000	\$ 150,000
Total	\$ 16,871,625	\$ 4,000,000

**Appropriation:**

**St Bldg Constr Acct--State \$ 4,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Juvenile detention facilities:** For financial assistance to local governments to build or expand juvenile detention facilities

Individual counties or consortiums of counties are eligible to make specific requests for loan authorizations under chapter 39.94 RCW for assistance in the construction or expansion of local juvenile detention centers. If such loans are authorized by the legislature, the participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this section.

**NEW SECTION. Sec. 139. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Collocated Cascadia Community College and University of Washington Branch Campus (94-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided to acquire property, design, and construct a new branch campus to meet the higher education needs of the north King and south Snohomish county area;

(2) The location of the property to be acquired for the new collocated campus shall be determined by the higher education coordinating board. The higher education coordinating board shall acquire a site contingent upon a satisfactory site selection environmental impact statement, any necessary environmental permits, and fiscal approval by the office of financial management;

(3) The moneys provided in this section may be allocated to the appropriate institution or institutions or fiscal agency as specified in the joint-operating agreement as approved by the higher education coordinating board; and

(4) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 14,500,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,000,000**

Prior Biennia (Expenditures) \$ 10,710,000

Future Biennia (Projected Costs) \$ 75,000,000

TOTAL \$ 105,210,000 -----

**NEW SECTION. Sec. 140. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Underground storage tank: Pool (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

**Reappropriation:**

**CEP & RI Acct--State \$ 105,000**

**St Bldg Constr Acct--State \$ 665,000**

Subtotal Reappropriation \$ 770,000 -----

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 4,248,146

Future Biennia (Projected Costs) \$ 7,000,000

TOTAL \$ 15,018,146 -----

**NEW SECTION. Sec. 141. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Asbestos abatement and associated minor demolition: Pool (96-1-002)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,500,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 6,358,088

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 27,858,088 -----

**NEW SECTION. Sec. 142. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Americans with Disabilities Act: Pool (96-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. The office of financial management shall implement an agency request and evaluation procedure similar to the one adopted in the 1993-95 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,000,000**

Prior Biennia (Expenditures) \$ 8,360,000

Future Biennia (Projected Costs) \$ 33,000,000

TOTAL \$ 48,360,000 -----

**NEW SECTION. Sec. 143. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Seismic retrofit: Pool (96-1-004)**

**Appropriation:**

**General Fund--Federal \$ 1,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

**NEW SECTION. Sec. 144. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Capital budget system improvements (96-1-006)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 100,000

**Appropriation:**

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,900,000 -----

NEW SECTION.    **Sec. 145. FOR THE DEPARTMENT OF GENERAL  
ADMINISTRATION**

**Capitol Lake repairs:** To repair dam gates and shoreline areas damaged by erosion (92-1-015)

**Reappropriation:**

St Bldg Constr Acct--State \$ 985,000

Prior Biennia (Expenditures) \$ 140,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000 -----

NEW SECTION.    **Sec. 146. FOR THE DEPARTMENT OF GENERAL  
ADMINISTRATION**

**Capitol Campus geotechnical and hydrologic survey (92-2-108)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 75,000

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

NEW SECTION.    **Sec. 147. FOR THE DEPARTMENT OF GENERAL  
ADMINISTRATION**

**CFC/Halon fire control systems (94-1-009)**

**Reappropriation:**

Cap Bldg Constr Acct--State \$ 325,000

Prior Biennia (Expenditures) \$ 139,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 464,000 -----

NEW SECTION.    **Sec. 148. FOR THE DEPARTMENT OF GENERAL  
ADMINISTRATION**

**Capitol Campus preservation (94-1-010)**

**Reappropriation:**

**Cap Bldg Constr Acct--State \$ 910,000**

Prior Biennia (Expenditures) \$ 2,748,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,658,000

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Lake dredging:** To develop a dredging plan and to dredge Capitol Lake (92-1-019)

\$200,000 of the reappropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fish and wildlife, and transportation, and with affected local governments and Indian tribes.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,430,000**

Prior Biennia (Expenditures) \$ 570,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Plaza--Department of Transportation Garage renovation: Design and construction (96-1-002)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 400,000**

**St Bldg Constr Acct--State \$ 8,921,200**

Subtotal Appropriation \$ 9,321,200

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 11,158,500

TOTAL \$ 20,479,700

**NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**General Administration Building--Preservation:** To make critical repairs to the electrical service of the General Administration Building (96-1-003)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 2,200,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000 -----

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL  
ADMINISTRATION

**Capitol campus controls systems phase 4 (96-1-004)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 868,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 868,000 -----

NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL  
ADMINISTRATION

**Heritage Park--Phased development:** To provide for a public access trail linking the campus to Capitol lake, slope stabilization, environmental review, and design and permitting for future phases (92-5-105)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,035,000**

Prior Biennia (Expenditures) \$ 7,030,000

Future Biennia (Projected Costs) \$ 11,492,000

TOTAL \$ 19,557,000 -----

NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL  
ADMINISTRATION

**Roof repairs and replacement (96-1-010)**

**Appropriation:**

**Thurston County Cap Fac Acct--State \$ 775,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,200,000

TOTAL \$ 3,975,000 -----

NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL  
ADMINISTRATION

**CFC/Halon fire control systems: Removal and replacement (96-1-011)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,500,000 -----

NEW SECTION.    **Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Archives Building heating, ventilation, and air conditioning: Repairs (96-1-012)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,700,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000 -----

NEW SECTION.    **Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Thurston County buildings: Preservation (96-1-013)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management, including electrical improvements, elevator and escalator preservation, building preservation, infrastructure preservation, and emergency and small repairs.

(2) The department shall develop designs and plans for handrails in the legislative building and shall report its design recommendations and associated costs to the legislature.

(3) \$50,000 of the appropriation in this section is provided solely to improve handicapped accessibility between the legislative building and the John L. O'Brien and John A. Cherberg buildings.

**Appropriation:**

**Thurston County Cap Fac Acct--State \$ 2,021,200**

**Cap Bldg Constr Acct--State \$ 4,445,000**

**St Bldg Constr Acct--State \$ 518,800**

Subtotal Appropriation \$ 6,985,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,700,000

TOTAL \$ 23,685,000 -----

NEW SECTION.    **Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Training and Conference Center--Preservation (96-1-016)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 620,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 620,000 -----

NEW SECTION.    **Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**



**Monumental buildings--Preservation:** To replace stone, repair and patch cracked stones, miscellaneous stone consolidation, water and chemical cleaning, and sealing the stone surface of campus monumental buildings (96-1-017)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,700,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 6,800,000

TOTAL \$ 8,500,000 -----

**NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**State Library: Preservation (96-1-018)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 800,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000 -----

**NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**General Administration engineering and architectural services: Project management (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or those that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize a project management cost allocation procedure approved by the office of financial management to allocate costs under the appropriation, and costs under any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall allocate costs at the project level for projects valued over \$500,000.

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,500,000**

Prior Biennia (Expenditures) \$ 8,000,000  
Future Biennia (Projected Costs) \$ 30,000,000

TOTAL \$ 45,500,000 -----

**NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Northern State Multiservice Center:** To replace the central heating system with individual building heating systems.

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act and shall not be expended until the office of financial management has made a determination that the replacement individual heating systems will have a cost efficiency payback of less than five years.

**Appropriation:**

**St Bldg Constr Acct--State \$ 577,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 577,000 -----

**NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Trading and Conference Center:** To construct a mock city, indoor firing range, and running track (96-2-004)

**Appropriation:**

**Public Safety Reimb Bond--State \$ 2,912,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,572,000

TOTAL \$ 4,484,000 -----

**NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Northern State Multiservice Center:** For critical life/safety and preservation projects (94-1-014)

**Reappropriation:**

**CEP & RI Acct \$ 625,000**

Prior Biennia (Expenditures) \$ 247,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 872,000 -----

**NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**Campus transport system phase I: Design and construct (95-2-002)**

In the 1997-99 biennium the department will start charging the benefiting agencies, through their rate structure, amounts sufficient to recover the costs (principal and interest) for the entire transport system over a fifteen year period.

**Appropriation:**

**Data Proc Rev Acct--State \$ 3,450,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,650,000

TOTAL \$ 5,100,000 -----

**NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**Washington Information Network kiosks (95-2-003)**

Funding is provided solely for the acquisition and installation of up to 30 multimedia kiosks for the Washington Information Network.

**Appropriation:**

**Data Proc Rev Acct--State \$ 1,300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000 -----

**NEW SECTION. Sec. 167. FOR THE WASHINGTON HORSE RACING COMMISSION**

**Horse Racing Commission (94-5-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;

(2) Expenditures from this appropriation shall only be made to construct horse race or related facilities after the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;

(3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

**Reappropriation:**

**Thoroughbred Racing**

**Acct--State \$ 8,200,000**

**Appropriation:**

**Thoroughbred Racing**

**Acct--State \$ 168,065**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,368,065 -----

**NEW SECTION. Sec. 168. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center: Security fence replacement (94-1-003)**

**Reappropriation:**

**Liquor Revolving Acct--State \$ 28,800**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 28,800 -----

**NEW SECTION. Sec. 169. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center: Warehouse reroof and repairs (94-1-005)**

**Reappropriation:**

**Liquor Revolving Acct--State \$ 125,000**

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 625,000 -----

**NEW SECTION. Sec. 170. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center--Predesign:** To complete predesign for a new warehouse in accordance with the predesign manual published by the office of financial management (96-2-001)

**Appropriation:**

**Liquor Revolving Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000 -----

**NEW SECTION. Sec. 171. FOR THE MILITARY DEPARTMENT**

**001) Yakima Armory demolition:** To reimburse the city of Yakima for demolition costs (94-2-

**Appropriation:**

**General Fund--Federal \$ 155,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 155,000 -----

**NEW SECTION. Sec. 172. FOR THE MILITARY DEPARTMENT**

**State-wide: Preservation (93-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 850,000**

Prior Biennia (Expenditures) \$ 2,518,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,368,400 -----

**NEW SECTION. Sec. 173. FOR THE MILITARY DEPARTMENT**

**Camp Murray buildings: Preservation (96-1-002)**

**Appropriation:**

**General Fund--Federal \$ 1,050,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 658,000

TOTAL \$ 1,708,000

**NEW SECTION. Sec. 174. FOR THE MILITARY DEPARTMENT**

**Everett Armory: Preservation (96-1-003)**

**Appropriation:**

**General Fund--Federal \$ 500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

**NEW SECTION. Sec. 175. FOR THE MILITARY DEPARTMENT**

**Camp Murray infrastructure: Preservation (96-1-006)**

**Appropriation:**

**General Fund--Federal \$ 500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,500,000

**NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT**

**Minor works:** To provide support of federal construction projects (96-1-007)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**General Fund--Federal \$ 3,855,000**

**St Bldg Constr Acct--State \$ 448,000**

Subtotal Appropriation \$ 4,303,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 19,553,700

TOTAL \$ 23,856,700

**NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT**

**Emergency Coordination Center:** For design and construction of an emergency coordination center and remodeling of associated facilities at Camp Murray

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) The appropriation in this section represents the maximum amount of funding available for this project. To the extent moneys in this appropriation are not needed to complete the project, as mutually determined by the military department and the office of financial management, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund; and

(3) If federal match or reimbursement funding is received by the state from the federal emergency management agency for this project, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund.

**Appropriation:**

**General Fund--Federal \$ 9,066,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,066,000 -----

**NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT**

**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

**NEW SECTION. Sec. 179. FOR THE STATE CONVENTION AND TRADE CENTER**

**Minor works (93-2-001) (89-5-002) (89-5-003)**

If the projects funded from the reappropriation in this section are not substantially complete by January 1, 1997, the reappropriation shall lapse.

**Reappropriation:**

**St Conv & Trade Ctr Acct--State \$ 1,300,000**

Prior Biennia (Expenditures) \$ 333,926

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,633,926 -----

PART 2  
HUMAN SERVICES

NEW SECTION. **Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Sanitary sewer (88-1-400)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 179,908**

Prior Biennia (Expenditures) \$ 10,092

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 190,000 -----

NEW SECTION. **Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Echo Glenn--Perimeter fence (90-5-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 48,223**

Prior Biennia (Expenditures) \$ 426,777

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 475,000 -----

NEW SECTION. **Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital--Ward renovation phase 3 (92-1-340)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 818,536**

Prior Biennia (Expenditures) \$ 5,429,786

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,248,322 -----

NEW SECTION. **Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maple Lane--Level 2 security units (92-2-230)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,718**

Prior Biennia (Expenditures) \$ 746,781

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 758,499 -----

NEW SECTION. **Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Child Study--Education Center 1 (92-2-319)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 896,907**

Prior Biennia (Expenditures) \$ 2,928,093

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,825,000 -----

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Energy conservation management and planning (94-1-006)**

**Reappropriation:**

**CEP & RI Acct \$ 127,559**

Prior Biennia (Expenditures) \$ 102,917

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 230,476 -----

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Underground Storage Tanks (94-1-060)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 142,641**

Prior Biennia (Expenditures) \$ 81,359

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 224,000 -----

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Ward renovation Phase 5 (92-1-314)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,042,000**

Prior Biennia (Expenditures) \$ 10,009,327

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,051,327 -----

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Level 1 Security Units--Maple Lane School (92-2-225)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,895,110**

Prior Biennia (Expenditures) \$ 3,017,906



Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,913,016

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Fire safety and sewer improvements--Maple Lane School (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 427,281**

Prior Biennia (Expenditures) \$ 42,719

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 470,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Administration Building renovation--Maple Lane School (94-1-127)**

The reappropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,768,842**

Prior Biennia (Expenditures) \$ 154,658

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,923,500

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Renovate apartment--Fircrest School (94-1-142)**

**Reappropriation:**

**CEP & RI Acct--State \$ 2,119,168**

Prior Biennia (Expenditures) \$ 13,944

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,133,112

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Wastewater Treatment Plant--Maple Lane School (94-1-201)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 764,277**

Prior Biennia (Expenditures) \$ 8,223

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500 -----

NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Water system improvements--Naselle Youth Camp (94-1-202)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,165,694**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,165,694 -----

NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Replace Eagle Lodge--Naselle Youth Camp (94-1-204)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 954,831**

Prior Biennia (Expenditures) \$ 1,145,169

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000 -----

NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Clinic--Echo Glen Children's Center (94-1-207)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,025,262**

Prior Biennia (Expenditures) \$ 61,352

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,086,614 -----

NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eagle Lodge rehabilitation--Naselle Youth Camp (94-1-210)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 224,455**

Prior Biennia (Expenditures) \$ 57,545

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 282,000 -----

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Child Study and Treatment Center--Administration Building renovation (94-1-306)**

**Reappropriation:**

**CEP & RI Acct--State \$ 766,205**

Prior Biennia (Expenditures) \$ 11,395

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,600 -----

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital: Security improvements (94-1-310)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000 -----

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Ward renovation phase 6 (94-1-316)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,905,826**

**Appropriation:**

**St Bldg Constr Acct--State \$ 819,000**

Prior Biennia (Expenditures) \$ 245,174

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,970,000 -----

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Frances Haddon Morgan Center--Remodel (94-1-402)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,707,781**

Prior Biennia (Expenditures) \$ 13,519

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,721,300 -----

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Green Hill School: Repairs (94-1-510)**

The reappropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 108,337**

Prior Biennia (Expenditures) \$ 131,663

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 240,000 -----

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital: Psychiatric Triage Unit grant (94-2-005)**

The reappropriation is provided to develop secure beds in Spokane county for persons in need of emergency short-term evaluation, treatment, and stabilization as a result of a psychiatric crisis. The department shall assure that: (1) Funding for the project shall be contingent upon a plan approved by the department of social and health services and upon an agreement by the participating regional support networks to reduce their utilization of eastern state hospital by at least 30 beds early in the 1995-97 biennium; and (2) the state's investment shall be promptly repaid if the facility is converted to use other than psychiatric care for publicly assisted individuals before the useful life of the project funded by this appropriation has expired.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Asbestos abatement (96-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 349,260**

**Appropriation:**

**St Bldg Constr Acct--State \$ 755,000**

Prior Biennia (Expenditures) \$ 367,764

Future Biennia (Projected Costs) \$ 3,253,650

TOTAL \$ 4,725,674 -----

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Minor capital renewal (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

CEP & RI Acct--State \$ 1,739,331  
St Bldg Constr Acct--State \$ 397,207

Subtotal Reappropriation \$ 2,136,538 -----

**Appropriation:**

CEP & RI Acct--State \$ 5,400,000  
St Bldg Constr Acct--State \$ 9,700,000

Subtotal Appropriation \$ 15,100,000 -----

Prior Biennia (Expenditures) \$ 6,131,034  
Future Biennia (Projected Costs) \$ 68,000,000

TOTAL \$ 91,367,572 -----

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Agency capital project management (96-1-005)**

**Appropriation:**

CEP & RI Acct--State \$ 1,237,496

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 4,800,000

TOTAL \$ 6,037,496 -----

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Resource conservation: Fircrest heating study (96-1-006)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996

**Appropriation:**

CEP & RI Acct--State \$ 132,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 132,000 -----

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Emergency projects (96-1-007)**

**Reappropriation:**

**CEP & RI Acct--State \$ 107,460**

**Appropriation:**

**CEP & RI Acct--State \$ 250,000**

Prior Biennia (Expenditures) \$ 321,454

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,678,914 -----

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Chlorofluorocarbon abatement (96-1-008)**

**Reappropriation:**

**CEP & RI Acct--State \$ 100,000**

**Appropriation:**

**CEP & RI Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 150,000

TOTAL \$ 400,000 -----

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Rainier School infrastructure: Predesign (96-1-009)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 192,078**

Prior Biennia (Expenditures) \$ 157,923

Future Biennia (Projected Costs) \$ 30,300,000

TOTAL \$ 30,650,001 -----

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Juvenile facilities preservation and rehabilitation (96-1-020)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,705,275**

Prior Biennia (Expenditures) \$ 374,325

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,079,600 -----

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Minor projects--Mental health (96-1-030)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,412,297**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,950,000**

Prior Biennia (Expenditures) \$ 433,004

Future Biennia (Projected Costs) \$ 14,000,000

TOTAL \$ 17,795,301 -----

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Minor projects--Division of Developmental Disabilities (96-1-040)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**CEP & RI Acct--State \$ 864,813**

**Appropriation:**

**St Bldg Constr Acct--State \$ 539,000**

Prior Biennia (Expenditures) \$ 1,658,687

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 9,062,500 -----

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Underground storage tanks removal and replacement (96-1-060)**

**Reappropriation:**

**CEP & RI Acct--State \$ 159,286**

**Appropriation:**

**CEP & RI Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 832,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,191,286 -----

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maintenance management and planning (96-1-150)**

**Reappropriation:**

**CEP & RI Acct--State \$ 140,323**

**Appropriation:**

**CEP & RI Acct--State \$ 125,000**

Prior Biennia (Expenditures) \$ 279,124

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 544,447 -----

**NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Medical Lake wastewater treatment facility: Design (96-1-301)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 699,903**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,264,000**

Prior Biennia (Expenditures) \$ 2,014,097

Future Biennia (Projected Costs) \$ 750,000

TOTAL \$ 4,728,000 -----

**NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Ward renovation Phase 7 (96-1-316)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 16,770,018

TOTAL \$ 17,470,018 -----

**NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital Legal Offenders Unit: Predesign (96-1-318)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 22,300,000

TOTAL \$ 23,000,000 -----



**NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital Legal Offenders Unit: Predesign, design and construct (96-1-319)**

The design and construction phase of this appropriation shall not be expended until the predesign document developed in accordance with the predesign manual published by the office of financial management has been reviewed and approved. Funds for design and construction shall be released subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 28,624

Future Biennia (Projected Costs) \$ 11,238,276

TOTAL \$ 12,266,900 -----

**NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital: Replace Boiler #1 (96-1-322)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,440,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,440,000 -----

**NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Juvenile Rehabilitation Administration new 300-bed institution: Site selection and environmental impact statement (96-2-228)**

To conduct a site selection process for the project described in this section.

**Appropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 45,000,000

TOTAL \$ 45,200,000 -----

**NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Echo Glen new beds and infrastructure (96-2-229)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,484,300**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,484,300 -----

**NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Green Hill redevelopment (96-2-230)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) \$380,000 of the appropriation in this section is provided for a facility and site master plan and environmental impact statement. Moneys for design and construction shall not be expended until the facility and site master plan is approved by the office of financial management; and

(3) New residential units constructed with this appropriation shall be designed to accommodate a sustained operating capacity of at least forty-two residents, except for intake units, mental health units, and units housing sex offenders.

**Appropriation:**

**St Bldg Constr Acct--State \$ 34,374,536**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,000,000

TOTAL \$ 37,374,536 -----

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maple Lane School support services renovation and infrastructure improvements (96-2-231)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,855,500**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,855,500 -----

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Naselle Youth Camp sewer and infrastructure improvements (96-2-232)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,125,500**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,125,500

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Mission Creek preservation projects (96-2-233)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 414,800**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 414,800

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Crisis Residential Centers (96-1-900)**

The appropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Indian Ridge utility upgrade projects (96-2-234)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,521,500**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,521,500

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Minor works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) A maximum of \$5,000 from this appropriation may be used to acquire the surplus military base at Camp Bonneville for the purpose of developing a juvenile rehabilitation facility.

**Appropriation:**

**St Bldg Constr Acct--State \$ 344,400**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 344,400 -----

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Child care facilities for state employees, including higher education employees (92-4-050)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,490,000**

Prior Biennia (Expenditures) \$ 2,010,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000 -----

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH**

**Referendum 38--Water bonds (86-2-099)**

**Reappropriation:**

**LIRA, Water Sup Fac--State \$ 1,900,000**

Prior Biennia (Expenditures) \$ 7,208,954

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,108,954 -----

NEW SECTION. **Sec. 253. FOR THE DEPARTMENT OF HEALTH**

**Health Laboratory: Repairs and improvements (96-1-001)**

**Reappropriation:**

CEP & RI Acct--State \$ 450,000  
St Bldg Constr Acct--State \$ 350,000

Subtotal Reappropriation \$ 800,000 -----

**Appropriation:**

St Bldg Constr Acct--State \$ 863,992

Prior Biennia (Expenditures) \$ 118,204  
Future Biennia (Projected Costs) \$ 2,478,536 -----

TOTAL \$ 4,260,870

NEW SECTION. **Sec. 254. FOR THE DEPARTMENT OF HEALTH**

**Emergency power system (96-1-009)**

**Appropriation:**

CEP & RI Acct--State \$ 596,790

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 596,790

NEW SECTION. **Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Underground storage tank: Replacement (94-1-019)**

**Reappropriation:**

CEP & RI Acct--State \$ 52,000

Prior Biennia (Expenditures) \$ 103,902  
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 155,902

NEW SECTION. **Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Main kitchen upgrade, Washington Soldiers' Home (95-1-001)**

**Appropriation:**

CEP & RI Acct--State \$ 1,096,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,096,000

NEW SECTION. **Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Roof repair and replacement, Washington Veterans' Home (95-1-002)**

**Reappropriation:**

**CEP & RI Acct--State \$ 50,000**

**Appropriation:**

**CEP & RI Acct--State \$ 402,000**

Prior Biennia (Expenditures) \$ 327,895

Future Biennia (Projected Costs) \$ 775,000

TOTAL \$ 1,554,895 -----

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, and heating, ventilation, and air conditioning improvements, Washington Veterans' Home (95-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 600,000**

**Appropriation:**

**CEP & RI Acct--State \$ 360,000**

Prior Biennia (Expenditures) \$ 1,346,611

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 3,906,611 -----

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Building connection and automatic doors, Washington Soldiers' Home (95-1-005)**

**Appropriation:**

**CEP & RI Acct--State \$ 511,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 511,000 -----

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, heating, ventilation and air conditioning projects, Washington Soldiers' Home (95-1-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 250,000**

**Appropriation:**

**CEP & RI Acct--State \$ 235,000**

Prior Biennia (Expenditures) \$ 587,057

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 2,672,057 -----

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Replace failing sewer line, Washington Soldiers' Home (95-1-011)**

**Appropriation:**

**CEP & RI Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 275,595

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 375,595

**NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Roof maintenance and demolition, Washington Soldiers' Home (95-1-012)**

**Reappropriation:**

**CEP & RI Acct--State \$ 30,000**

**Appropriation:**

**CEP & RI Acct--State \$ 120,000**

Prior Biennia (Expenditures) \$ 511,570

Future Biennia (Projected Costs) \$ 525,000

TOTAL \$ 1,186,570

**NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Emergency projects (95-1-013)**

**Appropriation:**

**CEP & RI Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 1,900,000

**NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Occupational Therapy and Physical Therapy Room addition in Building 10, Washington Veterans' Home (95-2-009)**

**Appropriation:**

**CEP & RI Acct--State \$ 110,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 110,000

**NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**

**McNeil Island master plan development (94-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,519,000**

Prior Biennia (Expenditures) \$ 11,359,689  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,878,689 -----

**NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**

**Airway Heights Correctional Center improvements and infrastructure for 512-bed expansion (94-2-016)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,355,000**

Prior Biennia (Expenditures) \$ 12,248,062  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,603,062 -----

**NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**

**State-wide preservation projects (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management; and

(2) Moneys from the appropriation may be spent for critical repairs at the western Washington prerelease facility and to evaluate options for continued utilization and possible expansion of the facility on the western state hospital campus. The department shall report such options to the legislature by December 1, 1995.

(3) Up to \$350,000 from the appropriation may be used for repairs to the creamery facility necessary to continue the operation of the dairy and creamery at the Monroe honor farm.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 17,000,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 14,879,313**

Prior Biennia (Expenditures) \$ 54,525,756  
Future Biennia (Projected Costs) \$ 94,000,000

TOTAL \$ 180,405,069 -----

**NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS**

**Underground storage tank and above-ground storage tank program (96-1-002)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 794,729**

Prior Biennia (Expenditures) \$ 940,348  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,735,077 -----



**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS**

**Emergency projects (96-1-015)**

**Reappropriation:**

CEP & RI Acct--State \$ 106,000

**Appropriation:**

CEP & RI Acct--State \$ 1,602,750

St Bldg Constr Acct--State \$ 200,000

Subtotal Appropriation \$ 1,802,750 -----

Prior Biennia (Expenditures) \$ 2,376,811

Future Biennia (Projected Costs) \$ 6,000,000 -----

TOTAL \$ 10,285,561

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington State Penitentiary steam system replacement (96-1-016)**

**Appropriation:**

St Bldg Constr Acct--State \$ 4,411,252

Prior Biennia (Expenditures) \$ 2,482,811

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 6,894,063

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington Corrections Center for Women: Replace "G" Units with 256-bed unit (96-2-001)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 1,611,187

**Appropriation:**

St Bldg Constr Acct--State \$ 8,317,839

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 9,929,026

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS**

**400-bed minimum facility for Washington State Reformatory (96-2-002)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 18,733,120**

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,783,120 -----

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS**

**Airway Heights Correctional Center 512-bed expansion (96-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,055,776**

**Appropriation:**

**St Bldg Constr Acct--State \$ 17,155,382**

Prior Biennia (Expenditures) \$ 4,439,774

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 23,650,932 -----

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS**

**1936-bed multicustody facility design, land acquisition, utilities, and site work (96-2-007)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) In order to coordinate the initial development of the new prison funded in this section with the privatization evaluation in Engrossed Substitute House Bill No. 1410 (omnibus operating budget), moneys in this appropriation may be spent solely for land acquisition, utility development, site work, design and engineering activities related to utilities and site work, schematic design of buildings to determine placement on the building site, and related activities. Moneys in this appropriation may also be spent for detailed design and engineering of buildings with the approval of the office of financial management and concurrence of the chairs of the house of representatives capital budget committee and senate ways and means committee.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 19,263,733**

Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 166,190,016

TOTAL \$ 186,453,749 -----

**NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS**

**Yakima Prerelease: Design and construction (96-2-008)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,527,900**

Prior Biennia (Expenditures) \$ 240,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,767,900 -----

**NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS**

**Larch and Cedar Creek expansion to 400-bed camps (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The design and construction phase of this appropriation shall not be expended until the facility predesign documents developed in accordance with the predesign manual published by the office of financial management have been reviewed and approved. The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) If the appropriation in this section is in excess of the amount required to complete the expansion of the Larch and Cedar Creek camps, the office of financial management may authorize the transfer of excess appropriation authority to match federal grant funds received by the department to expand inmate capacity at the work ethic camp on McNeil Island. The office of financial management may also authorize the transfer of excess appropriation authority to expand the inmate capacity of the Olympic corrections center. The office of financial management shall notify the appropriate committees of the house of representatives and senate within ten days of any such transfer.

(3) It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project cost savings may be realized.

(4) The department shall construct secure perimeter fencing as part of the expansion of the Larch corrections center.

**Appropriation:**

**St Bldg Constr Acct--State \$ 22,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,000,000 -----

**NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS**

**Special Offenders Unit: Predesign (96-2-011)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. The predesign will be coordinated with the department of social and health services and will address civil commitment needs as well as the department of corrections need for expanded mental health services. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 427,400**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 15,985,140

TOTAL \$ 16,412,540

**NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS**

**State-wide program projects (96-2-012)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,428,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 8,074,963**

Prior Biennia (Expenditures) \$ 45,659,492

Future Biennia (Projected Costs) \$ 70,000,000

TOTAL \$ 131,162,455

PART 3  
NATURAL RESOURCES

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 26 waste disposal facilities (74-2-004)**

**Reappropriation:**

**LIRA--State \$ 6,216,000**

Prior Biennia (Expenditures) \$ 2,711,028

Future Biennia (Projected Costs) \$ 863,680

TOTAL \$ 9,790,708

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 38 water supply facilities (74-2-006)**

\$2,500,000 of the state and local improvements revolving account is provided solely for funding the state's cost share in the water conservation demonstration project--Yakima river reregulation reservoir.

**Reappropriation:**

**LIRA, Water Sup Fac--State \$ 9,374,371**

**Appropriation:**

**LIRA, Water Sup Fac--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 5,738,929

Future Biennia (Projected Costs) \$ 20,712,800

TOTAL \$ 36,826,100

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

**State emergency water projects revolving account (76-2-003)**

**Reappropriation:**

**St Emerg Water Proj Rev--State \$ 7,749,052**

Prior Biennia (Expenditures) \$ 1,187,225

Future Biennia (Projected Costs) \$ 236,956

TOTAL \$ 9,173,233 -----

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

**Referendum 39 waste disposal facilities (82-2-005)**

No expenditure from the appropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

- (1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;
- (2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and
- (3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

**Reappropriation:**

**LIRA, Waste Fac 1980--State \$ 18,423,360**

**Appropriation:**

**LIRA, Waste Fac 1980--State \$ 638,273**

Prior Biennia (Expenditures) \$ 32,125,342

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 51,186,975 -----

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY

**Centennial clean water fund (86-2-007)**

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$25,000,000 of the appropriation is provided solely for the extended grant payment to Metro/King county.
- (2) \$10,000,000 of the appropriation is provided solely for an extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.
- (3) \$14,986,000 of the appropriation shall be allocated by the department for point source pollution prevention facilities and activities. The department is directed to emphasize implementation activities over planning activities.
- (4) \$7,492,000 of the appropriation shall be allocated by the department for nonpoint source pollution prevention facilities and activities. The department is directed to emphasize implementation activities over planning activities.

**Reappropriation:**

**Water Quality Acct--State \$ 72,995,194**  
**Appropriation:**  
**Water Quality Acct--State \$ 57,478,000**

Prior Biennia (Expenditures) \$ 156,707,408  
Future Biennia (Projected Costs) \$ 300,000,000

TOTAL \$ 587,180,602

NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**

**Local toxics control account (88-2-008)**

**Reappropriation:**  
**Local Toxics Control Acct--**  
**State \$ 29,538,197**

**Appropriation:**  
**Local Toxics Control Acct--**  
**State \$ 42,467,860**

Prior Biennia (Expenditures) \$ 81,326,814  
Future Biennia (Projected Costs) \$ 201,245,135

TOTAL \$ 354,578,006

NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**

**Water pollution control revolving account (90-2-002)**

**Reappropriation:**  
**Water Pollution Cont Rev**  
**Fund--State \$ 12,000,000**  
**Water Pollution Cont Rev**  
**Fund--Federal \$ 77,857,990**

Subtotal Reappropriation \$ 89,857,990

**Appropriation:**  
**Water Pollution Cont Rev Fund--**  
**State \$ 13,000,000**  
**Water Pollution Cont Rev Fund--**  
**Federal \$ 62,000,000**  
**Water Pollution Cont Rev Fund--**  
**Private/Local \$ 4,265,272**

Subtotal Appropriation \$ 79,265,272

Prior Biennia (Expenditures) \$ 111,343,108  
Future Biennia (Projected Costs) \$ 175,000,000

TOTAL \$ 455,466,370

NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**

**Methow Basin water conservation (92-2-009)**

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 171,000**

Prior Biennia (Expenditures) \$ 229,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000 -----

**NEW SECTION. Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Spokane Centennial Trail (89-5-112)**

**Reappropriation:**

**General Fund--Federal \$ 432,618**

Prior Biennia (Expenditures) \$ 7,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,432,618 -----

**NEW SECTION. Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Doug's Beach development (90-1-171)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**

Prior Biennia (Expenditures) \$ 12,206

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 62,206 -----

**NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Deception Pass State Park: Sewer development (91-2-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 925,000**

**Appropriation:**

**LIRA, Waste Fac 1980--State \$ 2,229,000**

Prior Biennia (Expenditures) \$ 37,433

Future Biennia (Projected Costs) \$ 0

-----

TOTAL \$ 3,191,433

NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION  
COMMISSION

**Triton Cove State Park: Phase 1 (91-2-008)**

**Reappropriation:**

**ORA--State \$ 400,000**

Prior Biennia (Expenditures) \$ 228,140

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 628,140 -----

NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION  
COMMISSION

**Omnibus boating facilities (91-2-009)**

**Reappropriation:**

**ORA--State \$ 200,000**

Prior Biennia (Expenditures) \$ 54,780

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 254,780 -----

NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION  
COMMISSION

**St. Edwards State Park--Gym renovation and parking expansion (92-2-501)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 152,137

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 552,137 -----

NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION  
COMMISSION

**Sewer facility improvements (93-2-001)**

**Reappropriation:**

**LIRA, Waste Fac 1980--State \$ 650,000**

Prior Biennia (Expenditures) \$ 935,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,585,820 -----



NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION  
COMMISSION

**Boating facility preservation (94-1-057)**

**Reappropriation:**

ORA--State \$ 2,400,000  
General Fund--Federal \$ 150,000

Subtotal Reappropriation \$ 2,550,000 -----

**Appropriation:**

General Fund--Federal \$ 700,000

Prior Biennia (Expenditures) \$ 570,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,820,000 -----

NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION  
COMMISSION

**Asbestos abatement projects: State-wide (95-1-002)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 650,000

Prior Biennia (Expenditures) \$ 350,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION  
COMMISSION

**Iron Horse Trail State Park: Acquisition (95-2-000)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 70,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000 -----

NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION  
COMMISSION

**Emergency projects (96-1-001)**

**Appropriation:**

St Bldg Constr Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 850,000

Future Biennia (Projected Costs) \$ 2,450,000

TOTAL \$ 3,800,000 -----

**NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Underground storage tanks: Phase 3 (96-1-002)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 600,000**

Prior Biennia (Expenditures) \$ 2,600,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,300,000 -----

**NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: General (96-1-003)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 932,200**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,500,000**

Prior Biennia (Expenditures) \$ 291,300

Future Biennia (Projected Costs) \$ 21,000,000

TOTAL \$ 23,723,500 -----

**NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: Buildings (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,801,500**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 598,500  
Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 16,900,000 -----

**NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: Utilities (96-1-005)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,995,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,000,000**

Prior Biennia (Expenditures) \$ 1,505,000  
Future Biennia (Projected Costs) \$ 13,000,000

TOTAL \$ 19,500,000 -----

**NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION**

**State park program projects (96-2-007)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,880,400**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 11,880,400 -----

**NEW SECTION. Sec. 325. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Boating facilities (I-215) (96-2-001)**

**Reappropriation:**

**ORA--State \$ 7,398,959**

**Appropriation:**

**Recreation Resources Acct--State \$ 7,500,000**

Prior Biennia (Expenditures) \$ 5,108,690  
Future Biennia (Projected Costs) \$ 35,584,384

TOTAL \$ 55,592,033 -----

**NEW SECTION. Sec. 326. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Nonhighway road and off-road vehicle activities (NOVA) (96-2-002)**

**Reappropriation:**

**ORA--State \$ 7,651,387**

**Appropriation:**

**NOVA--State \$ 5,120,000**

Prior Biennia (Expenditures) \$ 6,346,803

Future Biennia (Projected Costs) \$ 20,912,228

TOTAL \$ 40,030,418

**NEW SECTION. Sec. 327. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Washington wildlife and recreation program (96-2-003)**

The appropriations in this section for the Washington wildlife and recreation program under chapter 43.98A RCW are subject to the following conditions and limitations:

(1) The new appropriations in this section are provided solely for the approved list of projects included in LEAP CAPITAL DOCUMENT NO. 3 as developed on May 22, 1995, at 7:00 a.m.

(2) All land acquired by a state agency with moneys from these appropriations shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(3) No moneys from the appropriations in this section shall be spent for the Lewis and Clark equestrian area project (project number 92-502A).

(4) The entire appropriation from the wildlife account is provided solely for the critical habitat project category.

(5) Acquisitions occurring pursuant to the new appropriation provided in this section shall be deemed public improvements for the purposes of RCW 8.26.180. This subsection shall not be deemed to prevent any state agency from accepting a gift of real property or from purchasing any property at less than fair market value.

**Reappropriation:**

**ORA--State \$ 13,943,479**

**Habitat Conservation Acct--State \$ 9,134,101**

**Aquatic Lands Acct--State \$ 33,335**

**St Bldg Constr Acct--State \$ 48,691,974**

Subtotal Reappropriation \$ 71,802,889

**Appropriation:**

**Wildlife Acct--State \$ 1,400,000**

**Habitat Conservation Acct--State \$ 18,600,000**

**ORA--State \$ 20,000,000**

Subtotal Appropriation \$ 40,000,000

Prior Biennia (Expenditures) \$ 118,234,493

Future Biennia (Projected Costs) \$ 200,000,000

TOTAL \$ 430,037,382

**NEW SECTION. Sec. 328. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Firearms range program (96-2-004)**

**Reappropriation:**

**Firearms Range Acct--State \$ 487,382**

**Appropriations:**

**Firearms Range Acct--State \$ 900,000**

Prior Biennia (Expenditures) \$ 554,621

Future Biennia (Projected Costs) \$ 2,249,798

TOTAL \$ 4,191,801 -----

**NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Land and water conservation fund (96-2-005)**

**Reappropriation:**

**ORA--Federal \$ 2,180,812**

**Appropriation:**

**Recreation Resources Acct--Federal \$ 1,050,000**

Prior Biennia (Expenditures) \$ 1,341,684

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 8,572,496 -----

**NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**National Recreation Trails Act (96-2-006)**

**Reappropriation:**

**ORA--Federal \$ 125,000**

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000 -----

**NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Recreational facility acquisition and development projects (96-2-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 195,090**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 195,090

**NEW SECTION. Sec. 332. FOR THE STATE CONSERVATION COMMISSION**

**Water quality account projects (90-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,253,101 of the reappropriation is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

(2) The new appropriation provided in this section shall be allocated by the commission for nonpoint source pollution prevention facilities and activities.

**Reappropriation:**

**Water Quality Acct--State \$ 3,360,475**

**Appropriation:**

**Water Quality Acct--State \$ 5,500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 18,860,475 -----

**NEW SECTION. Sec. 333. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Devils creek acclimation pond (87-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 370,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,000 -----

**NEW SECTION. Sec. 334. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Luhrs Landing Access Interpretive Building (92-5-017)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 345,000**

Prior Biennia (Expenditures) \$ 105,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000 -----

**NEW SECTION. Sec. 335. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Grandy Creek Hatchery (92-5-024)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,006,000**

Prior Biennia (Expenditures) \$ 494,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,500,000

**NEW SECTION. Sec. 336. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Warm water fish facility:** To purchase and develop property in eastern or central Washington for a warm water fish facility (92-5-025)

The appropriation in this section is subject to the following conditions and limitations:

The appropriations in this section shall not be expended for the purchase of property until the department has made a determination that:

(1) The water rights to the property being transferred to the department, as part of the purchase agreement, are sufficient to operate the hatchery; and

(2) The operation of a warm water fish hatchery on the property is feasible.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,134,622**

Prior Biennia (Expenditures) \$ 127,378

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,262,000

**NEW SECTION. Sec. 337. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Tideland acquisitions (94-2-003)**

**Reappropriation:**

**General Fund--Federal \$ 1,664,600**

Prior Biennia (Expenditures) \$ 3,335,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

**NEW SECTION. Sec. 338. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Sprague Lake Access Area development (94-2-008)**

**Reappropriation:**

**Wildlife Acct--Federal \$ 48,000**

**ORA--State \$ 101,000**

Subtotal Reappropriation \$ 149,000

Prior Biennia (Expenditures) \$ 24,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 173,000

**NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Minor works: Preservation (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 624,000**

**Appropriation:**

**General Fund--Federal \$ 2,000,000**

Prior Biennia (Expenditures) \$ 4,934,887

Future Biennia (Projected Costs) \$ 7,000,000

TOTAL \$ 14,558,887 -----

**NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Underground storage tank (UST) removal and replacement (96-1-002)**

The appropriations in this section are subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 1,299,000

Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 1,799,000 -----

**NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Emergency repair (96-1-003)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 650,000**

Prior Biennia (Expenditures) \$ 1,200,000

Future Biennia (Projected Costs) \$ 2,750,000

TOTAL \$ 4,600,000 -----

**NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Facilities renovation (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:  
(1) No funds will be provided to increase residential capacity at any state hatchery facility.  
(2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 130,000**



**Appropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 3,056,300

Future Biennia (Projected Costs) \$ 4,700,000

TOTAL \$ 8,886,300

**NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Hatchery renovation (96-1-005)**

The appropriation in this section is subject to the following conditions and limitations:

(1) No funds will be provided to increase residential capacity at any state hatchery facility.

(2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,880,000**

**Wildlife Acct--Federal \$ 120,000**

Subtotal Reappropriation \$ 3,000,000

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,200,000**

Prior Biennia (Expenditures) \$ 4,626,155

Future Biennia (Projected Costs) \$ 15,000,000

TOTAL \$ 25,826,155

**NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Recreational access redevelopment (96-1-007)**

**Reappropriation:**

**Wildlife Acct--Federal \$ 75,000**

**ORA--State \$ 172,903**

Subtotal Reappropriation \$ 247,903

**Appropriation:**

**General Fund--Federal \$ 500,000**

**St Bldg Constr Acct--State \$ 250,000**

Subtotal Appropriation \$ 750,000

Prior Biennia (Expenditures) \$ 2,741,629

Future Biennia (Projected Costs) \$ 3,250,000

TOTAL \$ 6,989,532

**NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Shellfish laboratory and hatchery upgrades (96-1-009)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

**NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Wildlife area renovation (96-1-010)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 275,000**

**Appropriation:**

**General Fund--Federal \$ 50,000**

**Wildlife Acct--State \$ 625,000**

Subtotal Appropriation \$ 675,000 -----

Prior Biennia (Expenditures) \$ 764,000

Future Biennia (Projected Costs) \$ 2,950,000

TOTAL \$ 4,664,000 -----

**NEW SECTION. Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Issaquah Hatchery Utilization Study and Improvements:** To prepare a facilities master plan for the hatchery and for improvements to the hatchery, its water supply, and in-stream fish passage facilities **(96-1-011)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$150,000.00 of the state building construction account appropriation is provided solely for the master plan for the improvements to the hatchery. The master plan's primary consideration is to identify, prioritize, and design improvements which will aid in the continued production of salmon at this facility. The master plan shall also focus on improvements which will enable this facility with the merger of the departments to aid in wild stock restoration for migratory fish species previously under management of the department of wildlife. It shall also consider the educational, cultural, watershed management, research, tourism, tribal interests, and community development aspects of the hatchery. This master plan shall incorporate participation and recommendations from the Issaquah fishery management task force. A report is due to the legislature by January 1996.

(2) State dollars for construction and improvements shall be matched by at least \$1.00 from nonstate sources for each dollar provided by the state. Up to \$150,000.00 of the construction and improvement appropriation shall be immediately released and combined with matching funds to expedite in-stream improvements which meet the following criteria: Improvements will be designed and constructed which: (a) Facilitate better fish passage for utilization of up-stream habitat; (b) provide for flexible management strategies for a variety of fish stocks including small runs, threatened or endangered species and game fish; (c) minimally impact future operating expenses while reaching these objectives; and (d) provide for raising of the pumps at the lower intake and make other improvements which protect in-stream structures from seasonal high water.

(3) The remainder of the funds may be spent for hatchery improvements following approval of the master plan by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 650,000**  
**General Fund--Private Local \$ 500,000**

Subtotal Appropriation \$ 1,150,000 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,150,000 -----

NEW SECTION. **Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Coast and Puget Sound salmon enhancement and wildstock restoration habitat (96-2-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,100,000**

**Appropriation:**

**General Fund--Federal \$ 800,000**  
**St Bldg Constr Acct--State \$ 3,645,000**  
**General Fund--Private/Local \$ 800,000**

Subtotal Appropriation \$ 5,245,000 -----

Prior Biennia (Expenditures) \$ 6,770,000  
Future Biennia (Projected Costs) \$ 15,500,000

TOTAL \$ 28,615,000 -----

NEW SECTION. **Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Coast and Puget Sound wildstock restoration: Hatchery improvements (96-2-013)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

**Appropriation:**

**General Fund--Federal \$ 700,000**  
**St Bldg Constr Acct--State \$ 800,000**

Subtotal Appropriation \$ 1,500,000 -----

Prior Biennia (Expenditures) \$ 3,280,000  
Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 9,180,000 -----

NEW SECTION. **Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Fish protection facilities (96-2-014)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**

**Appropriation:**

**General Fund--Federal \$ 2,075,000**

**General Fund--Private/Local \$ 200,000**

Subtotal Appropriation \$ 2,275,000 -----

Prior Biennia (Expenditures) \$ 2,656,000

Future Biennia (Projected Costs) \$ 10,830,000 -----

TOTAL \$ 15,811,000

**NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Game farm renovation (96-2-015)**

**Appropriation:**

**Wildlife Acct--State \$ 700,000**

Prior Biennia (Expenditures) \$ 1,125,000

Future Biennia (Projected Costs) \$ 600,000 -----

TOTAL \$ 2,425,000

**NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Nemah Hatchery Building and incubation system replacement (96-1-006)**

**Appropriation:**

**General Fund--Federal \$ 1,700,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,700,000

**NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Minter Creek Hatchery phase 2 (96-2-019)**

Funding from this appropriation shall not be used to construct agency residential structures at the hatchery.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 10,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 800,000**

Prior Biennia (Expenditures) \$ 4,329,000

Future Biennia (Projected Costs) \$ 200,000 -----

TOTAL \$ 5,339,000

**NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**State-wide fencing renovation and construction (96-2-020)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 175,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 575,000**

Prior Biennia (Expenditures) \$ 1,875,000

Future Biennia (Projected Costs) \$ 2,650,000

TOTAL \$ 5,275,000 -----

NEW SECTION. **Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Clam and oyster beach enhancement (96-2-021)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

**Appropriation:**

**Aquatic Lands Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 2,716,201

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 5,616,201 -----

NEW SECTION. **Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Migratory waterfowl habitat and acquisition and development (96-2-024)**

**Appropriation:**

**Wildlife Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 1,299,335

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 3,799,335 -----

NEW SECTION. **Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Mitigation projects (96-2-025)**

**Reappropriation:**

**Special Wildlife Acct--Private/Local \$ 871,000**

**Appropriation:**

**Special Wildlife Acct--State \$ 50,000**

**General Fund--Federal \$ 6,000,000**

**General Fund--Private/Local \$ 5,000,000**

Subtotal Appropriation \$ 11,050,000 -----

Prior Biennia (Expenditures) \$ 54,000

Future Biennia (Projected Costs) \$ 64,250,000

TOTAL \$ 76,225,000 -----

NEW SECTION. **Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Water access and development (96-2-027)**

**Reappropriation:**

**ORA--State \$ 1,170,000**

Prior Biennia (Expenditures) \$ 694,600

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,864,600 -----

NEW SECTION. **Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Recreational fish enhancement (96-2-028)**

**Reappropriation:**

**Rec Fisheries Enh Acct--State \$ 150,000**

**Appropriation:**

**Rec Fisheries Enh Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 9,300,000 -----

NEW SECTION. **Sec. 360. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Emergency repairs--Recreation sites (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 120,000**

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 480,000

TOTAL \$ 700,000 -----

NEW SECTION. **Sec. 361. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Recreation health and safety improvements (96-1-003)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,800,000 -----

NEW SECTION. **Sec. 362. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Natural area preserve and natural resource conservation area Management (96-1-004)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 350,000**

Prior Biennia (Expenditures) \$ 350,000  
Future Biennia (Projected Costs) \$ 1,400,000

TOTAL \$ 2,100,000 -----

**NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Emergency repairs (96-1-006)**

**Appropriation:**

**For Dev Acct--State \$ 53,000**  
**Res Mgmt Cost Acct--State \$ 195,100**  
**St Bldg Constr Acct--State \$ 30,000**

Subtotal Appropriation \$ 278,100 -----

Prior Biennia (Expenditures) \$ 147,700  
Future Biennia (Projected Costs) \$ 1,112,400

TOTAL \$ 1,538,200 -----

**NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Minor works: Preservation (96-1-112)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**For Dev Acct--State \$ 165,200**  
**Res Mgmt Cost Acct--State \$ 611,100**  
**St Bldg Constr Acct--State \$ 250,000**

Subtotal Appropriation \$ 1,026,300 -----

Prior Biennia (Expenditures) \$ 494,800  
Future Biennia (Projected Costs) \$ 4,105,200

TOTAL \$ 5,626,300 -----

**NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Small repairs and improvement (96-1-113)**

**Appropriation:**

**For Dev Acct--State \$ 14,500**  
**Res Mgmt Cost Acct--State \$ 54,500**

Subtotal Appropriation \$ 69,000 -----

Prior Biennia (Expenditures) \$ 69,000

Future Biennia (Projected Costs) \$ 276,000

TOTAL \$ 414,000

**NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Hazardous waste cleanup (96-1-114)**

**Appropriation:**

**For Dev Acct--State \$ 100,000**

**Res Mgmt Cost Acct--State \$ 200,000**

Subtotal Appropriation \$ 300,000

Prior Biennia (Expenditures) \$ 450,000

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,950,000

**NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Irrigation repairs and replacements (96-1-115)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 235,000**

Prior Biennia (Expenditures) \$ 730,000

Future Biennia (Projected Costs) \$ 2,375,000

TOTAL \$ 3,340,000

**NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Repair, maintenance, and tenant improvements on state trust lease properties (96-1-117)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 600,000**

Prior Biennia (Expenditures) \$ 862,000

Future Biennia (Projected Costs) \$ 2,700,000

TOTAL \$ 4,162,000

**NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Communication site repair (96-1-119)**

**Appropriation:**

**For Dev Acct--State \$ 25,000**

**Res Mgmt Cost Acct--State \$ 25,000**

Subtotal Appropriation \$ 50,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 700,000



TOTAL \$ 1,050,000

NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES

**Road and bridge construction (96-2-001)**

**Appropriation:**

**For Dev Acct--State \$ 241,750**  
**Res Mgmt Cost Acct--State \$ 678,450**

Subtotal Appropriation \$ 920,200  
Prior Biennia (Expenditures) \$ 1,655,500

Future Biennia (Projected Costs) \$ 3,835,000

TOTAL \$ 6,410,700

NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES

**Region administrative facilities expansion (96-2-002)**

**Appropriation:**

**For Dev Acct--State \$ 294,488**  
**Res Mgmt Cost Acct--State \$ 390,584**  
**General Fund--Federal \$ 400,000**

Subtotal Appropriation \$ 1,085,072  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 5,890,400

TOTAL \$ 6,975,472

NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES

**Minor works: Program (96-2-004)**

The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**For Dev Acct--State \$ 152,900**  
**Res Mgmt Cost Acct--State \$ 574,800**  
**St Bldg Constr Acct--State \$ 100,000**

Subtotal Appropriation \$ 827,700  
Prior Biennia (Expenditures) \$ 99,500  
Future Biennia (Projected Costs) \$ 4,110,800

TOTAL \$ 5,038,000

NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES

**Land bank program to enhance trust land holdings (96-2-005)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 15,000,000**

Prior Biennia (Expenditures) \$ 19,698,000

Future Biennia (Projected Costs) \$ 60,000,000

TOTAL \$ 94,698,000 -----

**NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Right of way acquisition (96-2-006)**

**Appropriation:**

**For Dev Acct--State \$ 500,000**

**Res Mgmt Cost Acct--State \$ 500,000**

Subtotal Appropriation \$ 1,000,000 -----

Prior Biennia (Expenditures) \$ 1,498,000

Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,898,000 -----

**NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Irrigation development (96-2-007)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 336,000

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 4,736,000 -----

**NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Communication site construction--Various (96-2-008)**

**Appropriation:**

**For Dev Acct--State \$ 460,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,310,000

TOTAL \$ 1,770,000 -----

**NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Mineral resource testing (96-2-009)**

**Reappropriation:**

**For Dev Acct--State \$ 10,000**  
**Res Mgmt Cost Acct--State \$ 10,000**

Subtotal Reappropriation \$ 20,000 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 80,000 -----

TOTAL \$ 100,000

**NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Commercial development: Local improvement districts (96-2-010)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 470,000**

Prior Biennia (Expenditures) \$ 860,000  
Future Biennia (Projected Costs) \$ 2,420,000 -----

TOTAL \$ 3,750,000

**NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Aquatic lands enhancement grants (96-2-012)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for grant funding from the new appropriation in this section in the amounts indicated:

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Alki/Harbor/Duwamish Corridor, City of Seattle \$ 200,000  
ASARCO, Town of Ruston \$ 100,000  
Cape Flattery, Makah Tribe \$ 200,000  
Columbia River Renaissance, City of Vancouver \$ 2,800,000  
Columbia River Trail, East Wenatchee \$ 100,000  
Columbia River Trail Phase 2, LOOP Coalition \$ 400,000  
Cooperative Environmental Education, North  
Mason School District \$ 300,000  
Duckabush River, Jefferson County \$ 350,000  
Latah Creek, City of Spokane \$ 300,000  
Little Spokane River, Spokane County \$ 300,000  
Odyssey Maritime Museum, Port of Seattle \$ 1,000,000  
Raymond Waterfront Park, City of Raymond \$ 200,000  
Seattle Aquarium, City of Seattle \$ 300,000  
South Lake Union, City of Seattle \$ 200,000  
Statewide Competitive Small Grant Program \$ 500,000  
Stevenson Waterfront Park, Port of Skamania \$ 75,000 -----

Total \$ 7,300,0002

(2) Grant funding shall be distributed based on the order in which projects are ready to proceed, as determined by the department, and the availability of funds.

(3) The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects.

**Reappropriation:**

**Aquatic Lands Acct--State \$ 2,500,000**

**Appropriation:**

**Aquatic Lands Acct--State \$ 4,500,000**

Prior Biennia (Expenditures) \$ 276,000

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 19,276,000 -----

**NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Natural resources real property replacement account (96-2-013)**

**Appropriation:**

**Nat Res Prop Repl Acct--State \$ 25,000,000**

Prior Biennia (Expenditures) \$ 30,826,750

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 55,826,750 -----

**NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Seattle waterfront phase 2 development (96-2-014)**

**Reappropriation:**

**ORA--State \$ 1,562,835**

Prior Biennia (Expenditures) \$ 84,765

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,647,600 -----

PART 4  
TRANSPORTATION

**NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE PATROL**

**To construct a new crime laboratory in Tacoma (92-2-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 172,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 172,000 -----

NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE PATROL

**Spokane Crime Laboratory: Predesign (96-2-009)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 80,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,500,000

TOTAL \$ 5,580,000 -----

NEW SECTION. Sec. 403. FOR THE WASHINGTON STATE PATROL

**Fire Training Academy: Preservation (94-1-016)**

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,221,018**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 128,982

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 4,050,000 -----

NEW SECTION. Sec. 404. FOR THE WASHINGTON STATE PATROL

**Fire Training Academy Portable Building Improvements (96-2-999)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 99,410**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 99,410 -----

PART 5  
EDUCATION

NEW SECTION. Sec. 501. FOR THE STATE BOARD OF EDUCATION

**Public school building construction (85-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 335,780**

Prior Biennia (Expenditures) \$ 656,119

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 991,899

**NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (87-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,473,203**

Prior Biennia (Expenditures) \$ 2,193,257

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,666,460

**NEW SECTION. Sec. 503. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,573,705**

Prior Biennia (Expenditures) \$ 24,362,530

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 25,936,235

**NEW SECTION. Sec. 504. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-002)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,730,000**

Prior Biennia (Expenditures) \$ 17,521,803

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 19,251,803

**NEW SECTION. Sec. 505. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-003)**

**Reappropriation:**

**Common School Constr Fund--State \$ 4,211,005**

Prior Biennia (Expenditures) \$ 41,637,585

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 45,848,590 -----

NEW SECTION. Sec. 506. FOR THE STATE BOARD OF EDUCATION

**Public school building construction (91-2-001)**

**Reappropriation:**

**Common School Reimb Constr Acct--**

**State \$ 5,443,735**

**Common School Constr Fund--State \$ 6,115,606**

Subtotal Reappropriation \$ 11,559,341 -----

Prior Biennia (Expenditures) \$ 78,816,301

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,375,642 -----

NEW SECTION. Sec. 507. FOR THE STATE BOARD OF EDUCATION

**Public school building construction (94-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 59,729,325**

**St Bldg Constr Acct--State \$ 27,004,958**

Subtotal Reappropriation \$ 86,734,283 -----

Prior Biennia (Expenditures) \$ 60,102,660

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 146,836,943 -----

NEW SECTION. Sec. 508. FOR THE STATE BOARD OF EDUCATION

**Public school building construction (96-2-001)**

The appropriations in this subsection are subject to the following conditions and limitations:

(1) Not more than \$210,000,000 from this appropriation may be obligated in fiscal year 1996 for school district project design and construction.

(2) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction and architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.

(3) From the appropriation in this section the state board shall maintain a reserve contingency fund for emergency repair projects for school buildings which present imminent health and safety hazards to building occupants. Expenditures shall not exceed \$5,000,000 per fiscal year. The board shall establish policies for recovery of expenditures from subsequent releases of funds approved by the school board to any school district receiving funds under this subsection (2), from any insurance payments for the same repair projects for which a school district has received funds under this subsection (3), and from local funding sources.

(4) \$250,000 of the appropriation in this section may be expended for the office of the superintendent of public instruction and the office of financial management to jointly contract with

qualified specially trained teams to conduct a value engineering and a constructability review on at least five pilot school facility construction projects. The purpose of the pilot program is to determine the potential advantages and savings of value engineering and constructability review processes on school facility construction. The pilot projects shall be wholly paid from this appropriation without a requirement for local matching, and project sites shall be selected jointly by the superintendent of public instruction and the office of financial management on the basis of size, geographical area, and grade level. The results of the pilot program and recommendations on the use of value engineering and constructability reviews and how the current value engineering process can be improved shall be reported to the state board of education and the legislature by January 1997.

(5) The state board shall conduct a study of school districts with less than twenty-five percent taxable property in the district. The study shall identify the school districts with less than twenty-five percent taxable property and for the identified districts calculate the percentage of state match for financial assistance for school facilities, compare the school levy rate per one thousand dollars of taxable property to the state average, verify the number of unhoused students, and make an assessment of the condition of existing school buildings in the district. The state board shall make recommendations to the 1996 legislature on potential state policy changes.

**Appropriation:**

**Common School Constr Fund--State \$ 265,600,000**  
**St Bldg Constr Acct--State \$ 100,000,000**

Subtotal Appropriation \$ 365,600,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 365,600,000

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**School facilities staff:** To fund the direct costs of state administration of school construction funding (96-2-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(1) Up to \$100,000 of the common school construction fund appropriation is provided to complete the facility condition management database begun in the 1993-95 biennium.

(2) \$1,639,000 is provided solely for in-house or contracted technical assistance to school districts for evaluation, response and prevention of situations which present life or safety threats, fire hazard, or deficiencies relating to utility and electrical standards.

**Appropriation:**

**Common School Constr Fund--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,444,000 -----

TOTAL \$ 8,444,000

**NEW SECTION. Sec. 510. FOR THE STATE BOARD OF EDUCATION**

**Clover Park School District transportation facilities (96-1-101)**



The appropriation in this section is provided for design of a renovation project for a transportation-maintenance complex as described in the memorandum of understanding between the Clover Park technical college and the Clover Park school district. Future state appropriations for this project shall be matched by an equal amount from local funds.

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,200,000

TOTAL \$ 7,500,000 -----

**NEW SECTION. Sec. 511. FOR THE STATE SCHOOL FOR THE BLIND**

**Old Main: Seismic stabilization (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 850,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000 -----

**NEW SECTION. Sec. 512. FOR THE STATE SCHOOL FOR THE BLIND**

**Minor works: Preservation (96-1-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,340,000

TOTAL \$ 2,740,000 -----

**NEW SECTION. Sec. 513. FOR THE STATE SCHOOL FOR THE DEAF**

**Minor works: Preservation (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 570,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,925,000

TOTAL \$ 3,495,000 -----

**NEW SECTION. Sec. 514. FOR THE STATE SCHOOL FOR THE DEAF**

**MacDonald and Deer Halls: Elevators (96-2-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 550,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 550,000 -----

**NEW SECTION. Sec. 515. FOR THE UNIVERSITY OF WASHINGTON**

**Power plant boiler (88-2-022)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,400,000**

Prior Biennia (Expenditures) \$ 9,805,653

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,205,653 -----

**NEW SECTION. Sec. 516. FOR THE UNIVERSITY OF WASHINGTON**

**Power generation, chiller, data communications, electrical distribution (90-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,175,700**

Prior Biennia (Expenditures) \$ 3,703,053

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,878,753 -----

**NEW SECTION. Sec. 517. FOR THE UNIVERSITY OF WASHINGTON**

**Chemistry Building: Construction (90-2-011)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 38,952,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,152,000 -----

**NEW SECTION. Sec. 518. FOR THE UNIVERSITY OF WASHINGTON**

**Electrical Engineering and Computer Sciences Engineering Building: Construction (90-2-013)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 80,000,000**

Prior Biennia (Expenditures) \$ 14,869,028

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 94,869,028 -----

**NEW SECTION. Sec. 519. FOR THE UNIVERSITY OF WASHINGTON**

**Physics/Astronomy building construction (90-2-009)**

**Reappropriation:**

**H Ed Reimb Constr Acct \$ 3,000,000**

Prior Biennia (Expenditures) \$ 69,564,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 72,564,000 -----

**NEW SECTION. Sec. 520. FOR THE UNIVERSITY OF WASHINGTON**

**Old Physics Hall: Design and construction (92-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**UW Bldg Acct--State \$ 1,650,000**

**St Bldg Constr Acct--State \$ 32,544,400**

Subtotal Reappropriation \$ 34,194,400 -----

Prior Biennia (Expenditures) \$ 912,600

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,107,000 -----

**NEW SECTION. Sec. 521. FOR THE UNIVERSITY OF WASHINGTON**

**Ocean and Fishery Sciences II: Predesign (92-2-027)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,065,300**

Prior Biennia (Expenditures) \$ 784,700

Future Biennia (Projected Costs) \$ 0

-----

TOTAL \$ 1,850,000

NEW SECTION. Sec. 522. FOR THE UNIVERSITY OF WASHINGTON

**Harborview Medical Center research (94-2-013)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 3,100,000

**Appropriation:**

St Bldg Constr Acct--State \$ 9,000,000

H Ed Constr Acct \$ 10,000,000

Subtotal Appropriation \$ 19,000,000 -----

Prior Biennia (Expenditures) \$ 520,000

Future Biennia (Projected Costs) \$ 56,380,000 -----

TOTAL \$ 79,000,000

NEW SECTION. Sec. 523. FOR THE UNIVERSITY OF WASHINGTON

**Parrington Hall: Exterior and seismic repair (92-3-018)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

UW Bldg Acct--State \$ 5,008,499

Prior Biennia (Expenditures) \$ 264,001

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 5,272,500

NEW SECTION. Sec. 524. FOR THE UNIVERSITY OF WASHINGTON

**Henry Gallery: Addition (93-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$4,050,000 in cash provided from nonstate sources.

**Reappropriation:**

St Bldg Constr Acct--State \$ 7,504,300

Prior Biennia (Expenditures) \$ 811,700

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 8,316,000

NEW SECTION. Sec. 525. FOR THE UNIVERSITY OF WASHINGTON

**Burke Museum:** To study the museum's space needs, long-term physical facilities needs, and options for future expansion (93-2-002) and for exhibit renovation (94-1-002)

\$1,846,500 of the reappropriation in this section is for the exhibit renovation and shall be matched by at least \$615,000 from other sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,031,000**

Prior Biennia (Expenditures) \$ 369,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,400,000 -----

**NEW SECTION. Sec. 526. FOR THE UNIVERSITY OF WASHINGTON**  
**Business Administration: Expansion (93-2-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,600,000**

Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,500,000 -----

**NEW SECTION. Sec. 527. FOR THE UNIVERSITY OF WASHINGTON**

**Minor repairs: Preservation (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,240,000**

**UW Bldg Acct--State \$ 276,400**

Subtotal Reappropriation \$ 11,516,400 -----

Prior Biennia (Expenditures) \$ 6,464,876

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,981,276 -----

**NEW SECTION. Sec. 528. FOR THE UNIVERSITY OF WASHINGTON**

**Minor repairs (94-1-004)**

**Reappropriation:**

**UW Bldg Acct--State \$ 6,850,000**

Prior Biennia (Expenditures) \$ 5,757,630

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,607,630

**NEW SECTION. Sec. 529. FOR THE UNIVERSITY OF WASHINGTON**

**Americans with Disabilities Act (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 1,325,150

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,525,150

**NEW SECTION. Sec. 530. FOR THE UNIVERSITY OF WASHINGTON**

**Utilities projects (94-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 800,000**

Prior Biennia (Expenditures) \$ 1,396,009

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,196,009

**NEW SECTION. Sec. 531. FOR THE UNIVERSITY OF WASHINGTON**

**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 532. FOR THE UNIVERSITY OF WASHINGTON**

**Minor repairs (94-2-005)**

**Reappropriation:**

**UW Bldg Acct--State \$ 5,200,000**

Prior Biennia (Expenditures) \$ 1,871,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,071,000

**NEW SECTION. Sec. 533. FOR THE UNIVERSITY OF WASHINGTON**  
**Tacoma Branch Campus--Phase II: Predesign (94-2-500)**

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

(2) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 33,455,244**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,700,000**

Prior Biennia (Expenditures) \$ 17,738,913

Future Biennia (Projected Costs) \$ 35,320,000

TOTAL \$ 92,214,157

**NEW SECTION. Sec. 534. FOR THE UNIVERSITY OF WASHINGTON**

**Suzzallo Library renovation--Phase I design:** To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (94-1-015)

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 717,600**

**St Bldg Constr Acct--State \$ 2,142,275**

Subtotal Appropriation \$ 2,859,875

Prior Biennia (Expenditures) \$ 517,750

Future Biennia (Projected Costs) \$ 29,076,925

TOTAL \$ 32,454,550

**NEW SECTION. Sec. 535. FOR THE UNIVERSITY OF WASHINGTON**

**Minor safety repairs: Preservation (96-1-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,700,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 19,700,000 -----

**NEW SECTION. Sec. 536. FOR THE UNIVERSITY OF WASHINGTON**

**Minor works: Building renewal (96-1-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

UW Bldg Acct--State \$ 7,047,000  
St Bldg Constr Acct--State \$ 2,000,000

Subtotal Appropriation \$ 9,047,000 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 53,000,000

TOTAL \$ 62,047,000 -----

**NEW SECTION. Sec. 537. FOR THE UNIVERSITY OF WASHINGTON**

**Minor works: Utility infrastructure (96-1-004)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

St Bldg Constr Acct--State \$ 5,900,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 26,000,000

TOTAL \$ 31,900,000 -----

**NEW SECTION. Sec. 538. FOR THE UNIVERSITY OF WASHINGTON**

**Law School Building--Design and development:** To design a new law school and law library facility

In addition to any state appropriation for this project, at least one-third of the cost of this project, including the costs of design, construction and consulting services, shall be derived from private matching funds. The appropriation in this section shall not be expended on design documents until the University of Washington has secured \$10,000,000 in private matching funds. Such funds, in the form of cash or written pledges, must be secured by no later than July 1, 1997. In the event \$10,000,000 is not secured by that date, the appropriation in this section shall be null and void.

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct--State \$ 1,140,000



Prior Biennia (Expenditures) \$ 128,000  
Future Biennia (Projected Costs) \$ 33,860,000

TOTAL \$ 35,128,000 -----

NEW SECTION. Sec. 539. FOR THE UNIVERSITY OF WASHINGTON

**Health Sciences Center BB Tower Elevators--Design and construction:** To design and construct the addition of one elevator and upgrading of the existing elevators in the health sciences center BB-wing and tower (96-1-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct--State \$ 210,700  
St Bldg Constr Acct--State \$ 4,981,900

Subtotal Appropriation \$ 5,192,600 -----

Prior Biennia (Expenditures) \$ 117,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,309,600 -----

NEW SECTION. Sec. 540. FOR THE UNIVERSITY OF WASHINGTON

**Health Sciences Center D-Wing Dent Student Lab: Design and construction (96-1-016)**

**Appropriation:**

UW Bldg Acct--State \$ 112,100  
St Bldg Constr Acct--State \$ 2,905,000

Subtotal Appropriation \$ 3,017,100 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,017,100 -----

NEW SECTION. Sec. 541. FOR THE UNIVERSITY OF WASHINGTON

**Social Work third floor addition--Design and construction:** To design and construct a 12,000 gross square foot partial third floor addition to the Social Work and Speech and Hearing Sciences Building (96-2-010)

**Appropriation:**

UW Bldg Acct--State \$ 126,400  
St Bldg Constr Acct--State \$ 2,789,200

Subtotal Appropriation \$ 2,915,600 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,915,600 -----

NEW SECTION. Sec. 542. FOR THE UNIVERSITY OF WASHINGTON

**Hogness/Health Sciences Center Lobby: Americans with Disabilities Act improvements (96-1-022)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000 -----

NEW SECTION. Sec. 543. FOR THE UNIVERSITY OF WASHINGTON

**Ocean and Fisheries Science Buildings II & III: Design and site preparation:** To design the 125,673 gross square foot OFS II (Fisheries) and 106,000 gross square foot OFS III (Oceanography) buildings and clear and prepare sites for future construction (96-2-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$991,000 of the amount reappropriated in section 521 of this act for predesign of this project shall be used for design.

(2) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 1,548,150**

**St Bldg Constr Acct--State \$ 5,932,025**

Subtotal Appropriation \$ 7,480,175 -----

Prior Biennia (Expenditures) \$ 558,400

Future Biennia (Projected Costs) \$ 65,758,625

TOTAL \$ 73,797,200 -----

NEW SECTION. Sec. 544. FOR THE UNIVERSITY OF WASHINGTON

**West Electrical Power Station:** To design and construct the installation of new transformers, switch gear facilities, and primary distribution feeders at the west receiving station (96-2-011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 204,000**

**St Bldg Constr Acct--State \$ 6,600,000**

Subtotal Appropriation \$ 6,804,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,804,000

NEW SECTION. Sec. 545. It is the intention of the legislature that the state dispose of its interest in the Wellington Hills property for consideration at fair market value and that the net proceeds of the sale be deposited into the state building construction account in the state treasury.

NEW SECTION. Sec. 546. FOR THE UNIVERSITY OF WASHINGTON

**Power Plant Boiler #7--Design and construction:** To design and construct an addition to the south end of the Power Plant to house a new Boiler #7 (96-2-020)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct--State \$ 288,703  
St Bldg Constr Acct--State \$ 9,623,297

Subtotal Appropriation \$ 9,912,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,912,000

NEW SECTION. Sec. 547. FOR THE UNIVERSITY OF WASHINGTON

**Southwest Campus utilities phase I--Design and construction:** To design and construct the extension of utilities to serve the southwest campus development (96-2-027)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct--State \$ 285,600  
St Bldg Constr Acct--State \$ 9,023,900

Subtotal Appropriation \$ 9,309,500

Prior Biennia (Expenditures) \$ 152,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,461,500

NEW SECTION. Sec. 548. FOR WASHINGTON STATE UNIVERSITY

**Branch campus acquisition (90-5-002)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 42,000

Prior Biennia (Expenditures) \$ 735,424

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,424

NEW SECTION. Sec. 549. FOR WASHINGTON STATE UNIVERSITY

**Hazardous, pathological, and radioactive waste handling facilities:** To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

**Reappropriation:**

**St Bldg Constr Acct--State \$ 991,640**

Prior Biennia (Expenditures) \$ 197,714

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,189,354

NEW SECTION. Sec. 550. FOR WASHINGTON STATE UNIVERSITY

**Todd Hall renovation:** To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-1-021)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Acct--State \$ 3,478,000**

**St Bldg Constr Acct--State \$ 2,626,444**

Subtotal Reappropriation \$ 6,104,444

Prior Biennia (Expenditures) \$ 8,577,065

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,681,509

NEW SECTION. Sec. 551. FOR WASHINGTON STATE UNIVERSITY

**Veterinary Teaching Hospital--Construction:** To construct, equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**H Ed Reimb Constr Acct--State \$ 10,214,399**

**St Bldg Constr Acct--State \$ 2,200,000**

Subtotal Reappropriation \$ 12,414,399

Prior Biennia (Expenditures) \$ 19,643,672

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 32,058,071

NEW SECTION. **Sec. 552. FOR WASHINGTON STATE UNIVERSITY**

**Fulmer Hall--Fulmer Annex renovation:** To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 12,212,322**

Prior Biennia (Expenditures) \$ 908,367

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,120,689 -----

NEW SECTION. **Sec. 553. FOR WASHINGTON STATE UNIVERSITY**

**Student services addition:** To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 10,173,300**

Prior Biennia (Expenditures) \$ 4,826,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,000,000 -----

NEW SECTION. **Sec. 554. FOR WASHINGTON STATE UNIVERSITY**

**Records and maintenance materials:** To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

**Reappropriation:**

**WSU Bldg Acct--State \$ 1,250,000**

Prior Biennia (Expenditures) \$ 395,826

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,645,826 -----

NEW SECTION. **Sec. 555. FOR WASHINGTON STATE UNIVERSITY**

**Minor capital renewal (94-1-004)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,784,260**

Prior Biennia (Expenditures) \$ 3,215,740

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,000,000

**NEW SECTION. Sec. 556. FOR WASHINGTON STATE UNIVERSITY**

**Bohler Gym renovation--Design:** To design the renovation of the existing Bohler Gym (94-1-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**WSU Bldg Acct--State \$ 391,500**

**St Bldg Constr Acct--State \$ 1,496,600**

Subtotal Appropriation \$ 1,888,100

Prior Biennia (Expenditures) \$ 49,000

Future Biennia (Projected Costs) \$ 14,462,500

TOTAL \$ 16,399,600

**NEW SECTION. Sec. 557. FOR WASHINGTON STATE UNIVERSITY**

**Prosser: Septic system (94-1-500)**

**Reappropriation:**

**WSU Bldg Acct--State \$ 757,192**

Prior Biennia (Expenditures) \$ 492,808

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,250,000

**NEW SECTION. Sec. 558. FOR WASHINGTON STATE UNIVERSITY**

**Infrastructure savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. **Sec. 559. FOR WASHINGTON STATE UNIVERSITY**

**Minor works (94-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,192,401**

Prior Biennia (Expenditures) \$ 1,807,599

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000 -----

NEW SECTION. **Sec. 560. FOR WASHINGTON STATE UNIVERSITY**

**Minor capital improvements (94-2-002)**

**Reappropriation:**

**WSU Bldg Acct--State \$ 2,430,690**

Prior Biennia (Expenditures) \$ 3,569,310

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,000,000 -----

NEW SECTION. **Sec. 561. FOR WASHINGTON STATE UNIVERSITY**

**Hazardous waste facilities (94-2-006)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**WSU Bldg Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 211,000

Future Biennia (Projected Costs) \$ 12,037,774

TOTAL \$ 13,748,774 -----

NEW SECTION. **Sec. 562. FOR WASHINGTON STATE UNIVERSITY**

**Pathological and biomedical incinerator: Design and construction (94-2-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,443,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,443,000 -----

NEW SECTION. **Sec. 563. FOR WASHINGTON STATE UNIVERSITY**

**Communication infrastructure renewal (94-2-013)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Constr Acct--State \$ 5,000,000**  
**St Bldg Constr Acct--State \$ 4,203,432**

Subtotal Reappropriation \$ 9,203,432 -----

**Appropriation:**

**WSU Bldg Acct--State \$ 4,159,625**

Prior Biennia (Expenditures) \$ 12,796,568  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 26,159,625 -----

**NEW SECTION. Sec. 564. FOR WASHINGTON STATE UNIVERSITY**

**Engineering Teaching and Research Laboratory Building: Construction (94-2-014)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Acct--State \$ 226,379**

**Appropriation:**

**General Fund--Federal \$ 8,000,000**  
**St Bldg Constr Acct--State \$ 17,140,300**

Subtotal Appropriation \$ 25,140,300 -----

Prior Biennia (Expenditures) \$ 1,143,621  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 26,510,300 -----

**NEW SECTION. Sec. 565. FOR WASHINGTON STATE UNIVERSITY**

**Chemical waste collection facilities: Design and construction (94-2-016)**

**Reappropriation:**

**WSU Bldg Acct--State \$ 2,084,274**

**Appropriation:**

**WSU Bldg Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 252,726  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,337,000 -----

**NEW SECTION. Sec. 566. FOR WASHINGTON STATE UNIVERSITY**



**Bohler Gym Addition--Design and construction:** To construct a 45,800 gross square foot addition to Bohler Gym (94-2-017)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 477,000

**Appropriation:**

WSU Bldg Acct--State \$ 399,800

St Bldg Constr Acct--State \$ 8,960,400

Subtotal Appropriation \$ 9,360,200 -----

Prior Biennia (Expenditures) \$ 517,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 10,354,200

**NEW SECTION. Sec. 567. FOR WASHINGTON STATE UNIVERSITY**

**Animal Science Laboratory Building--Design and Construction:** To construct a 20,200 gross square foot animal science lab (94-4-018)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

WSU Bldg Acct--State \$ 143,532

**Appropriation:**

St Bldg Constr Acct--State \$ 6,332,300

WSU Bldg Acct--State \$ 255,000

Subtotal Appropriation \$ 6,587,300 -----

Prior Biennia (Expenditures) \$ 451,468

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 7,182,300

**NEW SECTION. Sec. 568. FOR WASHINGTON STATE UNIVERSITY**

**Kimbrough Hall addition and remodeling:** To design a 32,000 gross square foot addition and remodel the existing Kimbrough Hall (94-2-019)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

WSU Bldg Acct--State \$ 238,425

St Bldg Constr Acct--State \$ 965,700

Subtotal Appropriation \$ 1,204,125 -----

Prior Biennia (Expenditures) \$ 80,000  
Future Biennia (Projected Costs) \$ 10,448,875

TOTAL \$ 11,733,000

**NEW SECTION. Sec. 569. FOR WASHINGTON STATE UNIVERSITY**

**Intercollegiate Center for Nursing Education:** To construct and equip a new nursing education facility in Yakima (94-2-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,525,202**

Prior Biennia (Expenditures) \$ 974,798

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

**NEW SECTION. Sec. 570. FOR WASHINGTON STATE UNIVERSITY**

**Washington State University--Vancouver:** New campus construction (94-2-902)

The appropriations in this section are subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 23,580,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 9,066,000**

Prior Biennia (Expenditures) \$ 10,994,362

Future Biennia (Projected Costs) \$ 35,000,000

TOTAL \$ 78,640,362

**NEW SECTION. Sec. 571. FOR WASHINGTON STATE UNIVERSITY**

**Puyallup: Greenhouse replacements (94-2-027)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,126,945**

Prior Biennia (Expenditures) \$ 114,055

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,241,000

**NEW SECTION. Sec. 572. FOR WASHINGTON STATE UNIVERSITY**

**Washington State University Tri-Cities: Consolidated Information Center (94-2-905)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 730,500**

**Appropriation:**

**St Bldg Constr Acct--State \$ 9,709,000**

Prior Biennia (Expenditures) \$ 679,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,119,000 -----

**NEW SECTION. Sec. 573. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Preservation (96-1-004)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,900,000**

**WSU Bldg Acct--State \$ 252,000**

Subtotal Appropriation \$ 6,152,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 34,690,000

TOTAL \$ 40,842,000 -----

**NEW SECTION. Sec. 574. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Safety and environmental (96-2-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,600,000**

**WSU Bldg Acct--State \$ 1,000,000**

Subtotal Appropriation \$ 2,600,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 17,400,000

TOTAL \$ 20,000,000 -----

**NEW SECTION. Sec. 575. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Program (96-2-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

WSU Bldg Acct--State \$ 5,150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 41,016,000

TOTAL \$ 46,166,000 -----

**NEW SECTION. Sec. 576. FOR WASHINGTON STATE UNIVERSITY**

**Plant growth--Wheat Research Center: Construction (96-2-047)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources.

**Appropriation:**

General Fund--Private \$ 1,000,000

General Fund--Federal \$ 3,000,000

St Bldg Constr Acct--State \$ 4,000,000

Subtotal Appropriation \$ 8,000,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,000,000 -----

**NEW SECTION. Sec. 577. FOR WASHINGTON STATE UNIVERSITY**

**Intercollegiate Center for Nursing Education--Spokane, Yakima, and Wenatchee Washington higher education telecommunication system classrooms, cabling, and connection (96-2-915)**

**Appropriation:**

WSU Bldg Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000 -----

**NEW SECTION. Sec. 578. FOR EASTERN WASHINGTON UNIVERSITY**

**Sutton Hall remodel:** To complete the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,730,092**

Prior Biennia (Expenditures) \$ 526,494

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,256,586

**NEW SECTION. Sec. 579. FOR EASTERN WASHINGTON UNIVERSITY**

**Science Building addition and remodel:** To complete the remodeling of the existing science building (83-1-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,100,480**

Prior Biennia (Expenditures) \$ 18,934,987

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,467

**NEW SECTION. Sec. 580. FOR EASTERN WASHINGTON UNIVERSITY**

**Minor works preservation, repair, and renewal of campus facilities (86-1-002) (90-3-002) (92-1-001) (92-1-002) (92-3-004) (94-1-001) (94-1-006) (94-1-010) (94-1-014) (94-1-015) (94-2-012)**

**Reappropriation:**

**EWU Cap Proj Acct--State \$ 4,300,000**

**St Bldg Constr Acct--State \$ 1,438,000**

Subtotal Reappropriation \$ 5,738,000

Prior Biennia (Expenditures) \$ 7,685,782

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,423,782

**NEW SECTION. Sec. 581. FOR EASTERN WASHINGTON UNIVERSITY**

**Telecommunications network and cable replacement (90-2-004)**

**Appropriation:**

**EWU Cap Proj Acct--State \$ 1,593,800**

Prior Biennia (Expenditures) \$ 4,080,000

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 7,673,800

**NEW SECTION. Sec. 582. FOR EASTERN WASHINGTON UNIVERSITY**

**JFK Library addition and remodel--Construction:** To construct the 73,500 gross square foot addition and remodeling of the JFK Library (90-5-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 1,678,756

**Appropriation:**

EWU Cap Proj Acct--State \$ 152,174

St Bldg Constr Acct--State \$ 19,692,130

Subtotal Appropriation \$ 19,844,304 -----

Prior Biennia (Expenditures) \$ 536,244

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 22,059,304

NEW SECTION. **Sec. 583. FOR EASTERN WASHINGTON UNIVERSITY**

**Removal of underground storage tanks (92-1-003)**

**Reappropriation:**

EWU Cap Proj Acct--State \$ 193,438

Prior Biennia (Expenditures) \$ 56,110

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 249,548

NEW SECTION. **Sec. 584. FOR EASTERN WASHINGTON UNIVERSITY**

**Spokane Center remodel and fire egress (92-5-008)**

**Reappropriation:**

EWU Cap Proj Acct--State \$ 43,686

Prior Biennia (Expenditures) \$ 1,756,314

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,800,000

NEW SECTION. **Sec. 585. FOR EASTERN WASHINGTON UNIVERSITY**

**Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 2,318,877

**Appropriation:**

St Bldg Constr Acct--State \$ 3,361,600

EWU Cap Proj Acct--State \$ 638,400 -----

Subtotal Appropriation \$ 4,000,000

Prior Biennia (Expenditures) \$ 91,123  
Future Biennia (Projected Costs) \$ 3,275,000

TOTAL \$ 9,685,000

**NEW SECTION. Sec. 586. FOR EASTERN WASHINGTON UNIVERSITY**

**Infrastructure project: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house or representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 587. FOR EASTERN WASHINGTON UNIVERSITY**

**Showalter Hall Auditorium: Preservation (96-1-001)**

**Appropriation:**

**EWU Cap Proj Acct--State \$ 977,800**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 977,800

**NEW SECTION. Sec. 588. FOR EASTERN WASHINGTON UNIVERSITY**

**Monroe Hall Remodel (96-1-002)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**EWU Cap Proj Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 6,100,000

**NEW SECTION. Sec. 589. FOR EASTERN WASHINGTON UNIVERSITY**

**Campus classrooms--Renewal:** To renovate and upgrade classrooms and lab in various buildings on campus (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**EWU Cap Proj Acct--State \$ 3,650,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 14,925,000

TOTAL \$ 18,575,000 -----

**NEW SECTION. Sec. 590. FOR EASTERN WASHINGTON UNIVERSITY**

**Americans with Disabilities Act projects (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 193,089**

Prior Biennia (Expenditures) \$ 132,711

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 325,800 -----

**NEW SECTION. Sec. 591. FOR CENTRAL WASHINGTON UNIVERSITY**

**Life and safety improvements (92-1-030)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 125,000**

Prior Biennia (Expenditures) \$ 208,267

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 333,267 -----

**NEW SECTION. Sec. 592. FOR CENTRAL WASHINGTON UNIVERSITY**

**Barge Hall renovation (92-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 263,000**

Prior Biennia (Expenditures) \$ 11,318,970

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,581,970 -----

**NEW SECTION. Sec. 593. FOR CENTRAL WASHINGTON UNIVERSITY**

**Shaw/Smyser Hall renovation (90-2-005)**



**Reappropriation:**

**H Ed Reimb Constr Acct \$ 302,000**

Prior Biennia (Expenditures) \$ 12,983,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,285,000

**NEW SECTION. Sec. 594. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor capital projects (92-2-050)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 600,000**

Prior Biennia (Expenditures) \$ 1,623,120

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,223,120

**NEW SECTION. Sec. 595. FOR CENTRAL WASHINGTON UNIVERSITY**

**Boullion asbestos: Construction (94-1-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,160,000**

Prior Biennia (Expenditures) \$ 1,163,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,323,000

**NEW SECTION. Sec. 596. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Preservation (94-1-005)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 2,000,000**

Prior Biennia (Expenditures) \$ 1,562,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,562,000

**NEW SECTION. Sec. 597. FOR CENTRAL WASHINGTON UNIVERSITY**

**Underground tank replacement (94-1-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 176,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 276,000

**NEW SECTION. Sec. 598. FOR CENTRAL WASHINGTON UNIVERSITY**

**Electrical cable replacement (94-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**

Prior Biennia (Expenditures) \$ 1,700,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,750,000

**NEW SECTION. Sec. 599. FOR CENTRAL WASHINGTON UNIVERSITY**

**Steamline replacement (94-1-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 790,000**

Prior Biennia (Expenditures) \$ 60,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

**NEW SECTION. Sec. 600. FOR CENTRAL WASHINGTON UNIVERSITY**

**Infrastructure savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 601. FOR CENTRAL WASHINGTON UNIVERSITY**

**Science Facility design and construction (94-2-002)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 4,000,000**  
**St Bldg Constr Acct--State \$ 53,590,000**

Subtotal Reappropriation \$ 57,590,000 -----

Prior Biennia (Expenditures) \$ 610,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 58,200,000 -----

**NEW SECTION. Sec. 602. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Program (94-2-006)**

**Reappropriation:**

**CWU Cap Proj Acct \$ 815,000**

Prior Biennia (Expenditures) \$ 1,692,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,507,000 -----

**NEW SECTION. Sec. 603. FOR CENTRAL WASHINGTON UNIVERSITY**

**Black Hall--Design and construction:** To design and construct a 66,200 gross square foot addition to and complete remodel of the Black Hall (94-2-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 15,000**

**Appropriation:**

**CWU Cap Proj Acct--State \$ 875,100**  
**St Bldg Constr Acct--State \$ 26,369,300**

Subtotal Appropriation \$ 27,244,400 -----

Prior Biennia (Expenditures) \$ 144,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 27,403,400 -----

**NEW SECTION. Sec. 604. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Infrastructure preservation (96-1-040)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,687,100**  
**CWU Cap Proj Acct--State \$ 712,900**

Subtotal Appropriation \$ 2,400,000 -----

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 6,000,000 -----

TOTAL \$ 8,300,000

**NEW SECTION. Sec. 605. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Preservation (96-1-120)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) A maximum of \$85,000 from this appropriation may be expended for remodeling the president's residence.

**Appropriation:**

**CWU Cap Proj Acct--State \$ 3,500,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 16,850,000 -----

TOTAL \$ 20,350,000

**NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY**

**Hertz Hall addition (96-2-050)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 125,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 13,350,000 -----

TOTAL \$ 13,475,000

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Program (96-2-130)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

**Appropriation:**

**CWU Cap Proj Acct--State \$ 2,500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 11,110,000

TOTAL \$ 13,610,000 -----

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

**Campus: Air quality improvement (96-1-001)**

**Appropriation:**

**TESC Cap Proj Acct--State \$ 492,425**

**St Bldg Constr Acct \$ 528,896**

Subtotal Appropriation \$ 1,021,321 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,021,321 -----

**NEW SECTION. Sec. 609. FOR THE EVERGREEN STATE COLLEGE**

**Minor works: Preservation (96-1-002)**

**Appropriation:**

**TESC Cap Proj Acct--State \$ 970,245**

**St Bldg Constr Acct--State \$ 2,154,876**

Subtotal Appropriations \$ 3,125,121 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 20,488,124

TOTAL \$ 23,613,245 -----

**NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

**Campus: Preservation (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 1,599,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,749,000 -----

**NEW SECTION. Sec. 611. FOR THE EVERGREEN STATE COLLEGE**

**Classroom Facility: Longhouse design and construction (94-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 1,800,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000 -----

**NEW SECTION. Sec. 612. FOR THE EVERGREEN STATE COLLEGE**

**Emergency repairs (96-1-003)**

**Appropriation:**

**TESC Cap Proj Acct--State \$ 238,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,076,000

TOTAL \$ 1,314,000 -----

**NEW SECTION. Sec. 613. FOR THE EVERGREEN STATE COLLEGE**

**Computer Network phase III (96-2-006)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 162,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 162,000 -----

**NEW SECTION. Sec. 614. FOR THE EVERGREEN STATE COLLEGE**

**Communications Building: Retrofit (96-2-007)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,726,300**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,726,300 -----

**NEW SECTION. Sec. 615. FOR THE EVERGREEN STATE COLLEGE**

**Library Building renovation (96-2-009)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 772,500**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500 -----

**NEW SECTION. Sec. 616. FOR THE JOINT CENTER FOR HIGHER EDUCATION**

**Riverpoint Campus: Design and construction (94-2-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 9,000,000**

Prior Biennia (Expenditures) \$ 8,000,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,000,000 -----

**NEW SECTION. Sec. 617. FOR THE JOINT CENTER FOR HIGHER EDUCATION**

**Riverpoint Campus phase II (96-2-001)**

To predesign, design, and make infrastructure improvements to the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996. The appropriation in this section is subject to the review and allotment requirements under sections 813 and 815 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,310,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 21,690,000

TOTAL \$ 25,000,000 -----

**NEW SECTION. Sec. 618. FOR WESTERN WASHINGTON UNIVERSITY**

**Science facility phase II: Construction (92-1-007)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct \$ 2,400,000**

Prior Biennia (Expenditures) \$ 17,650,533  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,050,533 -----

**NEW SECTION. Sec. 619. FOR WESTERN WASHINGTON UNIVERSITY**

**Fire detection systems (94-1-030)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 643,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 743,000 -----

**NEW SECTION. Sec. 620. FOR WESTERN WASHINGTON UNIVERSITY**

**Underground storage tank removal (94-1-032)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 58,200**

Prior Biennia (Expenditures) \$ 1,800

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 60,000 -----

**NEW SECTION. Sec. 621. FOR WESTERN WASHINGTON UNIVERSITY**

**Pool chlorine gas system (94-1-033)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 10,300**

Prior Biennia (Expenditures) \$ 24,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,000 -----

**NEW SECTION. Sec. 622. FOR WESTERN WASHINGTON UNIVERSITY**

**Exterior and roofing renewal (94-1-034)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 309,000**

Prior Biennia (Expenditures) \$ 292,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 601,000 -----

**NEW SECTION. Sec. 623. FOR WESTERN WASHINGTON UNIVERSITY**

**Boiler system (94-1-035)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 859,884**

Prior Biennia (Expenditures) \$ 40,116



Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000

**NEW SECTION. Sec. 624. FOR WESTERN WASHINGTON UNIVERSITY**

**Utility upgrade (94-1-037)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 103,000**

Prior Biennia (Expenditures) \$ 302,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 405,000

**NEW SECTION. Sec. 625. FOR WESTERN WASHINGTON UNIVERSITY**

**Interior renewal (94-1-038)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 74,000**

Prior Biennia (Expenditures) \$ 24,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 98,000

**NEW SECTION. Sec. 626. FOR WESTERN WASHINGTON UNIVERSITY**

**Interior painting (94-1-041)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 272,000**

Prior Biennia (Expenditures) \$ 129,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 401,000

**NEW SECTION. Sec. 627. FOR WESTERN WASHINGTON UNIVERSITY**

**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 628. FOR WESTERN WASHINGTON UNIVERSITY

**Science facility phase III: Construction (94-2-014)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,473,119**

Prior Biennia (Expenditures) \$ 96,988  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,570,107

NEW SECTION. Sec. 629. FOR WESTERN WASHINGTON UNIVERSITY

**Haggard Hall renovation and abatement: Construction (94-2-015)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 950,000**

**Appropriation:**

**WWU Cap Proj Acct--State \$ 3,735,420**  
**St Bldg Constr Acct--State \$ 17,352,985**

Subtotal Appropriation \$ 21,088,405

Prior Biennia (Expenditures) \$ 166,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,204,405

NEW SECTION. Sec. 630. FOR WESTERN WASHINGTON UNIVERSITY

**Minor works: Program (94-2-028)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 3,200,000**

Prior Biennia (Expenditures) \$ 2,900,000  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,100,000

NEW SECTION. Sec. 631. FOR WESTERN WASHINGTON UNIVERSITY

**Minor works: Preservation (96-1-030)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**WWU Cap Proj Acct--State \$ 1,300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 9,200,000

TOTAL \$ 10,500,000 -----

**NEW SECTION. Sec. 632. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Infrastructure preservation (96-1-061)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,650,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,050,000 -----

**NEW SECTION. Sec. 633. FOR WESTERN WASHINGTON UNIVERSITY**

**Campus Services Facility (96-2-025)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,883,400

TOTAL \$ 7,983,400 -----

**NEW SECTION. Sec. 634. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Program (96-2-028)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**WWU Cap Proj Acct--State \$ 2,000,000**

**St Bldg Constr Acct \$ 3,850,000**

Subtotal Appropriation \$ 5,850,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,500,000

TOTAL \$ 31,350,000

**NEW SECTION. Sec. 635. FOR WESTERN WASHINGTON UNIVERSITY**

**Integrated signal distribution--Design: To design a campus network system (96-2-056)**

**Appropriation:**

**WWU Cap Proj Acct--State \$ 229,650**

**St Bldg Constr Acct--State \$ 985,750**

Subtotal Appropriation \$ 1,215,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 9,339,400

TOTAL \$ 10,554,800

**NEW SECTION. Sec. 636. FOR WESTERN WASHINGTON UNIVERSITY**

**Wilson Library renovation (96-2-057)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 105,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,331,900

TOTAL \$ 8,436,900

**NEW SECTION. Sec. 637. FOR WESTERN WASHINGTON UNIVERSITY**

**Recreation and physical education fields phase I (96-2-051)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,535,200**

**WWU Cap Proj Acct--State \$ 130,800**

Subtotal Appropriation \$ 2,666,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,666,000

**NEW SECTION. Sec. 638. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Complete construction of Washington state History Museum (94-2-001)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) \$50,000 of the new appropriation in this section shall be provided as a grant to a local nonprofit organization to purchase land and provide exhibit space for the display of fossils.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,859,978**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 35,592,643

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 42,752,621 -----

**NEW SECTION. Sec. 639. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Stadium Way facility: Preservation (96-1-102)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 60,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 487,500**

Prior Biennia (Expenditures) \$ 1,254,500

Future Biennia (Projected Costs) \$ 335,469

TOTAL \$ 2,137,469 -----

**NEW SECTION. Sec. 640. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Bremerton Shellbanks Retreat: Preservation (96-1-103)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 68,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 250,000

TOTAL \$ 318,000 -----

**NEW SECTION. Sec. 641. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**State Capital Museum: Preservation (96-1-105)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 122,592**

Prior Biennia (Expenditures) \$ 107,500

Future Biennia (Projected Costs) \$ 199,628

TOTAL \$ 429,720 -----

NEW SECTION. **Sec. 642. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Stadium Way facility: Collection storage and access (96-2-204)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 230,600**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,420,000

TOTAL \$ 1,650,600 -----

NEW SECTION. **Sec. 643. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**Campbell House restoration (86-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 30,000**

Prior Biennia (Expenditures) \$ 100,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,500 -----

NEW SECTION. **Sec. 644. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**Cheney Cowles Museum: Parking lot grading and resurfacing (96-1-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 285,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 285,000 -----

NEW SECTION. **Sec. 645. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**Cheney Cowles Museum: Preservation (96-1-004)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 175,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 700,000

TOTAL \$ 875,000 -----

NEW SECTION. **Sec. 646. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Learning Resource Center--Skagit Valley College Whidbey Campus (88-5-020)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,408**

Prior Biennia (Expenditures) \$ 2,117,591

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,122,999 -----

**NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Science, Fine Art, and Physical Education Building--South Puget Sound Community College (88-5-021)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 21,933**

Prior Biennia (Expenditures) \$ 5,976,066

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,997,999 -----

**NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Library addition and remodel--Columbia Basin College (88-5-023)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 21,573**

Prior Biennia (Expenditures) \$ 1,961,132

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,982,705 -----

**NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Vocational Shop Building--Centralia College (88-5-024)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 36,519**

Prior Biennia (Expenditures) \$ 2,035,306

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,071,825 -----

**NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Art Commission carryover (88-5-026)**

**Reappropriation:**

**St Bldg Constr Acct \$ 9,378**

Prior Biennia (Expenditures) \$ 2,984,655

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,994,033 -----

**NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Business Education Building--Spokane Community College (88-5-027)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 20,846**

Prior Biennia (Expenditures) \$ 6,291,122

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,311,968 -----

**NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Student Activity Center and Physical Education Building--Seattle Central (88-5-028)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,681,465**

Prior Biennia (Expenditures) \$ 9,519,434

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,200,899 -----

**NEW SECTION. Sec. 653. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Fire and security system repairs (90-1-004)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 134,433**

Prior Biennia (Expenditures) \$ 236,508

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,941 -----

**NEW SECTION. Sec. 654. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor asbestos removal (90-1-008)**

**Reappropriation:**



**St Bldg Constr Acct--State \$ 323,914**

Prior Biennia (Expenditures) \$ 992,167

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,316,081 -----

**NEW SECTION. Sec. 655. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Roof and structural repairs (90-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 8,779**

Prior Biennia (Expenditures) \$ 706,514

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 715,293 -----

**NEW SECTION. Sec. 656. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Heating, ventilation, and air conditioning and mechanical repairs (90-2-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,944**

Prior Biennia (Expenditures) \$ 947,439

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 998,383 -----

**NEW SECTION. Sec. 657. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Facility repairs (90-3-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 24,471**

Prior Biennia (Expenditures) \$ 503,545

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 528,016 -----

**NEW SECTION. Sec. 658. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (90-5-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 120,737**

Prior Biennia (Expenditures) \$ 2,904,787  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,025,524 -----

**NEW SECTION. Sec. 659. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Physical Education Facility--North Seattle Community College (90-5-011))**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,883,057**

Prior Biennia (Expenditures) \$ 1,671,143  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,554,200 -----

**NEW SECTION. Sec. 660. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Applied Arts Facility--Spokane Falls Community College (90-5-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,848,249**

Prior Biennia (Expenditures) \$ 2,643,840  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,492,089 -----

**NEW SECTION. Sec. 661. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Industrial Tech Building--Spokane Community College (90-5-013)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,016,150**

Prior Biennia (Expenditures) \$ 3,915,945  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,932,095 -----

**NEW SECTION. Sec. 662. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Vocational Art Facility--Shoreline Community College (90-5-014)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,885,749**

Prior Biennia (Expenditures) \$ 179,656  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,065,405 -----

**NEW SECTION. Sec. 663. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Business Education Building--Clark College (90-5-015)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,439,646**

Prior Biennia (Expenditures) \$ 3,851,620

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,291,266 -----

**NEW SECTION. Sec. 664. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Student Center Building--South Seattle Community College (90-5-016)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,188,316**

Prior Biennia (Expenditures) \$ 1,193,777

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,382,093 -----

**NEW SECTION. Sec. 665. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Library addition--Skagit Valley College (90-5-017)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 602,270**

Prior Biennia (Expenditures) \$ 1,403,729

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,005,999 -----

**NEW SECTION. Sec. 666. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Business Complex renovation--Clover Park Technical College (91-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 26,062**

Prior Biennia (Expenditures) \$ 2,473,938

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000 -----

**NEW SECTION. Sec. 667. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Administration Office renovation--Bellingham Technical College (91-3-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 155,844**

Prior Biennia (Expenditures) \$ 1,456,156

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,612,000 -----

**NEW SECTION. Sec. 668. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Acquisition: Auto Shop--Olympic College (92-1-604)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 575,155**

Prior Biennia (Expenditures) \$ 124,845

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000 -----

**NEW SECTION. Sec. 669. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Underground storage tank removal (92-2-102)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 96,033**

Prior Biennia (Expenditures) \$ 1,300,819

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,396,852 -----

**NEW SECTION. Sec. 670. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Legal and code requirement--Repairs (92-2-103)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 340,786**

Prior Biennia (Expenditures) \$ 831,214

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,172,000 -----

**NEW SECTION. Sec. 671. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Roof repairs (92-2-104)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 373,515**

Prior Biennia (Expenditures) \$ 7,083,485

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,457,000 -----

**NEW SECTION. Sec. 672. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Exterior and structure repairs (92-2-105)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 138,431**

Prior Biennia (Expenditures) \$ 678,569

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 817,000 -----

**NEW SECTION. Sec. 673. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Heating, ventilation, and air conditioning repairs (92-2-106)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,913,684**

Prior Biennia (Expenditures) \$ 1,160,315

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,073,999 -----

**NEW SECTION. Sec. 674. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Electrical repair (92-2-107)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 174,538**

Prior Biennia (Expenditures) \$ 2,132,462

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,307,000 -----

**NEW SECTION. Sec. 675. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Mechanical repairs (92-2-108)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 824,457**

Prior Biennia (Expenditures) \$ 1,683,543

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,508,000 -----

**NEW SECTION. Sec. 676. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Fire and security repairs (92-2-109)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 418,730**

Prior Biennia (Expenditures) \$ 273,269

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 691,999 -----

**NEW SECTION. Sec. 677. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Interior repairs (92-2-110)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 427,638**

Prior Biennia (Expenditures) \$ 1,012,361

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,439,999 -----

**NEW SECTION. Sec. 678. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Site repairs (92-2-111)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 98,377**

Prior Biennia (Expenditures) \$ 1,230,622

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,328,999 -----

**NEW SECTION. Sec. 679. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Pool repairs (92-2-112)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,133**

Prior Biennia (Expenditures) \$ 594,867  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000

**NEW SECTION. Sec. 680. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Administration addition--Lake Washington Technical College (92-5-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,498,016**

Prior Biennia (Expenditures) \$ 6,644,183  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,142,199

**NEW SECTION. Sec. 681. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvements (92-5-200)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,979,165**

Prior Biennia (Expenditures) \$ 14,950,834  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,929,999

**NEW SECTION. Sec. 682. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Roof repair--Clover Park Technical College (93-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,130**

Prior Biennia (Expenditures) \$ 183,869  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 188,999

**NEW SECTION. Sec. 683. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repairs and minor improvements (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 28,290,145**

Prior Biennia (Expenditures) \$ 8,709,855  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 37,000,000 -----

**NEW SECTION. Sec. 684. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Asbestos abatement (94-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 112,447**

Prior Biennia (Expenditures) \$ 441,786

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 554,233 -----

**NEW SECTION. Sec. 685. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Underground storage tank removal and remediation (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 158,727**

Prior Biennia (Expenditures) \$ 765,990

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 924,717 -----

**NEW SECTION. Sec. 686. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Underground storage tank removal (94-1-370)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 197,830**

Prior Biennia (Expenditures) \$ 4,170

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 202,000 -----

**NEW SECTION. Sec. 687. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Asbestos abatement (94-1-390)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 326,887**

Prior Biennia (Expenditures) \$ 124,440

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 451,327 -----



**NEW SECTION. Sec. 688. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Renovate Seattle Vocational Institute facility:** Top design and begin remodel on the first phase of improvements to Seattle Vocational Institute (94-1-733)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,523,494**

Prior Biennia (Expenditures) \$ 59,506

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,583,000 -----

**NEW SECTION. Sec. 689. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (94-2-400)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,640,466**

Prior Biennia (Expenditures) \$ 3,837,534

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,478,000 -----

**NEW SECTION. Sec. 690. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (94-2-500)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 590,517**

Prior Biennia (Expenditures) \$ 38,483

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 629,000 -----

**NEW SECTION. Sec. 691. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Pierce College--Puyallup phase II (94-2-601)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 862,234**

**Appropriation:**

**St Bldg Constr Acct--State \$ 12,852,618**

Prior Biennia (Expenditures) \$ 164,686

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,879,538 -----

**NEW SECTION. Sec. 692. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Skagit Valley College Vocational Building (94-2-602)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 152,981**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,320,000**

Prior Biennia (Expenditures) \$ 16,063

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,489,044 -----

**NEW SECTION. Sec. 693. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Whatcom Community College Learning Resource Center, Fine Arts, Student Center (94-2-603)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 342,967**

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,930,000**

Prior Biennia (Expenditures) \$ 262,669

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,535,636 -----

**NEW SECTION. Sec. 694. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Edmonds Community College Classroom and Laboratory Building (94-2-604)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 728,058**

**Appropriation:**

**St Bldg Constr Acct--State \$ 12,343,480**

Prior Biennia (Expenditures) \$ 138,578

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,210,116 -----

**NEW SECTION. Sec. 695. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct South Puget Sound Community College Technical Education Building (94-2-605)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 512,534**

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,430,000**

Prior Biennia (Expenditures) \$ 135,533

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,078,067 -----

**NEW SECTION. Sec. 696. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Green River Community College Center for Information Technology (94-2-606)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,069,426**

**Appropriation:**

**St Bldg Constr Acct--State \$ 16,800,000**

Prior Biennia (Expenditures) \$ 324,303

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,193,729 -----

**NEW SECTION. Sec. 697. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Predesign (94-2-650)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 43,379**

Prior Biennia (Expenditures) \$ 206,621

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000 -----

**NEW SECTION. Sec. 698. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Acquisitions (94-2-700)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 28,591**

Prior Biennia (Expenditures) \$ 480,409

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 509,000 -----

**NEW SECTION. Sec. 699. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Americans with Disabilities Act projects (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,190,091**

Prior Biennia (Expenditures) \$ 231,807

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,421,898 -----

**NEW SECTION. Sec. 700. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair and minor improvement (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 10,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 40,000,000

TOTAL \$ 50,000,000 -----

**NEW SECTION. Sec. 701. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair roofs (96-1-010)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,406,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 21,406,000 -----

**NEW SECTION. Sec. 702. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair heating, ventilation, and air conditioning (96-1-030)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,588,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 32,000,000

TOTAL \$ 39,588,000 -----

**NEW SECTION. Sec. 703. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair mechanical (96-1-060)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,262,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 7,262,000 -----

**NEW SECTION. Sec. 704. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair electrical (96-1-080)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,192,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,192,000 -----

**NEW SECTION. Sec. 705. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair exterior (96-1-100)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,419,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,419,000 -----

**NEW SECTION. Sec. 706. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair interiors (96-1-120)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,254,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 7,254,000 -----

**NEW SECTION. Sec. 707. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Site improvements (96-1-140)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,465,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,465,000 -----

**NEW SECTION. Sec. 708. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Infrastructure project savings (96-1-500)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

**NEW SECTION. Sec. 709. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Clover Park Technical College: Aviation trades complex, site acquisition, and related costs**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,100,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

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TOTAL \$ 2,100,000

**NEW SECTION. Sec. 710. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor program remodel and improvements (96-2-199)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 13,300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 56,000,000

TOTAL \$ 69,300,000 -----

**NEW SECTION. Sec. 711. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Project artwork consolidation account (96-2-400)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

**NEW SECTION. Sec. 712. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**North Seattle Community College:** To design a Vocational Technical Center Building and a separate Child Care Center (96-2-651)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 895,712**

Prior Biennia (Expenditures) \$ 43,512

Future Biennia (Projected Costs) \$ 12,047,538

TOTAL \$ 12,986,762 -----

**NEW SECTION. Sec. 713. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Everett Community College:** To procure land for a new access to the college and for a new Instruction Technology Center (96-2-652)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,558,440**

Prior Biennia (Expenditures) \$ 25,140

Future Biennia (Projected Costs) \$ 12,251,270

TOTAL \$ 15,834,850 -----

**NEW SECTION. Sec. 714. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**South Seattle Community College:** To design the Integrated Learning Assistance Resource Center (ILARC) (96-2-653)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 592,266**

Prior Biennia (Expenditures) \$ 21,466

Future Biennia (Projected Costs) \$ 7,064,600

TOTAL \$ 7,678,332 -----

**NEW SECTION. Sec. 715. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Olympic College Satellite--Poulsbo: Design (96-2-654)**

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct \$ 755,000**

Prior Biennia (Expenditures) \$ 26,359

Future Biennia (Projected Costs) \$ 10,248,000

TOTAL \$ 11,029,359 -----

**NEW SECTION. Sec. 716. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Bellevue Community College Classroom/Laboratory Building: Design (96-2-655)**

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 587,000**

Prior Biennia (Expenditures) \$ 34,423

Future Biennia (Projected Costs) \$ 9,116,160



TOTAL \$ 9,737,583 -----

**NEW SECTION. Sec. 717. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Tacoma Community College:** To acquire land for the Gig Harbor center.

**Appropriation:**

**St Bldg Constr Acct--State \$ 421,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 421,000 -----

**PART 6  
MISCELLANEOUS**

**NEW SECTION. Sec. 801.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$14,710,000 during the 1995-97 fiscal period; \$86,791,000 during the 1997-99 fiscal period; \$123,561,000 during the 1999-2001 fiscal period; \$123,500,000 during the 2001-03 fiscal period; and \$123,450,000 during the 2003-05 fiscal period.

**NEW SECTION. Sec. 802.** ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts. Prior to the finalization of a financing contract authorized under this act there shall be placed on file with the office of financial management an amortization statement which provides a schedule of contracted payments by source of fund. In addition, the contracting agency shall provide to the office of financial management a condition statement regarding any existing facility which is acquired listing the expected renovation or improvement costs which shall be incurred within five years of occupancy. The office of financial management shall provide annual reports to the appropriate legislative committees summarizing the information regarding the payment schedule and facility condition.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

Long-term lease with an option to purchase or lease-purchase for office space and associated parking in downtown Tacoma. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(2) Liquor control board:

Lease-develop with an option to purchase a new liquor distribution center and materials handling center costing approximately \$30,000,000 to replace the current Seattle facility. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(3) Department of corrections:

(a) Lease-purchase property from the department of natural resources on which Cedar Creek, Larch, and Olympic correctional centers are located for up to \$1,000,000; and

(b) Lease-develop with the option to purchase or lease-purchase 240 work release beds in facilities throughout the state for \$10,080,000.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Clark College in the amount of \$4,200,000 and reserves pursuant to chapter 39.94 RCW, to purchase 12 acres and a 60,000 square foot building as an expansion site for the main campus.

(b) Enter into a long-term lease or lease-purchase contract for Clover Park Technical College in the amount of \$5,600,000 for off-campus aircraft training programs;

(c) Purchase from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3.3 acres and a 67,000 square foot building to house classrooms, office facilities, and physical plant activities;

(d) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$1,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.2 acres and a 10,923 square foot building to house international programs and adult basic education and English as a second language instruction and student and faculty services;

(e) Purchase in a lump sum from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.1 acres and a 32,000 square foot building to house the extended learning center. This facility is currently being leased and maintained by the college;

(f) Enter into a financing contract on behalf of Green River Community College in the amount of \$4,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase a 28,000 square foot building, site and associated parking to house extension and business related programs;

(g) Enter into a financing contract on behalf of Highline Community College in the amount of \$300,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.45 acres and a 1,500 square foot building;

(h) Lease-purchase or enter into a financing contract on behalf of South Puget Sound Community College in the amount of \$1,400,000 and reserves pursuant to chapter 39.94 RCW, to purchase 6.69 acres contiguous to the main campus;

(i) Lease-purchase or enter into a financing contract on behalf of Walla Community College in the amount of \$1,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 18 acres of land and 27,500 square feet of improvements contiguous to the site;

(j) Lease-purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$250,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3 acres of land and erect a 7,500 square foot metal building to house physical plant shops.

(k) Lease-develop with option to purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 2 acres of land and construct additional parking for college faculty, staff, and students. This project is required by the City of Omak for the Wenatchee Valley College - North Campus;

(l) Lease-purchase or enter into a financing contract on behalf of Tacoma Community College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.275 acres contiguous to the campus;

(m) Enter into a financing contract on behalf of Skagit Valley Community College in the amount of \$800,000 and reserves pursuant to chapter 39.94 RCW for the purchase and development of

a 5,000 square foot educational and support services facility to provide instructional and meeting space for Skagit Valley Community College on San Juan Island;

(n) Lease-purchase or enter into a financing contract on behalf of Yakima Valley College in the amount of \$115,000 and reserves pursuant to chapter 39.94 RCW, to purchase two undeveloped lots adjacent to the campus for use as parking areas;

(o) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$2,880,000 and reserves pursuant to chapter 39.94 RCW, to purchase the Gig Harbor extension center and site;

(p) Enter into a financing contract on behalf of South Seattle Community College in the amount of \$5,350,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 11.08 acres of land to accommodate expansion of the Duwamish industrial education center;

(q) Enter into a long-term lease in a 11,097 square foot former bank building in Enumclaw by Green River Community College extension program for approximately \$90,000;

(r) Enter into a financing contract on behalf of Bellingham Technical College in the amount of \$1,100,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 8.5 acres of land to accommodate expansion of the Bellingham Technical College;

(s) Lease-develop with option to purchase or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000, subject to the approval of the office of financial management; and

(t) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;

(u) Lease-develop or lease-purchase property for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$350,000;

(v) Acquire a residence that abuts the Bellevue Community College campus, valued at \$200,000, for use as an English language center and long term campus expansion;

(w) Enter into a financing contract on behalf of Columbia Basin College in the amount of \$3,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$4,000,000 work force and vocational training facility. Columbia Basin College shall provide the balance of project cost in local funds; and

(x) Enter into a financing contract on behalf of Shoreline Community College in the amount of \$400,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$3,500,000 vocational art facility. The balance of construction funds are appropriated in the capital budget.

(5) State parks and recreation:

Enter into a financing contract on behalf of state parks and recreation in the amount of \$600,000 and reserves pursuant to chapter 39.94 RCW, to develop new campsite electrical hookups and expand group camp facilities statewide.

(6) Washington State University:

(a) Enter into a financing contract for \$8,600,000 plus financing costs to construct a facility on the Vancouver Branch Campus. The facility will be leased to the federal general services administration to house the Cascades Volcano Observatory and the lease payments shall reimburse Washington State University for the cost of the financing contract; and

(b) Enter into a financing contract for \$7,500,000 plus financing costs to construct a portion of the Consolidated Information Center at the Tri-Cities Branch Campus. Washington State University will be reimbursed for the cost of the financing contract from federal money received for the operation and/or construction of the center.

(7) Western Washington State University:

Lease-purchase property adjacent or near to the campus for future expansion for \$2,000,000.

(8) Washington state fruit commission:

Enter into a financing contract for the purpose of completing its new headquarters and visitor center facility in the principal amount of \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(9) The office of the state treasurer is authorized to enter into a financing contract pursuant to chapter 39.94 RCW for \$4,000,000 plus issuance expenses and required reserves to assist a consortium

of Washington counties in the lease/purchase of leasehold improvements to Martin Hall, on the campus of eastern state hospital, in Medical Lake, and the renovation of the hall for use as a juvenile rehabilitation center. The participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection.

**NEW SECTION. Sec. 803.** COORDINATED FACILITY PLANNING AND SERVICE DELIVERY. The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies.

**NEW SECTION. Sec. 804.** FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1995-97 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

**NEW SECTION. Sec. 805.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

**NEW SECTION. Sec. 806.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1995, in the 1993-95 biennial appropriations for each project.

**NEW SECTION. Sec. 807.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 808.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in

consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

**NEW SECTION. Sec. 809.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 810.** Notwithstanding any other provisions of law, for the 1995-97 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

**NEW SECTION. Sec. 811.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 812.** The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected. The director shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 813.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in

excess of \$5,000,000 shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

NEW SECTION. **Sec. 814.** Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management.

NEW SECTION. **Sec. 815.** Appropriations for design and construction of facilities on higher education branch campuses shall proceed only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board; and (4) branch campus facility utilization policies and standards as determined by the office of financial management in consultation with the higher education coordinating board. The office of financial management shall report to the appropriate committees of the legislature, by December 1, 1996, the standards, policies and enrollment levels used as the basis for allotting funds for branch campus design and construction.

NEW SECTION. **Sec. 816.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. **Sec. 817.** The department of natural resources shall submit economic assumptions and forecast methodology for trust revenues to the economic and revenue forecast work group. The supervisor of the economic and revenue forecast council shall include the forecast of trust revenues in the economic and revenue forecasts described in RCW 82.33.020.

NEW SECTION. **Sec. 818.** No moneys in this act shall be used to develop facilities for juvenile offenders at Rainier school.

NEW SECTION. **Sec. 819.** STUDYING THE FEASIBILITY OF ESTABLISHING A POOLED REVENUE DISTRIBUTION SYSTEM FOR STATE TRUST LANDS. The board of natural resources shall evaluate the feasibility of establishing a pooled revenue distribution system for state lands, as defined in RCW 79.01.004, to provide a more consistent and predictable revenue stream to trust beneficiaries. For the purposes of this section, a "pooled revenue distribution system" means a system that distributes revenues to each trust beneficiary based on the proportional net present value of revenue forecasted for each trust ownership over a defined time period. Actual revenue distribution to each trust during a fiscal period would be based on the assigned proportional benefit multiplied by the actual total revenues produced from all state lands during the period. The board shall report to the legislature on its evaluation, including any recommendations for implementation, by November 1, 1995. The report shall include necessary modifications to the legal framework governing state trust land revenues, and a proposed valuation methodology, as well as a forecast of potential revenue distributions using a pooled revenue distribution system.

NEW SECTION. **Sec. 820.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 821.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency."

Representative Benton moved adoption of the following amendment to the amendment by Representative Benton:

On page 51, strike all of line 46 and insert "Cedar Creek Expansion (96-2-010)"

On page 52, line 10, after "expansion of the" strike "Larch and"

On page 52, at the beginning of line 11, strike "camps" and insert "camp"

On page 52, line 20, strike "\$2,000,000" and insert "\$1,000,000"

On page 52, beginning on line 22, after "fencing" strike "as part of the expansion of" and insert "at"

On page 52, line 25, strike "\$22,000,000" and insert "\$8,100,000"

On page 52, line 29, strike "\$22,000,000" and insert "\$8,100,000"

Representative Benton spoke in favor of the adoption of the amendment to the amendment.

Representatives Sehlin, Ogden and Ebersole spoke against the adoption of the amendment to the amendment.

Representative Benton again spoke in favor of adoption of the amendment to the amendment.

The amendment was not adopted.

Representative Benton moved adoption of the following amendment to the amendment by Representative Benton:

On page 52, after line 23, insert:

"(5) The department shall not house alien offenders at the Larch corrections center on or after January 1, 1996."

Representatives Benton, Morris and Sehlin spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Ballasiotes moved adoption of the following amendment to the amendment by Representative Ballasiotes:

On page 141, after line 17 insert the following:

"(10) Washington state convention and trade center:

(a) Enter into a financing contract in the amount of \$8,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for refinancing the parking revenue note issued by the corporation to Industrial Indemnity Corporation and held by its successor, Resolution Credit Service Corporation; and

(b) Enter into a financing contract in the amount of \$111,700,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for the construction of a \$130,000,000 expansion of the Washington State Convention and Trade Center as authorized under chapter 386, Laws of 1995 in lieu of bonds described therein. The balance of the expansion project funds shall be provided from interest earnings and public or private funds."

Representatives Ballasiotes, Van Luven, Ogden, Jacobsen, Clements and Dyer spoke in favor of the adoption of the amendment to the amendment.

Representatives B. Thomas, Sehlin, Carrell and Hargrove spoke against the adoption of the amendment to the amendment.

Representatives Ballasiotes and Van Luven again spoke in favor of the adoption of the amendment to the amendment.

Representative B. Thomas again spoke against the adoption of the amendment to the amendment.

A division was called. The Speaker (Representative Horn presiding) called on the House to divide. The results of the division was: 59-YEAS, 38-NAYS. The amendment to the amendment was adopted.

Representatives Sehlin, Ogden and Chopp spoke in favor of adoption of the amendment as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Van Luven spoke in favor of passage of the bill.



The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1070.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1070, and the bill passed the House by the following vote: Yeas - 84, Nays - 13, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 84.

Voting nay: Representatives Campbell, Dickerson, Fisher, G., Fisher, R., Hargrove, Kremen, McMahan, Patterson, Poulsen, Sheldon, Sherstad, Smith and Valle - 13.

Excused: Representative Goldsmith - 1.

Second Engrossed Substitute House Bill No. 1070, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of Substitute House Bill No. 1071 and placed on third reading.

There being no objection, the rules were suspended, and Substitute House Bill No. 1071 was returned to second reading for the purpose of an amendment.

**SUBSTITUTE HOUSE BILL NO. 1071**, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden and Dellwo; by request of Office of Financial Management)

Authorizing general obligation bonds for costs incidental to the 1995-97 biennium.

The bill was read the second time.

Representative Sehlin moved adoption of the following amendment by Representative Sehlin:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1995-97 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eight hundred eleven million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

**NEW SECTION. Sec. 2.** The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

- (1) Seven hundred eighty million dollars to remain in the state building construction account created by RCW 43.83.020;
- (2) Twenty million dollars to the outdoor recreation account created by RCW 43.99.060;
- (3) Eighteen million six hundred thousand dollars to the habitat conservation account created by RCW 43.98A.020;
- (4) Two million nine hundred twelve thousand dollars to the public safety reimbursable bond account; and
- (5) Ten million dollars to the higher education construction account created by RCW 28B.14D.040.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

**NEW SECTION. Sec. 3.** (1) The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 2 (1), (2), (3), (4), and (5) of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(4) of this act, the state treasurer shall transfer from the public safety and education account to the general fund of the state treasury the amount computed in subsection (2) of this section for the bonds issued for the purposes of section 2(4) of this act.

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(5) of this act, the board of regents of the University of Washington shall cause to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the general fund of the state treasury the amount computed in subsection (2) of this section for bonds issued for the purposes of section 2(5) of this act.

(5) Bonds issued under this section and sections 1 and 2 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(6) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

**NEW SECTION. Sec. 4.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and section 3 of this act shall not be deemed to provide an exclusive method for the payment.

**NEW SECTION. Sec. 5.** The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

**Sec. 6.** RCW 39.52.010 and 1984 c 186 s 36 are each amended to read as follows:

Any county, city, or town in the state of Washington which now has or may hereafter have an outstanding indebtedness evidenced by warrants or bonds, including warrants or bonds of any county, city, or town which are special fund obligations of and constitute a lien upon the waterworks or other public utilities of such county, city, or town, and are payable only from the income or funds derived or to be derived therefrom, whether issued originally within the limitations of the Constitution of this state, or of any law thereof, or whether such outstanding indebtedness has been or may hereafter be

validated or legalized in the manner prescribed by law, may, by its corporate authorities, provide by ordinance or resolution for the issuance of funding bonds with which to take up and cancel such outstanding indebtedness in the manner hereinafter described, said bonds to constitute general obligations of such county, city, or town: PROVIDED, That special fund obligations payable only from the income funds of the public utility, shall not be refunded by the issuance of general municipal bonds where voter approval is required before general municipal bonds may be issued for such public utility purposes, unless such general municipal bonds shall have been previously authorized. Nothing in this chapter shall be so construed as to prevent any such county, city, or town from funding its indebtedness as now provided by law.

**Sec. 7.** RCW 39.52.020 and 1984 c 186 s 37 are each amended to read as follows:

No bonds issued under this chapter shall be issued for a longer period than twenty years. Nothing in this chapter shall be deemed to authorize the issuing of any funding bonds which exceeds any constitutional or statutory limitations of indebtedness. Such bonds shall be issued and sold in accordance with chapters 39.46 and 39.53 RCW, exclusive of RCW 39.53.120.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 9.** Sections 1 through 5 of this act shall constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "bonds;" strike the remainder of the title and insert "amending RCW 39.52.010 and 39.52.020; and adding a new chapter to Title 43 RCW."

Representative Sehlin spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ebersole spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1071.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1071, and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cooke, Crouse, Dellwo, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Lambert, Lisk, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 65.

Voting nay: Representatives Appelwick, Brown, Chappell, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hargrove, Hatfield, Jacobsen, Kremen, Mason,

Mastin, McMahan, Morris, Patterson, Poulsen, Quall, Regala, Rust, Scott, Sheldon, Sommers, Tokuda, Valle, Veloria and Wolfe - 32.

Excused: Representative Goldsmith - 1.

Engrossed Substitute House Bill No. 1071, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

#### MESSAGE FROM THE SENATE

May 23, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093,

and the same is herewith transmitted.

Marty Brown, Secretary

There being no objection, the Rules Committee was relieved of further consideration of House Bill No. 1023 and placed on third reading.

There being no objection, the rules were suspended, and House Bill No. 1023 was returned to second reading for the purpose of an amendment.

HOUSE BILL NO. 1023, by Representatives B. Thomas, Foreman, Chandler, Lisk, Cooke, Carlson, Brumsickle, Silver, Ballasiotes, Dyer, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Tokuda, Costa, Horn, Delvin, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Quall, Chappell, G. Fisher, Grant, Smith, Robertson, Sehlin, Honeyford, Van Luven, Pelesky, Blanton, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens, Morris, Hymes and Casada

Reducing business and occupation tax rates.

The bill was read the second time.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.255 and 1993 sp.s. c 25 s 202 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((2-0))~~ 1.75 percent.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the

commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

**Sec. 2.** RCW 82.04.290 and 1995 c 229 s 3 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((2.5))~~ 2.0 percent.

(2) Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses, other than or in addition to those enumerated in subsection (3) of this section; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((1.70))~~ 1.6 percent.

(3) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(4) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280, and subsections (1), (2), and (3) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((2.0))~~ 1.75 percent.

This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of title, after "rates;" strike the remainder of the title and insert "amending RCW 82.04.255 and 82.04.290; providing an effective date; and declaring an emergency."

Representative Sheldon moved adoption of the following amendment to the amendment by Representative Sheldon:

On page 2 of the amendment, after line 25, insert:

**"Sec. 1.** RCW 82.62.030 and 1986 c 116 s 17 are each amended to read as follows:

(1) A person shall be allowed a credit against the tax due under chapter 82.04 RCW ~~((of an amount equal to))~~ as provided in this section. For an application approved before January 1, 1996, the credit shall equal one thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after January 1, 1996, the credit shall equal two thousand dollars for each qualified employment position directly created in an eligible business project.

(2) The department shall keep a running total of all credits granted under this chapter during each fiscal biennium. The department shall not allow any credits which would cause the tabulation for a biennium to exceed fifteen million dollars. If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next biennium. However, the applicant's carryover into the next biennium is only permitted if the tabulation for the next biennium does not exceed fifteen million dollars as of the date on which the department has disallowed the application.

(3) No recipient is eligible for tax credits in excess of three hundred thousand dollars.

(4) No recipient may use the tax credits to decertify a union or to displace existing jobs in any community in the state.

(5) No recipient may receive a tax credit on taxes which have not been paid during the taxable year.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.04 RCW to read as follows:

(1) There may be credited against the tax imposed by this chapter, the value of state-approved, employer-provided or sponsored job training services designed to enhance the job-related performance of employees, for those businesses eligible for a tax deferral under chapter 82.60 RCW.

(2) The value of the state-approved, job training services provided by the employer to the employee, without charge, shall be determined by the allocation of the cost method using generally accepted accounting standards.

(3) The credit allowed under this section shall be limited to an amount equal to twenty percent of the value of the state-approved, job training services determined under subsection (2) of this section. The total credits allowed under this section for a business shall not exceed five thousand dollars per calendar year.

(4) Prior to claiming the credit under this section, the business must obtain approval of the proposed job training service from the employment security department. The employer's request for approval must include a description of the proposed job training service, how the job training will enhance the employee's performance, and the cost of the proposed job training.

(5) This section only applies to training in respect to eligible business projects for which an application is approved on or after October 1, 1995."

Renumber sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Sheldon and B. Thomas spoke in favor of the adoption of the amendment to the amendment.

The amendment was adopted.

Representative B. Thomas spoke in favor of adoption of the amendment as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1023.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1023, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representatives Sommers and Valle - 2.

Excused: Representative Goldsmith - 1.

Engrossed House Bill No. 1023, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of Engrossed Substitute House Bill No. 1592 and the bill be placed on third reading.

There being no objection, the rules were suspended, and Engrossed Substitute House Bill No. 1592 was returned to second reading for the purpose of an amendment.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives L. Thomas, Dellwo, Mielke and G. Fisher)

Crediting certain insurance premium taxes.

The bill was read the second time.

Representative Mielke moved adoption of the following amendment by Representative Mielke:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 48.32.145 and 1993 sp.s. c 25 s 901 are each amended to read as follows:

Every member insurer that prior to April 1, 1993, or after the effective date of this section, shall have paid one or more assessments levied pursuant to RCW 48.32.060(1)(c) shall be entitled to take ~~((, as))~~ a credit against any premium tax falling due under RCW 48.14.020 ~~((,)).~~ For assessments paid after the effective date of this section, the amount of the credit shall be one-tenth of the aggregate amount of such aggregate assessments paid during such calendar year for each of the ten consecutive calendar years beginning with the calendar year following the calendar year in which such assessments are paid. For assessments paid prior to April 1, 1993, the amount of the credit shall be one-fifth of the aggregate amount of such aggregate assessments paid during such calendar year for each of the five consecutive calendar years beginning with the calendar year following the calendar year in which such assessments are paid. Whenever ((an assessment or uncredited portion of an assessment)) the allowable credit is or becomes less than one thousand dollars, the entire amount ((may be credited)) of the credit may be offset against the premium tax at the next time the premium tax is paid.

~~((This section shall expire January 1, 1999.))~~

**Sec. 2.** RCW 48.32A.090 and 1993 sp.s. c 25 s 902 are each amended to read as follows:

(1) The association shall issue to each insurer paying an assessment under this chapter certificates of contribution, in appropriate form and terms as prescribed or approved by the

commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue.

(2) An outstanding certificate of contribution issued prior to April 1, 1993, or after the effective date of this section, shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve. Unless a longer period has been allowed by the commissioner the insurer shall in any event at its option have the right to show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows:

(a) For assessments paid after the effective date of this section:

100% for the calendar year of issuance;

90% for the first calendar year after the year of issuance;

80% for the second calendar year after the year of issuance;

70% for the third calendar year after the year of issuance;

60% for the fourth calendar year after the year of issuance;

50% for the fifth calendar year after the year of issuance;

40% for the sixth calendar year after the year of issuance;

30% for the seventh calendar year after the year of issuance;

20% for the eighth calendar year after the year of issuance;

10% for the ninth calendar year after the year of issuance; and

0% for the tenth and subsequent calendar years after the year of issuance; or

(b) For assessments paid prior to April 1, 1993:

100% for the calendar year of issuance;

80% for the first calendar year after the year of issuance;

60% for the second calendar year after the year of issuance;

40% for the third calendar year after the year of issuance;

20% for the fourth calendar year after the year of issuance; and

0% for the fifth and subsequent calendar years after the year of issuance.

Notwithstanding the foregoing, if the value of a certificate of contribution is or becomes less than one thousand dollars, the entire amount may be written off by the insurer in that year.

(3) The insurer shall offset the amount written off by it in a calendar year under subsection (2) of this section against its premium tax liability to this state accrued with respect to business transacted in such year.

(4) Any sums recovered by the association representing sums which have theretofore been written off by contributing insurers and offset against premium taxes as provided in subsection (3) of this section, shall be paid by the association to the commissioner and then deposited with the state treasurer for credit to the general fund of the state of Washington.

(5) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "insurers;" strike the remainder of the title and insert "amending RCW 48.32.145 and 48.32A.090; and declaring an emergency."

Representative Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1592.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1592, and the bill passed the House by the following vote: Yeas - 78, Nays - 19, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 78.

Voting nay: Representatives Appelwick, Beeksma, Chopp, Cody, Cole, Conway, Costa, Dickerson, Fisher, R., Mason, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 19.

Excused: Representative Goldsmith - 1.

Second Engrossed Substitute House Bill No. 1592, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of Substitute House Bill No. 1769 and the bill was placed on third reading.

There being no objection, the rules was suspended and Substitute House Bill No. 1769 was returned to second reading for the purpose of an amendment.

SUBSTITUTE HOUSE BILL NO. 1769, by House Committee on Finance (originally sponsored by Representatives Mielke, Morris, Campbell, Appelwick, Benton, Kremen, Fuhrman, Mulliken, G. Fisher, Basich, Brumsickle, Van Luven, Skinner, Grant, Boldt, Hymes, Carrell, Chandler, Beeksma, L. Thomas, Foreman, McMahan, Schoesler, Blanton and Thompson)

Lowering business and occupation tax for insurance business.

The bill was read the second time.

Representative Mielke moved adoption of the following amendment by Representative Mielke:

On page 4, line 12, after "percent." strike everything through "commission." on line 17.

Representative Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mielke spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1769.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1769, and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Chopp, Cody, Cole, Conway, Dickerson, Fisher, R., Regala, Rust and Sommers - 9.

Excused: Representative Goldsmith - 1.

Engrossed Substitute House Bill No. 1769, having received the constitutional majority, was declared passed.

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

There being no objection, the rules were suspended and Substitute Senate Bill No. 5739 was advanced to second reading and read the second time in full.

SUBSTITUTE SENATE BILL NO. 5739, by Senate Committee on Ways & Means (originally sponsored by Senators Strannigan, Rinehart, Johnson, Quigley, Long, Owen, Cantu, Hale, Finkbeiner, McCaslin, Palmer, Hochstatter, McDonald, Spanel, Schow, Prentice, Moyer, Loveland, Swecker, West, Rasmussen, Smith, Drew, Haugen, Franklin, Fairley, A. Anderson, Wojahn, Heavey, McAuliffe, Kohl, Hargrove, Oke and Bauer)

Exempting certain sales by nonprofit organizations from sales and use taxes.

The bill was read the second time.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.365 and 1979 ex.s. c 196 s 7 are each amended to read as follows:

(1) This chapter does not apply to ~~((amounts derived))~~ the first twenty thousand dollars received in a calendar year by a nonprofit organization as a result of conducting or participating in a bazaar or rummage sale if:

(a) The organization does not conduct or participate in more than two bazaars or rummage sales per year; and

(b) Each bazaar or rummage sale does not extend over a period of more than two days(~~;- and~~  
~~(c) The gross income received by each organization from each bazaar or rummage sale does not exceed one thousand dollars~~)).

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.08 RCW to read as follows:  
The tax levied by RCW 82.08.020 does not apply to sales made by a nonprofit organization if the gross income from the sales is exempt under RCW 82.04.365.

NEW SECTION. **Sec. 3.** A new section is added to chapter 82.04 RCW to read as follows:  
This chapter does not apply to nonprofit organizations in respect to amounts derived from the provision of child care resource and referral services.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 82.04.365; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency."

Representative B. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5739 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5739 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,

Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

Substitute Senate Bill No. 5739, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the Transportation Committee was relieved of further consideration of House Bill No. 2076 and the bill be placed on second reading.

HOUSE BILL NO. 2076, by Representatives Skinner, Honeyford, Clements and K. Schmidt

Simplifying disposition of drivers' license fees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Skinner spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 2076.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2076, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

House Bill No. 2076, having received the constitutional majority, was declared passed.

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

There being no objection, House Bill No. 2110 was read the first time.

There being no objection, the rules were suspended and House Bill No. 2110 was advanced to second reading and read the second time in full.

HOUSE BILL NO. 2110, by Representatives Campbell, Smith, Talcott, Morris, Conway, Huff, Costa, Scott, Casada, McMahan, Brumsickle and Ebersole

Authorizing the imposition of taxes by counties for correctional facilities and juvenile detention facilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Morris spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 2110.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2110, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representatives Beeksma and Hargrove - 2.

Excused: Representative Goldsmith - 1.

House Bill No. 2110, having received the constitutional majority, was declared passed.

There being no objection, all bills passed today will be immediately transmitted to the Senate.

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

There being no objection, the rules were suspended and Second Engrossed Substitute Senate Bill No. 5201 was advanced to second reading and read the second time in full.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5201, by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Cantu, McAuliffe, Haugen, Winsley, Snyder, Loveland, Sheldon, Fairley, West, Long, Palmer, Schow, Moyer, Sellar, Rasmussen, Deccio, Heavey, Quigley, C. Anderson, Oke, Roach and Hale; by request of Governor Lowry)

Providing tax exemptions for manufacturing and processing.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Van Luven spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Representative Van Luven yielded to a question by Representative Foreman.

Representative Foreman: I sat as a member of the manufacturing tax study committee this past summer and that committee resulted in the recommendation of this legislation. In determining the fiscal impact of this proposal several assumptions were made regarding the scope of manufacturing and processing included in the recommendations. The scope of manufacturing and processing was described to include all business activities identified in two digits, standard industrial codes 20-39 and those business activities identified in the three digit standard industrial codes 737. Is it intended that Second Engrossed Substitute Senate Bill No. 5201 apply to all business activities identified in two digit standard industrial codes 20-39 and those business activities identified in the three digit standards industrial codes 737.

Representative Van Luven: Yes. Second Engrossed Substitute Senate Bill No. 5201, just like House Bill No. 1024 is intended to apply to all business activities identified in two digit standard industrial codes 20-39 and those business activities identified in the three digit standard industrial codes 737.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 5201.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5201, and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Cole, Dickerson, Mason, Rust and Sommers - 5.

Excused: Representative Goldsmith - 1.

Second Engrossed Substitute Senate Bill No. 5201, having received the constitutional majority, was declared passed.

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

There being no objection, Second Engrossed Substitute Senate Bill No. 5001 was read the first time.

There being no objection, the rules were suspended, and Second Engrossed Substitute Senate Bill No. 5001 was advanced to second reading and read the second time in full.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5001, by Senate Committee on Ways & Means (originally sponsored by Senators Sheldon, Snyder, Haugen, Winsley, Quigley, Franklin, Rasmussen and Prentice)

Affecting the property taxation of senior citizens and persons retired because of physical disabilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 5001.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5001, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

Second Engrossed Substitute Senate Bill No. 5001, having received the constitutional majority, was declared passed.

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

There being no objection, Second Engrossed Senate Bill No. 5555 was read the first time.

There being no objection, the rules were suspended, and Second Engrossed Senate Bill No. 5555 was advanced to second reading and read the second time in full.

SECOND ENGROSSED SENATE BILL NO. 5555, by Senators C. Anderson, Long, Kohl, A. Anderson, Fairley, Sheldon, Prentice and Moyer

Modifying taxation of massage services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Thomas and Carlson spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Senate Bill No. 5555.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5555, and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe and Mr. Speaker - 90.

Voting nay: Representatives Appelwick, Beeksma, Rust, Sherstad, Sommers, Thomas, B. and Valle - 7.

Excused: Representative Goldsmith - 1.

Second Engrossed Senate Bill No. 5555, having received the constitutional majority, was declared passed.

There being no objection, Rule 13C was suspended.

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

There being no objection, Second Engrossed Senate Bill No. 5529 was read the first time.

There being no objection, the rules were suspended, and Second Engrossed Senate Bill No. 5529 was advanced to second reading and read the second time in full.

SECOND ENGROSSED SENATE BILL NO. 5529, by Senators McAuliffe, Rinehart, Moyer, McDonald, Wojahn and Winsley; by request of Office of Financial Management

Changing school district levy provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cole spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Senate Bill No. 5529.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5529, and the bill passed the House by the following vote: Yeas - 83, Nays - 14, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Horn, Huff, Hymes, Jacobsen, Kessler, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Morris, Mulliken, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Smith, Sommers, Sterk, Talcott,



Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 83.

Voting nay: Representatives Carlson, Hargrove, Hickel, Honeyford, Johnson, Koster, Lisk, Mitchell, Ogden, Pennington, Schmidt, K., Sheldon, Sherstad and Stevens - 14.

Excused: Representative Goldsmith - 1.

Second Engrossed Senate Bill No. 5529, having received the constitutional majority, was declared passed.

#### STATEMENTS FOR THE JOURNAL

I intended to vote YEA on Second Engrossed Senate Bill No. 5529.

KAREN SCHMIDT, 23rd District

I intended to vote NAY on Second Engrossed Senate Bill No. 5529,

CATHY MCMORRIS, 7th District

I intended to vote NAY on Second Engrossed Senate Bill No. 5529.

STEVE FUHRMAN, 7th District

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

There being no objection, the rules were suspended, and Engrossed Substitute Senate Bill No. 5325 was advanced to second reading and read the second time in full.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5325, by Senate Committee on Higher Education (originally sponsored by Senators Rinehart, Bauer, Prince, Pelz, Sheldon, Kohl, Drew and Wood)

Changing higher education fiscal provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Basich spoke in favor of passage of the bill.

Representative Jacobsen spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5325.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Engrossed Senate Bill No. 5325, and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mason, McMahan,

McMorris, Mielke, Mitchell, Mulliken, Ogden, Pennington, Radcliff, Reams, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thompson, Tokuda, Valle, Voloria, Wolfe and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Benton, Brown, Casada, Chappell, Conway, Ebersole, Fisher, G., Fisher, R., Grant, Hargrove, Hatfield, Jacobsen, Kessler, Kremen, Mastin, Morris, Patterson, Pelesky, Poulsen, Quall, Regala, Robertson, Schmidt, K., Sheldon, Thomas, L. and Van Luven - 27.

Excused: Representative Goldsmith - 1.

Substitute Engrossed Senate Bill No. 5325, having received the constitutional majority, was declared passed.

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

There being no objection, the rules were suspended, and Senate Concurrent Resolution No. 8417 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8417, by Senators Snyder and McDonald

Creating the cigarette tax and revenue loss advisory committee.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representative Van Luven spoke in favor of adoption of the resolution.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Concurrent Resolution No. 8417.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8417, and the resolution was adopted by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Quall - 1.

Excused: Representative Goldsmith - 1.

Senate Concurrent Resolution No. 8417, having received the constitutional majority, was declared passed.

#### RESOLUTION

HOUSE RESOLUTION NO. 95-4695

WHEREAS, The 1995 First Special Session of the Fifty-fourth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the continuation of the work of the House after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee, created by this resolution and consisting of five members, may assign subject matters and bills, memorials, and resolutions to authorized committees for study during the interim, and the Speaker may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House in an orderly manner and appoint members to them with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That during the interim the Executive Rules Committee shall authorize schedules and locations for meetings of any authorized committee or subcommittee, and those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the Fifty-fourth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House; and

BE IT FURTHER RESOLVED, That the Chief Clerk shall see that the House Chamber, adjoining rooms, members' offices, furniture, and equipment are clean and in good order, and make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk may approve vouchers of the members of the House, covering expenses incurred during the interim for official business of the Legislature or in preparation for the sessions of the Legislature and organizational duties in connection with them, at the per diem rate provided by RCW 44.04.120, for each day or major portion of a day, plus mileage at the rate established by law; and

BE IT FURTHER RESOLVED, That the Chief Clerk shall, during the interim, and as authorized by the Speaker, retain or hire any necessary employees, order necessary supplies, equipment, and printing to enable the House to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House and by Joint Rules of the Legislature if any are adopted; and

BE IT FURTHER RESOLVED, That the Chief Clerk shall make out the necessary vouchers upon which warrants are drawn for the final payment of all expenses in connection with the closing business and for any other business of the House of Representatives; and

BE IT FURTHER RESOLVED, That the State Treasurer shall draw warrants for the payment of salaries, per diem, in-lieu payments, and reimbursements of and to the members of the House of Representatives, the elected officers of the House of Representatives, and the employees each month upon vouchers approved by the Speaker and the Chief Clerk of the House of Representatives, and shall also deliver the warrants to the Chief Clerk of the House of Representatives for delivery or mailing to those entitled to the warrants; and

BE IT FURTHER RESOLVED, That the Speaker and the Chief Clerk may authorize the attendance of members and staff members at such courses or meetings as may be deemed pertinent and may authorize the expenditure of registration or tuition fees and reimbursement for subsistence and travel for that purpose; and

BE IT FURTHER RESOLVED, That members of the Legislature be reimbursed for expenses incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 44.04.120, plus mileage to and from the conferences, meetings, and courses at the rate established by law, except that if travel was by means of common carrier then only actual fare may be claimed, which reimbursement shall be paid on their vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That employees of the Legislature be reimbursed for expense incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 43.03.050, plus mileage to and from the conferences, meetings, and courses at the rate established by law, except that if travel was by means of common carrier then only actual fare may be claimed, which reimbursement shall be paid on their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That during the interim periods the use of the House Chamber, any of its committee rooms, members' offices, or any of the furniture or furnishings in them, shall not be granted to anyone without the permission of the Speaker and the Chief Clerk of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk may express the sympathy of the House by sending flowers when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the Fifty-fourth Legislative Assembly.

Representative Foreman moved adoption of the resolution.

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

#### ROLL CALL

The Clerk called the roll on the final adoption of House Resolution No. 4695, and the resolution was adopted by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

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

There being no objection, the rules were suspended, and House Concurrent Resolution No. 4418 was advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4418, by Representative Foreman

Concerning the status of bills, resolutions, and memorials prior to adjournment Sine Die.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representative Foreman spoke in favor of adoption of the resolution.

The Speaker (Representative Horn presiding) stated the question before the House to be final adoption of House Concurrent Resolution No. 4418.

## ROLL CALL

The Clerk called the roll on the final adoption of House Concurrent Resolution No. 4418, and the resolution was adopted by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

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

There being no objection, the rules were suspended, and House Concurrent Resolution No. 4417 was advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4417, by Representative Foreman

Adjourning Sine Die.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representative Foreman spoke in favor of adoption of the resolution.

The Speaker (Representative Horn presiding) stated the question before the House to be final adoption of House Concurrent Resolution No. 4417.

## ROLL CALL

The Clerk called the roll on the final adoption of House Concurrent Resolution No. 4417, and the resolution was adopted by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

## MESSAGE FROM THE SENATE

May 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1908,

and the same is herewith transmitted.

Marty Brown, Secretary

There being no objection, the Rules Committee was relieved of further consideration of House Bill No. 1022 and the bill be placed on second reading.

HOUSE BILL NO. 1022, by Representatives B. Thomas, Dyer, Cooke, Carlson, Casada, Chandler, Brumsickle, Foreman, Silver, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Quall, Chappell, G. Fisher, Basich, Grant, Smith, Robertson, Sehlin, Honeyford, Van Luven, Pelesky, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Hymes

Reducing property taxes.

The bill was read the second time. Committee on Finance recommendation. Majority, do pass as amended. (For committee amendment see Journal, 11th Day, January 19, 1995.)

There being no objection, the committee amendment was not adopted.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** With property valuations continuing to increase, property taxes have been steadily increasing. At the same time, personal incomes have not continued to rise at the same rate. Property taxes are becoming increasingly more difficult to pay. Many residential property owners complain about the overall level of taxes and about the continuing increase in tax from year to year. Taxpayers want property tax relief. The legislature intends to establish an on-going program of state property tax reductions the amount of which is to be determined by the legislature on a yearly basis based on the level of general fund tax revenues.

**NEW SECTION. Sec. 2.** A new section is added to chapter 84.55 RCW to read as follows:

(1) The state property tax levy for collection in 1996 shall be reduced by 4.7187 percent of the levy amount that would otherwise be allowed under this chapter without regard to this section or any other tax reduction legislation enacted in 1995.

(2) The tax reduction provided in this section is in addition to any other tax reduction legislation that may be enacted by the legislature.

(3) State levies for collection after 1996 shall be set at the amount that would be allowed otherwise under this chapter if the state levy for collection in 1996 had been set without the reduction under subsection (1) of this section.

**Sec. 3.** RCW 84.48.080 and 1994 c 301 s 43 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state,

and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law(~~(= PROVIDED, That)~~). The amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

In addition to computing a levy under this subsection that is reduced under section 2 of this act, the department shall compute a hypothetical levy without regard to the reduction under section 2 of this act. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010.

(3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

(4) After the completion of the duties (~~(hereinabove)~~) prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

**Sec. 4.** RCW 84.52.010 and 1995 c 99 s 2 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the

county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, (~~as now or hereafter amended,~~) exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.--- (section 1, chapter 99, Laws of 1995), and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.--- (section 1, chapter 99, Laws of 1995) shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under section 2 of this act."

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 84.48.080 and 84.52.010; adding a new section to chapter 84.55 RCW; and creating a new section."



Representative B. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

There being no objection, the House deferred further consideration of Engrossed House Bill No. 1022 and the bill held it's place on second reading.

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

There being no objection, Senate Bill No. 6074 was read the first time.

There being no objection, the rules were suspended, and Senate Bill No. 6074 was advanced to second reading and read the second time in full.

SENATE BILL NO. 6074, by Senators Sutherland and Rasmussen

Expanding the authority of the fish and wildlife commission.

The bill was read the second time.

Representative Regala moved adoption of the following amendment by Representative Regala:

On page 23, after line 18, insert the following:

"**Sec. 45.** RCW 77.04.090 and 1995 c 403 s 111 are each amended to read as follows:

The commission shall adopt permanent rules and amendments to or repeals of existing rules by approval of ~~((four))~~ five members by resolution, entered and recorded in the minutes of the commission: PROVIDED, That the commission may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule. The commission shall adopt emergency rules by approval of ~~((four))~~ five members. The commission or the director, when adopting emergency rules under RCW 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW. Judicial notice shall be taken of the rules filed and published as provided in RCW 34.05.380 and 34.05.210.

A copy of an emergency rule, certified as a true copy by a member of the commission, the director, or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule."

Renumber the remaining sections consecutively.

On page 1, line 9 of the title, after "75.52.050," strike "and 77.16.135" and insert "77.16.135, and 77.04.090"

Representatives Regala and Appelwick spoke in favor of the adoption of the amendment.

Representative Fuhrman spoke against the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

## ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 23, after line 18, to Senate Bill No. 6074 and the amendment was not adopted by the following vote: Yeas - 38, Nays - 59, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Veloria and Wolfe - 38.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Conway, Cooke, Crouse, Delvin, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

Excused: Representative Goldsmith - 1.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fuhrman, Clements and Jacobsen spoke in favor of passage of the bill.

Representatives Basich, Hatfield, G. Fisher, Rust and Regala spoke against passage of the bill.

Representative Basich again spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 6074.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6074, and the bill passed the House by the following vote: Yeas - 68, Nays - 29, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson and Mr. Speaker - 68.

Voting nay: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Kessler, Kremen, Mason, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Van Luven, Veloria and Wolfe - 29.

Excused: Representative Goldsmith - 1.

Senate Bill No. 6074, having received the constitutional majority, was declared passed.

There being no objection, all bills passed today will be immediately transmitted to the Senate.

## MOTION FOR RECONSIDERATION

Representative Grant: Having voted on the prevailing side of Senate Bill No. 6074 moved that the House immediately reconsider the vote.

#### RECONSIDERATION

The Speaker (Representative Horn presiding) stated the question before the House to be final passage Senate Bill No. 6074 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6074 on reconsideration, and the bill passed the House by the following vote: Yeas - 73, Nays - 24, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson and Mr. Speaker - 73.

Voting nay: Representatives Appelwick, Basich, Chopp, Cody, Cole, Dellwo, Dickerson, Fisher, G., Fisher, R., Hatfield, Kessler, Kremen, Mason, Patterson, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Van Luven, Veloria and Wolfe - 24.

Excused: Representative Goldsmith - 1.

Senate Bill No. 6074 on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, Senate Bill No. 6074 was immediately transmitted to the Senate,

There being no objection, the House resumed consideration of Engrossed House Bill No. 1022.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1022.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1022, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Rust, Sherstad, Sommers and Thibaudeau - 4.

Excused: Representative Goldsmith - 1.

Engrossed House Bill No. 1022, having received the constitutional majority, was declared passed.

There being no objection, the House reconsidered the vote on Engrossed House Bill No. 1022.

#### RECONSIDERATION

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1022 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1022 on reconsideration, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Chopp, Rust, Sommers and Thibaudeau - 4.

Excused: Representative Goldsmith - 1.

Engrossed House Bill No. 1022 on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, Engrossed House Bill No. 1022 was immediately transmitted to the Senate.

The Speaker assumed the chair.

#### MESSAGES FROM THE SENATE

May 23, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1566,

and the same is herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SENATE BILL NO. 5852,

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093,  
SECOND SUBSTITUTE HOUSE BILL NO. 1318,  
SECOND SUBSTITUTE HOUSE BILL NO. 1814,

The Speaker called on Representative Horn to preside.

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

There being no objection, Second Engrossed Senate Bill No. 5852 was read the first time.

There being no objection, the rules were suspended, and Second Engrossed Senate Bill No. 5852 was advanced to second reading and read the second time in full.

SECOND ENGROSSED SENATE BILL NO. 5852, by Senators Drew, Sheldon, Wood, Prince, Oke and Winsley; by request of Secretary of State

Revising the presidential primary.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Rust spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Senate Bill No. 5852.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5852, and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Beeksma, Fuhrman, McMorris, Mulliken, Pennington, Sherstad, Smith and Stevens - 8.

Excused: Representative Goldsmith - 1.

Second Engrossed Senate Bill No. 5852, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

## SENATE AMENDMENTS TO HOUSE BILL

May 23, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, with the following amendments,

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

## PART I GENERAL GOVERNMENT

### **NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund Appropriation (FY 1996) \$ 23,862,000

General Fund Appropriation (FY 1997) \$ 23,685,000

TOTAL APPROPRIATION \$ 47,547,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.

(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in

the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund Appropriation (FY 1996) \$ 17,397,000

General Fund Appropriation (FY 1997) \$ 19,198,000

TOTAL APPROPRIATION \$ 36,595,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.

(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

**NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE**

General Fund Appropriation (FY 1996) \$ 1,557,000  
General Fund Appropriation (FY 1997) \$ 1,268,000  
TOTAL APPROPRIATION \$ 2,825,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 is provided solely for the legislative budget committee to conduct a performance audit of the office of the superintendent of public instruction and report its finding to the appropriate committees of the legislature by December 31, 1995. In addition to the standard items reviewed in a performance audit, the committee is directed to provide the following: (a) A determination of methods to maximize the amount of federal funds received by the state; (b) the identification of potential cost savings from any office programs which could be eliminated or transferred to the private sector; (c) an analysis of gaps and overlaps in office programs; and (d) an evaluation of the efficiency with which the office of the superintendent of public instruction operates the programs under its jurisdiction and fulfills the duties assigned to it by law. In conducting the performance audit, the legislative budget committee is also directed to use performance measures or standards used by other states or other large education organizations in developing its findings.

(2) The general fund appropriation contains sufficient funds for the legislative budget committee to perform the study required in Second Substitute Senate Bill No. 5574 regarding the transfer of forest board lands to the counties.

**NEW SECTION. Sec. 104. FOR THE PERFORMANCE PARTNERSHIP COUNCIL**

General Fund Appropriation (FY 1996) \$ 250,000

**NEW SECTION. Sec. 105. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund Appropriation (FY 1996) \$ 1,162,000  
General Fund Appropriation (FY 1997) \$ 1,162,000  
TOTAL APPROPRIATION \$ 2,324,000

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY**

Department of Retirement Systems Expense Account  
Appropriation \$ 1,573,000

**NEW SECTION. Sec. 107. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund Appropriation (FY 1996) \$ 4,450,000  
General Fund Appropriation (FY 1997) \$ 4,450,000  
TOTAL APPROPRIATION \$ 8,900,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be transferred to the legislative systems revolving fund.

**NEW SECTION. Sec. 108. FOR THE STATUTE LAW COMMITTEE**

General Fund Appropriation (FY 1996) \$ 3,076,000  
General Fund Appropriation (FY 1997) \$ 3,356,000  
TOTAL APPROPRIATION \$ 6,432,000



The appropriations in this section are subject to the following conditions and limitations:

- (1) \$55,000 is provided solely for the uniform legislation commission.
- (2) \$40,000 is provided for the compilation and publication of a quarterly report on agency rule-making activity pursuant to section 704 of Engrossed Substitute House Bill No. 1010 (regulatory reform).

**NEW SECTION. Sec. 109. LEGISLATIVE AGENCIES.** In order to implement cost reduction measures required by this act and to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, legislative budget committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

**NEW SECTION. Sec. 110. FOR THE SUPREME COURT**

General Fund Appropriation (FY 1996) \$ 4,419,000  
General Fund Appropriation (FY 1997) \$ 4,456,000  
TOTAL APPROPRIATION \$ 8,875,000

**NEW SECTION. Sec. 111. FOR THE LAW LIBRARY**

General Fund Appropriation (FY 1996) \$ 1,607,000  
General Fund Appropriation (FY 1997) \$ 1,608,000  
TOTAL APPROPRIATION \$ 3,215,000

**NEW SECTION. Sec. 112. FOR THE COURT OF APPEALS**

General Fund Appropriation (FY 1996) \$ 8,834,000  
General Fund Appropriation (FY 1997) \$ 8,834,000  
TOTAL APPROPRIATION \$ 17,668,000

**NEW SECTION. Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund Appropriation (FY 1996) \$ 595,000  
General Fund Appropriation (FY 1997) \$ 606,000  
TOTAL APPROPRIATION \$ 1,201,000

**NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation (FY 1996) \$ 11,658,000  
General Fund Appropriation (FY 1997) \$ 11,728,000  
Public Safety and Education Account  
Appropriation \$ 41,403,000  
Judicial Information Systems Account  
Appropriation \$ 6,446,000  
TOTAL APPROPRIATION \$ 71,235,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account shall be used to fund computer systems for the supreme court, the court of appeals, and the office of the administrator for the courts. Expanding services to the courts, technology improvements, and criminal justice proposals shall receive priority consideration for the use of these funds.

(2) \$63,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5235 (judgeship for Clark county). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) \$9,326,000 of the public safety and education account is provided solely for the indigent appeals program.

(5) \$26,000 of the public safety and education account and \$110,000 of the judicial information systems account are to implement Engrossed Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(6) \$138,000 of the public safety and education account is provided solely for Thurston county impact costs.

(7) \$223,000 of the public safety and education account is provided solely for the gender and justice commission.

(8) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(9) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR**

General Fund Appropriation (FY 1996) \$ 2,899,000  
General Fund Appropriation (FY 1997) \$ 2,898,000  
TOTAL APPROPRIATION \$ 5,797,000

**NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation (FY 1996) \$ 242,000  
General Fund Appropriation (FY 1997) \$ 243,000  
TOTAL APPROPRIATION \$ 485,000

**NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation (FY 1996) \$ 1,107,000  
General Fund Appropriation (FY 1997) \$ 1,045,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 725  
TOTAL APPROPRIATION \$ 2,152,725

**NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE**

General Fund Appropriation (FY 1996) \$ 9,175,000  
General Fund Appropriation (FY 1997) \$ 5,924,000  
Archives and Records Management Account  
Appropriation \$ 4,330,000  
Department of Personnel Service Account  
Appropriation \$ 647,000  
TOTAL APPROPRIATION \$ 20,076,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,859,975 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$5,183,762 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$140,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

(4) The general fund appropriation for fiscal year 1996 shall be reduced by \$726,000 if Engrossed Senate Bill No. 5852 (presidential preference primary) is enacted by March 15, 1996.

(5) \$10,000 is provided solely for the purposes of Substitute House Bill No. 1497 (preservation of electronic public records),

**NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ 151,000

General Fund Appropriation (FY 1997) \$ 152,000

TOTAL APPROPRIATION \$ 303,000

**NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ 173,000

General Fund Appropriation (FY 1997) \$ 173,000

TOTAL APPROPRIATION \$ 346,000

**NEW SECTION. Sec. 121. FOR THE STATE TREASURER**

State Treasurer's Service Account

Appropriation \$ 10,454,000

**NEW SECTION. Sec. 122. FOR THE STATE AUDITOR**

General Fund Appropriation (FY 1996) \$ 12,000

General Fund Appropriation (FY 1997) \$ 10,000

Municipal Revolving Account

Appropriation \$ 24,886,000

Auditing Services Revolving Account

Appropriation \$ 11,814,000

TOTAL APPROPRIATION \$ 36,722,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) The state auditor, in consultation with the legislative budget committee, shall conduct a performance audit of the state investment board. In conducting the audit, the state auditor shall: (a) Establish and publish a schedule of the performance audit and shall solicit public comments relative to the operations of the state investment board at least three months prior to conducting the scheduled performance audit; (b) under the provisions of chapter 39.29 RCW, obtain and utilize a private firm to conduct the audit. The firm selected shall utilize professional staff possessing the education, training, and practical experience in auditing private and governmental entities responsible for the investment of funds necessary to capably conduct the audit required by this subsection. The firm selected for the audit shall determine the extent to which the state investment board is operating consistently with the performance audit measures developed by the state auditor, acting together with the board, the legislative budget committee, the office of financial management, the state treasurer, and other state agencies, as appropriate. The audit measures shall incorporate appropriate institutional investment industry criteria for measuring management practices and operations. The firm shall recommend in its report any actions deemed appropriate that the board can take to operate more consistently with such

measures. The cost of the performance audit conducted shall be paid by the board from nonappropriated investment earnings.

**NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund Appropriation (FY 1996) \$ 6,000  
General Fund Appropriation (FY 1997) \$ 59,000  
TOTAL APPROPRIATION \$ 65,000

**NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 1996) \$ 3,228,000  
General Fund--State Appropriation (FY 1997) \$ 3,225,000  
General Fund--Federal Appropriation \$ 1,624,000  
Public Safety and Education Account  
Appropriation \$ 1,250,000  
State Investment Board Expense Account  
Appropriation \$ 4,000,000  
New Motor Vehicle Arbitration Account  
Appropriation \$ 1,782,000  
Legal Services Revolving Account  
Appropriation \$ 113,972,000  
Health Services Account Appropriation \$ 300,000  
TOTAL APPROPRIATION \$ 129,381,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. The attorney general may, with approval of the office of financial management change its billing system to meet the needs of its user agencies.

(3) \$4,000,000 from the state investment board expense account appropriation is provided solely for attorney general costs and related expenses in aggressively pursuing litigation related to real estate investments on behalf of the state investment board. To the maximum extent possible, attorney general staff shall be used in pursuing this litigation.

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS**

Securities Regulation Account  
Appropriation \$ 4,515,000

**NEW SECTION. Sec. 126. DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 1996) \$ 45,346,000  
General Fund--State Appropriation (FY 1997) \$ 50,609,000  
General Fund--Federal Appropriation \$ 147,991,000  
General Fund--Private/Local Appropriation \$ 1,676,000  
Public Safety and Education Account  
Appropriation \$ 3,960,000

Waste Reduction, Recycling, and Litter Control	
Account Appropriation	\$ 2,006,000
Washington Marketplace Program Account	
Appropriation	\$ 150,000
Public Works Assistance Account	
Appropriation	\$ 1,068,000
Building Code Council Account	
Appropriation	\$ 1,289,000
Administrative Contingency Account	
Appropriation	\$ 1,776,000
Low-Income Weatherization Assistance Account	
Appropriation	\$ 923,000
Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 6,027,000
Manufactured Home Installation Training Account	
Appropriation	\$ 150,000
Washington Housing Trust Account	
Appropriation	\$ 4,686,000
Public Facility Construction Revolving Account	
Appropriation	\$ 238,000
Solid Waste Management Account Appropriation	\$ 700,000
Growth Management Planning and Environmental	
Review Fund Appropriation	\$ 3,000,000
TOTAL APPROPRIATION	\$ 271,595,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,065,000 of the general fund--state appropriation is provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1993-95 biennium.

(2) \$538,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1724 (growth management).

(3) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$4,800,000 of federal community development block grant funds for distribution to local governments to allocate to community action agencies state-wide.

(4) \$8,915,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1996 as follows:

- (a) \$3,603,250 to local units of government to continue multijurisdictional drug task forces;
- (b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;
- (c) \$456,000 to the department to continue the state-wide drug prosecution assistance program;
- (d) \$93,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;
- (e) \$744,000 to the department to continue the youth violence prevention and intervention projects;
- (f) \$240,000 to the department for grants to support tribal law enforcement needs;
- (g) \$495,000 is provided to the Washington state patrol for a state-wide integrated narcotics system;
- (h) \$538,000 to the department for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;
- (i) \$51,000 to the Washington state patrol for data collection;

(j) \$445,750 to the office of financial management for the criminal history records improvement program;

(k) \$42,000 to the department to support local services to victims of domestic violence;

(l) \$300,000 to the department of community, trade, and economic development for domestic violence legal advocacy;

(m) \$300,000 to the department of community, trade, and economic development for grants to provide a defender training program; and

(n) \$673,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

(5) \$3,960,000 of the public safety and education account appropriation is provided solely for the office of crime victims' advocacy.

(6) \$216,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$200,000 of the general fund--state appropriation is provided solely as a grant for the community connections program in Walla Walla county.

(8) \$30,000 of the Washington housing trust account appropriation is provided solely for the department to conduct an assessment of the per square foot cost associated with constructing or rehabilitating buildings financed by the housing trust fund for low-income housing. The department may contract with specially trained teams to conduct this assessment. The department shall report to the legislature by December 31, 1995. The report shall include:

(a) The per square foot cost of each type of housing unit financed by the housing trust fund;

(b) An assessment of the factors that affect the per square foot cost;

(c) Recommendations for reducing the per square foot cost, if possible;

(d) Guidelines for housing costs per person assisted; and

(e) Other relevant information.

(9) \$350,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

(10) \$300,000 of the general fund--state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

(12) \$100,000 of the general fund--state appropriation is provided solely as a grant to a nonprofit organization for costs associated with development of the Columbia Breaks Fire Interpretive Center.

(13) \$150,000 of the general fund--state appropriation is provided solely for operation of the marketplace program and to provide state matching funds for a federal grant.

(14) \$100,000 of the general fund--state appropriation is provided solely for the Pierce county long-term care ombudsman program.

(15) \$60,000 of the general fund--state appropriation is provided solely for the Pacific Northwest economic region.

(16) \$500,000 of the general fund--state appropriation is provided solely for distribution to the city of Burien for analysis of the proposed Port of Seattle third runway including preparation of a draft environmental impact statement and other technical studies. The amount provided in this subsection shall not be expended directly or indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway.

(17) Not more than \$458,000 of the general fund--state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to

implement a plan for assessing fees for services provided by the project. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996 and seventy-five percent of the expenditures in fiscal year 1997. Beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(18) \$4,804,000 of the public safety and education account appropriation is provided solely for contracts with qualified legal aid programs for civil indigent legal representation pursuant to RCW 43.08.260. It is the intent of the legislature to ensure that legal aid programs receiving funds appropriated in this act pursuant to RCW 43.08.260 comply with all applicable restrictions on use of these funds. To this end, during the 1995-97 fiscal biennium the department shall monitor compliance with the authorizing legislation, shall oversee the implementation of this subsection, and shall report directly to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(a) It is the intent of the legislature to improve communications between legal aid programs and persons affected by the activities of legal aid programs. There is established for the 1995-97 fiscal biennium a task force on agricultural interests/legal aid relations. The task force shall promote better understanding and cooperation between agricultural interests and legal aid programs and shall provide a forum for discussion of issues of common concern. The task force shall not involve itself in pending litigation.

(i) The task force shall consist of the following sixteen members: Four representatives of agricultural organizations, to be appointed by the legislator members; two individuals who represent the corresponding interests of legal clients, to be appointed by organizations designated by the three legal services programs; two representatives of Evergreen Legal Services, to be appointed by its board of directors; one representative each from Puget Sound Legal Assistance Foundation and Spokane Legal Services Center, each to be appointed by its directors; one member from each of the majority and minority caucuses of the house of representatives, to be appointed by the speaker of the house of representatives; one member from each of the majority and minority caucuses of the senate, to be appointed by the president of the senate; and two members of the supreme court-appointed access to justice board, to be appointed by the board. During fiscal year 1996, the task force shall be chaired by a legislative member, to be selected by the task force members. During fiscal year 1997, the committee shall be chaired by a nonlegislator member, to be selected by the task force members.

(ii) All costs associated with the meetings shall be borne by the individual task force members or by the organizations that the individuals represent. No task force member shall be eligible for reimbursement of expenses under RCW 43.03.050 or 43.03.060. Nothing in this subsection prevents the legal aid programs from using funds appropriated in this act to reimburse their representatives or the individuals representing legal clients.

(iii) The task force will meet at least four times during the first year of the biennium and as frequently as necessary thereafter at mutually agreed upon times and locations. Any member of the task force may place items on meeting agendas. Members present at the first two task force meetings shall agree upon a format for subsequent meetings.

(b) The legislature recognizes that farmworkers have the right to receive basic information and to consult with attorneys at farm labor camps without fear of intimidation or retaliation. It is the intent of the legislature and in the interest of the public to ensure the safety of all persons affected by legal aid programs' farm labor camp outreach activities. Legal aid program employees have the legal right to enter the common areas of a labor camp or to request permission of employees to enter their dwellings. Employees living in grower supplied housing have the right to refuse entry to anyone including attorneys unless they have a warrant. Individual employees living in employer supplied housing do not have the right to force legal aid program employees to leave common areas of housing (outside) as long as one person who resides in the associated dwellings wants that person to be there. Any legal aid program employee wishing to visit employees housed on grower property has the right to enter the driveway commonly used by the housing occupants. This means that if agricultural employees must use a grower's personal driveway to get to their housing, legal aid program employees also may use that driveway to access the housing without a warrant so long as at least some of the housing is occupied. When conducting outreach activities that involve entry onto labor camps, legal

aid programs shall establish and abide by policies regarding conduct of outreach activities. The policies shall include a requirement that legal aid program employees identify themselves to persons whom they encounter at farm labor camps. The legal aid programs shall provide copies of their current outreach policies to known agricultural organizations and shall provide copies upon request to any owner of property on which farmworkers are housed. Legal aid program employees involved in outreach activities shall attempt to inform operators of licensed farm labor camps or their agents, and known grower organizations of the approximate time frame for outreach activities and shall cooperate with operators of farm labor camps at which farmworkers are housed in assuring compliance with all pertinent laws and ordinances, including those related to trespass and harassment. Employers who believe that Evergreen Legal Services Outreach Guidelines have been violated shall promptly provide all available information on the alleged violation to the director of Evergreen Legal Services and to the chair of the Task Force on Agricultural Interests/Legal Aid Relations. Evergreen Legal Services will promptly investigate any alleged violations of the outreach guidelines and inform the complaining party of the result. If the resolution of the investigation is not satisfactory to the complainant, the matter shall be placed on the Task Force agenda for discussion at the next scheduled meeting. Employers who believe that Evergreen Legal Services staff members have trespassed should immediately contact local law enforcement authorities.

(c) It is the intent of the legislature to provide the greatest amount of legal services to the largest number of clients by discouraging inefficient use of state funding for indigent legal representation. To this end, it is the intent of the legislature that, prior to the commencement of litigation against any private employer relating to the terms and conditions of employment legal aid programs receiving funds appropriated in this act make good faith written demand for the requested relief, a good faith offer of settlement or an offer to submit to nonbinding arbitration prior to filing a lawsuit, unless the making of the offer is, in the opinion of the director of the legal services program or his/her designee, clearly prejudicial to: (i) The health, safety, or security of the client; or (ii) the timely availability of judicial relief. The director of the legal aid program may designate not more than two persons for purposes of making the determination of prejudice permitted by this section.

(d)(i) The legislature encourages legal aid programs to devote their state and nonstate funding to the basic, daily legal needs of indigent persons. No funds appropriated under this act may be used for legal representation and activities outside the scope of RCW 43.08.260.

(ii) No funds appropriated in this act may be used for lobbying as defined in RCW 43.08.260(3). Legal aid programs receiving funds appropriated in this act shall comply with all restrictions on lobbying contained in Federal Legal Services Corporation Act (P.L. 99-951) and regulations promulgated thereunder.

(e) No funds appropriated in this act may be used by legal aid programs for representation of undocumented aliens.

(f) The legislature recognizes the duty of legal aid programs to preserve inviolate and prevent the disclosure of, in the absence of knowing and voluntary client consent, client information protected by the United States Constitution, the Washington Constitution, the attorney-client privilege, or any applicable attorney rule of professional conduct. However, to the extent permitted by applicable law, legal aid programs receiving funds appropriated in this act shall, upon request, provide information on their activities to the department and to legislators for purposes of monitoring compliance with authorizing legislation and this subsection.

(g) Nothing in this subsection is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, and the Federal Legal Services Corporation, to resolve complaints or disputes within their jurisdiction.

**NEW SECTION. Sec. 127. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund Appropriation (FY 1996) \$ 410,000

General Fund Appropriation (FY 1997) \$ 410,000

TOTAL APPROPRIATION \$ 820,000

**NEW SECTION. Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT**



General Fund--State Appropriation (FY 1996) \$ 9,482,000  
 General Fund--State Appropriation (FY 1997) \$ 9,138,000  
 General Fund--Federal Appropriation \$ 12,432,000  
 General Fund--Private/Local Appropriation \$ 720,000  
 Health Services Account Appropriation \$ 330,000  
 Public Safety and Education Account  
     Appropriation \$ 200,000  
     TOTAL APPROPRIATION \$ 32,302,000

The appropriations in this subsection are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation is provided solely as the state's share of funding for the "Americorps" youth employment program.

**NEW SECTION. Sec. 129. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account  
     Appropriation \$ 14,487,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF PERSONNEL**

General Fund--State Appropriation (FY 1996) \$ 360,000  
 General Fund--State Appropriation (FY 1997) \$ 360,000  
 General Fund--Federal Appropriation \$ 700,000  
 Personnel Data Revolving Account Appropriation \$ 880,000  
 Department of Personnel Service Account  
     Appropriation \$ 15,354,000  
 Higher Education Personnel Services Account  
     Appropriation \$ 1,656,000  
     TOTAL APPROPRIATION \$ 19,310,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) \$32,000 of the department of personnel service fund appropriation is provided solely for the creation, printing, and distribution of the personal benefits statement for state employees.
- (3) The general fund--state appropriation, the general fund--federal appropriation, the personnel data revolving account appropriation, and \$300,000 of the department of personnel service account appropriation shall be used solely for the establishment of a state-wide human resource information data system and network within the department of personnel and to improve personnel data integrity. Authority to expend these amounts is conditioned on compliance with section 902 of this act. The personnel data revolving account is hereby created in the state treasury to facilitate the transfer of moneys from dedicated funds and accounts. To allocate the appropriation from the personnel data revolving account among the state's dedicated funds and accounts based on each fund or account's pro rata share of the state salary base, the state treasurer is directed to transfer sufficient money from each fund or account to the personnel data revolving account in accordance with schedules provided by the office of financial management.
- (4) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation or the department of retirement systems for the deferred compensation program to the deferred compensation administrative account. Department billings to the committee or the department of retirement systems shall be for actual costs only.
- (5) The department of personnel service fund appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.
- (6) \$500,000 of the department of personnel service account appropriation is provided solely for a career transition program to assist state employees who are separated or are at risk of lay-off due to reduction-in-force, including employee retraining and career counseling.
- (7) The department of personnel has the authority to charge agencies for expenses resulting from the administration of a benefits contribution plan established by the health care authority.

Fundings to cover these expenses shall be realized from agency FICA tax savings associated with the benefits contributions plan.

**NEW SECTION. Sec. 131. FOR THE COMMITTEE FOR DEFERRED COMPENSATION**

Dependent Care Administrative Account  
Appropriation \$ 166,000

**NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account  
Appropriation \$ 18,813,000

**NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE GAMBLING COMMISSION**

Industrial Insurance Premium Refund Account  
Appropriation \$ 14,000

**NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund Appropriation (FY 1996) \$ 195,000  
General Fund Appropriation (FY 1997) \$ 195,000  
TOTAL APPROPRIATION \$ 390,000

**NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ 148,000  
General Fund Appropriation (FY 1997) \$ 146,000  
TOTAL APPROPRIATION \$ 294,000

**NEW SECTION. Sec. 136. FOR THE PERSONNEL APPEALS BOARD**

Department of Personnel Service Account  
Appropriation \$ 1,593,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- OPERATIONS**

Department of Retirement Systems Expense Account  
Appropriation \$ 30,152,000  
Dependent Care Administrative Account  
Appropriation \$ 183,000  
TOTAL APPROPRIATION \$ 30,335,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$857,000 of the department of retirement systems expense account appropriation is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$779,000 of the department of retirement systems expense account appropriation is provided solely for the in-house design development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(3) \$1,900,000 of the department of retirement systems expense account appropriation and the entire dependent care administrative account appropriation are provided solely for the implementation of Substitute House Bill No. 1206 (restructuring retirement systems). If the bill is not enacted by June 30, 1995, the amount provided in this subsection from the department of retirement systems expense

account shall lapse, and the entire dependent care administrative account appropriation shall be transferred to the committee for deferred compensation.

**NEW SECTION. Sec. 138. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account  
Appropriation \$ 8,068,000

The appropriation in this section is subject to the following conditions and limitations: The board shall conduct a feasibility study on the upgrade or replacement of the state-wide investment accounting system and report its findings to the fiscal committees of the legislature by January 1, 1996.

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation (FY 1996) \$ 62,528,000  
General Fund Appropriation (FY 1997) \$ 63,139,000  
Timber Tax Distribution Account  
Appropriation \$ 4,585,000  
Waste Reduction, Recycling, and Litter Control  
Account Appropriation \$ 95,000  
State Toxics Control Account  
Appropriation \$ 67,000  
Solid Waste Management Account  
Appropriation \$ 88,000  
Oil Spill Administration Account  
Appropriation \$ 14,000  
Pollution Liability Insurance Program Trust Account  
Appropriation \$ 230,000  
TOTAL APPROPRIATION \$ 130,746,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,197,000 of the general fund appropriation is provided solely for senior citizen property tax deferral distribution. \$103,000 of this amount is provided solely to reimburse counties for the expansion of the senior citizen property tax deferral program enacted by Substitute House Bill No. 1673.

(2) \$280,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) The general fund appropriation contains sufficient funds for the department of revenue to collect use tax on advertising materials printed outside the state and mailed directly to Washington residents at the direction of an in-state business to promote sales of products or services, pursuant to RCW 82.12.010(5).

(4) The general fund appropriation contains sufficient funds for the department of revenue to study the feasibility of rewriting Titles 82 and 84 RCW for clarity and ease of understanding, without making substantive changes in the law. The department may study this issue by redrafting certain sections of the existing law and reviewing with legislators, interest groups, and affected parties whether or not such a project is feasible. The department shall report the results of this study to the legislature in the 1996 legislative session.

**NEW SECTION. Sec. 140. FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation (FY 1996) \$ 993,000  
General Fund Appropriation (FY 1997) \$ 996,000  
TOTAL APPROPRIATION \$ 1,989,000

**NEW SECTION. Sec. 141. FOR THE MUNICIPAL RESEARCH COUNCIL**

General Fund Appropriation (FY 1996) \$ 1,593,000

General Fund Appropriation (FY 1997) \$ 1,637,000  
TOTAL APPROPRIATION \$ 3,230,000

**NEW SECTION. Sec. 142. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account  
Appropriation \$ 2,121,000

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ 284,000  
General Fund--State Appropriation (FY 1997) \$ 283,000  
General Fund--Federal Appropriation \$ 1,304,000  
General Fund--Private/Local Appropriation \$ 388,000  
Motor Transport Account Appropriation \$ 10,814,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 140,000  
Air Pollution Control Account  
Appropriation \$ 111,000  
Department of General Administration Facilities  
and Services Revolving Account  
Appropriation \$ 21,271,000  
Central Stores Revolving Account  
Appropriation \$ 3,056,000  
Risk Management Account Appropriation \$ 2,033,000  
TOTAL APPROPRIATION \$ 39,684,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,776 of the industrial insurance premium refund account appropriation is provided solely for the Washington school directors association.
- (2) The cost of purchasing and material control operations may be recovered by the department through charging agencies utilizing these services. The department must begin directly charging agencies utilizing the services on September 1, 1995. Amounts charged may not exceed the cost of purchasing and contract administration. Funds collected may not be used for purposes other than cost recovery and must be separately accounted for within the central stores revolving fund.

**NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF INFORMATION SERVICES**

Data Processing Revolving Account  
Appropriation \$ 3,847,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment, and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.
- (2) \$364,000 of the data processing revolving account appropriation is provided solely for maintenance and support of the WIN Network. The department is authorized to recover the costs through billings to affected agencies.

**NEW SECTION. Sec. 145. FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation \$ 104,000

Insurance Commissioner's Regulatory Account  
Appropriation \$ 20,126,000  
TOTAL APPROPRIATION \$ 20,230,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The insurance commissioner shall obtain the approval of the department of information services for any feasibility plan for proposed technology improvements.

(2) \$895,000 of the insurance commissioner's regulatory account appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 146. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account  
Appropriation \$ 1,293,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the certified public accountants' account appropriation is provided solely to conduct a study in conjunction with the higher education coordinating board of the financial impact on public and private higher education institutions of any increase in the education requirements for CPA certification. Such study shall include impacts on enrollment and access of other students to higher education. No rule to increase education requirements may be implemented until such study has been completed and reported to the higher education and fiscal committees of both houses of the legislature.

**NEW SECTION. Sec. 147. FOR THE DEATH INVESTIGATION COUNCIL**

Death Investigations Account Appropriation \$ 12,000

**NEW SECTION. Sec. 148. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Account Appropriation \$ 4,733,000

The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) The commission shall conduct a complete examination of Playfair racecourse, identifying problems and offering possible solutions that are designed to resolve the continuing decline in parimutuel racing at that track.

**NEW SECTION. Sec. 149. FOR THE LIQUOR CONTROL BOARD**

Liquor Revolving Account Appropriation \$ 113,461,000

**NEW SECTION. Sec. 150. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Account--State  
Appropriation \$ 25,802,000  
Public Service Revolving Account--Federal  
Appropriation \$ 200,000  
TOTAL APPROPRIATION \$ 26,002,000

**NEW SECTION. Sec. 151. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS**

Volunteer Fire Fighters' Relief and Pension  
Administrative Account Appropriation \$ 442,000

**NEW SECTION. Sec. 152. FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ 7,474,000  
General Fund--State Appropriation (FY 1997) \$ 7,477,000

General Fund--Federal Appropriation \$ 28,293,000  
 General Fund--Private/Local Appropriation \$ 237,000  
 Enhanced 911 Account Appropriation \$ 18,541,000  
 Industrial Insurance Premium Refund Account  
 Appropriation \$ 34,000  
**TOTAL APPROPRIATION \$ 62,056,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$205,238 of the total appropriation is provided solely to pay loan obligations on the energy partnership contract number 90-07-01. This obligation includes unpaid installments from September 1993 through June 1997. This amount may be reduced by any payments made in the 1993-95 Biennium on installments made in the 1993-95 Biennium on installments due between September 1993 and June 1995.

(2) \$70,000 of the general fund--state appropriation is provided solely for the north county emergency medical service.

**NEW SECTION. Sec. 153. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund Appropriation (FY 1996) \$ 1,647,000  
 General Fund Appropriation (FY 1997) \$ 1,667,000  
**TOTAL APPROPRIATION \$ 3,314,000**

**NEW SECTION. Sec. 154. FOR THE GROWTH PLANNING HEARINGS BOARD**

General Fund Appropriation (FY 1996) \$ 1,331,000  
 General Fund Appropriation (FY 1997) \$ 1,334,000  
**TOTAL APPROPRIATION \$ 2,665,000**

**NEW SECTION. Sec. 155. FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Operations  
 Account Appropriation \$ 25,606,000

**PART II  
 HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is prohibited from requiring special authorization for nonmedical reasons for prescription drugs and medications for medicaid-eligible recipients.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 144,801,000

General Fund--State Appropriation (FY 1997) \$ 151,569,000

General Fund--Federal Appropriation \$ 263,843,000

General Fund--Private/Local Appropriation \$ 400,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 5,719,000

TOTAL APPROPRIATION \$ 566,332,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,660,000 of the general fund--state appropriation for fiscal year 1996 and \$10,086,000 of the general fund--federal appropriation are provided solely for the modification of the case and management information system (CAMIS). Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) \$5,524,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of this amount:

(a) \$150,000 of the general fund--state appropriation is provided in fiscal year 1996 to develop a plan for children at risk. The department shall work with a variety of service providers and community representatives, including the community public health and safety networks, and shall present the plan to the legislature and the governor by December 1, 1995. The plan shall contain a strategy for the development of an intensive treatment system with outcome-based information on the level of services that are achievable under an annual appropriation of \$5,000,000, \$7,000,000, and \$9,000,000; address the issue of chronic runaways; and determine caseload impacts.

(b) \$219,000 of the general fund--state appropriation is provided in fiscal year 1996 and \$4,678,000 of the general fund--state appropriation is provided in fiscal year 1997 for crisis residential center training and administrative duties and secure crisis residential center contracts.

(c) \$266,000 of the general fund--state appropriation is provided for the multidisciplinary teams and \$211,000 of the general fund--state appropriation is provided in fiscal year 1997 for family reconciliation services.

(d) The state may enter into agreements with the counties to provide residential and treatment services to runaway youth at a rate of reimbursement to be negotiated by the state and county.

(3) \$1,997,000 of the violence reduction and drug enforcement account appropriation and \$8,421,000 of the general fund--federal appropriation are provided solely for the operation of the family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Of these amounts:

(a) \$1,060,000 of the violence reduction and drug enforcement account appropriation is provided solely for distribution to the community public health and safety networks for planning in fiscal year 1996.

(b) \$937,000 of the violence reduction and drug enforcement account appropriation is provided for staff in the children and family services division of the department of social and health services to support family policy council activities. The family policy council is directed to provide training, design, technical assistance, consultation, and direct service dollars to the networks. Of this amount, \$300,000 is provided for the evaluation activities outlined in RCW 70.190.050, to be conducted exclusively by the Washington state institute for public policy. To the extent that private funds can be raised for the evaluation activities, the state funding may be retained by the department to support the family policy council activities.

(c) \$8,421,000 of the general fund--federal appropriation is provided solely for the delivery of services authorized by the federal family preservation and support act.

(4) \$2,575,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5885 (family preservation services). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. Of this amount:

(a) \$75,000 is provided in fiscal year 1996 to develop an implementation and evaluation plan for providing intensive family preservation services and family preservation services. The department shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$3,000,000, \$5,000,000, and \$7,000,000; and

(b) \$2,500,000 is provided in fiscal year 1997 for additional family preservation services based upon the report.

(5) \$4,646,000 of the general fund--state is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(6) \$2,672,000 of the general fund--state is provided solely to increase payment rates to contracted social services child care providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(7) \$854,000 of the violence reduction and drug enforcement account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(8) \$700,000 of the general fund--state appropriation and \$262,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation (FY 1996)	\$ 24,944,000
General Fund--State Appropriation (FY 1997)	\$ 25,771,000
General Fund--Federal Appropriation	\$ 20,167,000
General Fund--Private/Local Appropriation	\$ 286,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 5,695,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 76,863,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$650,000 of the general fund--state appropriation for fiscal year 1996 and \$650,000 of the general fund--state appropriation for fiscal year 1997 are provided solely for operation of learning and life skills centers established pursuant to chapter 152, Laws of 1994.

(b) \$1,379,000 of the general fund--state appropriation and \$134,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

**(2) INSTITUTIONAL SERVICES**

General Fund--State Appropriation (FY 1996)	\$ 25,701,000
General Fund--State Appropriation (FY 1997)	\$ 29,120,000
General Fund--Federal Appropriation	\$ 23,011,000
General Fund--Private/Local Appropriation	\$ 830,000



Violence Reduction and Drug Enforcement Account  
Appropriation \$ 10,634,000  
TOTAL APPROPRIATION \$ 89,296,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 1,021,000  
General Fund--State Appropriation (FY 1997) \$ 1,024,000  
General Fund--Federal Appropriation \$ 881,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 421,000  
TOTAL APPROPRIATION \$ 3,347,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 107,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 1,177,000  
TOTAL APPROPRIATION \$ 1,284,000

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 1996) \$ 162,878,000  
General Fund--State Appropriation (FY 1997) \$ 169,206,000  
General Fund--Federal Appropriation \$ 241,564,000  
General Fund--Private/Local Appropriation \$ 9,000,000  
Health Services Account Appropriation \$ 19,647,000  
TOTAL APPROPRIATION \$ 602,295,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$8,160,000 of the general fund--state appropriation and \$279,000 of the health services account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(c) From the general fund--state appropriation in this section, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that are used by enrolled regional support network consumers by reason of their psychiatric disability. The secretary of social and health services shall convene representatives from the aging and adult services program, the mental health division, and the regional support networks to establish an equitable and efficient mechanism for accomplishing this reimbursement.

(d) The appropriations in this section assume that expenditures for voluntary psychiatric hospitalization total \$23,600,000 from the general fund--state appropriation and \$4,300,000 from the health services account appropriation in fiscal year 1996, and \$26,200,000 from the general fund--state appropriation and \$4,600,000 from the health services account appropriation in fiscal year 1997. To the extent that regional support networks succeed in reducing hospitalization costs below these levels, one-half of the funds saved shall be provided as bonus payments to regional support networks for delivery of additional community mental health services, and one-half shall revert to the state treasury. Actual expenditures and bonus payments shall be calculated at the end of each biennial quarter, except for the final quarter, when expenditures and bonuses shall be projected based on actual experience through the end of April 1997.

(e) \$1,000,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 56,033,000  
General Fund--State Appropriation (FY 1997) \$ 56,579,000  
General Fund--Federal Appropriation \$ 112,097,000  
General Fund--Private/Local Appropriation \$ 42,512,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 747,000  
TOTAL APPROPRIATION \$ 267,968,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at Western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so.

(3) CIVIL COMMITMENT

General Fund Appropriation (FY 1996) \$ 3,378,000  
General Fund Appropriation (FY 1997) \$ 3,378,000  
TOTAL APPROPRIATION \$ 6,756,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 6,341,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,549,000  
General Fund--State Appropriation (FY 1997) \$ 2,544,000  
General Fund--Federal Appropriation \$ 1,511,000  
TOTAL APPROPRIATION \$ 6,604,000

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996) \$ 117,802,000  
General Fund--State Appropriation (FY 1997) \$ 121,580,000  
General Fund--Federal Appropriation \$ 165,632,000  
Health Services Account Appropriation \$ 4,699,000  
TOTAL APPROPRIATION \$ 409,713,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 62,357,000  
General Fund--State Appropriation (FY 1997) \$ 62,953,000  
General Fund--Federal Appropriation \$ 139,600,000  
General Fund--Private/Local Appropriation \$ 9,100,000  
TOTAL APPROPRIATION \$ 274,010,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,837,000  
General Fund--State Appropriation (FY 1997) \$ 2,848,000  
General Fund--Federal Appropriation \$ 777,000  
TOTAL APPROPRIATION \$ 6,462,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 7,878,000

(5) The appropriations in this section are subject to the following conditions and limitations:

(a) \$6,569,000 of the general fund--state appropriation and \$19,000 of the health services account appropriation and \$4,298,000 of the general fund--federal appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) \$1,447,000 of the general fund--state appropriation is provided solely for employment or other day programs for eligible persons who complete a high school curriculum during the 1995-97 biennium.

(c) \$500,000 of the health services account appropriation is provided solely for fiscal year 1996 and \$3,500,000 of the health services account appropriation is provided solely for fiscal year 1997 for family support services for families who need but are currently unable to receive such services because of funding limitations. The fiscal year 1996 amount shall be prioritized for unserved families who have the most critical need for assistance. The fiscal year 1997 amount shall be distributed among unserved families according to priorities developed in consultation with organizations representing families of people with developmental disabilities.

(d) The secretary of social and health services shall work with provider organizations and advocacy groups to plan and implement strategies for increasing the efficiency of community residential services funded under this section. As a result of those efforts, the average number of persons receiving out-of-home community residential care, on a full-time rather than respite basis, shall be increased by at least 50 persons during fiscal year 1996 over the June 1995 level, and by at least 100 more during fiscal year 1997. Priority for such services shall be given to persons who are residing with elderly parents or relatives. The secretary shall report on plans and progress to the appropriate fiscal and policy committees of the legislature by November 15, 1995, and November 15, 1996.

(e) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(f) The secretary of social and health services shall investigate and by November 15, 1995, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the feasibility of obtaining a federal managed-care waiver under which growth which would otherwise occur in state and federal spending for the medicaid personal care and targeted case management programs is instead capitated and used to provide a flexible array of employment, day program, and in-home supports.

(g) \$1,015,000 of the program support general fund--state appropriation is provided solely for distribution among the five regional deaf centers for services for the deaf and hard of hearing.

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996)	\$ 378,972,000
General Fund--State Appropriation (FY 1997)	\$ 393,491,000
General Fund--Federal Appropriation	\$ 793,250,000
Health Services Account--State Appropriation	\$ 9,885,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 1,575,598,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,492,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(3) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for the community options program entry system exceed allotted levels, the secretary of social and health services shall immediately take action to adjust functional eligibility standards, service

levels, and/or the terms of the medicaid waiver sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(4) The department shall seek a federal plan amendment to increase the home maintenance needs allowance for unmarried COPES recipients only to 100 percent of the federal poverty level. No changes shall be implemented in COPES home maintenance needs allowances until the amendment has been approved.

(5) The secretary of social and health services shall transfer funds appropriated under section 207(2) of this act to this section for the purpose of integrating and streamlining programmatic and financial eligibility determination for long-term care services.

(6) A maximum of \$2,603,000 of the general fund--state appropriation and \$2,670,000 of the general fund--federal appropriation for fiscal year 1996 and \$5,339,000 of the general fund--state appropriation and \$5,380,000 of the general fund--federal appropriation for fiscal year 1997 are provided to fund the medicaid share of any prospective payment rate adjustments as may be necessary in accordance with RCW 74.46.460.

(7) The health services account appropriation is to be used solely for the enrollment of home care workers employed through state contracts in the basic health plan.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

**(1) GRANTS AND SERVICES TO CLIENTS**

General Fund--State Appropriation (FY 1996) \$ 403,859,000  
General Fund--State Appropriation (FY 1997) \$ 405,332,000  
General Fund--Federal Appropriation \$ 677,127,000  
TOTAL APPROPRIATION \$ 1,486,318,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more  
Exemption: \$55 71 86 102 117 133 154 170

(b) \$18,000 of the general fund--state appropriation for fiscal year 1996 and \$37,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(c) Not more than \$7,700,000 of the general fund--state appropriation may be expended to provide cash assistance through the general assistance for pregnancy program as specified in RCW 74.04.005 as amended (Substitute House Bill No. 2083).

**(2) PROGRAM SUPPORT**

General Fund--State Appropriation (FY 1996) \$ 113,329,000  
General Fund--State Appropriation (FY 1997) \$ 110,137,000  
General Fund--Federal Appropriation \$ 202,152,000  
Health Services Account Appropriation \$ 750,000  
TOTAL APPROPRIATION \$ 426,368,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$16,000 of the general fund--state appropriation for fiscal year 1996 and \$34,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to

contracted social service providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) The department shall report to the fiscal committees of the legislature no later than December 20, 1995, concerning the number and dollar value of contracts for services provided as part of the job opportunities and basic skills program. This report shall indicate the criteria used in the choice of state agencies or private entities for a particular contract, the total value of contracts with state agencies, and the total value of contracts with private entities. The report shall also indicate what, if any, performance criteria are included in job opportunities and basic skills program contracts.

(c) The department shall:

(i) Reinstate the SAVE program by September 30, 1995, and report to the fiscal committees of the house of representatives and senate by December 1, 1995, regarding the progress of implementation and outcomes by region of the program;

(ii) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status;

(iii) Post at every community service office a sign letting applicants and recipients know that illegal aliens will be reported to the United States immigration and naturalization service and that the systematic alien verification for entitlements system is in use in the office; and

(iv) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 8,199,000

General Fund--State Appropriation (FY 1997) \$ 8,736,000

General Fund--Federal Appropriation \$ 76,400,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 71,900,000

Health Services Account Appropriation \$ 969,000

TOTAL APPROPRIATION \$ 166,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$400,000 of the health services account appropriation is provided solely to implement Second Substitute Senate bill No. 5688 (fetal alcohol syndrome). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$502,000 of the general fund--state appropriation and \$435,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1996 and \$1,015,000 of the general fund--state appropriation and \$1,023,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted and subcontract social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(4) \$552,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 670,792,000

General Fund--State Appropriation (FY 1997) \$ 692,015,000

General Fund--Federal Appropriation \$ 1,761,005,000

General Fund--Private/Local Appropriation \$ 242,525,000  
Health Services Account Appropriation \$ 199,571,000  
TOTAL APPROPRIATION \$ 3,565,908,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. The department shall also continue to provide consistent reporting on other medicaid children served through the basic health plan.

(2) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(3) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(4) \$3,682,000 of the general fund--state appropriation for fiscal year 1996 and \$7,844,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted medical services providers.

(5)(a) Pursuant to RCW 74.09.700, the medically needy program shall be limited to include only the following groups: Those persons who, except for income and resources, would be eligible for the medicaid categorically needy aged, blind, or disabled programs and medically needy persons under age 21 or over age 65 in institutions for mental diseases or in intermediate care facilities for the mentally retarded. Existing departmental rules concerning income, resources, and other aspects of eligibility for the medically needy program shall continue to apply to these groups. The medically needy program will not provide coverage for caretaker relatives of medicaid-eligible children or for adults in families with dependent children who, except for income and resources, would be eligible for the medicaid categorically needy aid to families with dependent children program.

(b) Notwithstanding (a) of this subsection, the medically needy program shall provide coverage until December 31, 1995, to those persons who, except for income and resources, would be eligible for the medicaid aid to families with dependent children program. Not more than \$2,020,000 of the general fund--state appropriation may be expended for this purpose.

(6) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.

(7) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(8) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(9) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(10) Funding is provided in this section to fund payment of insurance premiums for persons with human immunodeficiency virus who are not eligible for medicaid.

(11) Not more than \$11,410,000 of the general fund--state appropriation may be expended for the purposes of operating the medically indigent program during fiscal year 1996. Funding is provided solely for emergency transportation and acute emergency hospital services, including emergency room physician services and related inpatient hospital physician services. Funding for such services is to be provided to an eligible individual for a maximum of three months following a hospital admission and only after \$2,000 of emergency medical expenses have been incurred in any twelve-month period.

(12) Not more than \$10,000,000 of the health services account appropriation may be expended for the purposes of providing reimbursement during fiscal year 1997 to those hospitals and physicians most adversely affected by the provision of uncompensated emergency room and uncompensated inpatient hospital care. The department shall develop rules stating the conditions for and rates of compensation.

(13) \$21,525,000 of the health services account appropriation and \$21,031,000 of the general fund--federal appropriation are provided solely to increase access to dental services and to increase the use of preventative dental services for title XIX categorically eligible children.

(14) After considering administrative and cost factors, the department shall adopt measures to realize savings in the purchase of prescription drugs, hearing aids, home health services, wheelchairs and other durable medical equipment, and disposable supplies. Such measures may include, but not be limited to, point-of-sale pharmacy adjudication systems, modification of reimbursement methodologies or payment schedules, selective contracting, and inclusion of such services in managed care rates.

(15) As part of the long-term care reforms contained in Engrossed Second Substitute House Bill No. 1908, after receiving acute inpatient hospital care, eligible clients shall be transferred from the high cost institutional setting to the least restrictive, least costly, and most appropriate facility as soon as medically reasonable. Physical medicine and rehabilitation services (acute rehabilitation) shall take place in the least restrictive environment, at the least cost and in the most appropriate facility as determined by the department in coordination with appropriate health care professionals and facilities. Facilities providing physical medicine and rehabilitation services must meet the quality care certification standards required of acute rehabilitation hospitals and rehabilitation units of hospitals.

(16) The department is authorized to provide no more than five chiropractic service visits per person per year for those eligible recipients with acute conditions.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 7,741,000  
General Fund--State Appropriation (FY 1997) \$ 7,846,000  
General Fund--Federal Appropriation \$ 73,180,000  
General Fund--Private/Local Appropriation \$ 2,904,000  
TOTAL APPROPRIATION \$ 91,671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in the direct delivery of service to clients.

(2) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies.

(3) \$310,000 of the general fund--state appropriation and \$1,144,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals with developmental disabilities who complete a high school curriculum during the 1995-97 biennium.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 25,933,000  
General Fund--State Appropriation (FY 1997) \$ 25,934,000  
General Fund--Federal Appropriation \$ 41,503,000  
General Fund--Private/Local Appropriation \$ 270,000  
TOTAL APPROPRIATION \$ 93,640,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(2) \$500,000 of the general fund--state appropriation and \$300,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). The department may transfer all or a portion of these amounts to the appropriate divisions of the department for this purpose. If Engrossed Substitute House Bill No. 1010 (regulatory reform) is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 18,058,000  
General Fund--State Appropriation (FY 1997) \$ 18,169,000  
General Fund--Federal Appropriation \$ 135,488,000  
General Fund--Local Appropriation \$ 33,232,000  
TOTAL APPROPRIATION \$ 204,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

(3) The amounts appropriated in this section for child support legal services shall only be expended by means of contracts with local prosecutor's offices.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 21,112,000  
General Fund--State Appropriation (FY 1997) \$ 20,668,000  
General Fund--Federal Appropriation \$ 16,281,000  
TOTAL APPROPRIATION \$ 58,061,000

**NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE POLICY BOARD**

General Fund--Private/Local Appropriation \$ 110,000  
Health Services Account Appropriation \$ 4,229,000  
TOTAL APPROPRIATION \$ 4,339,000

**NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 1996) \$ 3,403,000  
General Fund--State Appropriation (FY 1997) \$ 3,403,000  
State Health Care Authority Administrative  
Account Appropriation \$ 15,744,000  
Health Services Account Appropriation \$ 249,642,000  
TOTAL APPROPRIATION \$ 272,192,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,806,000 of the general fund appropriation and \$5,590,000 of the health services account appropriation are provided solely for health care services provided through local community clinics.

(2) \$1,268,000 of the health care authority administrative fund appropriation is provided to accommodate additional enrollment from school districts that voluntarily choose to purchase employee benefits through public employee benefits board programs. The office of financial management is



directed to monitor K-12 enrollment in PEBB plans and to reduce allotments proportionally if the number of K-12 active employees enrolled after January 1995 is less than 11,837.

**NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 1,905,000  
General Fund--State Appropriation (FY 1997) \$ 1,912,000  
General Fund--Federal Appropriation \$ 1,344,000  
General Fund--Private/Local Appropriation \$ 402,000  
TOTAL APPROPRIATION \$ 5,563,000

**NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account  
Appropriation \$ 20,000  
Accident Account Appropriation \$ 9,806,000  
Medical Aid Account Appropriation \$ 9,807,000  
TOTAL APPROPRIATION \$ 19,633,000

**NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Death Investigations Account Appropriation \$ 38,000  
Public Safety and Education Account  
Appropriation \$ 10,654,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 344,000  
TOTAL APPROPRIATION \$ 11,036,000

The appropriations in this section are subject to the following conditions and limitations: \$28,000 of the public safety and education account is provided solely to implement Engrossed Second Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation (FY 1996) \$ 5,270,000  
General Fund Appropriation (FY 1997) \$ 5,311,000  
Public Safety and Education Account--State  
Appropriation \$ 19,547,000  
Public Safety and Education Account--Federal  
Appropriation \$ 6,002,000  
Public Safety and Education Account--Private/Local  
Appropriation \$ 972,000  
Electrical License Account Appropriation \$ 19,321,000  
Farm Labor Revolving Account--Private/Local  
Appropriation \$ 28,000  
Worker and Community Right-to-Know Account  
Appropriation \$ 2,138,000  
Public Works Administration Account  
Appropriation \$ 1,928,000  
Accident Account--State Appropriation \$ 137,909,000  
Accident Account--Federal Appropriation \$ 9,112,000  
Medical Aid Account--State Appropriation \$ 148,204,000  
Medical Aid Account--Federal Appropriation \$ 1,592,000  
Plumbing Certificate Account Appropriation \$ 682,000  
Pressure Systems Safety Account Appropriation \$ 2,053,000

TOTAL APPROPRIATION \$ 360,069,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "crime victims--prime migration" and "document imaging--field offices" are conditioned upon compliance with section 902 of this act. In addition, funds for the "document imaging--field offices" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) Institute copayments for services; (b) develop preferred provider and managed care contracts; and (c) coordinate with the department of social and health services to use public safety and education account funds as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$108,000 of the general fund appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(5) By November 1, 1995, the director of labor and industries shall report to the appropriate policy and fiscal committees of the legislature with a plan for establishing within existing resources a designated claims unit to specialize in claims by state employees.

(6)(a) The appropriations in this section may not be used to implement or enforce rules that are not in compliance with the regulatory fairness act, under chapter 19.85 RCW.

(b) The appropriations in this section may not be used to implement or enforce rules that the joint administrative rules review committee finds are not within the intent of the legislature as expressed by the statute that the rule implements.

(7) \$450,000 of the accident account--state appropriation and \$450,000 of the medical aid account--state appropriation are provided solely to implement an on-line claims data access system that will include all employers in the retrospective rating plan program.

(8) Within the appropriations provided in this section, the department shall implement an integrated state-wide on-line verification system for pharmacy providers. The system shall be implemented by means of contracts that are competitively bid. Until this system is implemented, no department rules may take effect that reduce the dispensing fee for industrial insurance pharmacy services in effect on January 1, 1995.

**NEW SECTION. Sec. 220. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund Appropriation (FY 1996) \$ 1,199,000  
General Fund Appropriation (FY 1997) \$ 1,086,000  
TOTAL APPROPRIATION \$ 2,285,000

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**(1) HEADQUARTERS**

General Fund Appropriation (FY 1996) \$ 1,227,000  
General Fund Appropriation (FY 1997) \$ 1,226,000  
Industrial Insurance Refund Account  
Appropriation \$ 25,000  
Charitable, Educational, Penal, and Reformatory  
Institutions Account Appropriation \$ 4,000  
TOTAL APPROPRIATION \$ 2,482,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 1996) \$ 1,853,000  
General Fund--State Appropriation (FY 1997) \$ 1,852,000  
General Fund--Federal Appropriation \$ 736,000  
General Fund--Private/Local Appropriation \$ 85,000  
TOTAL APPROPRIATION \$ 4,526,000

(3) VETERANS HOME

General Fund--State Appropriation (FY 1996) \$ 4,127,000  
General Fund--State Appropriation (FY 1997) \$ 3,984,000  
General Fund--Federal Appropriation \$ 10,703,000  
General Fund--Private/Local Appropriation \$ 7,527,000  
TOTAL APPROPRIATION \$ 26,341,000

(4) SOLDIERS HOME

General Fund--State Appropriation (FY 1996) \$ 3,135,000  
General Fund--State Appropriation (FY 1997) \$ 3,049,000  
General Fund--Federal Appropriation \$ 6,158,000  
General Fund--Private/Local Appropriation \$ 4,667,000  
TOTAL APPROPRIATION \$ 17,009,000

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 1996) \$ 44,314,000  
General Fund--State Appropriation (FY 1997) \$ 44,313,000  
General Fund--Federal Appropriation \$ 233,122,000  
General Fund--Private/Local Appropriation \$ 25,476,000  
Hospital Commission Account Appropriation \$ 3,019,000  
Medical Disciplinary Account Appropriation \$ 1,798,000  
Health Professions Account Appropriation \$ 32,592,000  
Safe Drinking Water Account Appropriation \$ 2,751,000  
Public Health Services Account Appropriation \$ 23,753,000  
Waterworks Operator Certification  
Appropriation \$ 605,000  
Water Quality Account Appropriation \$ 3,079,000  
State Toxics Control Account Appropriation \$ 2,824,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 469,000  
Medical Test Site Licensure Account  
Appropriation \$ 1,822,000  
Youth Tobacco Prevention Account Appropriation \$ 1,412,000  
Health Services Account Appropriation \$ 16,516,000  
State and Local Improvements Revolving  
Account--Water Supply Facilities  
Appropriation \$ 40,000  
TOTAL APPROPRIATION \$ 437,905,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,466,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.
- (2) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.
- (3) \$4,750,000 of the public health account appropriation is provided solely for distribution to local health departments for capacity building and community assessment and mobilization.

(4) \$2,000,000 of the health services account appropriation is provided solely for public health information systems development. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(5) \$1,000,000 of the health services account appropriation is provided solely for state level capacity building.

(6) \$1,000,000 of the health services account appropriation is provided solely for training of public health professionals.

(7) \$200,000 of the health services account appropriation is provided solely for the American Indian health plan.

(8) \$1,640,000 of the health services account appropriation is provided solely for health care quality assurance and health care data standards activities as required by Engrossed Substitute House Bill No. 1589 (health care quality assurance).

(9) \$1,000,000 of the health services account appropriation is provided solely for development of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.

(10) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(11) \$981,000 of the general fund--state appropriation and \$3,873,000 of the general fund--private/local appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(12) The department is authorized to raise existing fees for nursing assistants and hypnotherapists in excess of the fiscal growth factor established by Initiative 601, if necessary, in order to meet the actual costs of investigative and legal services due to disciplinary activities.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND PROGRAM SUPPORT**

General Fund Appropriation (FY 1996) \$ 12,269,000

General Fund Appropriation (FY 1997) \$ 12,047,000

TOTAL APPROPRIATION \$ 24,316,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$211,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5088 (sexually violent predators). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (a) shall lapse.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) Appropriations in this section provide sufficient funds to implement the provisions of Second Engrossed Second Substitute House Bill 2010 (corrections cost-efficiency and inmate responsibility omnibus act).

(e) In treating sex offenders at the Twin Rivers corrections center, the department of corrections shall prioritize treatment services to reduce recidivism and shall develop and implement an evaluation tool that: (i) States the purpose of the treatment; (ii) measures the amount of treatment provided; (iii) identifies the measure of success; and (iv) determines the level of successful and unsuccessful outcomes. The department shall report to the legislature by December 1, 1995, on how treatment services were prioritized among categories of offenses and provide a description of the evaluation tool and its incorporation into the treatment program.

**(2) INSTITUTIONAL SERVICES**

General Fund--State Appropriation (FY 1996) \$ 265,008,000  
General Fund--State Appropriation (FY 1997) \$ 270,221,000  
General Fund--Federal Appropriation \$ 2,000,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 1,214,000  
TOTAL APPROPRIATION \$ 538,443,000

**(3) COMMUNITY CORRECTIONS**

General Fund Appropriation (FY 1996) \$ 80,068,000  
General Fund Appropriation (FY 1997) \$ 81,226,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 400,000  
TOTAL APPROPRIATION \$ 161,694,000

**(4) CORRECTIONAL INDUSTRIES**

General Fund Appropriation (FY 1996) \$ 3,330,000  
General Fund Appropriation (FY 1997) \$ 3,503,000  
TOTAL APPROPRIATION \$ 6,833,000

**(5) INTERAGENCY PAYMENTS**

General Fund Appropriation (FY 1996) \$ 6,223,000  
General Fund Appropriation (FY 1997) \$ 6,223,000  
TOTAL APPROPRIATION \$ 12,446,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 1996) \$ 1,466,000  
General Fund--State Appropriation (FY 1997) \$ 1,123,000  
General Fund--Federal Appropriation \$ 9,683,000  
General Fund--Private/Local Appropriation \$ 80,000  
TOTAL APPROPRIATION \$ 12,352,000

**NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund Appropriation (FY 1996) \$ 517,000  
General Fund Appropriation (FY 1997) \$ 469,000  
TOTAL APPROPRIATION \$ 986,000

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ 334,000  
General Fund--State Appropriation (FY 1997) \$ 334,000  
General Fund--Federal Appropriation \$ 190,936,000  
General Fund--Private/Local Appropriation \$ 21,965,000  
Unemployment Compensation Administration  
Account--Federal Appropriation \$ 177,891,000  
Administrative Contingency Account--Federal  
Appropriation \$ 8,146,000

Employment Services Administrative Account--  
 Federal Appropriation \$ 12,294,000  
 Employment and Training Trust Account  
 Appropriation \$ 9,294,000  
 TOTAL APPROPRIATION \$ 421,194,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) The employment and training trust account appropriation shall not be expended until a plan for such expenditure is reviewed and approved by the workforce training and education coordinating board for consistency with chapter 226, Laws of 1993 (employment and training for unemployed workers), and the comprehensive plan for workforce training provided in RCW 28C.18.060(4).

(3) \$95,000 of the employment services administrative account--federal appropriation is provided solely for a study of the financing provisions of the state's unemployment insurance law pursuant to Engrossed Senate Bill No. 5925.

### PART III NATURAL RESOURCES

#### NEW SECTION. **Sec. 301. FOR THE STATE ENERGY OFFICE**

General Fund--State Appropriation (FY 1996) \$ 508,000  
 General Fund--Federal Appropriation \$ 8,896,000  
 General Fund--Private/Local Appropriation \$ 3,417,000  
 Geothermal Account Appropriation \$ 21,000  
 Industrial Insurance Premium Refund  
 Appropriation \$ 2,000  
 Building Code Council Account Appropriation \$ 10,000  
 Air Pollution Control Account Appropriation \$ 3,138,000  
 Energy Efficiency Services Account  
 Appropriation \$ 493,000  
 TOTAL APPROPRIATION \$ 16,485,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided solely for the public policy institute, in consultation with the office of financial management and the state energy office, to review options regarding the distribution of energy-related functions to other entities and develop an implementation plan for the closure of the state energy office. The plan shall include but not be limited to: (1) The feasibility of providing energy-related services through a nonprofit organization or organizations; (2) recommendations for the distribution of energy-related functions to other entities; (3) corresponding recommendations regarding statutory changes necessary to distribute functions and implement the plan; and (4) a time schedule for eliminating functions or transferring functions to other entities. The public policy institute shall submit the plan to the appropriate committees of the house of representatives and the senate by November 1, 1995. It is the intent of the legislature that the state continue to receive oil overcharge restitution funds for the citizens of the state and that every effort be made to maximize federal funds available for energy conservation purposes. To this end, the state energy office or its successor organizations may enter into contracts with appropriate entities to carry out energy conservation programs.

#### NEW SECTION. **Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 287,000  
 General Fund--State Appropriation (FY 1997) \$ 290,000

General Fund--Private/Local Appropriation \$ 524,000  
TOTAL APPROPRIATION \$ 1,101,000

The appropriations in this section are subject to the following conditions and limitations: State agencies shall provide to the commission, without charge, all available data and information necessary to complete its review of the Columbia River Gorge management plan.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 1996) \$ 22,125,000  
General Fund--State Appropriation (FY 1997) \$ 20,639,000  
General Fund--Federal Appropriation \$ 42,131,000  
General Fund--Private/Local Appropriation \$ 1,385,000  
Special Grass Seed Burning Research Account  
Appropriation \$ 42,000  
Reclamation Revolving Account Appropriation \$ 2,664,000  
Flood Control Assistance Account Appropriation \$ 4,000,000  
State Emergency Water Projects Revolving Account  
Appropriation \$ 312,000  
Waste Reduction, Recycling, and Litter Control  
Account Appropriation \$ 5,461,000  
State and Local Improvements Revolving Account--  
Waste Disposal Appropriation \$ 1,000,000  
State and Local Improvements Revolving Account--  
Water Supply Facilities Appropriation \$ 1,344,000  
Basic Data Account Appropriation \$ 182,000  
Vehicle Tire Recycling Account Appropriation \$ 3,283,000  
Water Quality Account Appropriation \$ 3,420,000  
Worker and Community Right to Know Account  
Appropriation \$ 408,000  
State Toxics Control Account Appropriation \$ 49,924,000  
Local Toxics Control Account Appropriation \$ 3,342,000  
Water Quality Permit Account Appropriation \$ 19,600,000  
Underground Storage Tank Account  
Appropriation \$ 2,336,000  
Solid Waste Management Account Appropriation \$ 3,631,000  
Hazardous Waste Assistance Account  
Appropriation \$ 3,476,000  
Air Pollution Control Account Appropriation \$ 13,458,000  
Oil Spill Administration Account Appropriation \$ 2,939,000  
Water Right Permit Processing Account  
Appropriation \$ 500,000  
Wood Stove Education Account Appropriation \$ 1,251,000  
Air Operating Permit Account Appropriation \$ 4,548,000  
Freshwater Aquatic Weeds Account Appropriation \$ 1,187,000  
Oil Spill Response Account Appropriation \$ 7,060,000  
Metals Mining Account Appropriation \$ 300,000  
Water Pollution Control Revolving Account--State  
Appropriation \$ 165,000  
Water Pollution Control Revolving Account--Federal  
Appropriation \$ 1,019,000  
TOTAL APPROPRIATION \$ 223,132,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,324,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$394,000 of the general fund--federal appropriation, \$819,000 of the state toxics control account appropriation, \$3,591,000 of the water quality permit fee account appropriation, \$883,000 of the water quality account appropriation, and \$2,715,000 of the oil spill administration account appropriation may be used for the implementation of the Puget Sound water quality management plan.

(2) \$200,000 of the general fund--state appropriation is provided solely for implementing Substitute House Bill No. 1327 or substantially similar legislation (water rights claims filing). If the bill or substantially similar legislation is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$150,000 of the state toxics control account appropriation and \$150,000 of the local toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1810 (hazardous substance cleanup). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$581,000 of the general fund--state appropriation, \$170,000 of the air operating permit account appropriation, \$80,000 of the water quality permit account appropriation, and \$63,000 of the state toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(6) \$250,000 of the flood control assistance account is provided solely for a grant or contract to the lead local entity for technical analysis and coordination with the Army Corps of Engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

(7) \$70,000 of the general fund--state appropriation, \$90,000 of the state toxics control account appropriation, and \$55,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1724 (growth management). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(8) If Engrossed Substitute House Bill No. 1125 (dam safety inspections), or substantially similar legislation, is not enacted by June 30, 1995, then the department shall not expend any funds appropriated in this section for any regulatory activity authorized under RCW 90.03.350 with respect to hydroelectric facilities which require a license under the federal power act, 16 U.S.C.S. Sec. 791a et seq. If Engrossed Substitute House Bill No. 1125, or substantially similar legislation, is enacted by June 30, 1995, then the department may apply all available funds appropriated under this section for regulatory activity authorized under RCW 90.03.350 for the purposes of inspecting and regulating the safety of dams under the exclusive jurisdiction of the state.

(9) \$425,000 of the general fund--state appropriation and \$525,000 of the general fund--federal appropriation are provided solely for the Padilla Bay national estuarine research reserve and interpretive center.

(10) \$500,000 of the water right permit processing account appropriation and \$1,854,000 of the general fund--state appropriation are provided solely for continuing the department's participation in the Yakima adjudicative process.

(11) The water right permit processing account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for water right permit processing, regional water planning, and implementation of regional water plans.



(12) \$1,298,000 of the general fund--state appropriation, \$188,000 of the general fund--federal appropriation, and \$883,000 of the water quality account appropriation are provided solely to coordinate and implement the activities required by the Puget Sound water quality management plan and to perform the powers and duties under chapter 90.70 RCW.

**NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 18,020,000  
General Fund--State Appropriation (FY 1997) \$ 17,877,000  
General Fund--Federal Appropriation \$ 1,930,000  
General Fund--Private/Local Appropriation \$ 1,463,000  
Winter Recreation Program Account  
Appropriation \$ 725,000  
Off Road Vehicle Account Appropriation \$ 241,000  
Snowmobile Account Appropriation \$ 2,174,000  
Aquatic Lands Enhancement Account  
Appropriation \$ 313,000  
Public Safety and Education Account  
Appropriation \$ 48,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 10,000  
Waste Reduction, Recycling, and Litter Control  
Account Appropriation \$ 34,000  
Water Trail Program Account Appropriation \$ 26,000  
Parks Renewal and Stewardship Account  
Appropriation \$ 22,461,000  
TOTAL APPROPRIATION \$ 65,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.

(2) The general fund--state appropriation and the parks renewal and stewardship account appropriation are provided to maintain full funding and continued operation of all state parks and state parks facilities.

(3) \$1,800,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$3,591,000 of the parks renewal and stewardship account appropriation is provided for operation of a centralized reservation system.

(5) \$100,000 of the general fund--state appropriation is provided solely for a state match to local funds to prepare a master plan for Mt. Spokane state park.

**NEW SECTION. Sec. 305. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms Range Account Appropriation \$ 108,000  
Recreation Resources Account--State  
Appropriation \$ 2,387,000  
Recreation Resources Account--Federal  
Appropriation \$ 200,000  
NOVA Appropriation \$ 524,000  
TOTAL APPROPRIATION \$ 3,219,000

The appropriations in this section are subject to the following conditions and limitations: \$338,000 of the recreation resources account--state appropriation, \$150,000 of the recreation resources

account--federal appropriation, and \$82,000 of the firearms range account appropriation are provided solely for the development and implementation of a grant tracking and management system.

**NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund Appropriation (FY 1996) \$ 715,000  
General Fund Appropriation (FY 1997) \$ 713,000  
TOTAL APPROPRIATION \$ 1,428,000

**NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION**

General Fund Appropriation (FY 1996) \$ 852,000  
General Fund Appropriation (FY 1997) \$ 810,000  
Water Quality Account Appropriation \$ 202,000  
TOTAL APPROPRIATION \$ 1,864,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan. In addition, \$130,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.

(3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5616 (watershed restoration projects). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$750,000 of the general fund appropriation is provided solely for grants to local conservation districts.

**NEW SECTION. Sec. 308. FOR THE OFFICE OF MARINE SAFETY**

State Toxics Control Account  
Appropriation \$ 276,000  
Oil Spill Administrative Account  
Appropriation \$ 3,506,000  
TOTAL APPROPRIATION \$ 3,782,000

The appropriations in this section are subject to the following conditions and limitations:

\$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington's SeaGrant program in order to develop an education program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 1996) \$ 32,380,000  
General Fund--State Appropriation (FY 1997) \$ 32,339,000  
General Fund--Federal Appropriation \$ 54,098,000  
General Fund--Private/Local Appropriation \$ 15,986,000  
Off Road Vehicle Account Appropriation \$ 476,000  
Aquatic Lands Enhancement Account  
Appropriation \$ 5,412,000  
Public Safety and Education Account  
Appropriation \$ 590,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 156,000  
Recreational Fisheries Enhancement Account

Appropriation	\$ 2,200,000
Wildlife Account Appropriation	\$ 49,741,000
Special Wildlife Account Appropriation	\$ 1,884,000
Oil Spill Administration Account Appropriation	\$ 831,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 196,093,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,532,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$250,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interests in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(3) \$500,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5632 (flood damage reduction). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$350,000 of the wildlife account appropriation is provided solely for control and eradication of class B designate weeds on department owned and managed lands.

(5) \$250,000 of the general fund--state appropriation is provided solely for costs associated with warm water fish production. Expenditure of this amount shall be consistent with the goals established under RCW 77.12.710 for development of a warm water fish program. No portion of this amount may be expended for any type of feasibility study.

(6) \$634,000 of the general fund--state appropriation and \$50,000 of the wildlife account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$2,000,000 of the general fund--state appropriation and \$200,000 of the recreational fish enhancement account appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5157 (mass marking), chapter 372, Laws of 1995, under the following conditions:

(a) If, by October 1, 1995, the state reaches agreement with Canada on a marking and detection program, implementation will begin with the 1994 Puget Sound brood coho.

(b) If, by October 1, 1995, the state does not reach agreement with Canada on a marking and detection program, a pilot project shall be conducted with 1994 Puget Sound brood coho.

(c) Full implementation will begin with the 1995 brood coho.

(d) \$700,000 of the department's equipment funding and \$300,000 of the department's administration funding will be redirected toward implementation of Second Substitute Senate Bill No. 5157 during the 1995-97 biennium.

(8) The department shall request a reclassification study be conducted by the personnel resources board for hatchery staff. Any implementation of the study, if approved by the board, shall be pursuant to section 911 of this act.

(9) Within the appropriations in this section, the department shall maintain the Issaquah hatchery at the current 1993-95 operational level.

(10) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

(11) \$110,000 of the aquatic lands enhancement account appropriation may be used for publishing a brochure concerning hydraulic permit application requirements for the control of spartina and purple loosestrife.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 1996) \$ 20,300,000

General Fund--State Appropriation (FY 1997) \$ 20,299,000

General Fund--Federal Appropriation \$ 3,024,000

General Fund--Private/Local Appropriation \$ 414,000

Forest Development Account Appropriation \$ 37,946,000  
 Off Road Vehicle Account Appropriation \$ 3,074,000  
 Surveys and Maps Account Appropriation \$ 1,788,000  
 Aquatic Lands Enhancement Account Appropriation \$ 2,512,000  
 Resource Management Cost Account Appropriation \$ 11,624,000  
 Waste Reduction, Recycling, and Litter Control  
     Account Appropriation \$ 440,000  
 Surface Mining Reclamation Account  
     Appropriation \$ 1,273,000  
 Wildlife Account Appropriation \$ 1,300,000  
 Water Quality Account Appropriation \$ 2,000,000  
 Aquatic Land Dredged Material Disposal Site  
     Account Appropriation \$ 734,000  
 Natural Resources Conservation Areas Stewardship  
     Account Appropriation \$ 1,003,000  
 Air Pollution Control Account Appropriation \$ 921,000  
 Watershed Restoration Account Appropriation \$ 5,000,000  
 Metals Mining Account Appropriation \$ 41,000  
     TOTAL APPROPRIATION \$ 113,693,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,998,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$36,000 of the general fund--state appropriations is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$957,000 of the aquatics lands enhancement account is provided for the implementation of the Puget Sound water quality management plan.

(3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(4) \$22,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1437 (amateur radio repeater sites). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$49,000 of the air pollution control account appropriation is provided solely to implement Substitute House Bill No. 1287 (silvicultural burning). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(6) \$290,000 of the general fund--state appropriation, \$10,000 of the surface mining reclamation account appropriation, and \$29,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If this bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(7) By September 30, 1995, the agency shall report to the appropriate fiscal committees of the legislature on fire suppression costs incurred during the 1993-95 biennium. The report shall provide the following information: (a) An object breakdown of costs for the 1993-95 fire suppression subprogram; (b) the amount of reimbursement provided for personnel, services, and equipment outside the agency; (c) FTE levels and salary amounts by fund of positions backfilled as a result of the fires; (d) overtime costs paid to agency personnel; (e) equipment replacement costs, and (f) final allocation of costs for the Hatchery and Tyee fires between the United States forest service, local governments, and the state.

(8) By December 1, 1995, the department shall report to the house committee on natural resources and the senate committee on natural resources on measures taken to improve the health of the Loomis state forest.

(9) \$13,000 of the general fund--state appropriation is provided solely to pay a portion of the rent charged to nonprofit television reception improvement districts pursuant to chapter 294, Laws of 1994.

(10) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(11) Up to \$572,000 of the general fund--state appropriation may be expended for the natural heritage program.

(12) \$13,000,000, of which \$5,000,000 is from the watershed restoration account appropriation, \$1,300,000 is from the wildlife account appropriation, \$2,500,000 is from the resource management cost account appropriation, \$500,000 is from the forest development account appropriation, \$2,000,000 is from the water quality account appropriation, and \$1,700,000 is from the general fund--federal appropriation, is provided solely for the jobs in the environment program and/or the watershed restoration partnership program.

(a) These funds shall be used to:

(i) Restore and protect watersheds in accordance with priorities established to benefit fish stocks in critical or depressed condition as determined by the watershed coordinating council;

(ii) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts; and

(iii) Create market wage jobs in environmental restoration for displaced natural resource impact area workers, as defined under Second Substitute Senate Bill No. 5342 (rural natural resource impact areas).

(b) Except as provided in subsection (c) of this section, these amounts are solely for projects jointly selected by the department of natural resources and the department of fish and wildlife. Funds may be expended for planning, design, and engineering for projects that restore and protect priority watersheds identified by the watershed coordinating council and conform to priorities for fish stock recovery developed through watershed analysis conducted by the department of natural resources and the department of fish and wildlife. Funds expended shall be used for specific projects and not for on-going operational costs. Eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, clean-up of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover.

(c) The department of natural resources and the department of fish and wildlife, in consultation with the watershed coordinating council, the office of financial management, and other appropriate agencies, shall report to the appropriate committees of the legislature on January 1, 1996, and annually thereafter, on any expenditures made from these amounts and a plan for future use of the moneys provided in this subsection. The plan shall include a prioritized list of watersheds and future watershed projects. The plan shall also consider future funding needs, the availability of federal funding, and the integration and coordination of existing watershed and protection programs.

(d) All projects shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds shall be expended to acquire land through condemnation.

(e) Funds from the wildlife account appropriation shall be available only to the extent that the department of fish and wildlife sells surplus property.

(f) Funds from the resource management cost account appropriation shall only be used for projects on trust lands. Funds from the forest development account shall only be used for projects on county forest board lands.

(g) Projects under contract as of June 1, 1995 will be given first priority.

**NEW SECTION. Sec. 311. RESOURCE MANAGEMENT.** There is hereby appropriated from the resource management cost account for the operations of the department of natural resources, subject to the requirement that the department of natural resources shall not expend any moneys from any source to implement any habitat conservation plan or other agreement or commitment intended to induce the issuance of a permit from the federal government that affects more than ten thousand acres of public and/or state forest land for five or more years without a specific appropriation for that purpose and prior report to the legislative committees on natural resources as provided in this section, seventy-one million dollars for the biennium ending June 30, 1997.

(1) The department of natural resources shall report to the standing committees on natural resources of the legislature before entering into any agreement or making any commitment intended to induce the issuance of a permit from the federal government which, individually or together with any other agreement or commitment, affects more than ten thousand acres of public and/or state forest land for five or more years. Agreements and commitments to which this section applies include but are not limited to conservation plans and incidental take permits under 16 U.S.C. sec. 1539, and all other agreements, management plans, and "no-take" or similar letters relating to the federal endangered species act. The department shall provide the standing committees with copies of all proposed plans, agreements, and commitments, together with an analysis demonstrating that the proposed agreement or commitment is in the best interests of the trust beneficiaries.

(2) The department shall submit the following with each biennial budget request:

(a) An analysis of the impacts of any agreement or contract on state lands;

(b) Detailed funding requirements to implement the agreement or contract in the next biennium;

and

(c) An accounting of expenditures during the current biennium with respect to any agreement or contract.

(3) The legislature shall review the department's funding request and funds appropriated shall be separate budget items. The legislature shall ensure that the appropriations made to implement any agreements or contracts are in conformity with Article 8, section 4 of the state Constitution and chapter 43.88 RCW.

**NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 1996) \$ 6,770,000

General Fund--State Appropriation (FY 1997) \$ 6,572,000

General Fund--Federal Appropriation \$ 4,278,000

General Fund--Private/Local Appropriation \$ 406,000

Aquatic Lands Enhancement Account

Appropriation \$ 800,000

Industrial Insurance Premium Refund Account

Appropriation \$ 178,000

State Toxics Control Account Appropriation \$ 1,088,000

TOTAL APPROPRIATION \$ 20,092,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely for consumer protection activities of the department's weights and measures program. Moneys provided in this subsection may not be used for device inspection of the weights and measures program.

(2) \$142,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation is provided solely for grasshopper and mormon cricket control.

(4) \$200,000 of the general fund--state appropriation is provided solely for the agricultural showcase.

**NEW SECTION. Sec. 313. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Program Trust

Account Appropriation \$ 966,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the pollution liability insurance program trust account appropriation is provided solely to conduct a study of privatization of the functions performed by the pollution liability insurance program. The study will be conducted by the pollution liability insurance program management. Results of the study

shall be reported to the financial institutions and housing committees of the legislature by November 30, 1995.

PART IV  
TRANSPORTATION

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund Appropriation (FY 1996)	\$ 4,229,000
General Fund Appropriation (FY 1997)	\$ 4,257,000
Architects' License Account Appropriation	\$ 872,000
Cemetery Account Appropriation	\$ 167,000
Professional Engineers' Account Appropriation	\$ 2,235,000
Real Estate Commission Account Appropriation	\$ 6,172,000
Master License Account Appropriation	\$ 5,800,000
Uniform Commercial Code Account Appropriation	\$ 4,929,000
Real Estate Education Account Appropriation	\$ 606,000
Funeral Directors and Embalmers Account Appropriation	\$ 400,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 29,667,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$637,000 of the general fund appropriation is provided solely to implement sections 1001 through 1007 of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

General Fund--State Appropriation (FY 1996)	\$ 7,198,000
General Fund--State Appropriation (FY 1997)	\$ 7,883,000
General Fund--Federal Appropriation	\$ 1,035,000
General Fund--Private/Local Appropriation	\$ 254,000
Public Safety and Education Account Appropriation	\$ 4,492,000
County Criminal Justice Assistance Appropriation	\$ 3,572,000
Municipal Criminal Justice Assistance Account Appropriation	\$ 1,430,000
Fire Services Trust Account Appropriation	\$ 90,000
Fire Services Training Account Appropriation	\$ 1,740,000
State Toxics Control Account Appropriation	\$ 425,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 2,133,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 30,252,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures from the nonappropriated fingerprint identification account for the automation of pre-employment background checks for public and private employers and background checks for firearms dealers and firearm purchasers are subject to office of financial management approval of a completed feasibility study.

(2) Expenditures from the county criminal justice assistance account appropriation and municipal criminal justice assistance account appropriation in this section shall be expended solely for enhancements to crime lab services.

(3) The Washington state patrol shall report to the department of information services and office of financial management by October 30, 1995, on the implementation and financing plan for the state-wide integrated narcotics system.

(4) \$300,000 of the violence reduction and drug enforcement account appropriation is provided solely for enhancements to the organized crime intelligence unit.

PART V  
EDUCATION

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

General Fund--State Appropriation (FY 1996)	\$ 18,341,000
General Fund--State Appropriation (FY 1997)	\$ 17,819,000
General Fund--Federal Appropriation	\$ 39,791,000
Health Services Account Appropriation	\$ 400,000
Public Safety and Education Account	
Appropriation	\$ 338,000
Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 3,122,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 79,811,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$659,000 of the general fund--state appropriation is provided solely for investigation activities of the office of professional practices.

(c) \$1,700,000 of the general fund--state appropriation is provided solely to reprogram computer applications for collecting and processing school fiscal, personnel, and student data and for calculating apportionment payments and to upgrade agency computer hardware. A maximum of \$600,000 of this amount shall be used for computer hardware.

By December 15, 1995, and before implementation of a new state-wide data system, the superintendent shall present a plan to the house of representatives and senate education and fiscal committees which identifies state data base uses that could involve potentially sensitive data on students and parents. The plan shall detail methods that the superintendent shall employ internally and recommend to school organizations to insure integrity and proper use of data in any student data base, with particular attention to eliminating unnecessary and intrusive data about nonschool related information.

(d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) STATE-WIDE PROGRAMS

(a) \$2,174,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,654,000 of the general fund--state appropriation is provided for educational centers, including state support activities.

(d) \$3,093,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.



(e) \$4,370,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30C as developed on May 21, 1995, at 23:46 hours.

(f) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(g) Districts receiving allocations from subsections (2) (d) and (e) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building. The superintendent of public instruction shall make copies of the reports available to the office of financial management and the legislature.

(h) \$500,000 of the general fund--federal appropriation is provided for plan development and coordination as required by the federal goals 2000: Educate America Act. The superintendent shall collaborate with the commission on student learning for the plan development and coordination and submit quarterly reports on the plan development to the education committees of the legislature.

(i) \$400,000 of the health services account appropriation is provided solely for media productions by students at up to 40 sites to focus on issues and consequences of teenage pregnancy and child rearing. The projects shall be consistent with the provisions of Engrossed Second Substitute House Bill No. 2798 as passed by the 1994 legislature, including a local/private or public sector match equal to fifty percent of the state grant; and shall be awarded to schools or consortia not granted funds in 1993-94.

(j) \$7,000 of the general fund--state appropriation is provided to the state board of education to establish teacher competencies in the instruction of braille to legally blind and visually impaired students.

(k) \$50,000 of the general fund--state appropriation is provided solely for matching grants to school districts for analysis of budgets for classroom-related activities as specified in chapter 230, Laws of 1995.

(l) \$3,050,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of that amount, \$50,000 is provided for a contract in fiscal year 1996 to the Washington state institute for public policy to conduct an evaluation and review as outlined in section 81 of Engrossed Second Substitute Senate Bill No. 5439. Allocation of the remaining amount shall be based on the number of petitions filed in each district.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation (FY 1996) \$ 3,174,826,000

General Fund Appropriation (FY 1997) \$ 3,284,918,000

TOTAL APPROPRIATION \$ 6,459,744,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for certificated staff salaries for the 1995-96 and 1996-97 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the

greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; and

(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students;

(ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(iii) Indirect cost charges to vocational-secondary programs shall not exceed 10 percent;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1995-96 and 1996-97 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 20.71 percent in the 1995-96 school year and 20.71 percent in the 1996-97 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.77 percent in the 1995-96 school year and 18.77 percent in the 1996-97 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent;

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,656 per certificated staff unit in the 1995-96 school year and a maximum of \$7,893 per certificated staff unit in the 1996-97 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$14,587 per certificated staff unit in the 1995-96 school year and a maximum of \$15,039 per certificated staff unit in the 1996-97 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1995-96 school year and \$341 per year for the 1996-97 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1994-95 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$3,122,000 outside the basic education formula during fiscal years 1996 and 1997 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$431,000 may be expended in fiscal year 1996 and a maximum of \$444,000 may be expended in fiscal year 1997;

(b) For summer vocational programs at skills centers, a maximum of \$1,938,000 may be expended in the 1995-96 school year; and

(c) A maximum of \$309,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.2 percent from the 1994-95 school year to the 1995-96 school year, and 1.5 percent from the 1995-96 school year to the 1996-97 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12C, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12C.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100;

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and

(c) "LEAP Document 12C" means the computerized tabulation of 1995-96 and 1996-97 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 21, 1995, at 23:35 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 20.07 percent for certificated staff and 15.27 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR SCHOOL YEARS 1995-96 AND 1996-97

Years of  
Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0	22,282	22,884	23,508	24,131	26,137
1	23,012	23,633	24,277	24,942	27,007
2	23,757	24,398	25,060	25,790	27,889
3	24,539	25,200	25,881	26,651	28,787
4	25,336	26,037	26,738	27,549	29,740
5	26,169	26,889	27,609	28,482	30,709
6	27,037	27,754	28,515	29,450	31,710
7	27,919	28,654	29,434	30,429	32,745
8	28,814	29,590	30,388	31,465	33,813
9	30,559	31,396	32,512	34,915	
10	32,417	33,613	36,048		
11	34,746	37,235			
12	35,843	38,452			
13	39,700				
14	40,955				
15 or more		42,020			

Years of  
Service BA+ 135 MA MA+ 45 orPHD

0	27,429	26,715	28,720	30,012
1	28,316	27,526	29,590	30,899
2	29,238	28,374	30,472	31,820
3	30,195	29,235	31,370	32,779
4	31,188	30,133	32,324	33,771
5	32,214	31,065	33,292	34,797
6	33,253	32,033	34,294	35,837
7	34,347	33,013	35,329	36,931
8	35,473	34,048	36,397	38,057

9	36,632	35,095	37,499	39,215
10	37,822	36,196	38,632	40,405
11	39,044	37,329	39,818	41,627
12	40,316	38,508	41,036	42,900
13	41,620	39,726	42,284	44,203
14	42,972	40,981	43,619	45,556
15 or more	44,089	42,046	44,753	46,740

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1994-95 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7)(a) Credits earned by certificated instructional staff after September 1, 1995, shall be counted only if the content of the course: (i) Is consistent with the school district's strategic plan for improving student learning; (ii) is consistent with a school-based plan for improving student learning developed under section 520(2) of this act for the school in which the individual is assigned; (iii) pertains to the individual's current assignment or expected assignment for the following school year; (iv) is necessary for obtaining an endorsement as prescribed by the state board of education; (v) is specifically required for obtaining advanced levels of certification; or (vi) is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certificated instructional staff.

(b) Once credits earned by certificated instructional staff have been determined to meet one or more of the criteria in (a) of this subsection, the credits shall be counted even if the individual transfers to other school districts.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund Appropriation (FY 1996) \$ 96,500,000

General Fund Appropriation (FY 1997) \$ 123,377,000

TOTAL APPROPRIATION \$ 219,877,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$218,748,000 is provided for cost of living adjustments of 4.0 percent effective September 1, 1995, for state-formula staff units. The appropriation includes associated incremental fringe benefit

allocations for both years at rates 20.07 percent for certificated staff and 15.27 percent for classified staff.

(a) The appropriation in this section includes the increased portion of salaries and incremental fringe benefits for all relevant state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act.

(b) The appropriation in this section provides salary increase and incremental fringe benefit allocations for the following programs based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.77 per weighted pupil-mile for the 1995-96 school year and maintained for the 1996-97 school year;

(ii) For learning assistance, an increase of \$11.24 per eligible student for the 1995-96 school year and maintained for the 1996-97 school year;

(iii) For education of highly capable students, an increase of \$8.76 per formula student for the 1995-96 school year and maintained for the 1996-97 school year; and

(iv) For transitional bilingual education, an increase of \$22.77 per eligible bilingual student for the 1995-96 school year and maintained for the 1996-97 school year.

(2) The maintenance rate for insurance benefits shall be \$313.95 for the 1995-96 school year and \$314.51 for the 1996-97 school year. Funding for insurance benefits is included within appropriations made in other sections of Part V of this act.

(3) Effective September 1, 1995, a maximum of \$1,129,000 is provided for a 4 percent increase in the state allocation for substitute teachers in the general apportionment programs.

(4) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. INCREMENT SALARY INCREASES** The appropriations in sections 502 through 519 of this act contain \$27,880,000 in fiscal year 1996 and \$63,950,000 in fiscal year 1997 for funding of experience and education increments for certificated instructional staff. This provides an average salary increase of 1.55 percent per year.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund Appropriation (FY 1996) \$ 155,970,000

General Fund Appropriation (FY 1997) \$ 164,511,000

TOTAL APPROPRIATION \$ 320,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$1,347,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. The 1994 travel time to contiguous school district study shall be continued and a report submitted to the fiscal committees of the legislature by December 1, 1995.

(3) A maximum of \$40,000 is provided to complete the computerized state map project containing school bus routing information. This information and available data on school buildings shall be consolidated. Data formats shall be compatible with the geographic information system (GIS) and included insofar as possible in the GIS system.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(5) Beginning with the 1995-96 school year, the superintendent of public instruction shall implement a state bid process for the purchase of school buses pursuant to Engrossed Substitute Senate Bill No. 5408.

(6) Of this appropriation, a maximum of \$8,807,000 may be allocated in the 1995-96 school year and a maximum of \$8,894,000 may be allocated in the 1996-97 school year for hazardous walking conditions. The superintendent shall ensure that the conditions specified in RCW 28A.160.160(4) for state funding of hazardous walking conditions for any district are fully and strictly adhered to, and that no funds are allocated in any instance in which a district is not actively and to the greatest extent possible engaged in efforts to mitigate hazardous walking conditions.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 3,000,000  
General Fund--State Appropriation (FY 1997) \$ 3,000,000  
General Fund--Federal Appropriation \$ 183,619,000  
TOTAL APPROPRIATION \$ 189,619,000

**NEW SECTION. Sec. 508. SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 380,179,000  
General Fund--State Appropriation (FY 1997) \$ 373,289,000  
General Fund--Federal Appropriation \$ 98,684,000  
TOTAL APPROPRIATION \$ 852,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) In recognition of the need for increased flexibility at the local district level to facilitate the provision of appropriate education to children with disabilities, and the need for substantive educational reform for a significant portion of the school population, the funding formula for special education is modified. These changes result from a 1994 study and recommendations by the institute for public policy and the legislative budget committee, aided by the office of the superintendent of public instruction and the statewide task force for the development of special education funding alternatives. The new formula is for allocation purposes only and is not intended to prescribe or imply any particular pattern of special education service delivery other than that contained in a properly formulated, locally determined, individualized education program.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the mandatory special education program for special education students ages three to twenty-one and the optional birth through age two program for developmentally delayed infants and toddlers. The superintendent shall review current state eligibility criteria for the fourteen special education categories and consider changes which would reduce assessment time and administrative costs associated with the special education program.

(4) For the 1995-96 and 1996-97 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the enrollment percent, times the district's average basic education allocation per full-time equivalent student times 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff



in grades K-3, and 46/1000 in grades 4-12), and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" shall mean the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1995-96 and the 1996-97 school years, each district's enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:

(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or

(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined; or

(C) For 1995-96, the 1994-95 enrollment percent reduced by 25 percent of the difference between the district's 1994-95 enrollment percent and 12.7. For 1996-97, the 1994-95 enrollment percent reduced by 50 percent of the difference between the district's 1994-95 enrollment percent and 12.7.

(6) A minimum of \$4.5 million of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of individual special education students.

(7) From the general fund--state appropriation, \$14,600,000 is provided for the 1995-96 school year, and \$19,575,000 for the 1996-97 school year, for safety net purposes for districts with demonstrable funding needs for special education beyond the combined amounts provided in subsection (4) of this section. The superintendent of public instruction shall, by rule, establish procedures and standards for allocation of safety net funds. School districts shall submit their requests for safety net funds to the appropriate regional committee established by the superintendent of public instruction. Regional committees shall make recommendations to the state oversight committee for approval. The following conditions and limitations shall be applicable to school districts requesting safety net funds:

(a) For a school district requesting state safety net funds due to special characteristics of the district and costs of providing services which differ significantly from the assumptions contained in the funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(iii) The district's programs are operated in a reasonably efficient manner and that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices;

(iv) Indirect costs charged to this program do not exceed the allowable percent for the federal special education program;

(v) Any available federal funds are insufficient to address the additional needs; and

(vi) The costs of any supplemental contracts are not charged to this program for purposes of making these determinations.

(b) For districts requesting safety net funds due to federal maintenance of effort requirements, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas; and

(iii) Calculations made in accordance with subsection (8) of this section with respect to state fund allocations justify a need for additional funds for compliance with federal maintenance of effort requirements.

(8)(a) For purposes of making safety net determinations pursuant to subsection (7) of this section, the superintendent shall make available to each school district, from available data, prior to June 1st of each year:

(i) The district's 1994-95 enrollment percent;

(ii) For districts with a 1994-95 enrollment percent over 12.7 percent, the maximum 1995-96 enrollment percent, and prior to 1996-97 the maximum 1996-97 enrollment percent;

(iii) The estimate to be used for purposes of subsection (7) of this section of each district's 1994-95 special education allocation showing the excess cost and the basic education portions; and

(iv) If necessary, a process for each district to estimate the 1995-96 school year excess cost allocation for special education and the portion of the basic education allocation formerly included in the special education allocation. This process may utilize the allocations generated pursuant to subsection (4) of this section, each district's 1994-95 estimated basic education backout percent for the 1994-95 school year, and state compensation increases for 1995-96.

(b) The superintendent, in consultation with the state auditor, shall take all necessary steps to successfully transition to the new formula and minimize paperwork at the district level associated with maintenance of effort calculations. The superintendent shall develop such rules and procedures as are necessary to implement this process for the 1995-96 school year, and may use the same process for the 1996-97 school year if found necessary for federal maintenance of effort calculations.

(9) Prior to adopting any standards, procedures, or processes required to implement this section, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) Membership of the regional committees may include, but not be limited to:

(a) A representative of the superintendent of public instruction;

(b) One or more representatives from school districts including board members, superintendents, special education directors, and business managers; and

(c) One or more staff from an educational service district.

(11) The state oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff from the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(12) The institute for public policy, in cooperation with the superintendent of public instruction, the office of financial management, and the fiscal committees of the legislature, shall evaluate the operation of the safety nets under subsections (6) and (7) of this section and shall prepare an interim report by December 15, 1995, and a final report on the first school year of operation by October 15, 1996.

(13) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(14) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(15) Not more than \$80,000 of the general fund--federal appropriation shall be expended for development of an inservice training program to identify students with dyslexia who may be in need of special education.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account  
Appropriation \$ 17,488,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1995-96 and 1996-97 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1995-96 and 1996-97 school years.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation (FY 1996) \$ 4,411,000  
General Fund Appropriation (FY 1997) \$ 4,410,000  
TOTAL APPROPRIATION \$ 8,821,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$225,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$360,000 of the general fund appropriation is provided solely to continue implementation of chapter 109, Laws of 1993 (collaborative development school projects).

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund Appropriation (FY 1996) \$ 75,408,000  
General Fund Appropriation (FY 1997) \$ 79,592,000  
TOTAL APPROPRIATION \$ 155,000,000

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FUNDED UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT**

General Fund--Federal Appropriation \$ 222,376,000

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATION OF INDIAN CHILDREN**

General Fund--Federal Appropriation \$ 370,000

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 15,417,000  
General Fund--State Appropriation (FY 1997) \$ 15,795,000  
General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ 39,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution and other state funding assumptions shall be those specified in the legislative budget notes.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation (FY 1996) \$ 4,254,000

General Fund Appropriation (FY 1997) \$ 4,277,000

TOTAL APPROPRIATION \$ 8,531,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full-time equivalent basic education act enrollment.

(3) \$436,000 of the appropriation is for the Centrum program at Fort Worden state park.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 17,904,000

General Fund--State Appropriation (FY 1997) \$ 18,062,000

General Fund--Federal Appropriation \$ 12,500,000

TOTAL APPROPRIATION \$ 48,466,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,819,000 of the general fund--state appropriation is provided solely for the operation of the commission on student learning under RCW 28A.630.883 through 28A.630.953. The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(2) \$4,890,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for development of assessments as required in RCW 28A.630.885 as amended by House Bill No. 1249.

(3) \$2,190,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,970,000 of the general fund--state appropriation is provided for school-to-work transition projects in the common schools, including state support activities, under RCW 28A.630.861 through 28A.630.880.

(5) \$2,970,000 of the general fund--state appropriation is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.

(6) \$1,620,000 of the general fund--state appropriation is provided for superintendent and principal internships, including state support activities, under RCW 28A.415.270 through 28A.415.300.

(7) \$4,050,000 of the general fund--state appropriation is provided for improvement of technology infrastructure, the creation of a student database, and educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(8) \$7,200,000 of the general fund--state appropriation is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(9) \$5,000,000 of the general fund--state appropriation is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs; and

(b) \$4,558,000 of the general fund--state appropriation is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(10) \$1,260,000 of the general fund--state appropriation is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(11) \$1,700,000 of the general fund--federal appropriation is provided for professional development grants.

(12) \$10,000,000 of the general fund--federal appropriation is provided solely for competitive grants to school districts for implementation of education reform. To the extent that additional federal goals 2000 funds become available, the superintendent shall also allocate such additional funds for the same purpose.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS**

General Fund--Federal Appropriation \$ 51,216,000

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation (FY 1996) \$ 27,286,000

General Fund Appropriation (FY 1997) \$ 29,566,000

TOTAL APPROPRIATION \$ 56,852,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) The superintendent shall distribute a maximum of \$623.21 per eligible bilingual student in the 1995-96 school year and \$623.31 in the 1996-97 school year.

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation (FY 1996) \$ 56,293,000

General Fund Appropriation (FY 1997) \$ 57,807,000

TOTAL APPROPRIATION \$ 114,100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.

(3) Funding for school district learning assistance programs shall be allocated at a maximum rate of \$366.74 per unit for the 1995-96 school year and a maximum of \$366.81 per unit in the 1996-97 school year. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(a) A school district's units for the 1995-96 school year shall be the sum of the following:

(i) The 1995-96 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(ii) The 1995-96 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(iii) If the district's percentage of October 1994 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 11.68 percent.

(b) A school district's units for the 1996-97 school year shall be the sum of the following:

(i) The 1996-97 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(ii) The 1996-97 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(iii) If the district's percentage of October 1995 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1996-97 K-12 annual average full-time equivalent enrollment times 22.30 percent.

**NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS**

General Fund Appropriation (FY 1996) \$ 57,126,000

General Fund Appropriation (FY 1997) \$ 58,429,000

TOTAL APPROPRIATION \$ 115,555,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) School districts receiving moneys pursuant to this section shall expend at least fifty-eight percent of such moneys in school buildings for building based planning, staff development, and other activities to improve student learning, consistent with the student learning goals in RCW 28A.150.210 and RCW 28A.630.885. Districts receiving the moneys shall have a policy regarding the involvement of school staff, parents, and community members in instructional decisions. Each school using the moneys shall, by the end of the 1995-96 school year, develop and keep on file a building plan to attain the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The remaining forty-two percent of such moneys may be used to meet other educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.

(3) Forty-two percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$26.30 for the 1995-96 and 1996-97 school years. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Fifty-eight percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$36.69 for the 1995-96 and 1996-97 fiscal years. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(5) Beginning with the 1995-96 school year, to provide parents, the local community, and the legislature with information on the student learning improvement block grants, schools receiving funds for such purpose shall include, in the annual performance report required in RCW 28A.320.205, information on how the student learning improvement block grant moneys were spent and what results were achieved. Each school district shall submit the reports to the superintendent of public instruction and the superintendent shall provide the legislature with an annual report.

(6) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding).

**NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** The appropriations in sections 502, 504, 506, 508, 510, 514, 515, 518, and 519 of this act include amounts to pay increased state retirement system contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA).

## PART VI HIGHER EDUCATION

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2) Operating resources that are not used to meet authorized salary increases and other mandated expenses shall be invested in measures that (a) reduce the time-to-degree, (b) provide additional access to postsecondary education, (c) improve the quality of undergraduate education, (d) provide improved access to courses and programs that meet core program requirements and are consistent with needs of the state labor market, (e) provide up-to-date equipment and facilities for training in current technologies, (f) expand the integration between the K-12 and postsecondary systems and among the higher education institutions, (g) provide additional access to postsecondary education for place-bound and remote students, and (h) improve teaching and research capability through the funding of distinguished professors. The institutions shall establish, in consultation with the board, measurable goals for increasing the average scheduled course contact hours by type of faculty, and shall report to the appropriate policy and fiscal committees of the legislature each December 1st as to performance on such goals.

To reduce the time it takes students to graduate, the institutions shall establish policies and reallocate resources as necessary to increase the number of undergraduate degrees granted per full-time equivalent instructional faculty.

(3) The salary increases provided or referenced in this subsection shall be the maximum allowable salary increases provided at institutions of higher education, excluding increases associated

with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(a) No more than \$300,000 of the appropriations provided in sections 602 through 608 of this act may be expended for purposes designated in section 911 of this act.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 4.0 percent on July 1, 1995. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 4.0 percent on July 1, 1995. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement.

(c) Funds under section 717 of this act are in addition to any increases provided in (a) and (b) of this subsection. Specific salary increases authorized in sections 603 and 604 of this act are in addition to any salary increase provided in this subsection.

**NEW SECTION. Sec. 602.** The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for student full-time equivalent enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

	1995-96	1996-97
	Annual	Annual
	Average	Average
	FTE	FTE
University of Washington		
Main campus	29,857	29,888
Evening Degree Program	571	617
Tacoma branch	588	687
Bothell branch	533	617
Washington State University		
Main campus	16,205	16,419
Spokane branch	283	308
Tri-Cities branch	624	707
Vancouver branch	723	851
Central Washington University	6,903	6,997
Eastern Washington University	7,656	7,739
The Evergreen State College	3,278	3,298
Western Washington University	9,483	9,606
State Board for Community and Technical Colleges	111,986	113,586
Higher Education Coordinating Board	50	50

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 1996)	\$ 345,763,000
General Fund--State Appropriation (FY 1997)	\$ 348,728,000
General Fund--Federal Appropriation	\$ 11,404,000
Employment and Training Trust Account Appropriation	\$ 58,575,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 764,470,000</b>



The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund appropriation is provided solely for 500 supplemental FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(2) \$58,575,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount:

(a) \$41,090,000 is to provide enrollment opportunity for 6,100 full-time equivalent students in fiscal year 1996 and 7,200 full-time equivalent students in fiscal year 1997. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for the allocation of the full-time equivalents provided in this subsection.

(b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

(c) \$7,632,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility will be exhausted before their training program is completed. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for eligibility and disbursement criteria to be used in determining the award of moneys provided in this subsection.

(d) \$750,000 is provided solely for an interagency agreement with the workforce training and education coordinating board for an independently contracted net-impact study to determine the overall effectiveness and outcomes of retraining and other services provided under chapter 226, Laws of 1993, (employment and training for unemployed workers). The net-impact study shall be completed and delivered to the legislature no later than December 31, 1996.

(e) \$700,000 is to provide the operating resources for seven employment security department job service centers located on community and technical college campuses.

(3) \$3,725,000 of the general fund appropriation is provided solely for assessment of student outcomes at community and technical colleges.

(4) \$1,412,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(5) \$3,296,720 of the general fund appropriation is provided solely for instructional equipment.

(6) \$688,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(7) Up to \$4,200,000 of the appropriations in this section may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments.

(8) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in Substitute Senate Bill No. 5325.

(9) Up to \$6,000,000 of general operating funds may be used to address accreditation issues at the technical colleges.

(10) Up to \$50,000, if matched by an equal amount from private sources, may be used to initiate an international trade education consortium, composed of selected community colleges, to fund and promote international trade education and training services in a variety of locations throughout the state, which services shall include specific business skills needed to develop and sustain international business opportunities that are oriented toward vocational, applied skills. The board shall report to appropriate legislative committees on these efforts at each regular session of the legislature.

**NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation (FY 1996) \$ 263,981,000  
General Fund Appropriation (FY 1997) \$ 258,321,000  
Death Investigations Account Appropriation \$ 1,685,000  
Accident Account Appropriation \$ 4,335,000  
Medical Aid Account Appropriation \$ 4,330,000  
Health Services Account Appropriation \$ 6,244,000

TOTAL APPROPRIATION \$ 538,896,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,516,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. Of this amount, \$237,000 is provided solely for continuation of the two-plus-two program operated jointly with the Olympic Community College.

(2) \$9,438,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) \$2,300,000 of the health services account appropriation is provided solely for the implementation of chapter 492, Laws of 1993 (health care reform) to increase the supply of primary health care providers.

(4) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants.

(5) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program.

(6) \$2,909,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(9) \$1,471,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(10) \$500,000 of the general fund appropriation is provided solely for enhancements to the mathematics, engineering and science achievement (MESA) program.

(11) \$227,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(12) The university shall begin implementation of the professional staff and librarian market gap remedy plan II, which was submitted to the legislature in response to section 603(3), chapter 24, Laws of 1993 sp. sess. and section 603(3), chapter 6, Laws of 1994 sp. sess. As part of the implementation of the plan, an average salary increase of 5.0 percent may be provided to librarians and professional staff on July 1, 1995, to meet salary gaps as described in the plan.

(13) \$184,000 of the health services account appropriation is provided solely for participation of the University of Washington dental school in migrant/community health centers in the Yakima valley.

(14) At least \$50,000 of the general fund appropriation shall be used for research at the Olympic natural resources center.

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 150,520,000

General Fund Appropriation (FY 1997) \$ 153,906,000

Industrial Insurance Premium Refund Account

Appropriation \$ 33,000

Health Services Account Appropriation \$ 1,400,000

TOTAL APPROPRIATION \$ 305,859,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,008,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus. \$1,198,000 of this amount is provided for new building operations and maintenance and shall be placed

in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(2) \$7,534,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus. \$53,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(3) \$7,691,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(6) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$2,167,000 of the general fund appropriation is provided for new building operations and maintenance on the main campus and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) \$525,000 of the general fund appropriation is provided solely to implement House Bill No. 1741 (wine and wine grape research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(9) \$1,000,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1009 (pesticide research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(10) \$314,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 36,741,000  
General Fund Appropriation (FY 1997) \$ 37,084,000  
Health Services Account Appropriation \$ 200,000  
TOTAL APPROPRIATION \$ 74,025,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 33,683,000  
General Fund Appropriation (FY 1997) \$ 34,055,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 10,000  
Health Services Account Appropriation \$ 140,000  
TOTAL APPROPRIATION \$ 67,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$140,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation (FY 1996) \$ 18,436,000  
General Fund Appropriation (FY 1997) \$ 18,504,000  
TOTAL APPROPRIATION \$ 36,940,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$58,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 42,533,000  
General Fund Appropriation (FY 1997) \$ 43,173,000  
Health Services Account Appropriation \$ 200,000  
TOTAL APPROPRIATION \$ 85,906,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$275,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (1996) \$ 1,933,000  
General Fund--State Appropriation (1997) \$ 1,811,000  
General Fund--Federal Appropriation \$ 1,073,000  
TOTAL APPROPRIATION \$ 4,817,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$560,000 of the general fund--state appropriation is provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.580 (timber dependent communities). The number of students served shall be 50 full-time equivalent students per fiscal year. The higher education coordinating board (HECB) in cooperation with the state board for community and technical college education (SBCTC) shall review the outcomes of the timber program and report to the governor and legislature by November 1, 1995. The review should include programs administered by the HECB and SBCTC. The review should address student satisfaction, academic success, and employment success

resulting from expenditure of these funds. The boards should consider a broad range of recommendations, from strengthening the program with existing resources to terminating the program.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (1996) \$ 71,412,000  
General Fund--State Appropriation (1997) \$ 71,613,000  
General Fund--Federal Appropriation \$ 3,579,000  
State Educational Grant Account Appropriation \$ 40,000  
Health Services Account Appropriation \$ 2,230,000  
TOTAL APPROPRIATION \$ 148,874,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$431,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.

(3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan.

(4) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, the health professional conditional scholarship program. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) \$140,543,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$110,504,000 is provided solely for the state need grant program;

(b) \$24,200,000 is provided solely for the state work study program;

(c) \$1,000,000 is provided solely for educational opportunity grants;

(d) A maximum of \$2,650,000 may be expended for financial aid administration, excluding the four percent state work study program administrative allowance provision;

(e) \$633,000 is provided solely for the educator's excellence awards;

(f) \$876,000 is provided solely to implement the Washington scholars program pursuant to Second Substitute House Bill No. 1318 or substantially similar legislation (Washington scholars program); and

(g) \$680,000 is provided solely to implement Substitute House Bill No. 1814 (Washington award for vocational excellence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (g) shall lapse.

**NEW SECTION. Sec. 612. FOR THE JOINT CENTER FOR HIGHER EDUCATION**

General Fund Appropriation (FY 1996) \$ 1,127,000  
General Fund Appropriation (FY 1997) \$ 1,311,000  
TOTAL APPROPRIATION \$ 2,438,000

The appropriation in this section is subject to the following conditions and limitations: \$765,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 613. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 1996) \$ 1,634,000  
General Fund--State Appropriation (FY 1997) \$ 1,634,000  
General Fund--Federal Appropriation \$ 34,641,000  
TOTAL APPROPRIATION \$ 37,909,000

**NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY**

General Fund--State Appropriation (FY 1996) \$ 7,069,000  
General Fund--State Appropriation (1997) \$ 7,071,000  
General Fund--Federal Appropriation \$ 4,799,000  
General Fund--Private/Local Appropriation \$ 46,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 7,000  
TOTAL APPROPRIATION \$ 18,992,000

The appropriations in this section are subject to the following conditions and limitations:  
\$2,439,516 of the general fund--state appropriation and federal funds are provided for a contract with the Seattle public library for library services for the Washington book and braille library.

**NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (1996) \$ 2,236,000  
General Fund--State Appropriation (1997) \$ 1,929,000  
General Fund--Federal Appropriation \$ 934,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 1,000  
TOTAL APPROPRIATION \$ 5,100,000

**NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) \$ 1,965,000  
General Fund Appropriation (FY 1997) \$ 2,186,000  
TOTAL APPROPRIATION \$ 4,151,000

The appropriation in this section is subject to the following conditions and limitations:  
\$1,731,000 is provided solely for the new Washington state historical society operations and maintenance located in Tacoma.

**NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) \$ 473,000  
General Fund Appropriation (FY 1997) \$ 473,000  
TOTAL APPROPRIATION \$ 946,000

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (1996) \$ 3,421,000  
General Fund--State Appropriation (1997) \$ 3,440,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 7,000  
TOTAL APPROPRIATION \$ 6,868,000

**NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (1996) \$ 6,182,000  
General Fund--State Appropriation (1997) \$ 6,215,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 15,000  
TOTAL APPROPRIATION \$ 12,412,000

PART VII  
SPECIAL APPROPRIATIONS

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT**

General Fund Appropriation \$ 852,281,000  
State Building and Construction Account  
Appropriation \$ 21,500,000  
TOTAL APPROPRIATION \$ 873,781,000

The general fund appropriation is for deposit into the account listed in section 801 of this act.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account  
Appropriation \$ 24,179,000  
Accident Account Appropriation \$ 5,548,000  
Medical Account Appropriation \$ 5,548,000  
TOTAL APPROPRIATION \$ 35,275,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund Appropriation \$ 37,031,000  
Higher Education Reimbursable Construction Account  
Appropriation \$ 197,000  
Community College Capital Construction Bond  
Retirement Fund 1975 Appropriation \$ 450,000  
Higher Education Bond Retirement Fund 1979  
Appropriation \$ 2,887,000  
TOTAL APPROPRIATION \$ 40,565,000

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Common School Building Bond Redemption Fund 1967  
Appropriation \$ 6,923,000  
State Building and Parking Bond Redemption  
Fund 1969 Appropriation \$ 2,453,000  
TOTAL APPROPRIATION \$ 9,376,000

**NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund Appropriation \$ 1,535,000  
State Convention and Trade Center Account  
Appropriation \$ 15,000  
State Building Construction Account  
Appropriation \$ 364,000  
Higher Education Reimbursable Construction  
Account Appropriation \$ 3,000  
TOTAL APPROPRIATION \$ 1,917,000

Total Bond Retirement and Interest Appropriations

contained in sections 701 through 705 of this  
act \$ 960,914,000

**NEW SECTION. Sec. 706. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

General Fund Appropriation (FY 1996) \$ 1,815,000  
General Fund Appropriation (FY 1997) \$ 1,815,000  
Wildlife Fund Appropriation \$ 78,000  
TOTAL APPROPRIATION \$ 3,708,000

**NEW SECTION. Sec. 707. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT**

Americans with Disabilities Special Revolving Fund  
Appropriation \$ 426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation shall be used solely to fund requests from state agencies complying with the program requirements of the federal Americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the Americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 708. FOR THE GOVERNOR--TORT DEFENSE SERVICES**

General Fund Appropriation (FY 1996) \$ 965,000  
General Fund Appropriation (FY 1997) \$ 966,000  
TOTAL APPROPRIATION \$  
Special Fund Agency Tort Defense Services  
Revolving Fund Appropriation \$ 1,287,000  
TOTAL APPROPRIATION \$ 3,218,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

**NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**

General Fund Appropriation (FY 1996) \$ 850,000  
General Fund Appropriation (FY 1997) \$ 850,000  
TOTAL APPROPRIATION \$ 1,700,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 710. BELATED CLAIMS.** The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 711. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 1996) \$ 2,390,000



General Fund--State Appropriation (FY 1997) \$ 2,561,000  
General Fund--Federal Appropriation \$ 1,835,000  
General Fund--Private/Local Appropriation \$ 136,000  
Salary and Insurance Increase Revolving Account  
Appropriation \$ 4,105,000  
TOTAL APPROPRIATION \$ 11,027,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly contribution for insurance benefit premiums shall not exceed \$308.14 per eligible employee for fiscal year 1996, and \$308.96 for fiscal year 1997.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$5.81 per eligible employee for fiscal year 1996, and \$5.55 for fiscal year 1997.

(c) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs or due to employee waivers of coverage may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without subsequent legislative authorization.

(d) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium co-payments, increase point-of-service cost sharing, and/or implement managed competition.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From July 1, 1995, through December 31, 1995, the subsidy shall be \$34.20 per month. From January 1, 1996, through December 31, 1996, the subsidy shall be \$36.77 per month. Starting January 1, 1997, the subsidy shall be \$39.52 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:

(a) For each full-time employee, \$14.79 per month beginning October 1, 1995, and \$14.80 per month beginning September 1, 1996;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$14.79 each month beginning October 1, 1995, and \$14.80 each month beginning September 1, 1996, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes funds sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1995-97 transportation appropriations act.

(6) Rates charged to school districts voluntarily purchasing employee benefits through the health care authority shall be equivalent to the actual insurance costs of benefits and administration costs for state and higher education employees except:

(a) The health care authority is authorized to reduce rates charged to school districts for up to 10,000 new subscribers by applying surplus funds accumulated in the public employees' and retirees' insurance account. Rates may be reduced up to a maximum of \$10.93 per subscriber per month in fiscal year 1996 and a maximum of \$7.36 per subscriber per month in fiscal year 1997; and

(b) For employees who first begin receiving benefits through the health care authority after September 1, 1995, districts shall remit the additional costs of health care authority administration resulting from their enrollment. The additional health care authority administration costs shall not exceed \$.30 per month per subscriber.

**NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

**FY 1996 FY 1997**

General Fund Appropriation \$ 87,500,000 87,500,000

(2) There is appropriated for contributions to the judicial retirement system:

**FY 1996 FY 1997**

General Fund Appropriation \$ 6,500,000 6,500,000

(3) There is appropriated for contributions to the judges retirement system:

**FY 1996 FY 1997**

General Fund Appropriation \$ 800,000 800,000

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CONTRIBUTIONS TO RETIREMENT SYSTEMS**

**FY 1996 FY 1997**

General Fund--State

Appropriation \$ 1,007,000 1,224,000

General Fund--Federal

Appropriation \$ 367,000 447,000

Special Account Retirement Contribution

Increase Revolving Account

Appropriation \$ 904,000 1,089,000

**TOTAL APPROPRIATION \$ 5,038,000**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to pay the increased retirement contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA). If the bill is not enacted by June 30, 1995, the amounts provided in this section shall lapse.

**NEW SECTION. Sec. 714. SALARY COST OF LIVING ADJUSTMENT**

General Fund--State Appropriation (FY 1996) \$ 36,020,000

General Fund--State Appropriation (FY 1997) \$ 36,590,000

General Fund--Federal Appropriation \$ 29,603,000

Salary and Insurance Increase Revolving Account

Appropriation \$ 60,213,000

**TOTAL APPROPRIATION \$ 162,426,000**

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) In addition to the purposes set forth in subsections (2), (3), and (4) of this section, appropriations in this section are provided solely for a 4.0 percent salary increase effective July 1, 1995, for all classified employees (including those employees in the Washington management service) and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 4.0 percent salary increase for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 4.0 percent cost-of-living adjustment, effective July 1, 1995, for ferry workers consistent with the 1995-97 transportation appropriations act.

(4) The appropriations in this section include funds sufficient to fund the salary increases approved by the commission on salaries for elected officials for legislators and judges.

(5) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

**NEW SECTION. Sec. 715. FOR THE ATTORNEY GENERAL--SALARY ADJUSTMENTS**

General Fund Appropriation (FY 1996)	\$ 1,129,000
General Fund Appropriation (FY 1997)	\$ 1,129,000
Attorney General Salary Increase Revolving	
Account Appropriation	\$ 1,542,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 3,800,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for increases in salaries and related benefits of assistant attorneys general. The attorney general shall distribute these funds in a manner that will maintain or increase the quality and experience of the attorney general's staff. Market value, specialization, retention, and merit (including billable hours) shall be the factors in determining the distribution of these funds.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the attorney general salary increase revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 716. SALARY INCREMENT INCREASES.** General government and higher education general service employees whose salaries were frozen in the 1993-95 biennium and who are below the top step of their salary range will receive a step increase on their next periodic increment date on or after July 1, 1995. Thereafter, periodic increments will occur on the subsequent increment dates. Affected Washington management service (WMS) employees may receive increments as provided in the pertinent WMS rules on or after July 1, 1995. Civil service exempt employees who are below the top step may receive an increase at the discretion of the relevant appointing authority.

**NEW SECTION. Sec. 717. INCREMENT SALARY INCREASES.** The appropriations in Parts I through VI of this act to the agencies and institutions of the state contain \$28,000,000 from the general fund--state and \$34,000,000 from other funds for the purposes of providing increment salary increases for longevity to employees of the state pursuant to RCW 41.06.150(18), chapter 41.56 RCW, and other statutes. This amount will provide average salary increases of 1.0 percent during the 1995-97 biennium.

**NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund Appropriation (FY 1997)	\$ 5,000,000
Salary and Insurance Increase Revolving	
Account Appropriation (FY 1997)	\$ 5,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 10,000,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be expended solely for the purposes designated in section 911 of this act.

(2) In addition to the moneys appropriated in this section, state agencies may expend up to an additional \$2,500,000 from other general fund--state appropriations in this act and \$2,500,000 from

appropriations from other funds and accounts for the purposes and under the procedures designated in section 911 of this act.

PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

State General Obligation Bond Retirement Fund 1979

Fund Appropriation       \$ 852,281,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 701 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY AS PRESCRIBED BY STATUTE**

State General Obligation Bond Retirement Fund 1979

Appropriation       \$ 37,031,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance  
premiums distribution   \$ 6,025,000

General Fund Appropriation for public utility  
district excise tax distribution   \$ 29,885,000

General Fund Appropriation for prosecuting  
attorneys' salaries   \$ 2,800,000

General Fund Appropriation for motor vehicle  
excise tax distribution   \$ 72,684,000

General Fund Appropriation for local mass  
transit assistance   \$ 335,869,000

General Fund Appropriation for camper and  
travel trailer excise tax distribution   \$ 3,554,000

General Fund Appropriation for boating  
safety/education and law enforcement  
distribution   \$ 3,224,000

General Fund Appropriation for public health  
distribution   \$ 36,465,000

Aquatic Lands Enhancement Account Appropriation  
for harbor improvement revenue  
distribution   \$ 130,000

Liquor Excise Tax Account Appropriation for  
liquor excise tax distribution   \$ 22,185,000

Liquor Revolving Fund Appropriation for liquor  
profits distribution   \$ 42,778,000

Timber Tax Distribution Account Appropriation  
     for distribution to "Timber" counties \$ 115,950,000  
 Municipal Sales and Use Tax Equalization Account  
     Appropriation \$ 58,181,000  
 County Sales and Use Tax Equalization Account  
     Appropriation \$ 12,940,000  
 Death Investigations Account Appropriation  
     for distribution to counties for publicly  
     funded autopsies \$ 1,200,000  
 County Criminal Justice Account Appropriation \$ 69,940,000  
 Municipal Criminal Justice Account  
     Appropriation \$ 27,972,000  
 County Public Health Account Appropriation \$ 29,709,000  
                     TOTAL APPROPRIATION \$ 871,491,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

Forest Reserve Fund Appropriation for federal  
     forest reserve fund distribution \$ 50,740,000  
 General Fund Appropriation for federal flood  
     control funds distribution \$ 48,000  
 General Fund Appropriation for federal grazing  
     fees distribution \$ 73,000  
 General Fund Appropriation for distribution of  
     federal funds to counties in conformance with  
     P.L. 97-99 Federal Aid to Counties \$ 220,000  
                     TOTAL APPROPRIATION \$ 51,081,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS**

Public Works Assistance Account: For transfer to the  
     Flood Control Assistance Account \$ 4,000,000  
 General Fund: For transfer to the Natural Resources  
     Fund--Water Quality Account \$ 18,471,000  
 Water Quality Account: For transfer to the Water  
     Pollution Revolving Fund. Transfers shall be  
     made at intervals coinciding with deposits of  
     federal capitalization grant money into the  
     revolving fund. The amounts transferred shall  
     not exceed the match required for each federal  
     deposit \$ 25,000,000  
 Water Quality Account: For transfer to the Water  
     Right Permit Processing Account \$ 500,000  
 Trust Land Purchase Account: For transfer to the Parks  
     Renewal and Stewardship Account \$ 1,304,000  
 General Government Special Revenue Fund--State  
     Treasurer's Service Account: For transfer to  
     the general fund on or before June 30, 1997,  
     an amount up to \$7,361,000 in excess of the

cash requirements of the state treasurer's  
service account \$ 7,361,000  
Health Services Account: For transfer to the  
Public Health Services Account \$ 26,003,000  
Public Health Services Account: For transfer to  
the County Public Health Account \$ 2,250,000  
Public Works Assistance Account: For transfer to the  
Growth Management Planning and Environmental  
Review Fund \$ 3,000,000  
Basic Health Plan Trust Account: For transfer to  
the General Fund--State Account (FY 1996) \$ 2,664,778  
Basic Health Plan Trust Account: For transfer to  
the General Fund--State Account (FY 1997) \$ 2,664,778  
Oil Spill Response Account: For transfer to  
the Oil Spill Administration Account \$ 1,718,000

**NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--  
TRANSFERS**

General Fund Appropriation: For transfer to  
the department of retirement systems expense  
fund \$ 18,000

**NEW SECTION. Sec. 807. FOR COMMON SCHOOL CONSTRUCTION.** The sum of one hundred and ten million dollars is appropriated from the general fund to the common school construction fund for the purposes under RCW 28A.515.320.

This section is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

PART IX  
MISCELLANEOUS

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a

description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, costs and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and postimplementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written postimplementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the postimplementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the postimplementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

**NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education

coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 904. EMERGENCY FUND ALLOCATIONS.** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 905. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapter 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 906. BOND EXPENSES.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 907. LEGISLATIVE FACILITIES.** Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1995.

**NEW SECTION. Sec. 908. AGENCY RECOVERIES.** Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to, payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

**NEW SECTION. Sec. 909. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

**Sec. 910.** RCW 19.118.110 and 1995 c . . . s 7 (ESSB 5629) are each amended to read as follows:

A three-dollar arbitration fee shall be collected by either the new motor vehicle dealer or vehicle lessor from the consumer upon execution of a retail sale or lease agreement. The fee shall be forwarded to the department of licensing at the time of title application for deposit in the new motor vehicle arbitration account hereby created in the state treasury. Moneys in the account shall be used for the purposes of this chapter, subject to appropriation. During the 1995-97 fiscal biennium, the



legislature may transfer moneys from the account to the extent that the moneys are not necessary for the purposes of this chapter.

At the end of each fiscal year, the attorney general shall prepare a report listing the annual revenue generated and the expenses incurred in implementing and operating the arbitration program under this chapter.

**Sec. 911.** RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s 27 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;
- (13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. ~~((However, beginning July 1, 1993, through June 30, 1995,))~~ The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW. Beginning July 1, 1995, through June 30, 1997:

(a) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:

(i) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(ii) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or

(iii) The implementation is a result of emergent conditions. Emergent conditions are defined as newly mandated programs for which moneys are not appropriated, establishment of positions necessary for the preservation of the public health, safety, or general welfare, and related issues which do not exceed \$250,000 of the moneys identified in section 718(2) of this act.

(b) The board may approve the implementation of salary increases resulting from adjustments to the classification plan for implementation in the 1997-99 fiscal biennium only if the implementation will not result in additional net costs or the implementation has been approved by the legislature in the omnibus appropriations act or other legislation.

(c) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(d) Adjustments made to the higher education hospital special pay plan are exempt from (a) through (c) of this subsection;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. ~~((However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds three thousand seven hundred fifty dollars;))~~

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States

or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions (~~under chapter 28B.16 RCW~~) before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

**Sec. 912.** RCW 43.08.250 and 1993 sp.s. c 24 s 917 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, (~~1995~~) 1997, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, and Washington state patrol criminal justice activities.

**Sec. 913.** RCW 70.47.030 and 1993 c 492 s 210 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized

enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

**Sec. 914.** RCW 70.105D.070 and 1994 c 252 s 5 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(d) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; and (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the

investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed fifty thousand dollars though it may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account. During the 1995-97 fiscal biennium no moneys deposited into the state and local toxics control accounts may be committed to public participation grants, except in the case where public participation grants assist in the implementation of the pilot projects established pursuant to Engrossed Substitute House Bill No. 1810.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

**Sec. 915.** RCW 86.26.007 and 1993 sp.s. c 24 s 928 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the ((1995-97)) 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. To the extent that moneys in the flood control assistance account are not appropriated during the ((1993-95)) 1995-97 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

NEW SECTION. **Sec. 916.** No funding appropriated in this act shall be expended to support efforts to establish the northwest marine straits sanctuary.

NEW SECTION. **Sec. 917.** No funding appropriated in this act shall be expended to establish or publish rules which exceed federal requirements for providing habitat protection for northern spotted owls.

**Sec. 918.** RCW 43.155.050 and 1993 sp.s. c 24 s 921 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. During the ((1993-95)) 1995-97 fiscal biennium, moneys in the public works assistance account may be appropriated for transfer to the flood control assistance account to be used for flood control assistance, including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the ((1993-95)) 1995-97 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

**Sec. 919.** RCW 69.50.520 and 1994 sp.s. c 7 s 910 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110((~~5~~))(7), 66.24.210(4), 66.24.290(3), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 ((1st)) sp. sess., including state incarceration costs. After July 1, 1997, at least seven and one-half percent of expenditures from the

account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 920.** RCW 70.146.020 and 1993 sp.s. c 24 s 923 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Account" means the water quality account in the state treasury.

(2) "Department" means the department of ecology.

(3) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.

(4) "Water pollution control facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control facilities or other means. During the ((1993-1995)) 1995-1997 fiscal biennium, "water pollution control activities" includes activities by state agencies to protect public drinking water supplies and sources.

(6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the environmental protection agency pursuant to Public Law 93-523, Sec. 1424(b).

**Sec. 921.** RCW 70.146.030 and 1991 sp.s. c 13 s 61 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control

facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

(4) During the fiscal biennium ending June 30, 1997, moneys in the account may be appropriated for water activities including regional plans, implementation of regional plans, watershed restoration, and other activities relating to the water right permit program in the department of ecology.

**Sec. 922.** RCW 74.14C.065 and 1992 c 214 s 11 are each amended to read as follows:

Any federal funds made available under RCW 74.14C.060 shall be used to supplement and shall not supplant state funds to carry out the purposes of this chapter. However, during the 1995-97 fiscal biennium, federal funds made available under RCW 74.14C.060 may be used to supplant state funds to carry out the purposes of this chapter.

**Sec. 923.** RCW 79.24.580 and 1994 c 219 s 12 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock. During the fiscal biennium ending June 30, 1997, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

**NEW SECTION. Sec. 924. FISCAL YEAR EXPENDITURE LIMITS.** An agency's total general fund--state expenditures by fiscal year shall not exceed the amount approved by the office of financial management (OFM) in expenditure plans authorized under RCW 43.88.070 and 43.88.110. OFM shall ensure that these plans conform with fiscal year expenditures in the OFM budget database as updated to reflect legislative appropriations and governor's vetoes. In no case shall the state-wide total of agency allotments exceed the Initiative 601 expenditure limit. The allotments of elected officials must match the GFS fiscal year split contained in the updated OFM database.

**NEW SECTION. Sec. 925.** Unless otherwise required by law, no moneys appropriated in this act may be expended for mandatory diversity training for state employees. No moneys appropriated in this act may be expended for voluntary diversity training offered to state employees where a record is made of attendance or nonattendance or where state employees may be subject to reprimand or other disciplinary action for participating or not participating.

**NEW SECTION. Sec. 926.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 927.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Section 807 of this act shall take effect immediately. The remainder of the act shall take effect July 1, 1995.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997; amending RCW 19.118.110, 43.08.250, 70.47.030, 70.105D.070, 86.26.007, 43.155.050, 69.50.520, 70.146.020, 70.146.030, 74.14C.065, 79.24.580, 43.21I.005, 43.21I.010, 43.21I.030, 43.21I.040, 88.46.922, 88.46.925, and 90.56.510; amending 1991 c 200 s 1120 (uncodified); amending 1993 c 281 s 73 (uncodified); reenacting and amending RCW 41.06.150; adding a new section to chapter 90.56 RCW; creating new sections; recodifying RCW 43.21I.005, 43.21I.010, 43.21I.030, and 43.21I.040; repealing RCW 43.21I.020, 88.46.920, and 88.46.923; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Foreman moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1410 and ask the Senate to recede therefrom. The motion was carried.

There being no objection, Engrossed Substitute House Bill No. 1410 was immediately transmitted to the Senate.

#### SENATE AMENDMENTS TO HOUSE BILL

May 23, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.



PART I  
GENERAL GOVERNMENT

**NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund Appropriation (FY 1996) \$ 23,862,000  
General Fund Appropriation (FY 1997) \$ 23,685,000  
TOTAL APPROPRIATION \$ 47,547,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.  
(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund Appropriation (FY 1996) \$ 17,397,000  
General Fund Appropriation (FY 1997) \$ 19,198,000  
TOTAL APPROPRIATION \$ 36,595,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.  
(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to

provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

**NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE**

General Fund Appropriation (FY 1996) \$ 1,557,000

General Fund Appropriation (FY 1997) \$ 1,268,000

TOTAL APPROPRIATION \$ 2,825,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 is provided solely for the legislative budget committee to conduct a performance audit of the office of the superintendent of public instruction and report its finding to the appropriate committees of the legislature by December 31, 1995. In addition to the standard items reviewed in a performance audit, the committee is directed to provide the following: (a) A determination of methods to maximize the amount of federal funds received by the state; (b) the identification of potential cost savings from any office programs which could be eliminated or transferred to the private sector; (c) an analysis of gaps and overlaps in office programs; and (d) an evaluation of the efficiency with which the office of the superintendent of public instruction operates the programs under its jurisdiction and fulfills the duties assigned to it by law. In conducting the performance audit, the legislative budget committee is also directed to use performance measures or standards used by other states or other large education organizations in developing its findings.

(2) The general fund appropriation contains sufficient funds for the legislative budget committee to perform the study required in Second Substitute Senate Bill No. 5574 regarding the transfer of forest board lands to the counties.

**NEW SECTION. Sec. 104. FOR THE PERFORMANCE PARTNERSHIP COUNCIL**

General Fund Appropriation (FY 1996) \$ 250,000

**NEW SECTION. Sec. 105. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund Appropriation (FY 1996) \$ 1,162,000

General Fund Appropriation (FY 1997) \$ 1,162,000

TOTAL APPROPRIATION \$ 2,324,000

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY**

Department of Retirement Systems Expense Account  
Appropriation \$ 1,573,000

**NEW SECTION. Sec. 107. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund Appropriation (FY 1996) \$ 4,450,000  
General Fund Appropriation (FY 1997) \$ 4,450,000  
TOTAL APPROPRIATION \$ 8,900,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be transferred to the legislative systems revolving fund.

**NEW SECTION. Sec. 108. FOR THE STATUTE LAW COMMITTEE**

General Fund Appropriation (FY 1996) \$ 3,076,000  
General Fund Appropriation (FY 1997) \$ 3,356,000  
TOTAL APPROPRIATION \$ 6,432,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$55,000 is provided solely for the uniform legislation commission.
- (2) \$40,000 is provided for the compilation and publication of a quarterly report on agency rule-making activity pursuant to section 704 of Engrossed Substitute House Bill No. 1010 (regulatory reform).

**NEW SECTION. Sec. 109. LEGISLATIVE AGENCIES.** In order to implement cost reduction measures required by this act and to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, legislative budget committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

**NEW SECTION. Sec. 110. FOR THE SUPREME COURT**

General Fund Appropriation (FY 1996) \$ 4,419,000  
General Fund Appropriation (FY 1997) \$ 4,456,000  
TOTAL APPROPRIATION \$ 8,875,000

**NEW SECTION. Sec. 111. FOR THE LAW LIBRARY**

General Fund Appropriation (FY 1996) \$ 1,607,000  
General Fund Appropriation (FY 1997) \$ 1,608,000  
TOTAL APPROPRIATION \$ 3,215,000

**NEW SECTION. Sec. 112. FOR THE COURT OF APPEALS**

General Fund Appropriation (FY 1996) \$ 8,834,000  
General Fund Appropriation (FY 1997) \$ 8,834,000  
TOTAL APPROPRIATION \$ 17,668,000

**NEW SECTION. Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund Appropriation (FY 1996) \$ 595,000  
General Fund Appropriation (FY 1997) \$ 606,000  
TOTAL APPROPRIATION \$ 1,201,000

**NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation (FY 1996) \$ 11,658,000  
 General Fund Appropriation (FY 1997) \$ 11,728,000  
 Public Safety and Education Account  
     Appropriation \$ 41,403,000  
 Judicial Information Systems Account  
     Appropriation \$ 6,446,000  
     TOTAL APPROPRIATION \$ 71,235,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account shall be used to fund computer systems for the supreme court, the court of appeals, and the office of the administrator for the courts. Expanding services to the courts, technology improvements, and criminal justice proposals shall receive priority consideration for the use of these funds.

(2) \$63,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5235 (judgeship for Clark county). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) \$9,326,000 of the public safety and education account is provided solely for the indigent appeals program.

(5) \$26,000 of the public safety and education account and \$110,000 of the judicial information systems account are to implement Engrossed Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(6) \$138,000 of the public safety and education account is provided solely for Thurston county impact costs.

(7) \$223,000 of the public safety and education account is provided solely for the gender and justice commission.

(8) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(9) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR**

General Fund Appropriation (FY 1996) \$ 2,899,000  
 General Fund Appropriation (FY 1997) \$ 2,898,000  
     TOTAL APPROPRIATION \$ 5,797,000

**NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation (FY 1996) \$ 242,000  
 General Fund Appropriation (FY 1997) \$ 243,000  
     TOTAL APPROPRIATION \$ 485,000

**NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation (FY 1996) \$ 1,107,000  
 General Fund Appropriation (FY 1997) \$ 1,045,000  
 Industrial Insurance Premium Refund Account  
     Appropriation \$ 725  
     TOTAL APPROPRIATION \$ 2,152,725

**NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE**

General Fund Appropriation (FY 1996) \$ 9,175,000  
General Fund Appropriation (FY 1997) \$ 5,924,000  
Archives and Records Management Account  
Appropriation \$ 4,330,000  
Department of Personnel Service Account  
Appropriation \$ 647,000  
TOTAL APPROPRIATION \$ 20,076,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,859,975 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$5,183,762 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$140,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

(4) The general fund appropriation for fiscal year 1996 shall be reduced by \$726,000 if Engrossed Senate Bill No. 5852 (presidential preference primary) is enacted by March 15, 1996.

(5) \$10,000 is provided solely for the purposes of Substitute House Bill No. 1497 (preservation of electronic public records),

**NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ 151,000  
General Fund Appropriation (FY 1997) \$ 152,000  
TOTAL APPROPRIATION \$ 303,000

**NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ 173,000  
General Fund Appropriation (FY 1997) \$ 173,000  
TOTAL APPROPRIATION \$ 346,000

**NEW SECTION. Sec. 121. FOR THE STATE TREASURER**

State Treasurer's Service Account  
Appropriation \$ 10,454,000

**NEW SECTION. Sec. 122. FOR THE STATE AUDITOR**

General Fund Appropriation (FY 1996) \$ 12,000  
General Fund Appropriation (FY 1997) \$ 10,000  
Municipal Revolving Account  
Appropriation \$ 24,886,000  
Auditing Services Revolving Account  
Appropriation \$ 11,814,000  
TOTAL APPROPRIATION \$ 36,722,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) The state auditor, in consultation with the legislative budget committee, shall conduct a performance audit of the state investment board. In conducting the audit, the state auditor shall: (a)

Establish and publish a schedule of the performance audit and shall solicit public comments relative to the operations of the state investment board at least three months prior to conducting the scheduled performance audit; (b) under the provisions of chapter 39.29 RCW, obtain and utilize a private firm to conduct the audit. The firm selected shall utilize professional staff possessing the education, training, and practical experience in auditing private and governmental entities responsible for the investment of funds necessary to capably conduct the audit required by this subsection. The firm selected for the audit shall determine the extent to which the state investment board is operating consistently with the performance audit measures developed by the state auditor, acting together with the board, the legislative budget committee, the office of financial management, the state treasurer, and other state agencies, as appropriate. The audit measures shall incorporate appropriate institutional investment industry criteria for measuring management practices and operations. The firm shall recommend in its report any actions deemed appropriate that the board can take to operate more consistently with such measures. The cost of the performance audit conducted shall be paid by the board from nonappropriated investment earnings.

**NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund Appropriation (FY 1996) \$ 6,000  
General Fund Appropriation (FY 1997) \$ 59,000  
TOTAL APPROPRIATION \$ 65,000

**NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 1996) \$ 3,228,000  
General Fund--State Appropriation (FY 1997) \$ 3,225,000  
General Fund--Federal Appropriation \$ 1,624,000  
Public Safety and Education Account  
Appropriation \$ 1,250,000  
State Investment Board Expense Account  
Appropriation \$ 4,000,000  
New Motor Vehicle Arbitration Account  
Appropriation \$ 1,782,000  
Legal Services Revolving Account  
Appropriation \$ 113,972,000  
Health Services Account Appropriation \$ 300,000  
TOTAL APPROPRIATION \$ 129,381,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. The attorney general may, with approval of the office of financial management change its billing system to meet the needs of its user agencies.

(3) \$4,000,000 from the state investment board expense account appropriation is provided solely for attorney general costs and related expenses in aggressively pursuing litigation related to real estate investments on behalf of the state investment board. To the maximum extent possible, attorney general staff shall be used in pursuing this litigation.

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS**

Securities Regulation Account  
Appropriation \$ 4,515,000

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 1996) \$ 48,627,000  
General Fund--State Appropriation (FY 1997) \$ 47,328,000  
General Fund--Federal Appropriation \$ 147,991,000  
General Fund--Private/Local Appropriation \$ 1,676,000  
Public Safety and Education Account  
Appropriation \$ 8,764,000  
Waste Reduction, Recycling, and Litter Control  
Account Appropriation \$ 2,006,000  
Washington Marketplace Program Account  
Appropriation \$ 150,000  
Public Works Assistance Account  
Appropriation \$ 1,068,000  
Building Code Council Account  
Appropriation \$ 1,289,000  
Administrative Contingency Account  
Appropriation \$ 1,776,000  
Low-Income Weatherization Assistance Account  
Appropriation \$ 923,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 6,027,000  
Manufactured Home Installation Training Account  
Appropriation \$ 150,000  
Washington Housing Trust Account  
Appropriation \$ 4,686,000  
Public Facility Construction Revolving Account  
Appropriation \$ 238,000  
Solid Waste Management Account Appropriation \$ 700,000  
Growth Management Planning and Environmental  
Review Fund Appropriation \$ 3,000,000  
TOTAL APPROPRIATION \$ 276,399,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,065,000 of the general fund--state appropriation is provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1993-95 biennium.

(2) \$538,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1724 (growth management).

(3) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$4,800,000 of federal community development block grant funds for distribution to local governments to allocate to community action agencies state-wide.

(4) \$8,915,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1996 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional drug task forces;

(b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;

(c) \$456,000 to the department to continue the state-wide drug prosecution assistance program;

(d) \$93,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$744,000 to the department to continue the youth violence prevention and intervention projects;

(f) \$240,000 to the department for grants to support tribal law enforcement needs;

(g) \$495,000 is provided to the Washington state patrol for a state-wide integrated narcotics system;

(h) \$538,000 to the department for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(i) \$51,000 to the Washington state patrol for data collection;

(j) \$445,750 to the office of financial management for the criminal history records improvement program;

(k) \$42,000 to the department to support local services to victims of domestic violence;

(l) \$300,000 to the department of community, trade, and economic development for domestic violence legal advocacy;

(m) \$300,000 to the department of community, trade, and economic development for grants to provide a defender training program; and

(n) \$673,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

(5) \$3,960,000 of the public safety and education account appropriation is provided solely for the office of crime victims' advocacy.

(6) \$216,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$200,000 of the general fund--state appropriation is provided solely as a grant for the community connections program in Walla Walla county.

(8) \$30,000 of the Washington housing trust account appropriation is provided solely for the department to conduct an assessment of the per square foot cost associated with constructing or rehabilitating buildings financed by the housing trust fund for low-income housing. The department may contract with specially trained teams to conduct this assessment. The department shall report to the legislature by December 31, 1995. The report shall include:

(a) The per square foot cost of each type of housing unit financed by the housing trust fund;

(b) An assessment of the factors that affect the per square foot cost;

(c) Recommendations for reducing the per square foot cost, if possible;

(d) Guidelines for housing costs per person assisted; and

(e) Other relevant information.

(9) \$350,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

(10) \$300,000 of the general fund--state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

(12) \$100,000 of the general fund--state appropriation is provided solely as a grant to a nonprofit organization for costs associated with development of the Columbia Breaks Fire Interpretive Center.



(13) \$150,000 of the general fund--state appropriation is provided solely for operation of the marketplace program and to provide state matching funds for a federal grant.

(14) \$100,000 of the general fund--state appropriation is provided solely for the Pierce county long-term care ombudsman program.

(15) \$60,000 of the general fund--state appropriation is provided solely for the Pacific Northwest economic region.

(16) \$500,000 of the general fund--state appropriation is provided solely for distribution to the city of Burien for analysis of the proposed Port of Seattle third runway including preparation of a draft environmental impact statement and other technical studies. The amount provided in this subsection shall not be expended directly or indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway.

(17) Not more than \$458,000 of the general fund--state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to implement a plan for assessing fees for services provided by the project. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996 and seventy-five percent of the expenditures in fiscal year 1997. Beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(18) \$4,804,000 of the public safety and education account appropriation is provided solely for contracts with qualified legal aid programs for civil indigent legal representation pursuant to RCW 43.08.260. It is the intent of the legislature to ensure that legal aid programs receiving funds appropriated in this act pursuant to RCW 43.08.260 comply with all applicable restrictions on use of these funds. To this end, during the 1995-97 fiscal biennium the department shall monitor compliance with the authorizing legislation, shall oversee the implementation of this subsection, and shall report directly to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(a) It is the intent of the legislature to improve communications between legal aid programs and persons affected by the activities of legal aid programs. There is established for the 1995-97 fiscal biennium a task force on agricultural interests/legal aid relations. The task force shall promote better understanding and cooperation between agricultural interests and legal aid programs and shall provide a forum for discussion of issues of common concern. The task force shall not involve itself in pending litigation.

(i) The task force shall consist of the following sixteen members: Four representatives of agricultural organizations, to be appointed by the legislator members; two individuals who represent the corresponding interests of legal clients, to be appointed by organizations designated by the three legal services programs; two representatives of Evergreen Legal Services, to be appointed by its board of directors; one representative each from Puget Sound Legal Assistance Foundation and Spokane Legal Services Center, each to be appointed by its directors; one member from each of the majority and minority caucuses of the house of representatives, to be appointed by the speaker of the house of representatives; one member from each of the majority and minority caucuses of the senate, to be appointed by the president of the senate; and two members of the supreme court-appointed access to justice board, to be appointed by the board. During fiscal year 1996, the task force shall be chaired by a legislative member, to be selected by the task force members. During fiscal year 1997, the committee shall be chaired by a nonlegislator member, to be selected by the task force members.

(ii) All costs associated with the meetings shall be borne by the individual task force members or by the organizations that the individuals represent. No task force member shall be eligible for reimbursement of expenses under RCW 43.03.050 or 43.03.060. Nothing in this subsection prevents the legal aid programs from using funds appropriated in this act to reimburse their representatives or the individuals representing legal clients.

(iii) The task force will meet at least four times during the first year of the biennium and as frequently as necessary thereafter at mutually agreed upon times and locations. Any member of the task force may place items on meeting agendas. Members present at the first two task force meetings shall agree upon a format for subsequent meetings.

(b) The legislature recognizes that farmworkers have the right to receive basic information and to consult with attorneys at farm labor camps without fear of intimidation or retaliation. It is the intent of the legislature and in the interest of the public to ensure the safety of all persons affected by legal aid programs' farm labor camp outreach activities. Legal aid program employees have the legal right to enter the common areas of a labor camp or to request permission of employees to enter their dwellings. Employees living in grower supplied housing have the right to refuse entry to anyone including attorneys unless they have a warrant. Individual employees living in employer supplied housing do not have the right to force legal aid program employees to leave common areas of housing (outside) as long as one person who resides in the associated dwellings wants that person to be there. Any legal aid program employee wishing to visit employees housed on grower property has the right to enter the driveway commonly used by the housing occupants. This means that if agricultural employees must use a grower's personal driveway to get to their housing, legal aid program employees also may use that driveway to access the housing without a warrant so long as at least some of the housing is occupied. When conducting outreach activities that involve entry onto labor camps, legal aid programs shall establish and abide by policies regarding conduct of outreach activities. The policies shall include a requirement that legal aid program employees identify themselves to persons whom they encounter at farm labor camps. The legal aid programs shall provide copies of their current outreach policies to known agricultural organizations and shall provide copies upon request to any owner of property on which farmworkers are housed. Legal aid program employees involved in outreach activities shall attempt to inform operators of licensed farm labor camps or their agents, and known grower organizations of the approximate time frame for outreach activities and shall cooperate with operators of farm labor camps at which farmworkers are housed in assuring compliance with all pertinent laws and ordinances, including those related to trespass and harassment. Employers who believe that Evergreen Legal Services Outreach Guidelines have been violated shall promptly provide all available information on the alleged violation to the director of Evergreen Legal Services and to the chair of the Task Force on Agricultural Interests/Legal Aid Relations. Evergreen Legal Services will promptly investigate any alleged violations of the outreach guidelines and inform the complaining party of the result. If the resolution of the investigation is not satisfactory to the complainant, the matter shall be placed on the Task Force agenda for discussion at the next scheduled meeting. Employers who believe that Evergreen Legal Services staff members have trespassed should immediately contact local law enforcement authorities.

(c) It is the intent of the legislature to provide the greatest amount of legal services to the largest number of clients by discouraging inefficient use of state funding for indigent legal representation. To this end, it is the intent of the legislature that, prior to the commencement of litigation against any private employer relating to the terms and conditions of employment legal aid programs receiving funds appropriated in this act make good faith written demand for the requested relief, a good faith offer of settlement or an offer to submit to nonbinding arbitration prior to filing a lawsuit, unless the making of the offer is, in the opinion of the director of the legal services program or his/her designee, clearly prejudicial to: (i) The health, safety, or security of the client; or (ii) the timely availability of judicial relief. The director of the legal aid program may designate not more than two persons for purposes of making the determination of prejudice permitted by this section.

(d)(i) The legislature encourages legal aid programs to devote their state and nonstate funding to the basic, daily legal needs of indigent persons. No funds appropriated under this act may be used for legal representation and activities outside the scope of RCW 43.08.260.

(ii) No funds appropriated in this act may be used for lobbying as defined in RCW 43.08.260(3). Legal aid programs receiving funds appropriated in this act shall comply with all restrictions on lobbying contained in Federal Legal Services Corporation Act (P.L. 99-951) and regulations promulgated thereunder.

(e) No funds appropriated in this act may be used by legal aid programs for representation of undocumented aliens.

(f) The legislature recognizes the duty of legal aid programs to preserve inviolate and prevent the disclosure of, in the absence of knowing and voluntary client consent, client information protected by the United States Constitution, the Washington Constitution, the attorney-client privilege, or any applicable attorney rule of professional conduct. However, to the extent permitted by applicable law,

legal aid programs receiving funds appropriated in this act shall, upon request, provide information on their activities to the department and to legislators for purposes of monitoring compliance with authorizing legislation and this subsection.

(g) Nothing in this subsection is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, and the Federal Legal Services Corporation, to resolve complaints or disputes within their jurisdiction.

**NEW SECTION. Sec. 127. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund Appropriation (FY 1996) \$ 410,000  
General Fund Appropriation (FY 1997) \$ 410,000  
TOTAL APPROPRIATION \$ 820,000

**NEW SECTION. Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 1996) \$ 9,482,000  
General Fund--State Appropriation (FY 1997) \$ 9,138,000  
General Fund--Federal Appropriation \$ 12,432,000  
General Fund--Private/Local Appropriation \$ 720,000  
Health Services Account Appropriation \$ 330,000  
Public Safety and Education Account  
Appropriation \$ 200,000  
TOTAL APPROPRIATION \$ 32,302,000

The appropriations in this subsection are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation is provided solely as the state's share of funding for the "Americorps" youth employment program.

**NEW SECTION. Sec. 129. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account  
Appropriation \$ 14,487,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF PERSONNEL**

General Fund--State Appropriation (FY 1996) \$ 360,000  
General Fund--State Appropriation (FY 1997) \$ 360,000  
General Fund--Federal Appropriation \$ 700,000  
Personnel Data Revolving Account Appropriation \$ 880,000  
Department of Personnel Service Account  
Appropriation \$ 15,354,000  
Higher Education Personnel Services Account  
Appropriation \$ 1,656,000  
TOTAL APPROPRIATION \$ 19,310,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) \$32,000 of the department of personnel service fund appropriation is provided solely for the creation, printing, and distribution of the personal benefits statement for state employees.
- (3) The general fund--state appropriation, the general fund--federal appropriation, the personnel data revolving account appropriation, and \$300,000 of the department of personnel service account appropriation shall be used solely for the establishment of a state-wide human resource information data system and network within the department of personnel and to improve personnel data integrity. Authority to expend these amounts is conditioned on compliance with section 902 of this act. The personnel data revolving account is hereby created in the state treasury to facilitate the transfer of moneys from dedicated funds and accounts. To allocate the appropriation from the personnel data revolving account among the state's dedicated funds and accounts based on each fund or account's pro

rata share of the state salary base, the state treasurer is directed to transfer sufficient money from each fund or account to the personnel data revolving account in accordance with schedules provided by the office of financial management.

(4) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation or the department of retirement systems for the deferred compensation program to the deferred compensation administrative account. Department billings to the committee or the department of retirement systems shall be for actual costs only.

(5) The department of personnel service fund appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.

(6) \$500,000 of the department of personnel service account appropriation is provided solely for a career transition program to assist state employees who are separated or are at risk of lay-off due to reduction-in-force, including employee retraining and career counseling.

(7) The department of personnel has the authority to charge agencies for expenses resulting from the administration of a benefits contribution plan established by the health care authority. Fundings to cover these expenses shall be realized from agency FICA tax savings associated with the benefits contributions plan.

**NEW SECTION. Sec. 131. FOR THE COMMITTEE FOR DEFERRED COMPENSATION**

Dependent Care Administrative Account  
Appropriation \$ 166,000

**NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account  
Appropriation \$ 18,813,000

**NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE GAMBLING COMMISSION**

Industrial Insurance Premium Refund Account  
Appropriation \$ 14,000

**NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund Appropriation (FY 1996) \$ 195,000  
General Fund Appropriation (FY 1997) \$ 195,000  
TOTAL APPROPRIATION \$ 390,000

**NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ 148,000  
General Fund Appropriation (FY 1997) \$ 146,000  
TOTAL APPROPRIATION \$ 294,000

**NEW SECTION. Sec. 136. FOR THE PERSONNEL APPEALS BOARD**

Department of Personnel Service Account  
Appropriation \$ 1,593,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- OPERATIONS**

Department of Retirement Systems Expense Account  
Appropriation \$ 30,152,000  
Dependent Care Administrative Account  
Appropriation \$ 183,000  
TOTAL APPROPRIATION \$ 30,335,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$857,000 of the department of retirement systems expense account appropriation is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$779,000 of the department of retirement systems expense account appropriation is provided solely for the in-house design development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(3) \$1,900,000 of the department of retirement systems expense account appropriation and the entire dependent care administrative account appropriation are provided solely for the implementation of Substitute House Bill No. 1206 (restructuring retirement systems). If the bill is not enacted by June 30, 1995, the amount provided in this subsection from the department of retirement systems expense account shall lapse, and the entire dependent care administrative account appropriation shall be transferred to the committee for deferred compensation.

**NEW SECTION. Sec. 138. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account

Appropriation \$ 8,068,000

The appropriation in this section is subject to the following conditions and limitations: The board shall conduct a feasibility study on the upgrade or replacement of the state-wide investment accounting system and report its findings to the fiscal committees of the legislature by January 1, 1996.

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation (FY 1996) \$ 62,528,000

General Fund Appropriation (FY 1997) \$ 63,139,000

Timber Tax Distribution Account

Appropriation \$ 4,585,000

Waste Reduction, Recycling, and Litter Control

Account Appropriation \$ 95,000

State Toxics Control Account

Appropriation \$ 67,000

Solid Waste Management Account

Appropriation \$ 88,000

Oil Spill Administration Account

Appropriation \$ 14,000

Pollution Liability Insurance Program Trust Account

Appropriation \$ 230,000

TOTAL APPROPRIATION \$ 130,746,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,197,000 of the general fund appropriation is provided solely for senior citizen property tax deferral distribution. \$103,000 of this amount is provided solely to reimburse counties for the expansion of the senior citizen property tax deferral program enacted by Substitute House Bill No. 1673.

(2) \$280,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) The general fund appropriation contains sufficient funds for the department of revenue to collect use tax on advertising materials printed outside the state and mailed directly to Washington residents at the direction of an in-state business to promote sales of products or services, pursuant to RCW 82.12.010(5).

(4) The general fund appropriation contains sufficient funds for the department of revenue to study the feasibility of rewriting Titles 82 and 84 RCW for clarity and ease of understanding, without making substantive changes in the law. The department may study this issue by redrafting certain sections of the existing law and reviewing with legislators, interest groups, and affected parties whether or not such a project is feasible. The department shall report the results of this study to the legislature in the 1996 legislative session.

**NEW SECTION. Sec. 140. FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation (FY 1996) \$ 993,000  
General Fund Appropriation (FY 1997) \$ 996,000  
TOTAL APPROPRIATION \$ 1,989,000

**NEW SECTION. Sec. 141. FOR THE MUNICIPAL RESEARCH COUNCIL**

General Fund Appropriation (FY 1996) \$ 1,593,000  
General Fund Appropriation (FY 1997) \$ 1,637,000  
TOTAL APPROPRIATION \$ 3,230,000

**NEW SECTION. Sec. 142. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account  
Appropriation \$ 2,121,000

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ 284,000  
General Fund--State Appropriation (FY 1997) \$ 283,000  
General Fund--Federal Appropriation \$ 1,304,000  
General Fund--Private/Local Appropriation \$ 388,000  
Motor Transport Account Appropriation \$ 10,814,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 140,000  
Air Pollution Control Account  
Appropriation \$ 111,000  
Department of General Administration Facilities  
and Services Revolving Account  
Appropriation \$ 21,271,000  
Central Stores Revolving Account  
Appropriation \$ 3,056,000  
Risk Management Account Appropriation \$ 2,033,000  
TOTAL APPROPRIATION \$ 39,684,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,776 of the industrial insurance premium refund account appropriation is provided solely for the Washington school directors association.

(2) The cost of purchasing and material control operations may be recovered by the department through charging agencies utilizing these services. The department must begin directly charging agencies utilizing the services on September 1, 1995. Amounts charged may not exceed the cost of purchasing and contract administration. Funds collected may not be used for purposes other than cost recovery and must be separately accounted for within the central stores revolving fund.

**NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF INFORMATION SERVICES**

Data Processing Revolving Account  
Appropriation \$ 3,847,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment, and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.

(2) \$364,000 of the data processing revolving account appropriation is provided solely for maintenance and support of the WIN Network. The department is authorized to recover the costs through billings to affected agencies.

**NEW SECTION. Sec. 145. FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation \$ 104,000  
Insurance Commissioner's Regulatory Account  
Appropriation \$ 20,126,000  
TOTAL APPROPRIATION \$ 20,230,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The insurance commissioner shall obtain the approval of the department of information services for any feasibility plan for proposed technology improvements.

(2) \$895,000 of the insurance commissioner's regulatory account appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 146. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account  
Appropriation \$ 1,293,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the certified public accountants' account appropriation is provided solely to conduct a study in conjunction with the higher education coordinating board of the financial impact on public and private higher education institutions of any increase in the education requirements for CPA certification. Such study shall include impacts on enrollment and access of other students to higher education. No rule to increase education requirements may be implemented until such study has been completed and reported to the higher education and fiscal committees of both houses of the legislature.

**NEW SECTION. Sec. 147. FOR THE DEATH INVESTIGATION COUNCIL**

Death Investigations Account Appropriation \$ 12,000

**NEW SECTION. Sec. 148. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Account Appropriation \$ 4,733,000

The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) The commission shall conduct a complete examination of Playfair racecourse, identifying problems and offering possible solutions that are designed to resolve the continuing decline in parimutuel racing at that track.

**NEW SECTION. Sec. 149. FOR THE LIQUOR CONTROL BOARD**

Liquor Revolving Account Appropriation \$ 113,461,000

**NEW SECTION. Sec. 150. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Account--State  
Appropriation \$ 25,802,000  
Public Service Revolving Account--Federal  
Appropriation \$ 200,000  
TOTAL APPROPRIATION \$ 26,002,000

**NEW SECTION. Sec. 151. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS**

Volunteer Fire Fighters' Relief and Pension  
Administrative Account Appropriation \$ 442,000

**NEW SECTION. Sec. 152. FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ 7,474,000  
General Fund--State Appropriation (FY 1997) \$ 7,477,000  
General Fund--Federal Appropriation \$ 28,293,000  
General Fund--Private/Local Appropriation \$ 237,000  
Enhanced 911 Account Appropriation \$ 18,541,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 34,000  
TOTAL APPROPRIATION \$ 62,056,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$205,238 of the total appropriation is provided solely to pay loan obligations on the energy partnership contract number 90-07-01. This obligation includes unpaid installments from September 1993 through June 1997. This amount may be reduced by any payments made in the 1993-95 Biennium on installments made in the 1993-95 Biennium on installments due between September 1993 and June 1995.

(2) \$70,000 of the general fund--state appropriation is provided solely for the north county emergency medical service.

**NEW SECTION. Sec. 153. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund Appropriation (FY 1996) \$ 1,647,000  
General Fund Appropriation (FY 1997) \$ 1,667,000  
TOTAL APPROPRIATION \$ 3,314,000

**NEW SECTION. Sec. 154. FOR THE GROWTH PLANNING HEARINGS BOARD**

General Fund Appropriation (FY 1996) \$ 1,331,000  
General Fund Appropriation (FY 1997) \$ 1,334,000  
TOTAL APPROPRIATION \$ 2,665,000

**NEW SECTION. Sec. 155. FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Operations  
Account Appropriation \$ 25,606,000

PART II  
HUMAN SERVICES

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall



allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is prohibited from requiring special authorization for nonmedical reasons for prescription drugs and medications for medicaid-eligible recipients.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996)	\$ 144,801,000
General Fund--State Appropriation (FY 1997)	\$ 151,569,000
General Fund--Federal Appropriation	\$ 263,843,000
General Fund--Private/Local Appropriation	\$ 400,000
Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 5,719,000
TOTAL APPROPRIATION	\$ 566,332,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,660,000 of the general fund--state appropriation for fiscal year 1996 and \$10,086,000 of the general fund--federal appropriation are provided solely for the modification of the case and management information system (CAMIS). Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) \$5,524,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of this amount:

(a) \$150,000 of the general fund--state appropriation is provided in fiscal year 1996 to develop a plan for children at risk. The department shall work with a variety of service providers and community representatives, including the community public health and safety networks, and shall present the plan to the legislature and the governor by December 1, 1995. The plan shall contain a strategy for the development of an intensive treatment system with outcome-based information on the level of services that are achievable under an annual appropriation of \$5,000,000, \$7,000,000, and \$9,000,000; address the issue of chronic runaways; and determine caseload impacts.

(b) \$219,000 of the general fund--state appropriation is provided in fiscal year 1996 and \$4,678,000 of the general fund--state appropriation is provided in fiscal year 1997 for crisis residential center training and administrative duties and secure crisis residential center contracts.

(c) \$266,000 of the general fund--state appropriation is provided for the multidisciplinary teams and \$211,000 of the general fund--state appropriation is provided in fiscal year 1997 for family reconciliation services.

(d) The state may enter into agreements with the counties to provide residential and treatment services to runaway youth at a rate of reimbursement to be negotiated by the state and county.

(3) \$1,997,000 of the violence reduction and drug enforcement account appropriation and \$8,421,000 of the general fund--federal appropriation are provided solely for the operation of the family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Of these amounts:

(a) \$1,060,000 of the violence reduction and drug enforcement account appropriation is provided solely for distribution to the community public health and safety networks for planning in fiscal year 1996.

(b) \$937,000 of the violence reduction and drug enforcement account appropriation is provided for staff in the children and family services division of the department of social and health services to support family policy council activities. The family policy council is directed to provide training, design, technical assistance, consultation, and direct service dollars to the networks. Of this amount, \$300,000 is provided for the evaluation activities outlined in RCW 70.190.050, to be conducted exclusively by the Washington state institute for public policy. To the extent that private funds can be raised for the evaluation activities, the state funding may be retained by the department to support the family policy council activities.

(c) \$8,421,000 of the general fund--federal appropriation is provided solely for the delivery of services authorized by the federal family preservation and support act.

(4) \$2,575,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5885 (family preservation services). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. Of this amount:

(a) \$75,000 is provided in fiscal year 1996 to develop an implementation and evaluation plan for providing intensive family preservation services and family preservation services. The department shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$3,000,000, \$5,000,000, and \$7,000,000; and

(b) \$2,500,000 is provided in fiscal year 1997 for additional family preservation services based upon the report.

(5) \$4,646,000 of the general fund--state is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(6) \$2,672,000 of the general fund--state is provided solely to increase payment rates to contracted social services child care providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(7) \$854,000 of the violence reduction and drug enforcement account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(8) \$700,000 of the general fund--state appropriation and \$262,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation (FY 1996) \$ 24,944,000

General Fund--State Appropriation (FY 1997) \$ 25,771,000

General Fund--Federal Appropriation \$ 20,167,000

General Fund--Private/Local Appropriation \$ 286,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 5,695,000  
TOTAL APPROPRIATION \$ 76,863,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$650,000 of the general fund--state appropriation for fiscal year 1996 and \$650,000 of the general fund--state appropriation for fiscal year 1997 are provided solely for operation of learning and life skills centers established pursuant to chapter 152, Laws of 1994.

(b) \$1,379,000 of the general fund--state appropriation and \$134,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 25,701,000  
General Fund--State Appropriation (FY 1997) \$ 29,120,000  
General Fund--Federal Appropriation \$ 23,011,000  
General Fund--Private/Local Appropriation \$ 830,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 10,634,000  
TOTAL APPROPRIATION \$ 89,296,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 1,021,000  
General Fund--State Appropriation (FY 1997) \$ 1,024,000  
General Fund--Federal Appropriation \$ 881,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 421,000  
TOTAL APPROPRIATION \$ 3,347,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 107,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 1,177,000  
TOTAL APPROPRIATION \$ 1,284,000

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 1996) \$ 162,878,000  
General Fund--State Appropriation (FY 1997) \$ 169,206,000  
General Fund--Federal Appropriation \$ 241,564,000  
General Fund--Private/Local Appropriation \$ 9,000,000  
Health Services Account Appropriation \$ 19,647,000  
TOTAL APPROPRIATION \$ 602,295,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$8,160,000 of the general fund--state appropriation and \$279,000 of the health services account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(c) From the general fund--state appropriation in this section, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that are used by enrolled regional support network consumers by reason of their psychiatric disability. The secretary of social and health

services shall convene representatives from the aging and adult services program, the mental health division, and the regional support networks to establish an equitable and efficient mechanism for accomplishing this reimbursement.

(d) The appropriations in this section assume that expenditures for voluntary psychiatric hospitalization total \$23,600,000 from the general fund--state appropriation and \$4,300,000 from the health services account appropriation in fiscal year 1996, and \$26,200,000 from the general fund--state appropriation and \$4,600,000 from the health services account appropriation in fiscal year 1997. To the extent that regional support networks succeed in reducing hospitalization costs below these levels, one-half of the funds saved shall be provided as bonus payments to regional support networks for delivery of additional community mental health services, and one-half shall revert to the state treasury. Actual expenditures and bonus payments shall be calculated at the end of each biennial quarter, except for the final quarter, when expenditures and bonuses shall be projected based on actual experience through the end of April 1997.

(e) \$1,000,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996)	\$ 56,033,000
General Fund--State Appropriation (FY 1997)	\$ 56,579,000
General Fund--Federal Appropriation	\$ 112,097,000
General Fund--Private/Local Appropriation	\$ 42,512,000
Industrial Insurance Premium Refund Account Appropriation	\$ 747,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 267,968,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at Western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so.

(3) CIVIL COMMITMENT

General Fund Appropriation (FY 1996)	\$ 3,378,000
General Fund Appropriation (FY 1997)	\$ 3,378,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 6,756,000</b>

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation	\$ 6,341,000
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(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996)	\$ 2,549,000
General Fund--State Appropriation (FY 1997)	\$ 2,544,000
General Fund--Federal Appropriation	\$ 1,511,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 6,604,000</b>

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996)	\$ 117,802,000
General Fund--State Appropriation (FY 1997)	\$ 121,580,000
General Fund--Federal Appropriation	\$ 165,632,000
Health Services Account Appropriation	\$ 4,699,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 409,713,000</b>

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996)	\$ 62,357,000
General Fund--State Appropriation (FY 1997)	\$ 62,953,000
General Fund--Federal Appropriation	\$ 139,600,000

General Fund--Private/Local Appropriation \$ 9,100,000  
TOTAL APPROPRIATION \$ 274,010,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,837,000  
General Fund--State Appropriation (FY 1997) \$ 2,848,000  
General Fund--Federal Appropriation \$ 777,000  
TOTAL APPROPRIATION \$ 6,462,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 7,878,000

(5) The appropriations in this section are subject to the following conditions and limitations:

(a) \$6,569,000 of the general fund--state appropriation and \$19,000 of the health services account appropriation and \$4,298,000 of the general fund--federal appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) \$1,447,000 of the general fund--state appropriation is provided solely for employment or other day programs for eligible persons who complete a high school curriculum during the 1995-97 biennium.

(c) \$500,000 of the health services account appropriation is provided solely for fiscal year 1996 and \$3,500,000 of the health services account appropriation is provided solely for fiscal year 1997 for family support services for families who need but are currently unable to receive such services because of funding limitations. The fiscal year 1996 amount shall be prioritized for unserved families who have the most critical need for assistance. The fiscal year 1997 amount shall be distributed among unserved families according to priorities developed in consultation with organizations representing families of people with developmental disabilities.

(d) The secretary of social and health services shall work with provider organizations and advocacy groups to plan and implement strategies for increasing the efficiency of community residential services funded under this section. As a result of those efforts, the average number of persons receiving out-of-home community residential care, on a full-time rather than respite basis, shall be increased by at least 50 persons during fiscal year 1996 over the June 1995 level, and by at least 100 more during fiscal year 1997. Priority for such services shall be given to persons who are residing with elderly parents or relatives. The secretary shall report on plans and progress to the appropriate fiscal and policy committees of the legislature by November 15, 1995, and November 15, 1996.

(e) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(f) The secretary of social and health services shall investigate and by November 15, 1995, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the feasibility of obtaining a federal managed-care waiver under which growth which would otherwise occur in state and federal spending for the medicaid personal care and targeted case management programs is instead capitated and used to provide a flexible array of employment, day program, and in-home supports.

(g) \$1,015,000 of the program support general fund--state appropriation is provided solely for distribution among the five regional deaf centers for services for the deaf and hard of hearing.

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 378,972,000  
General Fund--State Appropriation (FY 1997) \$ 393,491,000  
General Fund--Federal Appropriation \$ 793,250,000

Health Services Account--State Appropriation \$ 9,885,000  
TOTAL APPROPRIATION \$ 1,575,598,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,492,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(3) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for the community options program entry system exceed allotted levels, the secretary of social and health services shall immediately take action to adjust functional eligibility standards, service levels, and/or the terms of the medicaid waiver sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(4) The department shall seek a federal plan amendment to increase the home maintenance needs allowance for unmarried COPES recipients only to 100 percent of the federal poverty level. No changes shall be implemented in COPES home maintenance needs allowances until the amendment has been approved.

(5) The secretary of social and health services shall transfer funds appropriated under section 207(2) of this act to this section for the purpose of integrating and streamlining programmatic and financial eligibility determination for long-term care services.

(6) A maximum of \$2,603,000 of the general fund--state appropriation and \$2,670,000 of the general fund--federal appropriation for fiscal year 1996 and \$5,339,000 of the general fund--state appropriation and \$5,380,000 of the general fund--federal appropriation for fiscal year 1997 are provided to fund the medicaid share of any prospective payment rate adjustments as may be necessary in accordance with RCW 74.46.460.

(7) The health services account appropriation is to be used solely for the enrollment of home care workers employed through state contracts in the basic health plan.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

**(1) GRANTS AND SERVICES TO CLIENTS**

General Fund--State Appropriation (FY 1996) \$ 403,859,000  
General Fund--State Appropriation (FY 1997) \$ 405,332,000  
General Fund--Federal Appropriation \$ 677,127,000  
TOTAL APPROPRIATION \$ 1,486,318,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more  
Exemption: \$55 71 86 102 117 133 154 170

(b) \$18,000 of the general fund--state appropriation for fiscal year 1996 and \$37,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(c) Not more than \$7,700,000 of the general fund--state appropriation may be expended to provide cash assistance through the general assistance for pregnancy program as specified in RCW 74.04.005 as amended (Substitute House Bill No. 2083).

(2) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996)	\$ 113,329,000
General Fund--State Appropriation (FY 1997)	\$ 110,137,000
General Fund--Federal Appropriation	\$ 202,152,000
Health Services Account Appropriation	\$ 750,000
TOTAL APPROPRIATION	\$ 426,368,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$16,000 of the general fund--state appropriation for fiscal year 1996 and \$34,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social service providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) The department shall report to the fiscal committees of the legislature no later than December 20, 1995, concerning the number and dollar value of contracts for services provided as part of the job opportunities and basic skills program. This report shall indicate the criteria used in the choice of state agencies or private entities for a particular contract, the total value of contracts with state agencies, and the total value of contracts with private entities. The report shall also indicate what, if any, performance criteria are included in job opportunities and basic skills program contracts.

(c) The department shall:

(i) Reinstate the SAVE program by September 30, 1995, and report to the fiscal committees of the house of representatives and senate by December 1, 1995, regarding the progress of implementation and outcomes by region of the program;

(ii) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status;

(iii) Post at every community service office a sign letting applicants and recipients know that illegal aliens will be reported to the United States immigration and naturalization service and that the systematic alien verification for entitlements system is in use in the office; and

(iv) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 1996)	\$ 8,199,000
General Fund--State Appropriation (FY 1997)	\$ 8,736,000
General Fund--Federal Appropriation	\$ 76,400,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 71,900,000
Health Services Account Appropriation	\$ 969,000
TOTAL APPROPRIATION	\$ 166,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$400,000 of the health services account appropriation is provided solely to implement Second Substitute Senate bill No. 5688 (fetal alcohol syndrome). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$502,000 of the general fund--state appropriation and \$435,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1996 and \$1,015,000 of the general fund--state appropriation and \$1,023,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted and subcontract social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(4) \$552,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 670,792,000

General Fund--State Appropriation (FY 1997) \$ 692,015,000

General Fund--Federal Appropriation \$ 1,761,005,000

General Fund--Private/Local Appropriation \$ 242,525,000

Health Services Account Appropriation \$ 199,571,000

TOTAL APPROPRIATION \$ 3,565,908,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. The department shall also continue to provide consistent reporting on other medicaid children served through the basic health plan.

(2) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(3) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(4) \$3,682,000 of the general fund--state appropriation for fiscal year 1996 and \$7,844,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted medical services providers.

(5)(a) Pursuant to RCW 74.09.700, the medically needy program shall be limited to include only the following groups: Those persons who, except for income and resources, would be eligible for the medicaid categorically needy aged, blind, or disabled programs and medically needy persons under age 21 or over age 65 in institutions for mental diseases or in intermediate care facilities for the mentally retarded. Existing departmental rules concerning income, resources, and other aspects of eligibility for the medically needy program shall continue to apply to these groups. The medically needy program will not provide coverage for caretaker relatives of medicaid-eligible children or for adults in families with dependent children who, except for income and resources, would be eligible for the medicaid categorically needy aid to families with dependent children program.

(b) Notwithstanding (a) of this subsection, the medically needy program shall provide coverage until December 31, 1995, to those persons who, except for income and resources, would be eligible for the medicaid aid to families with dependent children program. Not more than \$2,020,000 of the general fund--state appropriation may be expended for this purpose.

(6) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.

(7) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.



(8) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(9) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(10) Funding is provided in this section to fund payment of insurance premiums for persons with human immunodeficiency virus who are not eligible for medicaid.

(11) Not more than \$11,410,000 of the general fund--state appropriation may be expended for the purposes of operating the medically indigent program during fiscal year 1996. Funding is provided solely for emergency transportation and acute emergency hospital services, including emergency room physician services and related inpatient hospital physician services. Funding for such services is to be provided to an eligible individual for a maximum of three months following a hospital admission and only after \$2,000 of emergency medical expenses have been incurred in any twelve-month period.

(12) Not more than \$10,000,000 of the health services account appropriation may be expended for the purposes of providing reimbursement during fiscal year 1997 to those hospitals and physicians most adversely affected by the provision of uncompensated emergency room and uncompensated inpatient hospital care. The department shall develop rules stating the conditions for and rates of compensation.

(13) \$21,525,000 of the health services account appropriation and \$21,031,000 of the general fund--federal appropriation are provided solely to increase access to dental services and to increase the use of preventative dental services for title XIX categorically eligible children.

(14) After considering administrative and cost factors, the department shall adopt measures to realize savings in the purchase of prescription drugs, hearing aids, home health services, wheelchairs and other durable medical equipment, and disposable supplies. Such measures may include, but not be limited to, point-of-sale pharmacy adjudication systems, modification of reimbursement methodologies or payment schedules, selective contracting, and inclusion of such services in managed care rates.

(15) As part of the long-term care reforms contained in Engrossed Second Substitute House Bill No. 1908, after receiving acute inpatient hospital care, eligible clients shall be transferred from the high cost institutional setting to the least restrictive, least costly, and most appropriate facility as soon as medically reasonable. Physical medicine and rehabilitation services (acute rehabilitation) shall take place in the least restrictive environment, at the least cost and in the most appropriate facility as determined by the department in coordination with appropriate health care professionals and facilities. Facilities providing physical medicine and rehabilitation services must meet the quality care certification standards required of acute rehabilitation hospitals and rehabilitation units of hospitals.

(16) The department is authorized to provide no more than five chiropractic service visits per person per year for those eligible recipients with acute conditions.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 1996)	\$ 7,741,000
General Fund--State Appropriation (FY 1997)	\$ 7,846,000
General Fund--Federal Appropriation	\$ 73,180,000
General Fund--Private/Local Appropriation	\$ 2,904,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 91,671,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in the direct delivery of service to clients.

(2) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies.

(3) \$310,000 of the general fund--state appropriation and \$1,144,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals with developmental disabilities who complete a high school curriculum during the 1995-97 biennium.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 25,933,000  
General Fund--State Appropriation (FY 1997) \$ 25,934,000  
General Fund--Federal Appropriation \$ 41,503,000  
General Fund--Private/Local Appropriation \$ 270,000  
TOTAL APPROPRIATION \$ 93,640,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(2) \$500,000 of the general fund--state appropriation and \$300,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). The department may transfer all or a portion of these amounts to the appropriate divisions of the department for this purpose. If Engrossed Substitute House Bill No. 1010 (regulatory reform) is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 18,058,000  
General Fund--State Appropriation (FY 1997) \$ 18,169,000  
General Fund--Federal Appropriation \$ 135,488,000  
General Fund--Local Appropriation \$ 33,232,000  
TOTAL APPROPRIATION \$ 204,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

(3) The amounts appropriated in this section for child support legal services shall only be expended by means of contracts with local prosecutor's offices.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 21,112,000  
General Fund--State Appropriation (FY 1997) \$ 20,668,000  
General Fund--Federal Appropriation \$ 16,281,000  
TOTAL APPROPRIATION \$ 58,061,000

**NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE POLICY BOARD**  
General Fund--Private/Local Appropriation \$ 110,000

Health Services Account Appropriation \$ 4,229,000  
TOTAL APPROPRIATION \$ 4,339,000

**NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 1996) \$ 3,403,000  
General Fund--State Appropriation (FY 1997) \$ 3,403,000  
State Health Care Authority Administrative  
Account Appropriation \$ 15,744,000  
Health Services Account Appropriation \$ 249,642,000  
TOTAL APPROPRIATION \$ 272,192,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,806,000 of the general fund appropriation and \$5,590,000 of the health services account appropriation are provided solely for health care services provided through local community clinics.

(2) \$1,268,000 of the health care authority administrative fund appropriation is provided to accommodate additional enrollment from school districts that voluntarily choose to purchase employee benefits through public employee benefits board programs. The office of financial management is directed to monitor K-12 enrollment in PEBB plans and to reduce allotments proportionally if the number of K-12 active employees enrolled after January 1995 is less than 11,837.

**NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 1,905,000  
General Fund--State Appropriation (FY 1997) \$ 1,912,000  
General Fund--Federal Appropriation \$ 1,344,000  
General Fund--Private/Local Appropriation \$ 402,000  
TOTAL APPROPRIATION \$ 5,563,000

**NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account  
Appropriation \$ 20,000  
Accident Account Appropriation \$ 9,806,000  
Medical Aid Account Appropriation \$ 9,807,000  
TOTAL APPROPRIATION \$ 19,633,000

**NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Death Investigations Account Appropriation \$ 38,000  
Public Safety and Education Account  
Appropriation \$ 10,654,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 344,000  
TOTAL APPROPRIATION \$ 11,036,000

The appropriations in this section are subject to the following conditions and limitations:

\$28,000 of the public safety and education account is provided solely to implement Engrossed Second Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation (FY 1996) \$ 5,270,000  
General Fund Appropriation (FY 1997) \$ 5,311,000  
Public Safety and Education Account--State  
Appropriation \$ 19,547,000

Public Safety and Education Account--Federal  
 Appropriation \$ 6,002,000  
 Public Safety and Education Account--Private/Local  
 Appropriation \$ 972,000  
 Electrical License Account Appropriation \$ 19,321,000  
 Farm Labor Revolving Account--Private/Local  
 Appropriation \$ 28,000  
 Worker and Community Right-to-Know Account  
 Appropriation \$ 2,138,000  
 Public Works Administration Account  
 Appropriation \$ 1,928,000  
 Accident Account--State Appropriation \$ 137,909,000  
 Accident Account--Federal Appropriation \$ 9,112,000  
 Medical Aid Account--State Appropriation \$ 148,204,000  
 Medical Aid Account--Federal Appropriation \$ 1,592,000  
 Plumbing Certificate Account Appropriation \$ 682,000  
 Pressure Systems Safety Account Appropriation \$ 2,053,000  
 TOTAL APPROPRIATION \$ 360,069,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "crime victims--prime migration" and "document imaging--field offices" are conditioned upon compliance with section 902 of this act. In addition, funds for the "document imaging--field offices" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) Institute copayments for services; (b) develop preferred provider and managed care contracts; and (c) coordinate with the department of social and health services to use public safety and education account funds as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$108,000 of the general fund appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(5) By November 1, 1995, the director of labor and industries shall report to the appropriate policy and fiscal committees of the legislature with a plan for establishing within existing resources a designated claims unit to specialize in claims by state employees.

(6)(a) The appropriations in this section may not be used to implement or enforce rules that are not in compliance with the regulatory fairness act, under chapter 19.85 RCW.

(b) The appropriations in this section may not be used to implement or enforce rules that the joint administrative rules review committee finds are not within the intent of the legislature as expressed by the statute that the rule implements.

(7) \$450,000 of the accident account--state appropriation and \$450,000 of the medical aid account--state appropriation are provided solely to implement an on-line claims data access system that will include all employers in the retrospective rating plan program.

(8) Within the appropriations provided in this section, the department shall implement an integrated state-wide on-line verification system for pharmacy providers. The system shall be implemented by means of contracts that are competitively bid. Until this system is implemented, no

department rules may take effect that reduce the dispensing fee for industrial insurance pharmacy services in effect on January 1, 1995.

**NEW SECTION. Sec. 220. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund Appropriation (FY 1996) \$ 1,199,000  
General Fund Appropriation (FY 1997) \$ 1,086,000  
TOTAL APPROPRIATION \$ 2,285,000

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**(1) HEADQUARTERS**

General Fund Appropriation (FY 1996) \$ 1,227,000  
General Fund Appropriation (FY 1997) \$ 1,226,000  
Industrial Insurance Refund Account  
Appropriation \$ 25,000  
Charitable, Educational, Penal, and Reformatory  
Institutions Account Appropriation \$ 4,000  
TOTAL APPROPRIATION \$ 2,482,000

**(2) FIELD SERVICES**

General Fund--State Appropriation (FY 1996) \$ 1,853,000  
General Fund--State Appropriation (FY 1997) \$ 1,852,000  
General Fund--Federal Appropriation \$ 736,000  
General Fund--Private/Local Appropriation \$ 85,000  
TOTAL APPROPRIATION \$ 4,526,000

**(3) VETERANS HOME**

General Fund--State Appropriation (FY 1996) \$ 4,127,000  
General Fund--State Appropriation (FY 1997) \$ 3,984,000  
General Fund--Federal Appropriation \$ 10,703,000  
General Fund--Private/Local Appropriation \$ 7,527,000  
TOTAL APPROPRIATION \$ 26,341,000

**(4) SOLDIERS HOME**

General Fund--State Appropriation (FY 1996) \$ 3,135,000  
General Fund--State Appropriation (FY 1997) \$ 3,049,000  
General Fund--Federal Appropriation \$ 6,158,000  
General Fund--Private/Local Appropriation \$ 4,667,000  
TOTAL APPROPRIATION \$ 17,009,000

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 1996) \$ 44,314,000  
General Fund--State Appropriation (FY 1997) \$ 44,313,000  
General Fund--Federal Appropriation \$ 233,122,000  
General Fund--Private/Local Appropriation \$ 25,476,000  
Hospital Commission Account Appropriation \$ 3,019,000  
Medical Disciplinary Account Appropriation \$ 1,798,000  
Health Professions Account Appropriation \$ 32,592,000  
Safe Drinking Water Account Appropriation \$ 2,751,000  
Public Health Services Account Appropriation \$ 23,753,000  
Waterworks Operator Certification  
Appropriation \$ 605,000  
Water Quality Account Appropriation \$ 3,079,000  
State Toxics Control Account Appropriation \$ 2,824,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 469,000  
Medical Test Site Licensure Account

Appropriation	\$ 1,822,000
Youth Tobacco Prevention Account Appropriation	\$ 1,412,000
Health Services Account Appropriation	\$ 16,516,000
State and Local Improvements Revolving Account--Water Supply Facilities Appropriation	\$ 40,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 437,905,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,466,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.

(2) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.

(3) \$4,750,000 of the public health account appropriation is provided solely for distribution to local health departments for capacity building and community assessment and mobilization.

(4) \$2,000,000 of the health services account appropriation is provided solely for public health information systems development. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(5) \$1,000,000 of the health services account appropriation is provided solely for state level capacity building.

(6) \$1,000,000 of the health services account appropriation is provided solely for training of public health professionals.

(7) \$200,000 of the health services account appropriation is provided solely for the American Indian health plan.

(8) \$1,640,000 of the health services account appropriation is provided solely for health care quality assurance and health care data standards activities as required by Engrossed Substitute House Bill No. 1589 (health care quality assurance).

(9) \$1,000,000 of the health services account appropriation is provided solely for development of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.

(10) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(11) \$981,000 of the general fund--state appropriation and \$3,873,000 of the general fund--private/local appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(12) The department is authorized to raise existing fees for nursing assistants and hypnotherapists in excess of the fiscal growth factor established by Initiative 601, if necessary, in order to meet the actual costs of investigative and legal services due to disciplinary activities.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND PROGRAM SUPPORT**

General Fund Appropriation (FY 1996) \$ 12,269,000  
 General Fund Appropriation (FY 1997) \$ 12,047,000  
 TOTAL APPROPRIATION \$ 24,316,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$211,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5088 (sexually violent predators). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (a) shall lapse.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) Appropriations in this section provide sufficient funds to implement the provisions of Second Engrossed Second Substitute House Bill 2010 (corrections cost-efficiency and inmate responsibility omnibus act).

(e) In treating sex offenders at the Twin Rivers corrections center, the department of corrections shall prioritize treatment services to reduce recidivism and shall develop and implement an evaluation tool that: (i) States the purpose of the treatment; (ii) measures the amount of treatment provided; (iii) identifies the measure of success; and (iv) determines the level of successful and unsuccessful outcomes. The department shall report to the legislature by December 1, 1995, on how treatment services were prioritized among categories of offenses and provide a description of the evaluation tool and its incorporation into the treatment program.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 265,008,000  
 General Fund--State Appropriation (FY 1997) \$ 270,221,000  
 General Fund--Federal Appropriation \$ 2,000,000  
 Violence Reduction and Drug Enforcement Account  
 Appropriation \$ 1,214,000  
 TOTAL APPROPRIATION \$ 538,443,000

(3) COMMUNITY CORRECTIONS

General Fund Appropriation (FY 1996) \$ 80,068,000  
 General Fund Appropriation (FY 1997) \$ 81,226,000  
 Violence Reduction and Drug Enforcement Account  
 Appropriation \$ 400,000  
 TOTAL APPROPRIATION \$ 161,694,000

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation (FY 1996) \$ 3,330,000  
 General Fund Appropriation (FY 1997) \$ 3,503,000  
 TOTAL APPROPRIATION \$ 6,833,000

(5) INTERAGENCY PAYMENTS

General Fund Appropriation (FY 1996) \$ 6,223,000  
 General Fund Appropriation (FY 1997) \$ 6,223,000  
 TOTAL APPROPRIATION \$ 12,446,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 1996) \$ 1,466,000  
 General Fund--State Appropriation (FY 1997) \$ 1,123,000  
 General Fund--Federal Appropriation \$ 9,683,000  
 General Fund--Private/Local Appropriation \$ 80,000

TOTAL APPROPRIATION \$ 12,352,000

**NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund Appropriation (FY 1996) \$ 517,000  
General Fund Appropriation (FY 1997) \$ 469,000  
TOTAL APPROPRIATION \$ 986,000

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ 334,000  
General Fund--State Appropriation (FY 1997) \$ 334,000  
General Fund--Federal Appropriation \$ 190,936,000  
General Fund--Private/Local Appropriation \$ 21,965,000  
Unemployment Compensation Administration  
Account--Federal Appropriation \$ 177,891,000  
Administrative Contingency Account--Federal  
Appropriation \$ 8,146,000  
Employment Services Administrative Account--  
Federal Appropriation \$ 12,294,000  
Employment and Training Trust Account  
Appropriation \$ 9,294,000  
TOTAL APPROPRIATION \$ 421,194,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) The employment and training trust account appropriation shall not be expended until a plan for such expenditure is reviewed and approved by the workforce training and education coordinating board for consistency with chapter 226, Laws of 1993 (employment and training for unemployed workers), and the comprehensive plan for workforce training provided in RCW 28C.18.060(4).

(3) \$95,000 of the employment services administrative account--federal appropriation is provided solely for a study of the financing provisions of the state's unemployment insurance law pursuant to Engrossed Senate Bill No. 5925.

PART III  
NATURAL RESOURCES

**NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE**

General Fund--State Appropriation (FY 1996) \$ 508,000  
General Fund--Federal Appropriation \$ 8,896,000  
General Fund--Private/Local Appropriation \$ 3,417,000  
Geothermal Account Appropriation \$ 21,000  
Industrial Insurance Premium Refund  
Appropriation \$ 2,000  
Building Code Council Account Appropriation \$ 10,000  
Air Pollution Control Account Appropriation \$ 3,138,000  
Energy Efficiency Services Account  
Appropriation \$ 493,000  
TOTAL APPROPRIATION \$ 16,485,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided solely for the public policy institute, in consultation with the office of financial management and the state energy office, to review options



regarding the distribution of energy-related functions to other entities and develop an implementation plan for the closure of the state energy office. The plan shall include but not be limited to: (1) The feasibility of providing energy-related services through a nonprofit organization or organizations; (2) recommendations for the distribution of energy-related functions to other entities; (3) corresponding recommendations regarding statutory changes necessary to distribute functions and implement the plan; and (4) a time schedule for eliminating functions or transferring functions to other entities. The public policy institute shall submit the plan to the appropriate committees of the house of representatives and the senate by November 1, 1995. It is the intent of the legislature that the state continue to receive oil overcharge restitution funds for the citizens of the state and that every effort be made to maximize federal funds available for energy conservation purposes. To this end, the state energy office or its successor organizations may enter into contracts with appropriate entities to carry out energy conservation programs.

**NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 287,000  
General Fund--State Appropriation (FY 1997) \$ 290,000  
General Fund--Private/Local Appropriation \$ 524,000  
TOTAL APPROPRIATION \$ 1,101,000

The appropriations in this section are subject to the following conditions and limitations: State agencies shall provide to the commission, without charge, all available data and information necessary to complete its review of the Columbia River Gorge management plan.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 1996) \$ 22,125,000  
General Fund--State Appropriation (FY 1997) \$ 20,639,000  
General Fund--Federal Appropriation \$ 42,131,000  
General Fund--Private/Local Appropriation \$ 1,385,000  
Special Grass Seed Burning Research Account  
Appropriation \$ 42,000  
Reclamation Revolving Account Appropriation \$ 2,664,000  
Flood Control Assistance Account Appropriation \$ 4,000,000  
State Emergency Water Projects Revolving Account  
Appropriation \$ 312,000  
Waste Reduction, Recycling, and Litter Control  
Account Appropriation \$ 5,461,000  
State and Local Improvements Revolving Account--  
Waste Disposal Appropriation \$ 1,000,000  
State and Local Improvements Revolving Account--  
Water Supply Facilities Appropriation \$ 1,344,000  
Basic Data Account Appropriation \$ 182,000  
Vehicle Tire Recycling Account Appropriation \$ 3,283,000  
Water Quality Account Appropriation \$ 3,420,000  
Worker and Community Right to Know Account  
Appropriation \$ 408,000  
State Toxics Control Account Appropriation \$ 49,924,000  
Local Toxics Control Account Appropriation \$ 3,342,000  
Water Quality Permit Account Appropriation \$ 19,600,000  
Underground Storage Tank Account  
Appropriation \$ 2,336,000  
Solid Waste Management Account Appropriation \$ 3,631,000  
Hazardous Waste Assistance Account  
Appropriation \$ 3,476,000  
Air Pollution Control Account Appropriation \$ 13,458,000

Oil Spill Administration Account Appropriation \$ 2,939,000  
 Water Right Permit Processing Account  
     Appropriation \$ 500,000  
 Wood Stove Education Account Appropriation \$ 1,251,000  
 Air Operating Permit Account Appropriation \$ 4,548,000  
 Freshwater Aquatic Weeds Account Appropriation \$ 1,187,000  
 Oil Spill Response Account Appropriation \$ 7,060,000  
 Metals Mining Account Appropriation \$ 300,000  
 Water Pollution Control Revolving Account--State  
     Appropriation \$ 165,000  
 Water Pollution Control Revolving Account--Federal  
     Appropriation \$ 1,019,000  
 TOTAL APPROPRIATION \$ 223,132,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,324,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$394,000 of the general fund--federal appropriation, \$819,000 of the state toxics control account appropriation, \$3,591,000 of the water quality permit fee account appropriation, \$883,000 of the water quality account appropriation, and \$2,715,000 of the oil spill administration account appropriation may be used for the implementation of the Puget Sound water quality management plan.

(2) \$200,000 of the general fund--state appropriation is provided solely for implementing Substitute House Bill No. 1327 or substantially similar legislation (water rights claims filing). If the bill or substantially similar legislation is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$150,000 of the state toxics control account appropriation and \$150,000 of the local toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1810 (hazardous substance cleanup). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$581,000 of the general fund--state appropriation, \$170,000 of the air operating permit account appropriation, \$80,000 of the water quality permit account appropriation, and \$63,000 of the state toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(6) \$250,000 of the flood control assistance account is provided solely for a grant or contract to the lead local entity for technical analysis and coordination with the Army Corps of Engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

(7) \$70,000 of the general fund--state appropriation, \$90,000 of the state toxics control account appropriation, and \$55,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1724 (growth management). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(8) If Engrossed Substitute House Bill No. 1125 (dam safety inspections), or substantially similar legislation, is not enacted by June 30, 1995, then the department shall not expend any funds appropriated in this section for any regulatory activity authorized under RCW 90.03.350 with respect to hydroelectric facilities which require a license under the federal power act, 16 U.S.C.S. Sec. 791a et

seq. If Engrossed Substitute House Bill No. 1125, or substantially similar legislation, is enacted by June 30, 1995, then the department may apply all available funds appropriated under this section for regulatory activity authorized under RCW 90.03.350 for the purposes of inspecting and regulating the safety of dams under the exclusive jurisdiction of the state.

(9) \$425,000 of the general fund--state appropriation and \$525,000 of the general fund--federal appropriation are provided solely for the Padilla Bay national estuarine research reserve and interpretive center.

(10) \$500,000 of the water right permit processing account appropriation and \$1,854,000 of the general fund--state appropriation are provided solely for continuing the department's participation in the Yakima adjudicative process.

(11) The water right permit processing account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for water right permit processing, regional water planning, and implementation of regional water plans.

(12) \$1,298,000 of the general fund--state appropriation, \$188,000 of the general fund--federal appropriation, and \$883,000 of the water quality account appropriation are provided solely to coordinate and implement the activities required by the Puget Sound water quality management plan and to perform the powers and duties under chapter 90.70 RCW.

**NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 1996)	\$ 18,020,000
General Fund--State Appropriation (FY 1997)	\$ 17,877,000
General Fund--Federal Appropriation	\$ 1,930,000
General Fund--Private/Local Appropriation	\$ 1,463,000
Winter Recreation Program Account	
Appropriation	\$ 725,000
Off Road Vehicle Account Appropriation	\$ 241,000
Snowmobile Account Appropriation	\$ 2,174,000
Aquatic Lands Enhancement Account	
Appropriation	\$ 313,000
Public Safety and Education Account	
Appropriation	\$ 48,000
Industrial Insurance Premium Refund Account	
Appropriation	\$ 10,000
Waste Reduction, Recycling, and Litter Control	
Account Appropriation	\$ 34,000
Water Trail Program Account Appropriation	\$ 26,000
Parks Renewal and Stewardship Account	
Appropriation	\$ 22,461,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 65,322,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.

(2) The general fund--state appropriation and the parks renewal and stewardship account appropriation are provided to maintain full funding and continued operation of all state parks and state parks facilities.

(3) \$1,800,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$3,591,000 of the parks renewal and stewardship account appropriation is provided for operation of a centralized reservation system.

(5) \$100,000 of the general fund--state appropriation is provided solely for a state match to local funds to prepare a master plan for Mt. Spokane state park.

**NEW SECTION. Sec. 305. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms Range Account Appropriation \$ 108,000  
Recreation Resources Account--State  
Appropriation \$ 2,387,000  
Recreation Resources Account--Federal  
Appropriation \$ 200,000  
NOVA Appropriation \$ 524,000  
TOTAL APPROPRIATION \$ 3,219,000

The appropriations in this section are subject to the following conditions and limitations: \$338,000 of the recreation resources account--state appropriation, \$150,000 of the recreation resources account--federal appropriation, and \$82,000 of the firearms range account appropriation are provided solely for the development and implementation of a grant tracking and management system.

**NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund Appropriation (FY 1996) \$ 715,000  
General Fund Appropriation (FY 1997) \$ 713,000  
TOTAL APPROPRIATION \$ 1,428,000

**NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION**

General Fund Appropriation (FY 1996) \$ 852,000  
General Fund Appropriation (FY 1997) \$ 810,000  
Water Quality Account Appropriation \$ 202,000  
TOTAL APPROPRIATION \$ 1,864,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan. In addition, \$130,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.

(3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5616 (watershed restoration projects). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$750,000 of the general fund appropriation is provided solely for grants to local conservation districts.

**NEW SECTION. Sec. 308. FOR THE OFFICE OF MARINE SAFETY**

State Toxics Control Account  
Appropriation \$ 276,000  
Oil Spill Administrative Account  
Appropriation \$ 3,506,000  
TOTAL APPROPRIATION \$ 3,782,000

The appropriations in this section are subject to the following conditions and limitations: \$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington's SeaGrant program in order to develop an education program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 1996) \$ 32,380,000  
 General Fund--State Appropriation (FY 1997) \$ 32,339,000  
 General Fund--Federal Appropriation \$ 54,098,000  
 General Fund--Private/Local Appropriation \$ 15,986,000  
 Off Road Vehicle Account Appropriation \$ 476,000  
 Aquatic Lands Enhancement Account  
     Appropriation \$ 5,412,000  
 Public Safety and Education Account  
     Appropriation \$ 590,000  
 Industrial Insurance Premium Refund Account  
     Appropriation \$ 156,000  
 Recreational Fisheries Enhancement Account  
     Appropriation \$ 2,200,000  
 Wildlife Account Appropriation \$ 49,741,000  
 Special Wildlife Account Appropriation \$ 1,884,000  
 Oil Spill Administration Account  
     Appropriation \$ 831,000  
                     TOTAL APPROPRIATION \$ 196,093,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,532,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$250,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interests in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(3) \$500,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5632 (flood damage reduction). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$350,000 of the wildlife account appropriation is provided solely for control and eradication of class B designate weeds on department owned and managed lands.

(5) \$250,000 of the general fund--state appropriation is provided solely for costs associated with warm water fish production. Expenditure of this amount shall be consistent with the goals established under RCW 77.12.710 for development of a warm water fish program. No portion of this amount may be expended for any type of feasibility study.

(6) \$634,000 of the general fund--state appropriation and \$50,000 of the wildlife account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$2,000,000 of the general fund--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5157 (mass marking), chapter 372, Laws of 1995, under the following conditions:

(a) If, by October 1, 1995, the state reaches agreement with Canada on a marking and detection program, implementation will begin with the 1994 Puget Sound brood coho.

(b) If, by October 1, 1995, the state does not reach agreement with Canada on a marking and detection program, a pilot project shall be conducted with 1994 Puget Sound brood coho.

(c) Full implementation will begin with the 1995 brood coho.

(d) \$700,000 of the department's equipment funding and \$300,000 of the department's administration funding will be redirected toward implementation of Second Substitute Senate Bill No. 5157 during the 1995-97 biennium.

(8) The department shall request a reclassification study be conducted by the personnel resources board for hatchery staff. Any implementation of the study, if approved by the board, shall be pursuant to section 911 of this act.

(9) Within the appropriations in this section, the department shall maintain the Issaquah hatchery at the current 1993-95 operational level.

(10) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

(11) \$110,000 of the aquatic lands enhancement account appropriation may be used for publishing a brochure concerning hydraulic permit application requirements for the control of spartina and purple loosestrife.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 1996) \$ 20,300,000  
General Fund--State Appropriation (FY 1997) \$ 20,299,000  
General Fund--Federal Appropriation \$ 3,024,000  
General Fund--Private/Local Appropriation \$ 414,000  
Forest Development Account Appropriation \$ 37,946,000  
Off Road Vehicle Account Appropriation \$ 3,074,000  
Surveys and Maps Account Appropriation \$ 1,788,000  
Aquatic Lands Enhancement Account Appropriation \$ 2,512,000  
Resource Management Cost Account Appropriation \$ 11,624,000  
Waste Reduction, Recycling, and Litter Control  
Account Appropriation \$ 440,000  
Surface Mining Reclamation Account  
Appropriation \$ 1,273,000  
Wildlife Account Appropriation \$ 1,300,000  
Water Quality Account Appropriation \$ 2,000,000  
Aquatic Land Dredged Material Disposal Site  
Account Appropriation \$ 734,000  
Natural Resources Conservation Areas Stewardship  
Account Appropriation \$ 1,003,000  
Air Pollution Control Account Appropriation \$ 921,000  
Watershed Restoration Account Appropriation \$ 5,000,000  
Metals Mining Account Appropriation \$ 41,000  
TOTAL APPROPRIATION \$ 113,693,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,998,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$36,000 of the general fund--state appropriations is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$957,000 of the aquatics lands enhancement account is provided for the implementation of the Puget Sound water quality management plan.

(3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(4) \$22,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1437 (amateur radio repeater sites). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$49,000 of the air pollution control account appropriation is provided solely to implement Substitute House Bill No. 1287 (silvicultural burning). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(6) \$290,000 of the general fund--state appropriation, \$10,000 of the surface mining reclamation account appropriation, and \$29,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If this bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(7) By September 30, 1995, the agency shall report to the appropriate fiscal committees of the legislature on fire suppression costs incurred during the 1993-95 biennium. The report shall provide

the following information: (a) An object breakdown of costs for the 1993-95 fire suppression subprogram; (b) the amount of reimbursement provided for personnel, services, and equipment outside the agency; (c) FTE levels and salary amounts by fund of positions backfilled as a result of the fires; (d) overtime costs paid to agency personnel; (e) equipment replacement costs, and (f) final allocation of costs for the Hatchery and Tyee fires between the United States forest service, local governments, and the state.

(8) By December 1, 1995, the department shall report to the house committee on natural resources and the senate committee on natural resources on measures taken to improve the health of the Loomis state forest.

(9) \$13,000 of the general fund--state appropriation is provided solely to pay a portion of the rent charged to nonprofit television reception improvement districts pursuant to chapter 294, Laws of 1994.

(10) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(11) Up to \$572,000 of the general fund--state appropriation may be expended for the natural heritage program.

(12) \$13,000,000, of which \$5,000,000 is from the watershed restoration account appropriation, \$1,300,000 is from the wildlife account appropriation, \$2,500,000 is from the resource management cost account appropriation, \$500,000 is from the forest development account appropriation, \$2,000,000 is from the water quality account appropriation, and \$1,700,000 is from the general fund--federal appropriation, is provided solely for the jobs in the environment program and/or the watershed restoration partnership program.

(a) These funds shall be used to:

(i) Restore and protect watersheds in accordance with priorities established to benefit fish stocks in critical or depressed condition as determined by the watershed coordinating council;

(ii) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts; and

(iii) Create market wage jobs in environmental restoration for displaced natural resource impact area workers, as defined under Second Substitute Senate Bill No. 5342 (rural natural resource impact areas).

(b) Except as provided in subsection (c) of this section, these amounts are solely for projects jointly selected by the department of natural resources and the department of fish and wildlife. Funds may be expended for planning, design, and engineering for projects that restore and protect priority watersheds identified by the watershed coordinating council and conform to priorities for fish stock recovery developed through watershed analysis conducted by the department of natural resources and the department of fish and wildlife. Funds expended shall be used for specific projects and not for on-going operational costs. Eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, clean-up of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover.

(c) The department of natural resources and the department of fish and wildlife, in consultation with the watershed coordinating council, the office of financial management, and other appropriate agencies, shall report to the appropriate committees of the legislature on January 1, 1996, and annually thereafter, on any expenditures made from these amounts and a plan for future use of the moneys provided in this subsection. The plan shall include a prioritized list of watersheds and future watershed projects. The plan shall also consider future funding needs, the availability of federal funding, and the integration and coordination of existing watershed and protection programs.

(d) All projects shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds shall be expended to acquire land through condemnation.

(e) Funds from the wildlife account appropriation shall be available only to the extent that the department of fish and wildlife sells surplus property.

(f) Funds from the resource management cost account appropriation shall only be used for projects on trust lands. Funds from the forest development account shall only be used for projects on county forest board lands.

(g) Projects under contract as of June 1, 1995 will be given first priority.

**NEW SECTION. Sec. 311. RESOURCE MANAGEMENT.** There is hereby appropriated from the resource management cost account for the operations of the department of natural resources, subject to the requirement that the department of natural resources shall not expend any moneys from any source to implement any habitat conservation plan or other agreement or commitment intended to induce the issuance of a permit from the federal government that affects more than ten thousand acres of public and/or state forest land for five or more years without a specific appropriation for that purpose and prior report to the legislative committees on natural resources as provided in this section, seventy-one million dollars for the biennium ending June 30, 1997.

(1) The department of natural resources shall report to the standing committees on natural resources of the legislature before entering into any agreement or making any commitment intended to induce the issuance of a permit from the federal government which, individually or together with any other agreement or commitment, affects more than ten thousand acres of public and/or state forest land for five or more years. Agreements and commitments to which this section applies include but are not limited to conservation plans and incidental take permits under 16 U.S.C. sec. 1539, and all other agreements, management plans, and "no-take" or similar letters relating to the federal endangered species act. The department shall provide the standing committees with copies of all proposed plans, agreements, and commitments, together with an analysis demonstrating that the proposed agreement or commitment is in the best interests of the trust beneficiaries.

(2) The department shall submit the following with each biennial budget request:

(a) An analysis of the impacts of any agreement or contract on state lands;

(b) Detailed funding requirements to implement the agreement or contract in the next biennium;

and

(c) An accounting of expenditures during the current biennium with respect to any agreement or contract.

(3) The legislature shall review the department's funding request and funds appropriated shall be separate budget items. The legislature shall ensure that the appropriations made to implement any agreements or contracts are in conformity with Article 8, section 4 of the state Constitution and chapter 43.88 RCW.

**NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 1996) \$ 6,770,000

General Fund--State Appropriation (FY 1997) \$ 6,572,000

General Fund--Federal Appropriation \$ 4,278,000

General Fund--Private/Local Appropriation \$ 406,000

Aquatic Lands Enhancement Account

Appropriation \$ 800,000

Industrial Insurance Premium Refund Account

Appropriation \$ 178,000

State Toxics Control Account Appropriation \$ 1,088,000

**TOTAL APPROPRIATION \$ 20,092,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely for consumer protection activities of the department's weights and measures program. Moneys provided in this subsection may not be used for device inspection of the weights and measures program.

(2) \$142,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.



(3) \$100,000 of the general fund--state appropriation is provided solely for grasshopper and mormon cricket control.

(4) \$200,000 of the general fund--state appropriation is provided solely for the agricultural showcase.

**NEW SECTION. Sec. 313. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Program Trust  
Account Appropriation \$ 966,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the pollution liability insurance program trust account appropriation is provided solely to conduct a study of privatization of the functions performed by the pollution liability insurance program. The study will be conducted by the pollution liability insurance program management. Results of the study shall be reported to the financial institutions and housing committees of the legislature by November 30, 1995.

**PART IV  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund Appropriation (FY 1996) \$ 4,229,000  
General Fund Appropriation (FY 1997) \$ 4,257,000  
Architects' License Account Appropriation \$ 872,000  
Cemetery Account Appropriation \$ 167,000  
Professional Engineers' Account  
Appropriation \$ 2,235,000  
Real Estate Commission Account  
Appropriation \$ 6,172,000  
Master License Account Appropriation \$ 5,800,000  
Uniform Commercial Code Account  
Appropriation \$ 4,929,000  
Real Estate Education Account  
Appropriation \$ 606,000  
Funeral Directors and Embalmers Account  
Appropriation \$ 400,000  
TOTAL APPROPRIATION \$ 29,667,000

The appropriations in this section are subject to the following conditions and limitations: \$637,000 of the general fund appropriation is provided solely to implement sections 1001 through 1007 of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

General Fund--State Appropriation (FY 1996) \$ 7,198,000  
General Fund--State Appropriation (FY 1997) \$ 7,883,000  
General Fund--Federal Appropriation \$ 1,035,000  
General Fund--Private/Local Appropriation \$ 254,000  
Public Safety and Education Account  
Appropriation \$ 4,492,000  
County Criminal Justice Assistance  
Appropriation \$ 3,572,000  
Municipal Criminal Justice Assistance Account  
Appropriation \$ 1,430,000

Fire Services Trust Account Appropriation \$ 90,000  
 Fire Services Training Account Appropriation \$ 1,740,000  
 State Toxics Control Account Appropriation \$ 425,000  
 Violence Reduction and Drug Enforcement  
     Account Appropriation \$ 2,133,000  
     TOTAL APPROPRIATION \$ 30,252,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures from the nonappropriated fingerprint identification account for the automation of pre-employment background checks for public and private employers and background checks for firearms dealers and firearm purchasers are subject to office of financial management approval of a completed feasibility study.

(2) Expenditures from the county criminal justice assistance account appropriation and municipal criminal justice assistance account appropriation in this section shall be expended solely for enhancements to crime lab services.

(3) The Washington state patrol shall report to the department of information services and office of financial management by October 30, 1995, on the implementation and financing plan for the state-wide integrated narcotics system.

(4) \$300,000 of the violence reduction and drug enforcement account appropriation is provided solely for enhancements to the organized crime intelligence unit.

PART V  
EDUCATION

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ 18,341,000  
 General Fund--State Appropriation (FY 1997) \$ 17,819,000  
 General Fund--Federal Appropriation \$ 39,791,000  
 Health Services Account Appropriation \$ 400,000  
 Public Safety and Education Account  
     Appropriation \$ 338,000  
 Violence Reduction and Drug Enforcement Account  
     Appropriation \$ 3,122,000  
     TOTAL APPROPRIATION \$ 79,811,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$659,000 of the general fund--state appropriation is provided solely for investigation activities of the office of professional practices.

(c) \$1,700,000 of the general fund--state appropriation is provided solely to reprogram computer applications for collecting and processing school fiscal, personnel, and student data and for calculating apportionment payments and to upgrade agency computer hardware. A maximum of \$600,000 of this amount shall be used for computer hardware.

By December 15, 1995, and before implementation of a new state-wide data system, the superintendent shall present a plan to the house of representatives and senate education and fiscal committees which identifies state data base uses that could involve potentially sensitive data on students and parents. The plan shall detail methods that the superintendent shall employ internally and recommend to school organizations to insure integrity and proper use of data in any student data base, with particular attention to eliminating unnecessary and intrusive data about nonschool related information.

(d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) STATE-WIDE PROGRAMS

(a) \$2,174,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,654,000 of the general fund--state appropriation is provided for educational centers, including state support activities.

(d) \$3,093,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(e) \$4,370,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30C as developed on May 21, 1995, at 23:46 hours.

(f) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(g) Districts receiving allocations from subsections (2) (d) and (e) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building. The superintendent of public instruction shall make copies of the reports available to the office of financial management and the legislature.

(h) \$500,000 of the general fund--federal appropriation is provided for plan development and coordination as required by the federal goals 2000: Educate America Act. The superintendent shall collaborate with the commission on student learning for the plan development and coordination and submit quarterly reports on the plan development to the education committees of the legislature.

(i) \$400,000 of the health services account appropriation is provided solely for media productions by students at up to 40 sites to focus on issues and consequences of teenage pregnancy and child rearing. The projects shall be consistent with the provisions of Engrossed Second Substitute House Bill No. 2798 as passed by the 1994 legislature, including a local/private or public sector match equal to fifty percent of the state grant; and shall be awarded to schools or consortia not granted funds in 1993-94.

(j) \$7,000 of the general fund--state appropriation is provided to the state board of education to establish teacher competencies in the instruction of braille to legally blind and visually impaired students.

(k) \$50,000 of the general fund--state appropriation is provided solely for matching grants to school districts for analysis of budgets for classroom-related activities as specified in chapter 230, Laws of 1995.

(l) \$3,050,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of that amount, \$50,000 is provided for a contract in fiscal year 1996 to the Washington state institute for public policy to conduct an evaluation and review as outlined in section 81 of Engrossed Second Substitute Senate Bill No. 5439. Allocation of the remaining amount shall be based on the number of petitions filed in each district.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation (FY 1996) \$ 3,174,826,000

General Fund Appropriation (FY 1997) \$ 3,284,918,000

TOTAL APPROPRIATION \$ 6,459,744,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for certificated staff salaries for the 1995-96 and 1996-97 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; and

(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students;

(ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(iii) Indirect cost charges to vocational-secondary programs shall not exceed 10 percent;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1995-96 and 1996-97 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 20.71 percent in the 1995-96 school year and 20.71 percent in the 1996-97 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.77 percent in the 1995-96 school year and 18.77 percent in the 1996-97 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent;

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,656 per certificated staff unit in the 1995-96 school year and a maximum of \$7,893 per certificated staff unit in the 1996-97 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$14,587 per certificated staff unit in the 1995-96 school year and a maximum of \$15,039 per certificated staff unit in the 1996-97 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1995-96 school year and \$341 per year for the 1996-97 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1994-95 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$3,122,000 outside the basic education formula during fiscal years 1996 and 1997 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$431,000 may be expended in fiscal year 1996 and a maximum of \$444,000 may be expended in fiscal year 1997;

(b) For summer vocational programs at skills centers, a maximum of \$1,938,000 may be expended in the 1995-96 school year; and

(c) A maximum of \$309,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.2 percent from the 1994-95 school year to the 1995-96 school year, and 1.5 percent from the 1995-96 school year to the 1996-97 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12C, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12C.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100;

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and

(c) "LEAP Document 12C" means the computerized tabulation of 1995-96 and 1996-97 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 21, 1995, at 23:35 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 20.07 percent for certificated staff and 15.27 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

**STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR SCHOOL YEARS 1995-96 AND 1996-97**

Years of Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90
0	22,282	22,884	23,508	24,131	26,137
1	23,012	23,633	24,277	24,942	27,007
2	23,757	24,398	25,060	25,790	27,889
3	24,539	25,200	25,881	26,651	28,787
4	25,336	26,037	26,738	27,549	29,740
5	26,169	26,889	27,609	28,482	30,709
6	27,037	27,754	28,515	29,450	31,710
7	27,919	28,654	29,434	30,429	32,745
8	28,814	29,590	30,388	31,465	33,813
9	30,559	31,396	32,512	34,915	
10	32,417	33,613	36,048		
11	34,746	37,235			
12	35,843	38,452			
13	39,700				
14	40,955				

15 or more 42,020

Years of MA+ 90  
Service BA+ 135 MA MA+ 45 or PHD

0	27,429	26,715	28,720	30,012
1	28,316	27,526	29,590	30,899
2	29,238	28,374	30,472	31,820
3	30,195	29,235	31,370	32,779
4	31,188	30,133	32,324	33,771
5	32,214	31,065	33,292	34,797
6	33,253	32,033	34,294	35,837
7	34,347	33,013	35,329	36,931
8	35,473	34,048	36,397	38,057
9	36,632	35,095	37,499	39,215
10	37,822	36,196	38,632	40,405
11	39,044	37,329	39,818	41,627
12	40,316	38,508	41,036	42,900
13	41,620	39,726	42,284	44,203
14	42,972	40,981	43,619	45,556
15 or more	44,089	42,046	44,753	46,740

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1994-95 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7)(a) Credits earned by certificated instructional staff after September 1, 1995, shall be counted only if the content of the course: (i) Is consistent with the school district's strategic plan for improving student learning; (ii) is consistent with a school-based plan for improving student learning developed under section 520(2) of this act for the school in which the individual is assigned; (iii) pertains to the individual's current assignment or expected assignment for the following school year; (iv) is necessary for obtaining an endorsement as prescribed by the state board of education; (v) is specifically required for obtaining advanced levels of certification; or (vi) is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certificated instructional staff.



(b) Once credits earned by certificated instructional staff have been determined to meet one or more of the criteria in (a) of this subsection, the credits shall be counted even if the individual transfers to other school districts.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund Appropriation (FY 1996) \$ 96,500,000

General Fund Appropriation (FY 1997) \$ 123,377,000

TOTAL APPROPRIATION \$ 219,877,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$218,748,000 is provided for cost of living adjustments of 4.0 percent effective September 1, 1995, for state-formula staff units. The appropriation includes associated incremental fringe benefit allocations for both years at rates 20.07 percent for certificated staff and 15.27 percent for classified staff.

(a) The appropriation in this section includes the increased portion of salaries and incremental fringe benefits for all relevant state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act.

(b) The appropriation in this section provides salary increase and incremental fringe benefit allocations for the following programs based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.77 per weighted pupil-mile for the 1995-96 school year and maintained for the 1996-97 school year;

(ii) For learning assistance, an increase of \$11.24 per eligible student for the 1995-96 school year and maintained for the 1996-97 school year;

(iii) For education of highly capable students, an increase of \$8.76 per formula student for the 1995-96 school year and maintained for the 1996-97 school year; and

(iv) For transitional bilingual education, an increase of \$22.77 per eligible bilingual student for the 1995-96 school year and maintained for the 1996-97 school year.

(2) The maintenance rate for insurance benefits shall be \$313.95 for the 1995-96 school year and \$314.51 for the 1996-97 school year. Funding for insurance benefits is included within appropriations made in other sections of Part V of this act.

(3) Effective September 1, 1995, a maximum of \$1,129,000 is provided for a 4 percent increase in the state allocation for substitute teachers in the general apportionment programs.

(4) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. INCREMENT SALARY INCREASES** The appropriations in sections 502 through 519 of this act contain \$27,880,000 in fiscal year 1996 and \$63,950,000 in fiscal year 1997 for funding of experience and education increments for certificated instructional staff. This provides an average salary increase of 1.55 percent per year.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund Appropriation (FY 1996) \$ 155,970,000

General Fund Appropriation (FY 1997) \$ 164,511,000

TOTAL APPROPRIATION \$ 320,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$1,347,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. The 1994 travel time to contiguous school district study shall be continued and a report submitted to the fiscal committees of the legislature by December 1, 1995.

(3) A maximum of \$40,000 is provided to complete the computerized state map project containing school bus routing information. This information and available data on school buildings shall be consolidated. Data formats shall be compatible with the geographic information system (GIS) and included insofar as possible in the GIS system.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(5) Beginning with the 1995-96 school year, the superintendent of public instruction shall implement a state bid process for the purchase of school buses pursuant to Engrossed Substitute Senate Bill No. 5408.

(6) Of this appropriation, a maximum of \$8,807,000 may be allocated in the 1995-96 school year and a maximum of \$8,894,000 may be allocated in the 1996-97 school year for hazardous walking conditions. The superintendent shall ensure that the conditions specified in RCW 28A.160.160(4) for state funding of hazardous walking conditions for any district are fully and strictly adhered to, and that no funds are allocated in any instance in which a district is not actively and to the greatest extent possible engaged in efforts to mitigate hazardous walking conditions.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 3,000,000  
General Fund--State Appropriation (FY 1997) \$ 3,000,000  
General Fund--Federal Appropriation \$ 183,619,000  
TOTAL APPROPRIATION \$ 189,619,000

**NEW SECTION. Sec. 508. SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 380,179,000  
General Fund--State Appropriation (FY 1997) \$ 373,289,000  
General Fund--Federal Appropriation \$ 98,684,000  
TOTAL APPROPRIATION \$ 852,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) In recognition of the need for increased flexibility at the local district level to facilitate the provision of appropriate education to children with disabilities, and the need for substantive educational reform for a significant portion of the school population, the funding formula for special education is modified. These changes result from a 1994 study and recommendations by the institute for public policy and the legislative budget committee, aided by the office of the superintendent of public instruction and the statewide task force for the development of special education funding alternatives. The new formula is for allocation purposes only and is not intended to prescribe or imply any particular pattern of special education service delivery other than that contained in a properly formulated, locally determined, individualized education program.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the mandatory special education program for special education students ages three to twenty-one and the optional birth through age two program for developmentally delayed infants and

toddlers. The superintendent shall review current state eligibility criteria for the fourteen special education categories and consider changes which would reduce assessment time and administrative costs associated with the special education program.

(4) For the 1995-96 and 1996-97 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the enrollment percent, times the district's average basic education allocation per full-time equivalent student times 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff in grades K-3, and 46/1000 in grades 4-12), and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" shall mean the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1995-96 and the 1996-97 school years, each district's enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:

(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or

(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined; or

(C) For 1995-96, the 1994-95 enrollment percent reduced by 25 percent of the difference between the district's 1994-95 enrollment percent and 12.7. For 1996-97, the 1994-95 enrollment percent reduced by 50 percent of the difference between the district's 1994-95 enrollment percent and 12.7.

(6) A minimum of \$4.5 million of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of individual special education students.

(7) From the general fund--state appropriation, \$14,600,000 is provided for the 1995-96 school year, and \$19,575,000 for the 1996-97 school year, for safety net purposes for districts with demonstrable funding needs for special education beyond the combined amounts provided in subsection (4) of this section. The superintendent of public instruction shall, by rule, establish procedures and standards for allocation of safety net funds. School districts shall submit their requests for safety net funds to the appropriate regional committee established by the superintendent of public instruction. Regional committees shall make recommendations to the state oversight committee for approval. The following conditions and limitations shall be applicable to school districts requesting safety net funds:

(a) For a school district requesting state safety net funds due to special characteristics of the district and costs of providing services which differ significantly from the assumptions contained in the funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(iii) The district's programs are operated in a reasonably efficient manner and that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices;

(iv) Indirect costs charged to this program do not exceed the allowable percent for the federal special education program;

(v) Any available federal funds are insufficient to address the additional needs; and

(vi) The costs of any supplemental contracts are not charged to this program for purposes of making these determinations.

(b) For districts requesting safety net funds due to federal maintenance of effort requirements, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas; and

(iii) Calculations made in accordance with subsection (8) of this section with respect to state fund allocations justify a need for additional funds for compliance with federal maintenance of effort requirements.

(8)(a) For purposes of making safety net determinations pursuant to subsection (7) of this section, the superintendent shall make available to each school district, from available data, prior to June 1st of each year:

(i) The district's 1994-95 enrollment percent;

(ii) For districts with a 1994-95 enrollment percent over 12.7 percent, the maximum 1995-96 enrollment percent, and prior to 1996-97 the maximum 1996-97 enrollment percent;

(iii) The estimate to be used for purposes of subsection (7) of this section of each district's 1994-95 special education allocation showing the excess cost and the basic education portions; and

(iv) If necessary, a process for each district to estimate the 1995-96 school year excess cost allocation for special education and the portion of the basic education allocation formerly included in the special education allocation. This process may utilize the allocations generated pursuant to subsection (4) of this section, each district's 1994-95 estimated basic education backout percent for the 1994-95 school year, and state compensation increases for 1995-96.

(b) The superintendent, in consultation with the state auditor, shall take all necessary steps to successfully transition to the new formula and minimize paperwork at the district level associated with maintenance of effort calculations. The superintendent shall develop such rules and procedures as are necessary to implement this process for the 1995-96 school year, and may use the same process for the 1996-97 school year if found necessary for federal maintenance of effort calculations.

(9) Prior to adopting any standards, procedures, or processes required to implement this section, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) Membership of the regional committees may include, but not be limited to:

(a) A representative of the superintendent of public instruction;

(b) One or more representatives from school districts including board members, superintendents, special education directors, and business managers; and

(c) One or more staff from an educational service district.

(11) The state oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff from the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(12) The institute for public policy, in cooperation with the superintendent of public instruction, the office of financial management, and the fiscal committees of the legislature, shall evaluate the operation of the safety nets under subsections (6) and (7) of this section and shall prepare an interim report by December 15, 1995, and a final report on the first school year of operation by October 15, 1996.

(13) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(14) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(15) Not more than \$80,000 of the general fund--federal appropriation shall be expended for development of an inservice training program to identify students with dyslexia who may be in need of special education.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account  
Appropriation \$ 17,488,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1995-96 and 1996-97 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1995-96 and 1996-97 school years.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation (FY 1996) \$ 4,411,000  
General Fund Appropriation (FY 1997) \$ 4,410,000  
TOTAL APPROPRIATION \$ 8,821,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$225,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$360,000 of the general fund appropriation is provided solely to continue implementation of chapter 109, Laws of 1993 (collaborative development school projects).

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund Appropriation (FY 1996) \$ 75,408,000  
General Fund Appropriation (FY 1997) \$ 79,592,000  
TOTAL APPROPRIATION \$ 155,000,000

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FUNDED UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT**

General Fund--Federal Appropriation \$ 222,376,000

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATION OF INDIAN CHILDREN**

General Fund--Federal Appropriation \$ 370,000

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 15,417,000

General Fund--State Appropriation (FY 1997) \$ 15,795,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ 39,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution and other state funding assumptions shall be those specified in the legislative budget notes.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation (FY 1996) \$ 4,254,000

General Fund Appropriation (FY 1997) \$ 4,277,000

TOTAL APPROPRIATION \$ 8,531,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full-time equivalent basic education act enrollment.

(3) \$436,000 of the appropriation is for the Centrum program at Fort Worden state park.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 17,904,000

General Fund--State Appropriation (FY 1997) \$ 18,062,000

General Fund--Federal Appropriation \$ 12,500,000

TOTAL APPROPRIATION \$ 48,466,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,819,000 of the general fund--state appropriation is provided solely for the operation of the commission on student learning under RCW 28A.630.883 through 28A.630.953. The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(2) \$4,890,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for development of assessments as required in RCW 28A.630.885 as amended by House Bill No. 1249.

(3) \$2,190,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,970,000 of the general fund--state appropriation is provided for school-to-work transition projects in the common schools, including state support activities, under RCW 28A.630.861 through 28A.630.880.

(5) \$2,970,000 of the general fund--state appropriation is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.

(6) \$1,620,000 of the general fund--state appropriation is provided for superintendent and principal internships, including state support activities, under RCW 28A.415.270 through 28A.415.300.

(7) \$4,050,000 of the general fund--state appropriation is provided for improvement of technology infrastructure, the creation of a student database, and educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(8) \$7,200,000 of the general fund--state appropriation is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(9) \$5,000,000 of the general fund--state appropriation is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs; and

(b) \$4,558,000 of the general fund--state appropriation is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(10) \$1,260,000 of the general fund--state appropriation is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(11) \$1,700,000 of the general fund--federal appropriation is provided for professional development grants.

(12) \$10,000,000 of the general fund--federal appropriation is provided solely for competitive grants to school districts for implementation of education reform. To the extent that additional federal goals 2000 funds become available, the superintendent shall also allocate such additional funds for the same purpose.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS**

General Fund--Federal Appropriation \$ 51,216,000

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation (FY 1996) \$ 27,286,000

General Fund Appropriation (FY 1997) \$ 29,566,000

TOTAL APPROPRIATION \$ 56,852,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) The superintendent shall distribute a maximum of \$623.21 per eligible bilingual student in the 1995-96 school year and \$623.31 in the 1996-97 school year.

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation (FY 1996) \$ 56,293,000

General Fund Appropriation (FY 1997) \$ 57,807,000

TOTAL APPROPRIATION \$ 114,100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.

(3) Funding for school district learning assistance programs shall be allocated at a maximum rate of \$366.74 per unit for the 1995-96 school year and a maximum of \$366.81 per unit in the 1996-97 school year. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(a) A school district's units for the 1995-96 school year shall be the sum of the following:

(i) The 1995-96 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(ii) The 1995-96 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(iii) If the district's percentage of October 1994 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 11.68 percent.

(b) A school district's units for the 1996-97 school year shall be the sum of the following:

(i) The 1996-97 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(ii) The 1996-97 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(iii) If the district's percentage of October 1995 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1996-97 K-12 annual average full-time equivalent enrollment times 22.30 percent.

**NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS**

General Fund Appropriation (FY 1996) \$ 57,126,000

General Fund Appropriation (FY 1997) \$ 58,429,000

TOTAL APPROPRIATION \$ 115,555,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) School districts receiving moneys pursuant to this section shall expend at least fifty-eight percent of such moneys in school buildings for building based planning, staff development, and other activities to improve student learning, consistent with the student learning goals in RCW 28A.150.210 and RCW 28A.630.885. Districts receiving the moneys shall have a policy regarding the involvement of school staff, parents, and community members in instructional decisions. Each school using the moneys shall, by the end of the 1995-96 school year, develop and keep on file a building plan to attain the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The remaining forty-two percent of such moneys may be used to meet other educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of



the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.

(3) Forty-two percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$26.30 for the 1995-96 and 1996-97 school years. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Fifty-eight percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$36.69 for the 1995-96 and 1996-97 fiscal years. The state schools for the deaf and the blind may qualify for allocations of funds under this subsection. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(5) Beginning with the 1995-96 school year, to provide parents, the local community, and the legislature with information on the student learning improvement block grants, schools receiving funds for such purpose shall include, in the annual performance report required in RCW 28A.320.205, information on how the student learning improvement block grant moneys were spent and what results were achieved. Each school district shall submit the reports to the superintendent of public instruction and the superintendent shall provide the legislature with an annual report.

(6) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding).

**NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** The appropriations in sections 502, 504, 506, 508, 510, 514, 515, 518, and 519 of this act include amounts to pay increased state retirement system contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA).

## PART VI HIGHER EDUCATION

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2) Operating resources that are not used to meet authorized salary increases and other mandated expenses shall be invested in measures that (a) reduce the time-to-degree, (b) provide additional access to postsecondary education, (c) improve the quality of undergraduate education, (d) provide improved access to courses and programs that meet core program requirements and are consistent with needs of the state labor market, (e) provide up-to-date equipment and facilities for

training in current technologies, (f) expand the integration between the K-12 and postsecondary systems and among the higher education institutions, (g) provide additional access to postsecondary education for place-bound and remote students, and (h) improve teaching and research capability through the funding of distinguished professors. The institutions shall establish, in consultation with the board, measurable goals for increasing the average scheduled course contact hours by type of faculty, and shall report to the appropriate policy and fiscal committees of the legislature each December 1st as to performance on such goals.

To reduce the time it takes students to graduate, the institutions shall establish policies and reallocate resources as necessary to increase the number of undergraduate degrees granted per full-time equivalent instructional faculty.

(3) The salary increases provided or referenced in this subsection shall be the maximum allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(a) No more than \$300,000 of the appropriations provided in sections 602 through 608 of this act may be expended for purposes designated in section 911 of this act.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 4.0 percent on July 1, 1995. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 4.0 percent on July 1, 1995. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement.

(c) Funds under section 717 of this act are in addition to any increases provided in (a) and (b) of this subsection. Specific salary increases authorized in sections 603 and 604 of this act are in addition to any salary increase provided in this subsection.

**NEW SECTION. Sec. 602.** The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for student full-time equivalent enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

	1995-96	1996-97
	Annual	Annual
	Average	Average
	FTE	FTE
University of Washington		
Main campus	29,857	29,888
Evening Degree Program	571	617
Tacoma branch	588	687
Bothell branch	533	617
Washington State University		
Main campus	16,205	16,419
Spokane branch	283	308
Tri-Cities branch	624	707
Vancouver branch	723	851
Central Washington University	6,903	6,997

Eastern Washington University	7,656	7,739
The Evergreen State College	3,278	3,298
Western Washington University	9,483	9,606
State Board for Community and Technical Colleges	111,986	113,586
Higher Education Coordinating Board	50	50

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 1996)	\$ 345,763,000
General Fund--State Appropriation (FY 1997)	\$ 348,728,000
General Fund--Federal Appropriation	\$ 11,404,000
Employment and Training Trust Account Appropriation	\$ 58,575,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 764,470,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund appropriation is provided solely for 500 supplemental FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(2) \$58,575,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount:

(a) \$41,090,000 is to provide enrollment opportunity for 6,100 full-time equivalent students in fiscal year 1996 and 7,200 full-time equivalent students in fiscal year 1997. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for the allocation of the full-time equivalents provided in this subsection.

(b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

(c) \$7,632,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility will be exhausted before their training program is completed. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for eligibility and disbursement criteria to be used in determining the award of moneys provided in this subsection.

(d) \$750,000 is provided solely for an interagency agreement with the workforce training and education coordinating board for an independently contracted net-impact study to determine the overall effectiveness and outcomes of retraining and other services provided under chapter 226, Laws of 1993, (employment and training for unemployed workers). The net-impact study shall be completed and delivered to the legislature no later than December 31, 1996.

(e) \$700,000 is to provide the operating resources for seven employment security department job service centers located on community and technical college campuses.

(3) \$3,725,000 of the general fund appropriation is provided solely for assessment of student outcomes at community and technical colleges.

(4) \$1,412,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(5) \$3,296,720 of the general fund appropriation is provided solely for instructional equipment.

(6) \$688,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(7) Up to \$4,200,000 of the appropriations in this section may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments.

(8) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in Substitute Senate Bill No. 5325.

(9) Up to \$6,000,000 of general operating funds may be used to address accreditation issues at the technical colleges.

(10) Up to \$50,000, if matched by an equal amount from private sources, may be used to initiate an international trade education consortium, composed of selected community colleges, to fund and promote international trade education and training services in a variety of locations throughout the state, which services shall include specific business skills needed to develop and sustain international business opportunities that are oriented toward vocational, applied skills. The board shall report to appropriate legislative committees on these efforts at each regular session of the legislature.

**NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation (FY 1996) \$ 263,981,000

General Fund Appropriation (FY 1997) \$ 258,321,000

Death Investigations Account Appropriation \$ 1,685,000

Accident Account Appropriation \$ 4,335,000

Medical Aid Account Appropriation \$ 4,330,000

Health Services Account Appropriation \$ 6,244,000

TOTAL APPROPRIATION \$ 538,896,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,516,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. Of this amount, \$237,000 is provided solely for continuation of the two-plus-two program operated jointly with the Olympic Community College.

(2) \$9,438,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) \$2,300,000 of the health services account appropriation is provided solely for the implementation of chapter 492, Laws of 1993 (health care reform) to increase the supply of primary health care providers.

(4) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants.

(5) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program.

(6) \$2,909,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(9) \$1,471,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(10) \$500,000 of the general fund appropriation is provided solely for enhancements to the mathematics, engineering and science achievement (MESA) program.

(11) \$227,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(12) The university shall begin implementation of the professional staff and librarian market gap remedy plan II, which was submitted to the legislature in response to section 603(3), chapter 24, Laws of 1993 sp. sess. and section 603(3), chapter 6, Laws of 1994 sp. sess. As part of the implementation of the plan, an average salary increase of 5.0 percent may be provided to librarians and professional staff on July 1, 1995, to meet salary gaps as described in the plan.

(13) \$184,000 of the health services account appropriation is provided solely for participation of the University of Washington dental school in migrant/community health centers in the Yakima valley.

(14) At least \$50,000 of the general fund appropriation shall be used for research at the Olympic natural resources center.

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 150,520,000  
General Fund Appropriation (FY 1997) \$ 153,906,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 33,000  
Health Services Account Appropriation \$ 1,400,000  
TOTAL APPROPRIATION \$ 305,859,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,008,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus. \$1,198,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(2) \$7,534,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus. \$53,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(3) \$7,691,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(6) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$2,167,000 of the general fund appropriation is provided for new building operations and maintenance on the main campus and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) \$525,000 of the general fund appropriation is provided solely to implement House Bill No. 1741 (wine and wine grape research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(9) \$1,000,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1009 (pesticide research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(10) \$314,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 36,741,000  
General Fund Appropriation (FY 1997) \$ 37,084,000  
Health Services Account Appropriation \$ 200,000  
TOTAL APPROPRIATION \$ 74,025,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 33,683,000  
General Fund Appropriation (FY 1997) \$ 34,055,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 10,000  
Health Services Account Appropriation \$ 140,000  
TOTAL APPROPRIATION \$ 67,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$140,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation (FY 1996) \$ 18,436,000  
General Fund Appropriation (FY 1997) \$ 18,504,000  
TOTAL APPROPRIATION \$ 36,940,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$58,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 42,533,000  
General Fund Appropriation (FY 1997) \$ 43,173,000  
Health Services Account Appropriation \$ 200,000  
TOTAL APPROPRIATION \$ 85,906,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$275,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (1996) \$ 1,933,000  
General Fund--State Appropriation (1997) \$ 1,811,000  
General Fund--Federal Appropriation \$ 1,073,000  
TOTAL APPROPRIATION \$ 4,817,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$560,000 of the general fund--state appropriation is provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.580 (timber dependent communities). The number of students served shall be 50 full-time equivalent students per fiscal year. The higher education coordinating board (HECB) in cooperation with the state board for community and technical college education (SBCTC) shall review the outcomes of the timber program and report to the governor and legislature by November 1, 1995. The review should include programs administered by the HECB and SBCTC. The review should address student satisfaction, academic success, and employment success resulting from expenditure of these funds. The boards should consider a broad range of recommendations, from strengthening the program with existing resources to terminating the program.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (1996) \$ 71,412,000  
General Fund--State Appropriation (1997) \$ 71,613,000  
General Fund--Federal Appropriation \$ 3,579,000  
State Educational Grant Account Appropriation \$ 40,000  
Health Services Account Appropriation \$ 2,230,000  
TOTAL APPROPRIATION \$ 148,874,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$431,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.

(3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan.

(4) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, the health professional conditional scholarship program. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) \$140,543,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$110,504,000 is provided solely for the state need grant program;

(b) \$24,200,000 is provided solely for the state work study program;

(c) \$1,000,000 is provided solely for educational opportunity grants;

(d) A maximum of \$2,650,000 may be expended for financial aid administration, excluding the four percent state work study program administrative allowance provision;

(e) \$633,000 is provided solely for the educator's excellence awards;

(f) \$876,000 is provided solely to implement the Washington scholars program pursuant to Second Substitute House Bill No. 1318 or substantially similar legislation (Washington scholars program); and

(g) \$680,000 is provided solely to implement Substitute House Bill No. 1814 (Washington award for vocational excellence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (g) shall lapse.

**NEW SECTION. Sec. 612. FOR THE JOINT CENTER FOR HIGHER EDUCATION**

General Fund Appropriation (FY 1996) \$ 1,127,000  
General Fund Appropriation (FY 1997) \$ 1,311,000  
TOTAL APPROPRIATION \$ 2,438,000

The appropriation in this section is subject to the following conditions and limitations: \$765,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 613. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 1996) \$ 1,634,000  
General Fund--State Appropriation (FY 1997) \$ 1,634,000  
General Fund--Federal Appropriation \$ 34,641,000  
TOTAL APPROPRIATION \$ 37,909,000

**NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY**

General Fund--State Appropriation (FY 1996) \$ 7,069,000  
General Fund--State Appropriation (1997) \$ 7,071,000  
General Fund--Federal Appropriation \$ 4,799,000  
General Fund--Private/Local Appropriation \$ 46,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 7,000  
TOTAL APPROPRIATION \$ 18,992,000

The appropriations in this section are subject to the following conditions and limitations: \$2,439,516 of the general fund--state appropriation and federal funds are provided for a contract with the Seattle public library for library services for the Washington book and braille library.

**NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (1996) \$ 2,236,000  
General Fund--State Appropriation (1997) \$ 1,929,000  
General Fund--Federal Appropriation \$ 934,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 1,000  
TOTAL APPROPRIATION \$ 5,100,000

**NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) \$ 1,965,000  
General Fund Appropriation (FY 1997) \$ 2,186,000  
TOTAL APPROPRIATION \$ 4,151,000

The appropriation in this section is subject to the following conditions and limitations: \$1,731,000 is provided solely for the new Washington state historical society operations and maintenance located in Tacoma.

**NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) \$ 473,000



General Fund Appropriation (FY 1997) \$ 473,000  
TOTAL APPROPRIATION \$ 946,000

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (1996) \$ 3,421,000  
General Fund--State Appropriation (1997) \$ 3,440,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 7,000  
TOTAL APPROPRIATION \$ 6,868,000

**NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (1996) \$ 6,182,000  
General Fund--State Appropriation (1997) \$ 6,215,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 15,000  
TOTAL APPROPRIATION \$ 12,412,000

PART VII  
SPECIAL APPROPRIATIONS

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT**

General Fund Appropriation \$ 852,281,000  
State Building and Construction Account  
Appropriation \$ 21,500,000  
TOTAL APPROPRIATION \$ 873,781,000

The general fund appropriation is for deposit into the account listed in section 801 of this act.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account  
Appropriation \$ 24,179,000  
Accident Account Appropriation \$ 5,548,000  
Medical Account Appropriation \$ 5,548,000  
TOTAL APPROPRIATION \$ 35,275,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund Appropriation \$ 37,031,000  
Higher Education Reimbursable Construction Account  
Appropriation \$ 197,000  
Community College Capital Construction Bond  
Retirement Fund 1975 Appropriation \$ 450,000  
Higher Education Bond Retirement Fund 1979  
Appropriation \$ 2,887,000  
TOTAL APPROPRIATION \$ 40,565,000

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Common School Building Bond Redemption Fund 1967  
Appropriation \$ 6,923,000  
State Building and Parking Bond Redemption  
Fund 1969 Appropriation \$ 2,453,000  
TOTAL APPROPRIATION \$ 9,376,000

**NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund Appropriation \$ 1,535,000  
State Convention and Trade Center Account  
Appropriation \$ 15,000  
State Building Construction Account  
Appropriation \$ 364,000  
Higher Education Reimbursable Construction  
Account Appropriation \$ 3,000  
TOTAL APPROPRIATION \$ 1,917,000

Total Bond Retirement and Interest Appropriations  
contained in sections 701 through 705 of this  
act \$ 960,914,000

**NEW SECTION. Sec. 706. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

General Fund Appropriation (FY 1996) \$ 1,815,000  
General Fund Appropriation (FY 1997) \$ 1,815,000  
Wildlife Fund Appropriation \$ 78,000  
TOTAL APPROPRIATION \$ 3,708,000

**NEW SECTION. Sec. 707. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT**

Americans with Disabilities Special Revolving Fund  
Appropriation \$ 426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation shall be used solely to fund requests from state agencies complying with the program requirements of the federal Americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the Americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 708. FOR THE GOVERNOR--TORT DEFENSE SERVICES**

General Fund Appropriation (FY 1996) \$ 965,000  
General Fund Appropriation (FY 1997) \$ 966,000  
TOTAL APPROPRIATION \$  
Special Fund Agency Tort Defense Services  
Revolving Fund Appropriation \$ 1,287,000  
TOTAL APPROPRIATION \$ 3,218,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

**NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**

General Fund Appropriation (FY 1996) \$ 850,000  
General Fund Appropriation (FY 1997) \$ 850,000  
TOTAL APPROPRIATION \$ 1,700,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 710. BELATED CLAIMS.** The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 711. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 1996) \$ 2,390,000  
General Fund--State Appropriation (FY 1997) \$ 2,561,000  
General Fund--Federal Appropriation \$ 1,835,000  
General Fund--Private/Local Appropriation \$ 136,000  
Salary and Insurance Increase Revolving Account  
Appropriation \$ 4,105,000  
TOTAL APPROPRIATION \$ 11,027,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly contribution for insurance benefit premiums shall not exceed \$308.14 per eligible employee for fiscal year 1996, and \$308.96 for fiscal year 1997.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$5.81 per eligible employee for fiscal year 1996, and \$5.55 for fiscal year 1997.

(c) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs or due to employee waivers of coverage may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without subsequent legislative authorization.

(d) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium co-payments, increase point-of-service cost sharing, and/or implement managed competition.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From July 1, 1995, through December 31, 1995, the subsidy shall be \$34.20 per month. From January 1, 1996, through December 31, 1996, the subsidy shall be \$36.77 per month. Starting January 1, 1997, the subsidy shall be \$39.52 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:

(a) For each full-time employee, \$14.79 per month beginning October 1, 1995, and \$14.80 per month beginning September 1, 1996;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$14.79 each month beginning October 1, 1995, and \$14.80 each month beginning September 1, 1996, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes funds sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1995-97 transportation appropriations act.

(6) Rates charged to school districts voluntarily purchasing employee benefits through the health care authority shall be equivalent to the actual insurance costs of benefits and administration costs for state and higher education employees except:

(a) The health care authority is authorized to reduce rates charged to school districts for up to 10,000 new subscribers by applying surplus funds accumulated in the public employees' and retirees' insurance account. Rates may be reduced up to a maximum of \$10.93 per subscriber per month in fiscal year 1996 and a maximum of \$7.36 per subscriber per month in fiscal year 1997; and

(b) For employees who first begin receiving benefits through the health care authority after September 1, 1995, districts shall remit the additional costs of health care authority administration resulting from their enrollment. The additional health care authority administration costs shall not exceed \$.30 per month per subscriber.

**NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	<b>FY 1996</b>	<b>FY 1997</b>
General Fund Appropriation	\$ 87,500,000	87,500,000

(2) There is appropriated for contributions to the judicial retirement system:

	<b>FY 1996</b>	<b>FY 1997</b>
General Fund Appropriation	\$ 6,500,000	6,500,000

(3) There is appropriated for contributions to the judges retirement system:

	<b>FY 1996</b>	<b>FY 1997</b>
General Fund Appropriation	\$ 800,000	800,000

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CONTRIBUTIONS TO RETIREMENT SYSTEMS**

	<b>FY 1996</b>	<b>FY 1997</b>
General Fund--State		
Appropriation	\$ 1,007,000	1,224,000
General Fund--Federal		
Appropriation	\$ 367,000	447,000
Special Account Retirement Contribution		
Increase Revolving Account		
Appropriation	\$ 904,000	1,089,000
TOTAL APPROPRIATION	\$ 5,038,000	

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to pay the increased retirement contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA). If the bill is not enacted by June 30, 1995, the amounts provided in this section shall lapse.

**NEW SECTION. Sec. 714. SALARY COST OF LIVING ADJUSTMENT**

General Fund--State Appropriation (FY 1996) \$ 36,020,000  
General Fund--State Appropriation (FY 1997) \$ 36,590,000  
General Fund--Federal Appropriation \$ 29,603,000  
Salary and Insurance Increase Revolving Account  
Appropriation \$ 60,213,000  
TOTAL APPROPRIATION \$ 162,426,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) In addition to the purposes set forth in subsections (2), (3), and (4) of this section, appropriations in this section are provided solely for a 4.0 percent salary increase effective July 1, 1995, for all classified employees (including those employees in the Washington management service) and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 4.0 percent salary increase for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 4.0 percent cost-of-living adjustment, effective July 1, 1995, for ferry workers consistent with the 1995-97 transportation appropriations act.

(4) The appropriations in this section include funds sufficient to fund the salary increases approved by the commission on salaries for elected officials for legislators and judges.

(5) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

**NEW SECTION. Sec. 715. FOR THE ATTORNEY GENERAL--SALARY ADJUSTMENTS**

General Fund Appropriation (FY 1996) \$ 1,129,000  
General Fund Appropriation (FY 1997) \$ 1,129,000  
Attorney General Salary Increase Revolving  
Account Appropriation \$ 1,542,000  
TOTAL APPROPRIATION \$ 3,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for increases in salaries and related benefits of assistant attorneys general. The attorney general shall distribute these funds in a manner that will maintain or increase the quality and experience of the attorney general's staff. Market value, specialization, retention, and merit (including billable hours) shall be the factors in determining the distribution of these funds.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the attorney general salary increase revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 716. SALARY INCREMENT INCREASES.** General government and higher education general service employees whose salaries were frozen in the 1993-95 biennium and who are below the top step of their salary range will receive a step increase on their next periodic increment date on or after July 1, 1995. Thereafter, periodic increments will occur on the subsequent increment dates. Affected Washington management service (WMS) employees may receive increments

as provided in the pertinent WMS rules on or after July 1, 1995. Civil service exempt employees who are below the top step may receive an increase at the discretion of the relevant appointing authority.

**NEW SECTION. Sec. 717. INCREMENT SALARY INCREASES.** The appropriations in Parts I through VI of this act to the agencies and institutions of the state contain \$28,000,000 from the general fund--state and \$34,000,000 from other funds for the purposes of providing increment salary increases for longevity to employees of the state pursuant to RCW 41.06.150(18), chapter 41.56 RCW, and other statutes. This amount will provide average salary increases of 1.0 percent during the 1995-97 biennium.

**NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund Appropriation (FY 1997) \$ 5,000,000  
Salary and Insurance Increase Revolving  
Account Appropriation (FY 1997) \$ 5,000,000  
TOTAL APPROPRIATION \$ 10,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be expended solely for the purposes designated in section 911 of this act.

(2) In addition to the moneys appropriated in this section, state agencies may expend up to an additional \$2,500,000 from other general fund--state appropriations in this act and \$2,500,000 from appropriations from other funds and accounts for the purposes and under the procedures designated in section 911 of this act.

PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT  
AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:  
FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

State General Obligation Bond Retirement Fund 1979  
Fund Appropriation \$ 852,281,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 701 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT  
AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:  
FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY AS PRESCRIBED BY  
STATUTE**

State General Obligation Bond Retirement Fund 1979  
Appropriation \$ 37,031,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR  
DISTRIBUTION**

General Fund Appropriation for fire insurance  
premiums distribution \$ 6,025,000  
General Fund Appropriation for public utility

district excise tax distribution \$ 29,885,000  
 General Fund Appropriation for prosecuting  
 attorneys' salaries \$ 2,800,000  
 General Fund Appropriation for motor vehicle  
 excise tax distribution \$ 72,684,000  
 General Fund Appropriation for local mass  
 transit assistance \$ 335,869,000  
 General Fund Appropriation for camper and  
 travel trailer excise tax distribution \$ 3,554,000  
 General Fund Appropriation for boating  
 safety/education and law enforcement  
 distribution \$ 3,224,000  
 General Fund Appropriation for public health  
 distribution \$ 36,465,000  
 Aquatic Lands Enhancement Account Appropriation  
 for harbor improvement revenue  
 distribution \$ 130,000  
 Liquor Excise Tax Account Appropriation for  
 liquor excise tax distribution \$ 22,185,000  
 Liquor Revolving Fund Appropriation for liquor  
 profits distribution \$ 42,778,000  
 Timber Tax Distribution Account Appropriation  
 for distribution to "Timber" counties \$ 115,950,000  
 Municipal Sales and Use Tax Equalization Account  
 Appropriation \$ 58,181,000  
 County Sales and Use Tax Equalization Account  
 Appropriation \$ 12,940,000  
 Death Investigations Account Appropriation  
 for distribution to counties for publicly  
 funded autopsies \$ 1,200,000  
 County Criminal Justice Account Appropriation \$ 69,940,000  
 Municipal Criminal Justice Account  
 Appropriation \$ 27,972,000  
 County Public Health Account Appropriation \$ 29,709,000  
 TOTAL APPROPRIATION \$ 871,491,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

Forest Reserve Fund Appropriation for federal  
 forest reserve fund distribution \$ 50,740,000  
 General Fund Appropriation for federal flood  
 control funds distribution \$ 48,000  
 General Fund Appropriation for federal grazing  
 fees distribution \$ 73,000  
 General Fund Appropriation for distribution of  
 federal funds to counties in conformance with  
 P.L. 97-99 Federal Aid to Counties \$ 220,000  
 TOTAL APPROPRIATION \$ 51,081,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS**

Public Works Assistance Account: For transfer to the  
Flood Control Assistance Account \$ 4,000,000

General Fund: For transfer to the Natural Resources

New Motor Vehicle Arbitration Account: For transfer to  
the Public Safety and Education Account \$ 3,200,000

Fund--Water Quality Account \$ 18,471,000

Water Quality Account: For transfer to the Water  
Pollution Revolving Fund. Transfers shall be  
made at intervals coinciding with deposits of  
federal capitalization grant money into the  
revolving fund. The amounts transferred shall  
not exceed the match required for each federal  
deposit \$ 25,000,000

Water Quality Account: For transfer to the Water  
Right Permit Processing Account \$ 500,000

Trust Land Purchase Account: For transfer to the Parks  
Renewal and Stewardship Account \$ 1,304,000

General Government Special Revenue Fund--State  
Treasurer's Service Account: For transfer to  
the general fund on or before June 30, 1997,  
an amount up to \$7,361,000 in excess of the  
cash requirements of the state treasurer's  
service account \$ 7,361,000

Health Services Account: For transfer to the  
Public Health Services Account \$ 26,003,000

Public Health Services Account: For transfer to  
the County Public Health Account \$ 2,250,000

Public Works Assistance Account: For transfer to the  
Growth Management Planning and Environmental  
Review Fund \$ 3,000,000

Basic Health Plan Trust Account: For transfer to  
the General Fund--State Account (FY 1996) \$ 2,664,778

Basic Health Plan Trust Account: For transfer to  
the General Fund--State Account (FY 1997) \$ 2,664,778

Oil Spill Response Account: For transfer to  
the Oil Spill Administration Account \$ 1,718,000

**NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--  
TRANSFERS**

General Fund Appropriation: For transfer to  
the department of retirement systems expense  
fund \$ 18,000

**NEW SECTION. Sec. 807. FOR COMMON SCHOOL CONSTRUCTION.** The sum of one hundred and ten million dollars is appropriated from the general fund to the common school construction fund for the purposes under RCW 28A.515.320.

This section is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.



PART IX  
MISCELLANEOUS

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, costs and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and postimplementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written postimplementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the postimplementation report shall evaluate the degree to which a project

accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the postimplementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

**NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 904. EMERGENCY FUND ALLOCATIONS.** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 905. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapter 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 906. BOND EXPENSES.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 907. LEGISLATIVE FACILITIES.** Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1995.

**NEW SECTION. Sec. 908. AGENCY RECOVERIES.** Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to, payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

**NEW SECTION. Sec. 909. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

**Sec. 910.** RCW 19.118.110 and 1995 c . . . s 7 (ESSB 5629) are each amended to read as follows:

A three-dollar arbitration fee shall be collected by either the new motor vehicle dealer or vehicle lessor from the consumer upon execution of a retail sale or lease agreement. The fee shall be forwarded to the department of licensing at the time of title application for deposit in the new motor vehicle arbitration account hereby created in the state treasury. Moneys in the account shall be used for the purposes of this chapter, subject to appropriate

ion. During the 1995-97 fiscal biennium, the legislature may transfer moneys from the account to the extent that the moneys are not necessary for the purposes of this chapter.

At the end of each fiscal year, the attorney general shall prepare a report listing the annual revenue generated and the expenses incurred in implementing and operating the arbitration program under this chapter.

**Sec. 911.** RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s 27 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the

employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. (~~However, beginning July 1, 1993, through June 30, 1995,~~) The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW. Beginning July 1, 1995, through June 30, 1997:

(a) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:

(i) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(ii) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or

(iii) The implementation is a result of emergent conditions. Emergent conditions are defined as newly mandated programs for which moneys are not appropriated, establishment of positions necessary for the preservation of the public health, safety, or general welfare, and related issues which do not exceed \$250,000 of the moneys identified in section 718(2) of this act.

(b) The board may approve the implementation of salary increases resulting from adjustments to the classification plan for implementation in the 1997-99 fiscal biennium only if the implementation will not result in additional net costs or the implementation has been approved by the legislature in the omnibus appropriations act or other legislation.

(c) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary

compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(d) Adjustments made to the higher education hospital special pay plan are exempt from (a) through (c) of this subsection;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. ~~((However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds three thousand seven hundred fifty dollars;))~~

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions ~~((under chapter 28B.16 RCW))~~ before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

**Sec. 912.** RCW 43.08.250 and 1993 sp.s. c 24 s 917 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education,

highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, ((1995)) 1997, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, and Washington state patrol criminal justice activities.

**Sec. 913.** RCW 70.47.030 and 1993 c 492 s 210 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

**Sec. 914.** RCW 70.105D.070 and 1994 c 252 s 5 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(d) but only when the amount and

terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; and (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed fifty thousand dollars though it may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account. During the 1995-97 fiscal biennium no moneys deposited into the state and local toxics control accounts may be committed to public participation grants, except in the case where public participation grants assist in the implementation of the pilot projects established pursuant to Engrossed Substitute House Bill No. 1810.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

**Sec. 915.** RCW 86.26.007 and 1993 sp.s. c 24 s 928 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the ((1995-97)) 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. To the extent that moneys in the flood control assistance account are not appropriated during the ((1993-95)) 1995-97 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

NEW SECTION. **Sec. 916.** No funding appropriated in this act shall be expended to support efforts to establish the northwest marine straits sanctuary.

NEW SECTION. **Sec. 917.** No funding appropriated in this act shall be expended to establish or publish rules which exceed federal requirements for providing habitat protection for northern spotted owls.

**Sec. 918.** RCW 43.155.050 and 1993 sp.s. c 24 s 921 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. During the (~~(1993-95)~~) 1995-97 fiscal biennium, moneys in the public works assistance account may be appropriated for transfer to the flood control assistance account to be used for flood control assistance, including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the (~~(1993-95)~~) 1995-97 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

**Sec. 919.** RCW 69.50.520 and 1994 sp.s. c 7 s 910 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(~~(5)~~)(7), 66.24.210(4), 66.24.290(3), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 (~~(1st)~~) sp. sess., including state incarceration costs. After July 1, 1997, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 920.** RCW 70.146.020 and 1993 sp.s. c 24 s 923 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Account" means the water quality account in the state treasury.
- (2) "Department" means the department of ecology.
- (3) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.
- (4) "Water pollution control facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.
- (5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control facilities or other means. During the (~~(1993-1995)~~) 1995-1997 fiscal biennium, "water pollution control activities" includes activities by state agencies to protect public drinking water supplies and sources.
- (6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.



(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the environmental protection agency pursuant to Public Law 93-523, Sec. 1424(b).

**Sec. 921.** RCW 70.146.030 and 1991 sp.s. c 13 s 61 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

(4) During the fiscal biennium ending June 30, 1997, moneys in the account may be transferred by the legislature to the water right permit processing account.

**Sec. 922.** RCW 74.14C.065 and 1992 c 214 s 11 are each amended to read as follows:

Any federal funds made available under RCW 74.14C.060 shall be used to supplement and shall not supplant state funds to carry out the purposes of this chapter. However, during the 1995-97 fiscal biennium, federal funds made available under RCW 74.14C.060 may be used to supplant state funds to carry out the purposes of this chapter.

**Sec. 923.** RCW 79.24.580 and 1994 c 219 s 12 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock. During the fiscal biennium ending June 30, 1997, the

funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

**NEW SECTION. Sec. 924. FISCAL YEAR EXPENDITURE LIMITS.** An agency's total general fund--state expenditures by fiscal year shall not exceed the amount approved by the office of financial management (OFM) in expenditure plans authorized under RCW 43.88.070 and 43.88.110. OFM shall ensure that these plans conform with fiscal year expenditures in the OFM budget database as updated to reflect legislative appropriations and governor's vetoes. In no case shall the state-wide total of agency allotments exceed the Initiative 601 expenditure limit. The allotments of elected officials must match the GFS fiscal year split contained in the updated OFM database.

**NEW SECTION. Sec. 925.** Unless otherwise required by law, no moneys appropriated in this act may be expended for mandatory diversity training for state employees. No moneys appropriated in this act may be expended for voluntary diversity training offered to state employees where a record is made of attendance or nonattendance or where state employees may be subject to reprimand or other disciplinary action for participating or not participating.

**NEW SECTION. Sec. 926.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 927.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Section 807 of this act shall take effect immediately. The remainder of the act shall take effect July 1, 1995.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997; amending RCW 19.118.110, 43.08.250, 70.47.030, 70.105D.070, 86.26.007, 43.155.050, 69.50.520, 70.146.020, 70.146.030, 74.14C.065, 79.24.580, 43.21I.005, 43.21I.010, 43.21I.030, 43.21I.040, 88.46.922, 88.46.925, and 90.56.510; amending 1991 c 200 s 1120 (uncodified); amending 1993 c 281 s 73 (uncodified); reenacting and amending RCW 41.06.150; adding a new section to chapter 90.56 RCW; creating new sections; recodifying RCW 43.21I.005, 43.21I.010, 43.21I.030, and 43.21I.040; repealing RCW 43.21I.020, 88.46.920, and 88.46.923; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MOTION

Representative Foreman moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1410 .

The Speaker called on Representative Horn to preside.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

#### SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1566,  
HOUSE CONCURRENT RESOLUTION NO. 4417,  
HOUSE CONCURRENT RESOLUTION NO. 4418,

MESSAGES FROM THE SENATE

May 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093,  
SECOND SUBSTITUTE HOUSE BILL NO. 1318,  
SECOND SUBSTITUTE HOUSE BILL NO. 1814,

and the same are herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SENATE BILL NO. 5852,

and the same is herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5201,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5325,  
SECOND ENGROSSED SENATE BILL NO. 5529,  
SECOND ENGROSSED SENATE BILL NO. 5555,  
SENATE BILL NO. 6074,  
SENATE CONCURRENT RESOLUTION NO. 8417,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5201,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5325,  
SECOND ENGROSSED SENATE BILL NO. 5529,  
SECOND ENGROSSED SENATE BILL NO. 5555,  
SECOND ENGROSSED SENATE BILL NO. 5852,  
SENATE BILL NO. 6074,  
SENATE CONCURRENT RESOLUTION NO. 8417,

MESSAGES FROM THE SENATE

May 23, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1566,

and the same is herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4417,  
HOUSE CONCURRENT RESOLUTION NO. 4418,

and the same are herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

In accordance with HOUSE CONCURRENT RESOLUTION NO. 4418, the Senate hereby returns the following House Bills and Resolutions to the House:

ENGROSSED HOUSE BILL NO. 1016,  
ENGROSSED HOUSE BILL NO. 1022,  
ENGROSSED HOUSE BILL NO. 1023,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1071,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957,  
HOUSE BILL NO. 2076,  
HOUSE BILL NO. 2110,

HOUSE CONCURRENT RESOLUTION NO. 4407,  
HOUSE CONCURRENT RESOLUTION NO. 4409,  
HOUSE CONCURRENT RESOLUTION NO. 4416,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

In accordance with House Concurrent Resolution No. 4418, the House of Representatives hereby returns the following Senate Bills and Resolutions to the Senate:

SUBSTITUTE SENATE BILL NO. 5364,  
SUBSTITUTE SENATE BILL NO. 5568,  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8404,  
SENATE CONCURRENT RESOLUTION NO. 8414,  
SENATE CONCURRENT RESOLUTION NO. 8416,

There being no objection, reading of the Journal of the Thirtieth Day of First Special Session of the Fifty-Fourth Legislature was dispensed with and it was ordered to stand approved.

There being no objection, the 1995 First Special Session of the Fifty-Fourth Legislature was adjourned Sine Die.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

THIRTIETH DAY, MAY 23, 1995

JOURNAL OF THE HOUSE

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

**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1995 SECOND SPECIAL SESSION  
FIFTY-FOURTH LEGISLATURE**

**FIRST DAY**

-----

**MORNING SESSION**

-----

Senate Chamber, Olympia, Wednesday, May 24, 1995

The Senate of the 1995 Second Special Session of the Fifty-fourth Legislature of the state of Washington was called to order at 10:55 a.m. by Lieutenant Governor Joel Pritchard, President of the Senate. No roll call was taken.

PROCLAMATION BY THE GOVERNOR NO. 94-01

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the State Constitution, the 1995 First Special Session of the Legislature adjourned May 23, 1995, the 30th day, without completing its work; and

WHEREAS, it is therefore necessary for me to convene a Second Special Session for the purpose of addressing matters related to the budgets;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7, of the State Constitution, do hereby convene the Legislature of the state of Washington on Wednesday, the 24th day of May, 1995, at 10:00 a.m. in Special Session in the Capitol in Olympia for a period of not more than two consecutive days.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia, this 24th day of May, A.D., nineteen hundred and ninety-five.

MIKE LOWRY,  
Governor of Washington

BY THE GOVERNOR:

RALPH MUNRO  
Secretary of State

**INTRODUCTION AND FIRST READING**

SCR 8418 by Senators Gaspard, Snyder and Sutherland

Authorizing television coverage of the legislature.

HOLD.

SCR 8419 by Senators Gaspard and McDonald

Concerning the status of bills, memorials, and resolutions for the second special session of the Fifty-fourth Legislature.

HOLD.

SCR 8420 by Senators Gaspard, McDonald, Snyder and Sellar

Limiting the measures to be considered in the 1995 second special session of the Fifty-fourth Legislature.

HOLD.

## MOTIONS

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8418, Senate Concurrent Resolution No. 8419, and Senate Concurrent Resolution No. 8420 were advanced to second reading and placed on the second reading calendar.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8419, by Senators Gaspard and McDonald

Concerning the status of bills, memorials, and resolutions for the second special session of the Fifty-fourth Legislature.

WHEREAS, Bills, joint resolutions, joint memorials, and concurrent resolutions introduced at the 1995 regular and first special sessions of the Fifty-fourth Legislature may require that they be considered at the 1995 second special session of the Fifty-fourth Legislature; and

WHEREAS, The public interest requires that the business of the 1995 second special session of the Fifty-fourth Legislature be considered and acted upon as efficiently and expeditiously as possible;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That all bills, joint resolutions, joint memorials, and concurrent resolutions introduced in the 1995 regular and first special sessions of the Fifty-fourth Legislature are reintroduced in the house in which they originated and shall retain the same number and be given the highest legislative status that they attained in the original house as shown by the official House of Representatives and Senate dockets upon the adjournment SINE DIE of the first special session.

## MOTION

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8419 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8419 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8419 was adopted by voice vote.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8420, by Senators Gaspard , McDonald, Snyder and Sellar

Limiting the measures to be considered in the 1995 second special session of the Fifty-fourth Legislature.

WHEREAS, It is of paramount importance to establish limitations on the consideration of legislation during the 1995 second special session of the Fifty-fourth Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, with the House of Representatives concurring, that for the duration of the 1995 second special session of the Legislature, neither house may consider any bills, memorials, or joint resolutions except budgets, matters necessary to implement budgets, revenue measures, and matters incident to the interim and to the closing of the business of the 1995 second special session of the Legislature, and that after 5:00 p.m. Thursday, May 25th, only matters incident to the interim and to the closing of the business of the 1995 second special session of the Legislature may be considered.

## MOTION

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8420 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8420 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

Debate ensued.

SENATE CONCURRENT RESOLUTION NO. 8420 was adopted by voice vote.

## MOTION

At 11:01 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:46 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the fourth order of business.

## MESSAGES FROM THE HOUSE

MR. PRESIDENT:

May 24, 1995



The House has passed THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk  
May 24, 1995

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4409, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

May 24, 1995

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1022,  
ENGROSSED HOUSE BILL NO. 1023,  
SUBSTITUTE HOUSE BILL NO. 1057,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1071,  
HOUSE BILL NO. 1102,  
SUBSTITUTE HOUSE BILL NO. 1279,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,  
SUBSTITUTE HOUSE BILL NO. 1413,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957,  
HOUSE BILL NO. 2076,  
HOUSE BILL NO. 2110, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

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

#### INTRODUCTION AND FIRST READING

SB 6083 by Senators Sutherland, McDonald, Rasmussen, Owen, Oke, Morton and Drew

AN ACT Relating to increasing the number of state fish and wildlife commission members needed to approve an adoption or change in rules from four to five; and amending RCW 77.04.090.

Referred to Committee on Natural Resources.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Reducing property taxes.

HOLD.

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

Reducing business and occupation tax rates.

HOLD.

SHB 1057 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler, Morris, B. Thomas, Delvin, Carlson, Hankins, Dyer, Sheldon, Casada, Chandler, L. Thomas, Fuhrman, Mulliken, Lisk, Cooke, Sheahan and Mastin)

Lowering the tax rate on canola.

HOLD.

2ESHB 1070 by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden, Dellwo, Schoesler, Sheahan and Chopp) (by request of Office of Financial Management)

Adopting the capital budget.

Referred to Committee on Ways and Means.

ESHB 1071 by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden and Dellwo) (by request of Office of Financial Management)

Authorizing general obligation bonds for costs incidental to the 1995-97 biennium.

HOLD.

HB 1102 by Representatives Sheldon, Johnson, Basich, Hargrove, Hatfield, Koster, Quall, Goldsmith, Kessler, Kremen and Buck

Expanding the base of the tax exemption for food fish eggs and fry to shellfish.

HOLD.

SHB 1279 by House Committee on Finance (originally sponsored by Representatives Pennington, Morris, Schoesler, Campbell, Boldt, Carrell, Mielke, Van Luven, Hymes, McMahan, Mulliken, Foreman, Blanton, Sherstad, Elliot, Backlund, Johnson, L. Thomas and Huff)

Providing a sales tax exemption for certain sales of magazines by subscription.

HOLD.

3ESHB 1317 by House Committee on Transportation (originally sponsored by Representatives Robertson, Cairnes, B. Thomas, Mitchell, Van Luven, Dyer, Lambert, Radcliff, D. Schmidt, Backlund, Cooke, Reams, Campbell, Stevens, L. Thomas and Koster)

Revising the selection process for transportation systems and facilities demonstration projects.

HOLD.

ESHB 1410 by House Committee on Appropriations (originally sponsored by Representatives Silver and Sommers) (by request of Office of Financial Management)

Making appropriations for the 1995-97 biennium.

Referred to Committee on Ways and Means.

SHB 1413 by House Committee on Finance (originally sponsored by Representatives Boldt, Morris, Lisk, Mulliken and Kremen)

Allowing a business and occupation tax deduction for certain amusement devices.

HOLD.

ESHB 1440 by House Committee on Finance (originally sponsored by Representatives Boldt, Dyer, Morris, Backlund, Van Luven, Dellwo, Carrell, B. Thomas, L. Thomas, Thompson, Costa, Sherstad, Chandler, Kremen, Cooke and Jacobsen)

Providing tax exemptions for blood banks.

HOLD.

2ESHB 1592 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Dellwo, Mielke and G. Fisher)

Crediting certain insurance premium taxes.

HOLD.

ESHB 1769 by House Committee on Finance (originally sponsored by Representatives Mielke, Morris, Campbell, Appelwick, Benton, Kremen, Fuhrman, Mulliken, G. Fisher, Basich, Brumsickle, Van Luven, Skinner, Grant, Boldt, Hymes, Carrell, Chandler, Beeksmas, L. Thomas, Foreman, McMahan, Schoesler, Blanton and Thompson)

Lowering business and occupation tax for insurance business.

HOLD.

ESHB 1913 by House Committee on Finance (originally sponsored by Representatives Van Luven, Sheldon and Smith)

Providing sales and use tax exemptions for film and video production companies.

HOLD.

ESHB 1957 by House Committee on Finance (originally sponsored by Representatives B. Thomas, Carrell, Mulliken, Campbell, Foreman, Van Luven, Benton, L. Thomas, Crouse, Backlund, Elliot, McMahan, Smith, Stevens and Schoesler)

Reducing the state property tax levy.

HOLD.

HB 2076 by Representatives Skinner, Honeyford, Clements and K. Schmidt

Simplifying disposition of drivers' license fees.

HOLD.

HB 2110 by Representatives Campbell, Smith, Talcott, Morris, Conway, Huff, Costa, Scott, Casada, McMahan, Brumsickle and Ebersole

Authorizing the imposition of taxes by counties for correctional facilities and juvenile detention facilities.

HOLD.

HCR 4409 by Representatives Carrell, B. Thomas, Mulliken, Brumsickle, Sheldon, Morris, Talcott, Benton, Honeyford, Ballasiotes, Horn, Pelesky, Mitchell, Lambert, Romero, Hatfield, Dickerson, Pennington, Backlund, Crouse, Smith, Boldt, Tokuda, Casada, Hymes, Van Luven, McMahan, Regala, Stevens, Wolfe, Kessler, Thibaudeau, Mielke, Campbell, Costa, Quall, McMorris, Cairnes, Schoesler, Delvin, Buck, Mason, Huff, Chappell, Elliot, Conway, Cody, Dellwo, Johnson, Thompson, Hargrove, Basich, L. Thomas, Kremen, D. Schmidt, Cooke, Koster, Dyer, Hankins, Blanton, Chandler, Skinner and Clements

Forming a joint select committee on property tax reform.

HOLD.

#### MOTION

On motion of Senator Spanel, the rules were suspended and Engrossed House Bill No. 1022, Engrossed House Bill No. 1023, Substitute House Bill No. 1057, Engrossed Substitute House Bill No. 1071, House Bill No. 1102, Substitute House Bill No. 1279, Third Engrossed Substitute House Bill No. 1317, Substitute House Bill No. 1413, Engrossed Substitute House Bill No. 1440, Second Engrossed Substitute House Bill No. 1592, Engrossed Substitute House Bill No. 1769, Engrossed Substitute House Bill No. 1913, Engrossed Substitute House Bill No. 1957, House Bill No. 2076, House Bill No. 2110 and House Concurrent Resolution No. 4409 were advanced to second reading and placed on the second reading calendar.

#### MOTION TO LIMIT DEBATE

Senator Spanel: "Mr. President, pursuant to Senate Rule 29, I move for the duration of the Second Special Session that members be limited to speaking not more than three minutes nor more than once on any question, except that the Senator who presents a motion may open and close debate on the question."

The President declared the question before the Senate to be the motion by Senator Spanel to limit debate.

The motion by Senator Spanel carried and debate is limited to three minutes for the duration of the Second Special Session.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

May 24, 1995

MR. PRESIDENT:

The House has adopted:  
SENATE CONCURRENT RESOLUTION NO. 8419,  
SENATE CONCURRENT RESOLUTION NO. 8420, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8419,  
SENATE CONCURRENT RESOLUTION NO. 8420.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9146, Joseph W. Duffy, as a member of the Public Employment Relations Commission, was confirmed.

MOTIONS

On motion of Senator Gaspard, Senator Cal Anderson was excused.  
On motion of Senator Ann Anderson, Senators McCaslin, Moyer and West were excused.

APPOINTMENT OF JOSEPH W. DUFFY

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 42.  
Absent: Senators Haugen, Oke and Rasmussen - 3.  
Excused: Senators Anderson, C., McCaslin, Moyer and West - 4.

MOTION

At 1:57 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:44 p.m. by President Pritchard.  
There being no objection, the President returned the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6084 by Senators Kohl, Long, Prentice, Franklin, Pelz, Wojahn and Smith

AN ACT Relating to luring; amending RCW 9.94A.310; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Law and Justice.

MOTION

On motion of Senator Spanel, the Senate advanced to the sixth order of business.

SECOND READING

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317, by House Committee on Transportation (originally sponsored by Representatives Robertson, Cairnes, B. Thomas, Mitchell, Van Luven, Dyer, Lambert, Radcliff, D. Schmidt, Backlund, Cooke, Reams, Campbell, Stevens, L. Thomas and Koster)

Revising the selection process for transportation systems and facilities demonstration projects.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Third Engrossed Substitute House Bill No. 1317, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Third Engrossed Substitute House Bill No. 1317, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Third Engrossed Substitute House Bill No. 1317, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Oke, Owen, Pelz, Quigley, Rasmussen, Roach, Schow, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Winsley and Wojahn - 33.

Voting nay: Senators Anderson, A., Heavey, Hochstatter, McCaslin, Morton, Newhouse, Palmer, Prentice, Prince, Sellar, Snyder and West - 12.

Absent: Senators Rinehart and Wood - 2.

Excused: Senators Anderson, C. and Moyer - 2.

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Sellar, Senator Wood was excused.

On motion of Senator Loveland, Senator Rinehart was excused.

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

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5364, by Senate Committee on Transportation (originally sponsored by Senator Owen) (by request of Office of Financial Management)

Authorizing bonds for transportation projects.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5364.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5364 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wojahn - 41.

Voting nay: Senators Drew, Heavey, Quigley and Sutherland - 4.

Excused: Senators Anderson, C., Moyer, Rinehart and Wood - 4.

SUBSTITUTE SENATE BILL NO. 5364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5739, by Senate Committee on Ways and Means (originally sponsored by Senators Strannigan, Rinehart, Johnson, Quigley, Long, Owen, Cantu, Hale, Finkbeiner, McCaslin, Palmer, Hochstatter, McDonald, Spanel, Schow, Prentice, Moyer, Loveland, Swecker, West, Rasmussen, Smith, Drew, Haugen, Franklin, Fairley, A. Anderson, Wojahn, Heavey, McAuliffe, Kohl, Hargrove, Oke and Bauer)

Exempting certain sales by nonprofit organizations from sales and use taxes.

#### MOTION

On motion of Senator Snyder, the rules were suspended and Substitute Senate Bill No. 5739 was returned to second reading and read the second time.

#### MOTIONS

On motion of Senator Strannigan, the following amendment by Senator Rinehart was adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 82.04.365 and 1979 ex.s. c 196 s 7 are each amended to read as follows:

(1) This chapter does not apply to ~~((amounts derived))~~ the first twenty thousand dollars received in a calendar year by a nonprofit organization as a result of conducting or participating in a bazaar or rummage sale if:

(a) The organization does not conduct or participate in more than two bazaars or rummage sales per year; and

(b) Each bazaar or rummage sale does not extend over a period of more than two days ~~(; and~~

~~(c) The gross income received by each organization from each bazaar or rummage sale does not exceed one thousand dollars)).~~

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales made by a nonprofit organization if the gross income from the sales is exempt under RCW 82.04.365.

**NEW SECTION. Sec. 3.** A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to nonprofit organizations in respect to amounts derived from the provision of child care resource and referral services.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On motion of Senator Strannigan, the following title amendment was adopted:

On page 1, line 1 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 82.04.365; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator Strannigan, the rules were suspended, Engrossed Substitute Senate Bill No. 5739, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5739, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5379, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5739, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1279, by House Committee on Finance (originally sponsored by Representatives Pennington, Morris, Schoesler, Campbell, Boldt, Carrell, Mielke, Van Luven, Hymes, McMahan, Mulliken, Foreman, Blanton, Sherstad, Elliot, Backlund, Johnson, L. Thomas and Huff)

Providing a sales tax exemption for certain sales of magazines by subscription.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 1279, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1279, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1279, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

SUBSTITUTE HOUSE BILL NO. 1279, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913, by House Committee on Finance (originally sponsored by Representatives Van Luven, Sheldon and Smith)

Providing sales and use tax exemptions for film and video production companies.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Engrossed Substitute House Bill No. 1913, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1913, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1913, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 41.

Voting nay: Senators Fairley, McAuliffe, Owen, Pelz and West - 5.

Absent: Senator Hargrove - 1.

Excused: Senators Anderson, C. and Moyer - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 3:11 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 7:01 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

2ESHB 1070 Prime Sponsor, House Committee on Capital Budget: Adopting the capital budget. Reported by Committee on Ways and Means May 24, 1995

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Fraser, Gaspard, Hargrove, McDonald, Pelz, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

HOLD.

ESHB 1410 Prime Sponsor, House Committee on Appropriations: Making appropriations for the 1995-97 biennium. Reported by Committee on Ways and Means May 24, 1995

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Long, McDonald, Pelz, Quigley, Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

HOLD.

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

GA 9105 LEN McCOMB, appointed January 13, 1993 for a term ending at the Governor's pleasure, as Director of the Department of Revenue. Reported by Committee on Ways and Means May 24, 1995

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Roach, Snyder, Strannigan and West.

Passed to Committee on Rules.

MOTION

On motion of Senator Spanel, the rules were suspended, Second Engrossed Substitute House Bill No. 1070 and Engrossed Substitute House Bill No. 1410 were advanced to second reading and placed on the second reading calendar.

There being no objection, the President returned the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Susan Johnson, appointed May 8, 1995, for a term ending April 3, 1999, as a member of the State Board for Community and Technical Colleges.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
James McGhee, appointed May 19, 1995, for a term ending August 2, 2000, as a member of the Lottery Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Labor, Commerce and Trade.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, by House Committee on Appropriations (originally sponsored by Representatives Silver and Sommers) (by request of Office of Financial Management)



Making appropriations for the 1995-97 biennium.

The bill was read the second time.

#### MOTION

Senator Rinehart moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

#### PART I GENERAL GOVERNMENT

##### **NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund Appropriation (FY 1996) \$ 23,862,000

General Fund Appropriation (FY 1997) \$ 23,685,000

TOTAL APPROPRIATION \$ 47,547,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.

(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

##### **NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund Appropriation (FY 1996) \$ 17,397,000

General Fund Appropriation (FY 1997) \$ 19,198,000

TOTAL APPROPRIATION \$ 36,595,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.

(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

**NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE**

General Fund Appropriation (FY 1996) \$ 1,557,000  
General Fund Appropriation (FY 1997) \$ 1,268,000  
TOTAL APPROPRIATION \$ 2,825,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 is provided solely for the legislative budget committee to conduct a performance audit of the office of the superintendent of public instruction and report its finding to the appropriate committees of the legislature by December 31, 1995. In addition to the standard items reviewed in a performance audit, the committee is directed to provide the following: (a) A determination of methods to maximize the amount of federal funds received by the state; (b) the identification of potential cost savings from any office programs which could be eliminated or transferred to the private sector; (c) an analysis of gaps and overlaps in office programs; and (d) an evaluation of the efficiency with which the office of the superintendent of public instruction operates the programs under its jurisdiction and fulfills the duties assigned to it by law. In conducting the performance audit, the legislative budget committee is also directed to use performance measures or standards used by other states or other large education organizations in developing its findings.

(2) The general fund appropriation contains sufficient funds for the legislative budget committee to perform the study required in Second Substitute Senate Bill No. 5574 regarding the transfer of forest board lands to the counties.

**NEW SECTION. Sec. 104. FOR THE PERFORMANCE PARTNERSHIP COUNCIL**

General Fund Appropriation (FY 1996) \$ 250,000

**NEW SECTION. Sec. 105. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund Appropriation (FY 1996) \$ 1,162,000  
General Fund Appropriation (FY 1997) \$ 1,162,000  
TOTAL APPROPRIATION \$ 2,324,000

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY**

Department of Retirement Systems Expense Account  
Appropriation \$ 1,573,000

**NEW SECTION. Sec. 107. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund Appropriation (FY 1996) \$ 4,450,000  
General Fund Appropriation (FY 1997) \$ 4,450,000  
TOTAL APPROPRIATION \$ 8,900,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be transferred to the legislative systems revolving fund.

**NEW SECTION. Sec. 108. FOR THE STATUTE LAW COMMITTEE**

General Fund Appropriation (FY 1996) \$ 3,076,000  
General Fund Appropriation (FY 1997) \$ 3,356,000  
TOTAL APPROPRIATION \$ 6,432,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$55,000 is provided solely for the uniform legislation commission.

(2) \$40,000 is provided for the compilation and publication of a quarterly report on agency rule-making activity pursuant to section 704 of Engrossed Substitute House Bill No. 1010 (regulatory reform).

**NEW SECTION. Sec. 109. LEGISLATIVE AGENCIES.** In order to implement cost reduction measures required by this act and to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, legislative budget committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

**NEW SECTION. Sec. 110. FOR THE SUPREME COURT**

General Fund Appropriation (FY 1996) \$ 4,419,000  
General Fund Appropriation (FY 1997) \$ 4,456,000  
TOTAL APPROPRIATION \$ 8,875,000

**NEW SECTION. Sec. 111. FOR THE LAW LIBRARY**

General Fund Appropriation (FY 1996) \$ 1,607,000  
General Fund Appropriation (FY 1997) \$ 1,608,000  
TOTAL APPROPRIATION \$ 3,215,000

**NEW SECTION. Sec. 112. FOR THE COURT OF APPEALS**

General Fund Appropriation (FY 1996) \$ 8,834,000  
General Fund Appropriation (FY 1997) \$ 8,834,000

TOTAL APPROPRIATION \$ 17,668,000

**NEW SECTION. Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund Appropriation (FY 1996) \$ 595,000

General Fund Appropriation (FY 1997) \$ 606,000

TOTAL APPROPRIATION \$ 1,201,000

**NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation (FY 1996) \$ 11,658,000

General Fund Appropriation (FY 1997) \$ 11,728,000

Public Safety and Education Account

Appropriation \$ 41,403,000

Judicial Information Systems Account

Appropriation \$ 6,446,000

TOTAL APPROPRIATION \$ 71,235,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account shall be used to fund computer systems for the supreme court, the court of appeals, and the office of the administrator for the courts. Expanding services to the courts, technology improvements, and criminal justice proposals shall receive priority consideration for the use of these funds.

(2) \$63,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5235 (judgeship for Clark county). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, 122 Snohomish, Clark, King, Spokane, and Yakima counties.

(4) \$9,326,000 of the public safety and education account is provided solely for the indigent appeals program.

(5) \$26,000 of the public safety and education account and \$110,000 of the judicial information systems account are to implement Engrossed Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(6) \$138,000 of the public safety and education account is provided solely for Thurston county impact costs.

(7) \$223,000 of the public safety and education account is provided solely for the gender and justice commission.

(8) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(9) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR**

General Fund Appropriation (FY 1996) \$ 2,899,000

General Fund Appropriation (FY 1997) \$ 2,898,000

TOTAL APPROPRIATION \$ 5,797,000

**NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation (FY 1996) \$ 242,000

General Fund Appropriation (FY 1997) \$ 243,000

TOTAL APPROPRIATION \$ 485,000

**NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation (FY 1996) \$ 1,107,000

General Fund Appropriation (FY 1997) \$ 1,045,000

Industrial Insurance Premium Refund Account

Appropriation \$ 725

TOTAL APPROPRIATION \$ 2,152,725

**NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE**

General Fund Appropriation (FY 1996) \$ 9,175,000

General Fund Appropriation (FY 1997) \$ 5,924,000

Archives and Records Management Account

Appropriation \$ 4,330,000

Department of Personnel Service Account

Appropriation \$ 647,000

TOTAL APPROPRIATION \$ 20,076,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,859,975 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$5,183,762 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$140,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

(4) The general fund appropriation for fiscal year 1996 shall be reduced by \$726,000 if Engrossed Senate Bill No. 5852 (presidential preference primary) is enacted by March 15, 1996.

(5) \$10,000 is provided solely for the purposes of Substitute House Bill No. 1497 (preservation of electronic public records),

**NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ 151,000

General Fund Appropriation (FY 1997) \$ 152,000

TOTAL APPROPRIATION \$ 303,000

**NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ 173,000

General Fund Appropriation (FY 1997) \$ 173,000

TOTAL APPROPRIATION \$ 346,000

**NEW SECTION. Sec. 121. FOR THE STATE TREASURER**

State Treasurer's Service Account

Appropriation \$ 10,454,000

**NEW SECTION. Sec. 122. FOR THE STATE AUDITOR**

General Fund Appropriation (FY 1996) \$ 12,000

General Fund Appropriation (FY 1997) \$ 10,000

Municipal Revolving Account

Appropriation \$ 24,886,000

Auditing Services Revolving Account

Appropriation \$ 11,814,000

TOTAL APPROPRIATION \$ 36,722,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) The state auditor, in consultation with the legislative budget committee, shall conduct a performance audit of the state investment board. In conducting the audit, the state auditor shall: (a) Establish and publish a schedule of the performance audit and shall solicit public comments relative to the operations of the state investment board at least three months prior to conducting the scheduled performance audit; (b) under the provisions of chapter 39.29 RCW, obtain and utilize a private firm to conduct the audit. The firm selected shall utilize professional staff possessing the education, training, and practical experience in auditing private and governmental entities responsible for the investment of funds necessary to capably conduct the audit required by this subsection. The firm selected for the audit shall determine the extent to which the state investment board is operating consistently with the performance audit measures developed by the state auditor, acting together with the board, the legislative budget committee, the office of financial management, the state treasurer, and other state agencies, as appropriate. The audit measures shall incorporate appropriate institutional investment industry criteria for measuring management practices and operations. The firm shall recommend in its report any actions deemed appropriate that the board can take to operate more consistently with such measures. The cost of the performance audit conducted shall be paid by the board from nonappropriated investment earnings.

**NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund Appropriation (FY 1996) \$ 6,000

General Fund Appropriation (FY 1997) \$ 59,000

TOTAL APPROPRIATION \$ 65,000

**NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 1996) \$ 3,228,000

General Fund--State Appropriation (FY 1997) \$ 3,225,000

General Fund--Federal Appropriation \$ 1,624,000

Public Safety and Education Account

Appropriation \$ 1,250,000

State Investment Board Expense Account

Appropriation \$ 4,000,000

New Motor Vehicle Arbitration Account

Appropriation \$ 1,782,000

Legal Services Revolving Account

Appropriation \$ 113,972,000

Health Services Account Appropriation \$ 300,000

TOTAL APPROPRIATION \$ 129,381,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. The attorney general may, with approval of the office of financial management change its billing system to meet the needs of its user agencies.

(3) \$4,000,000 from the state investment board expense account appropriation is provided solely for attorney general costs and related expenses in aggressively pursuing litigation related to real estate investments on behalf of the state investment board. To the maximum extent possible, attorney general staff shall be used in pursuing this litigation.

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS**

Securities Regulation Account

Appropriation \$ 4,515,000

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 1996) \$ 48,627,000

General Fund--State Appropriation (FY 1997) \$ 47,328,000

General Fund--Federal Appropriation \$ 147,991,000

General Fund--Private/Local Appropriation \$ 1,676,000

Public Safety and Education Account

Appropriation	\$ 8,764,000
Waste Reduction, Recycling, and Litter Control	
Account Appropriation	\$ 2,006,000
Washington Marketplace Program Account	
Appropriation	\$ 150,000
Public Works Assistance Account	
Appropriation	\$ 1,068,000
Building Code Council Account	
Appropriation	\$ 1,289,000
Administrative Contingency Account	
Appropriation	\$ 1,776,000
Low-Income Weatherization Assistance Account	
Appropriation	\$ 923,000
Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 6,027,000
Manufactured Home Installation Training Account	
Appropriation	\$ 150,000
Washington Housing Trust Account	
Appropriation	\$ 4,686,000
Public Facility Construction Revolving Account	
Appropriation	\$ 238,000
Solid Waste Management Account Appropriation	\$ 700,000
Growth Management Planning and Environmental	
Review Fund Appropriation	\$ 3,000,000
TOTAL APPROPRIATION	\$ 276,399,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,065,000 of the general fund--state appropriation is provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1993-95 biennium.

(2) \$538,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1724 (growth management).

(3) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$4,800,000 of federal community development block grant funds for distribution to local governments to allocate to community action agencies state-wide.

(4) \$8,915,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1996 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional drug task forces;

(b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;

(c) \$456,000 to the department to continue the state-wide drug prosecution assistance program;

(d) \$93,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$744,000 to the department to continue the youth violence prevention and intervention projects;

(f) \$240,000 to the department for grants to support tribal law enforcement needs;

(g) \$495,000 is provided to the Washington state patrol for a state-wide integrated narcotics system;

(h) \$538,000 to the department for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(i) \$51,000 to the Washington state patrol for data collection;

(j) \$445,750 to the office of financial management for the criminal history records improvement program;

(k) \$42,000 to the department to support local services to victims of domestic violence;

(l) \$300,000 to the department of community, trade, and economic development for domestic violence legal advocacy;

(m) \$300,000 to the department of community, trade, and economic development for grants to provide a defender training program;

and

(n) \$673,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

(5) \$3,960,000 of the public safety and education account appropriation is provided solely for the office of crime victims' advocacy.

(6) \$216,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$200,000 of the general fund--state appropriation is provided solely as a grant for the community connections program in Walla Walla county.

(8) \$30,000 of the Washington housing trust account appropriation is provided solely for the department to conduct an assessment of the per square foot cost associated with constructing or rehabilitating buildings financed by the housing trust fund for low-income housing. The department may contract with specially trained teams to conduct this assessment. The department shall report to the legislature by December 31, 1995. The report shall include:

(a) The per square foot cost of each type of housing unit financed by the housing trust fund;

(b) An assessment of the factors that affect the per square foot cost;

(c) Recommendations for reducing the per square foot cost, if possible;

(d) Guidelines for housing costs per person assisted; and

(e) Other relevant information.

(9) \$350,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

(10) \$300,000 of the general fund--state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

(12) \$100,000 of the general fund--state appropriation is provided solely as a grant to a nonprofit organization for costs associated with development of the Columbia Breaks Fire Interpretive Center.

(13) \$150,000 of the general fund--state appropriation is provided solely for operation of the marketplace program and to provide state matching funds for a federal grant.

(14) \$100,000 of the general fund--state appropriation is provided solely for the Pierce county long-term care ombudsman program.

(15) \$60,000 of the general fund--state appropriation is provided solely for the Pacific Northwest economic region.

(16) \$500,000 of the general fund--state appropriation is provided solely for distribution to the city of Burien for analysis of the proposed Port of Seattle third runway including preparation of a draft environmental impact statement and other technical studies. The amount provided in this subsection shall not be expended directly or indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway.

(17) Not more than \$458,000 of the general fund--state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to implement a plan for assessing fees for services provided by the project. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996 and seventy-five percent of the expenditures in fiscal year 1997. Beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(18) \$4,804,000 of the public safety and education account appropriation is provided solely for contracts with qualified legal aid programs for civil indigent legal representation pursuant to RCW 43.08.260. It is the intent of the legislature to ensure that legal aid programs receiving funds appropriated in this act pursuant to RCW 43.08.260 comply with all applicable restrictions on use of these funds. To this end, during the 1995-97 fiscal biennium the department shall monitor compliance with the authorizing legislation, shall oversee the implementation of this subsection, and shall report directly to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(a) It is the intent of the legislature to improve communications between legal aid programs and persons affected by the activities of legal aid programs. There is established for the 1995-97 fiscal biennium a task force on agricultural interests/legal aid relations. The task force shall promote better understanding and cooperation between agricultural interests and legal aid programs and shall provide a forum for discussion of issues of common concern. The task force shall not involve itself in pending litigation.

(i) The task force shall consist of the following sixteen members: Four representatives of agricultural organizations, to be appointed by the legislator members; two individuals who represent the corresponding interests of legal clients, to be appointed by organizations designated by the three legal services programs; two representatives of Evergreen Legal Services, to be appointed by its board of directors; one representative each from Puget Sound Legal Assistance Foundation and Spokane Legal Services Center, each to be appointed by its directors; one member from each of the majority and minority caucuses of the house of representatives, to be appointed by the speaker of the house of representatives; one member from each of the majority and minority caucuses of the senate, to be appointed by the president of the senate; and two members of the supreme court-appointed access to justice board, to be appointed by the board. During fiscal year 1996, the task force shall be chaired by a legislative member, to be selected by the task force members. During fiscal year 1997, the committee shall be chaired by a nonlegislator member, to be selected by the task force members.

(ii) All costs associated with the meetings shall be borne by the individual task force members or by the organizations that the individuals represent. No task force member shall be eligible for reimbursement of expenses under RCW 43.03.050 or 43.03.060. Nothing in this subsection prevents the legal aid programs from using funds appropriated in this act to reimburse their representatives or the individuals representing legal clients.

(iii) The task force will meet at least four times during the first year of the biennium and as frequently as necessary thereafter at mutually agreed upon times and locations. Any member of the task force may place items on meeting agendas. Members present at the first two task force meetings shall agree upon a format for subsequent meetings.

(b) The legislature recognizes that farmworkers have the right to receive basic information and to consult with attorneys at farm labor camps without fear of intimidation or retaliation. It is the intent of the legislature and in the interest of the public to ensure the safety of all persons affected by legal aid programs' farm labor camp outreach activities. Legal aid program employees have the legal right to enter the common areas of a labor camp or to request permission of employees to enter their dwellings. Employees living in grower supplied housing have the right to refuse entry to anyone including attorneys unless they have a warrant. Individual employees living in employer supplied housing do not have the right to force legal aid program employees to leave common areas of housing (outside) as long as one person who resides in the associated dwellings wants that person to be there. Any legal aid program employee wishing to visit employees housed on grower property has the right to enter the driveway commonly used by the housing occupants. This means that if agricultural employees must use a grower's personal driveway to get to their housing, legal aid program employees also may use that driveway to access the housing without a warrant so long as at least some of the housing is occupied. When conducting outreach activities that involve entry onto labor camps, legal aid programs shall establish and abide by policies regarding conduct of outreach activities. The policies shall include a requirement that legal aid program employees identify themselves to persons whom they encounter at farm labor camps. The legal aid programs shall provide copies of their current outreach policies to known agricultural organizations and shall provide copies upon request to any owner of property on which farmworkers are housed. Legal aid program employees involved in outreach activities shall attempt to inform operators of licensed farm labor camps or their agents, and known grower organizations of the approximate time frame for outreach activities and shall cooperate with operators of farm labor camps at which farmworkers are housed in assuring compliance with all pertinent laws and ordinances, including those related to trespass and harassment. Employers who believe that Evergreen Legal Services Outreach Guidelines have been violated shall promptly provide all available information on the alleged violation to the director of Evergreen Legal Services and to the chair of the Task Force on Agricultural Interests/Legal Aid Relations. Evergreen Legal Services will promptly investigate any alleged violations of the outreach guidelines and inform the complaining party of the result. If the resolution of the investigation is not satisfactory to the complainant, the matter shall be placed on the Task Force agenda for discussion at the next scheduled meeting. Employers who believe that Evergreen Legal Services staff members have trespassed should immediately contact local law enforcement authorities.

(c) It is the intent of the legislature to provide the greatest amount of legal services to the largest number of clients by discouraging inefficient use of state funding for indigent legal representation. To this end, it is the intent of the legislature that, prior to the commencement of litigation against any private employer relating to the terms and conditions of employment legal aid programs receiving funds appropriated in this act make good faith written demand for the requested relief, a good faith offer of settlement or an offer to submit to nonbinding arbitration prior to filing a lawsuit, unless the making of the offer is, in the opinion of the director of the legal services program or his/her designee, clearly prejudicial to: (i) The health, safety, or security of the client; or (ii) the timely availability of judicial relief. The director of the legal aid program may designate not more than two persons for purposes of making the determination of prejudice permitted by this section.

(d)(i) The legislature encourages legal aid programs to devote their state and nonstate funding to the basic, daily legal needs of indigent persons. No funds appropriated under this act may be used for legal representation and activities outside the scope of RCW 43.08.260.

(ii) No funds appropriated in this act may be used for lobbying as defined in RCW 43.08.260(3). Legal aid programs receiving funds appropriated in this act shall comply with all restrictions on lobbying contained in Federal Legal Services Corporation Act (P.L. 99-951) and regulations promulgated thereunder.

(e) No funds appropriated in this act may be used by legal aid programs for representation of undocumented aliens.

(f) The legislature recognizes the duty of legal aid programs to preserve inviolate and prevent the disclosure of, in the absence of knowing and voluntary client consent, client information protected by the United States Constitution, the Washington Constitution, the attorney-client privilege, or any applicable attorney rule of professional conduct. However, to the extent permitted by applicable law, legal aid programs receiving funds appropriated in this act shall, upon request, provide information on their activities to the department and to legislators for purposes of monitoring compliance with authorizing legislation and this subsection.

(g) Nothing in this subsection is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, and the Federal Legal Services Corporation, to resolve complaints or disputes within their jurisdiction.

**NEW SECTION. Sec. 127. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund Appropriation (FY 1996) \$ 410,000  
General Fund Appropriation (FY 1997) \$ 410,000  
TOTAL APPROPRIATION \$ 820,000

**NEW SECTION. Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 1996) \$ 9,482,000  
General Fund--State Appropriation (FY 1997) \$ 9,138,000  
General Fund--Federal Appropriation \$ 12,432,000  
General Fund--Private/Local Appropriation \$ 720,000  
Health Services Account Appropriation \$ 330,000  
Public Safety and Education Account  
Appropriation \$ 200,000  
TOTAL APPROPRIATION \$ 32,302,000

The appropriations in this subsection are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation is provided solely as the state's share of funding for the "Americorps" youth employment program.

**NEW SECTION. Sec. 129. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account  
Appropriation \$ 14,487,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF PERSONNEL**

General Fund--State Appropriation (FY 1996) \$ 360,000  
General Fund--State Appropriation (FY 1997) \$ 360,000  
General Fund--Federal Appropriation \$ 700,000  
Personnel Data Revolving Account Appropriation \$ 880,000  
Department of Personnel Service Account  
Appropriation \$ 15,354,000  
Higher Education Personnel Services Account  
Appropriation \$ 1,656,000  
TOTAL APPROPRIATION \$ 19,310,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) \$32,000 of the department of personnel service fund appropriation is provided solely for the creation, printing, and distribution of the personal benefits statement for state employees.

(3) The general fund--state appropriation, the general fund--federal appropriation, the personnel data revolving account appropriation, and \$300,000 of the department of personnel service account appropriation shall be used solely for the establishment of a state-wide human resource information data system and network within the department of personnel and to improve personnel data integrity. Authority to expend these amounts is conditioned on compliance with section 902 of this act. The personnel data revolving account is hereby created in the state treasury to facilitate the transfer of moneys from dedicated funds and accounts. To allocate the appropriation from the personnel data revolving account among the state's dedicated funds and accounts based on each fund or account's pro rata share of the state salary base, the state treasurer is directed to transfer sufficient money from each fund or account to the personnel data revolving account in accordance with schedules provided by the office of financial management.

(4) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation or the department of retirement systems for the deferred compensation program to the deferred compensation administrative account. Department billings to the committee or the department of retirement systems shall be for actual costs only.

(5) The department of personnel service fund appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.

(6) \$500,000 of the department of personnel service account appropriation is provided solely for a career transition program to assist state employees who are separated or are at risk of lay-off due to reduction-in-force, including employee retraining and career counseling.

(7) The department of personnel has the authority to charge agencies for expenses resulting from the administration of a benefits contribution plan established by the health care authority. Fundings to cover these expenses shall be realized from agency FICA tax savings associated with the benefits contributions plan.

**NEW SECTION. Sec. 131. FOR THE COMMITTEE FOR DEFERRED COMPENSATION**

Dependent Care Administrative Account

Appropriation \$ 166,000

**NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account

Appropriation \$ 18,813,000

**NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE GAMBLING COMMISSION**

Industrial Insurance Premium Refund Account

Appropriation \$ 14,000

**NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund Appropriation (FY 1996) \$ 195,000

General Fund Appropriation (FY 1997) \$ 195,000

TOTAL APPROPRIATION \$ 390,000

**NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ 148,000

General Fund Appropriation (FY 1997) \$ 146,000

TOTAL APPROPRIATION \$ 294,000

**NEW SECTION. Sec. 136. FOR THE PERSONNEL APPEALS BOARD**

Department of Personnel Service Account

Appropriation \$ 1,593,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Department of Retirement Systems Expense Account

Appropriation \$ 30,152,000

Dependent Care Administrative Account

Appropriation \$ 183,000

TOTAL APPROPRIATION \$ 30,335,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$857,000 of the department of retirement systems expense account appropriation is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$779,000 of the department of retirement systems expense account appropriation is provided solely for the in-house design development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(3) \$1,900,000 of the department of retirement systems expense account appropriation and the entire dependent care administrative account appropriation are provided solely for the implementation of Substitute House Bill No. 1206 (restructuring retirement systems). If the bill is not enacted by June 30, 1995, the amount provided in this subsection from the department of retirement systems expense account shall lapse, and the entire dependent care administrative account appropriation shall be transferred to the committee for deferred compensation.

**NEW SECTION. Sec. 138. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account

Appropriation \$ 8,068,000

The appropriation in this section is subject to the following conditions and limitations: The board shall conduct a feasibility study on the upgrade or replacement of the state-wide investment accounting system and report its findings to the fiscal committees of the legislature by January 1, 1996.

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation (FY 1996) \$ 62,528,000

General Fund Appropriation (FY 1997) \$ 63,139,000

Timber Tax Distribution Account

Appropriation \$ 4,585,000

Waste Reduction, Recycling, and Litter Control

Account Appropriation \$ 95,000

State Toxics Control Account

Appropriation \$ 67,000

Solid Waste Management Account

Appropriation \$ 88,000

Oil Spill Administration Account

Appropriation \$ 14,000

Pollution Liability Insurance Program Trust Account

Appropriation \$ 230,000

TOTAL APPROPRIATION \$ 130,746,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,197,000 of the general fund appropriation is provided solely for senior citizen property tax deferral distribution. \$103,000 of this amount is provided solely to reimburse counties for the expansion of the senior citizen property tax deferral program enacted by Substitute House Bill No. 1673.

(2) \$280,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.



(3) The general fund appropriation contains sufficient funds for the department of revenue to collect use tax on advertising materials printed outside the state and mailed directly to Washington residents at the direction of an in-state business to promote sales of products or services, pursuant to RCW 82.12.010(5).

(4) The general fund appropriation contains sufficient funds for the department of revenue to study the feasibility of rewriting Titles 82 and 84 RCW for clarity and ease of understanding, without making substantive changes in the law. The department may study this issue by redrafting certain sections of the existing law and reviewing with legislators, interest groups, and affected parties whether or not such a project is feasible. The department shall report the results of this study to the legislature in the 1996 legislative session.

**NEW SECTION. Sec. 140. FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation (FY 1996) \$ 993,000  
General Fund Appropriation (FY 1997) \$ 996,000  
TOTAL APPROPRIATION \$ 1,989,000

**NEW SECTION. Sec. 141. FOR THE MUNICIPAL RESEARCH COUNCIL**

General Fund Appropriation (FY 1996) \$ 1,593,000  
General Fund Appropriation (FY 1997) \$ 1,637,000  
TOTAL APPROPRIATION \$ 3,230,000

**NEW SECTION. Sec. 142. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account  
Appropriation \$ 2,121,000

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ 284,000  
General Fund--State Appropriation (FY 1997) \$ 283,000  
General Fund--Federal Appropriation \$ 1,304,000  
General Fund--Private/Local Appropriation \$ 388,000  
Motor Transport Account Appropriation \$ 10,814,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 140,000  
Air Pollution Control Account  
Appropriation \$ 111,000  
Department of General Administration Facilities  
and Services Revolving Account  
Appropriation \$ 21,271,000  
Central Stores Revolving Account  
Appropriation \$ 3,056,000  
Risk Management Account Appropriation \$ 2,033,000  
TOTAL APPROPRIATION \$ 39,684,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,776 of the industrial insurance premium refund account appropriation is provided solely for the Washington school directors association.

(2) The cost of purchasing and material control operations may be recovered by the department through charging agencies utilizing these services. The department must begin directly charging agencies utilizing the services on September 1, 1995. Amounts charged may not exceed the cost of purchasing and contract administration. Funds collected may not be used for purposes other than cost recovery and must be separately accounted for within the central stores revolving fund.

**NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF INFORMATION SERVICES**

Data Processing Revolving Account  
Appropriation \$ 3,847,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment, and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.

(2) \$364,000 of the data processing revolving account appropriation is provided solely for maintenance and support of the WIN Network. The department is authorized to recover the costs through billings to affected agencies.

**NEW SECTION. Sec. 145. FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation \$ 104,000  
Insurance Commissioner's Regulatory Account  
Appropriation \$ 20,126,000  
TOTAL APPROPRIATION \$ 20,230,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The insurance commissioner shall obtain the approval of the department of information services for any feasibility plan for proposed technology improvements.

(2) \$895,000 of the insurance commissioner's regulatory account appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 146. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account  
Appropriation \$ 1,293,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the certified public accountants' account appropriation is provided solely to conduct a study in conjunction with the higher education coordinating board of the financial impact on public and private higher education institutions of any increase in the education requirements for CPA certification. Such study shall include

impacts on enrollment and access of other students to higher education. No rule to increase education requirements may be implemented until such study has been completed and reported to the higher education and fiscal committees of both houses of the legislature.

**NEW SECTION. Sec. 147. FOR THE DEATH INVESTIGATION COUNCIL**

Death Investigations Account Appropriation \$ 12,000

**NEW SECTION. Sec. 148. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Account Appropriation \$ 4,733,000

The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) The commission shall conduct a complete examination of Playfair racecourse, identifying problems and offering possible solutions that are designed to resolve the continuing decline in parimutuel racing at that track.

**NEW SECTION. Sec. 149. FOR THE LIQUOR CONTROL BOARD**

Liquor Revolving Account Appropriation \$ 113,461,000

**NEW SECTION. Sec. 150. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Account--State

Appropriation \$ 25,802,000

Public Service Revolving Account--Federal

Appropriation \$ 200,000

TOTAL APPROPRIATION \$ 26,002,000

**NEW SECTION. Sec. 151. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS**

Volunteer Fire Fighters' Relief and Pension

Administrative Account Appropriation \$ 442,000

**NEW SECTION. Sec. 152. FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ 7,474,000

General Fund--State Appropriation (FY 1997) \$ 7,477,000

General Fund--Federal Appropriation \$ 28,293,000

General Fund--Private/Local Appropriation \$ 237,000

Enhanced 911 Account Appropriation \$ 18,541,000

Industrial Insurance Premium Refund Account

Appropriation \$ 34,000

TOTAL APPROPRIATION \$ 62,056,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$205,238 of the total appropriation is provided solely to pay loan obligations on the energy partnership contract number 90-07-01. This obligation includes unpaid installments from September 1993 through June 1997. This amount may be reduced by any payments made in the 1993-95 Biennium on installments made in the 1993-95 Biennium on installments due between September 1993 and June 1995.

(2) \$70,000 of the general fund--state appropriation is provided solely for the north county emergency medical service.

**NEW SECTION. Sec. 153. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund Appropriation (FY 1996) \$ 1,647,000

General Fund Appropriation (FY 1997) \$ 1,667,000

TOTAL APPROPRIATION \$ 3,314,000

**NEW SECTION. Sec. 154. FOR THE GROWTH PLANNING HEARINGS BOARD**

General Fund Appropriation (FY 1996) \$ 1,331,000

General Fund Appropriation (FY 1997) \$ 1,334,000

TOTAL APPROPRIATION \$ 2,665,000

**NEW SECTION. Sec. 155. FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Operations

Account Appropriation \$ 25,606,000

**PART II  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is prohibited from requiring special authorization for nonmedical reasons for prescription drugs and medications for medicaid-eligible recipients.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 144,801,000

General Fund--State Appropriation (FY 1997) \$ 151,569,000

General Fund--Federal Appropriation \$ 263,843,000

General Fund--Private/Local Appropriation \$ 400,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 5,719,000  
TOTAL APPROPRIATION \$ 566,332,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,660,000 of the general fund--state appropriation for fiscal year 1996 and \$10,086,000 of the general fund--federal appropriation are provided solely for the modification of the case and management information system (CAMIS). Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) \$5,524,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of this amount:

(a) \$150,000 of the general fund--state appropriation is provided in fiscal year 1996 to develop a plan for children at risk. The department shall work with a variety of service providers and community representatives, including the community public health and safety networks, and shall present the plan to the legislature and the governor by December 1, 1995. The plan shall contain a strategy for the development of an intensive treatment system with outcome-based information on the level of services that are achievable under an annual appropriation of \$5,000,000, \$7,000,000, and \$9,000,000; address the issue of chronic runaways; and determine caseload impacts.

(b) \$219,000 of the general fund--state appropriation is provided in fiscal year 1996 and \$4,678,000 of the general fund--state appropriation is provided in fiscal year 1997 for crisis residential center training and administrative duties and secure crisis residential center contracts.

(c) \$266,000 of the general fund--state appropriation is provided for the multidisciplinary teams and \$211,000 of the general fund--state appropriation is provided in fiscal year 1997 for family reconciliation services.

(d) The state may enter into agreements with the counties to provide residential and treatment services to runaway youth at a rate of reimbursement to be negotiated by the state and county.

(3) \$1,997,000 of the violence reduction and drug enforcement account appropriation and \$8,421,000 of the general fund--federal appropriation are provided solely for the operation of the family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Of these amounts:

(a) \$1,060,000 of the violence reduction and drug enforcement account appropriation is provided solely for distribution to the community public health and safety networks for planning in fiscal year 1996.

(b) \$937,000 of the violence reduction and drug enforcement account appropriation is provided for staff in the children and family services division of the department of social and health services to support family policy council activities. The family policy council is directed to provide training, design, technical assistance, consultation, and direct service dollars to the networks. Of this amount, \$300,000 is provided for the evaluation activities outlined in RCW 70.190.050, to be conducted exclusively by the Washington state institute for public policy. To the extent that private funds can be raised for the evaluation activities, the state funding may be retained by the department to support the family policy council activities.

(c) \$8,421,000 of the general fund--federal appropriation is provided solely for the delivery of services authorized by the federal family preservation and support act.

(4) \$2,575,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5885 (family preservation services). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. Of this amount:

(a) \$75,000 is provided in fiscal year 1996 to develop an implementation and evaluation plan for providing intensive family preservation services and family preservation services. The department shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$3,000,000, \$5,000,000, and \$7,000,000; and

(b) \$2,500,000 is provided in fiscal year 1997 for additional family preservation services based upon the report.

(5) \$4,646,000 of the general fund--state is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(6) \$2,672,000 of the general fund--state is provided solely to increase payment rates to contracted social services child care providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(7) \$854,000 of the violence reduction and drug enforcement account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(8) \$700,000 of the general fund--state appropriation and \$262,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation (FY 1996) \$ 24,944,000  
General Fund--State Appropriation (FY 1997) \$ 25,771,000  
General Fund--Federal Appropriation \$ 20,167,000  
General Fund--Private/Local Appropriation \$ 286,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 5,695,000  
TOTAL APPROPRIATION \$ 76,863,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$650,000 of the general fund--state appropriation for fiscal year 1996 and \$650,000 of the general fund--state appropriation for fiscal year 1997 are provided solely for operation of learning and life skills centers established pursuant to chapter 152, Laws of 1994.

(b) \$1,379,000 of the general fund--state appropriation and \$134,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 25,701,000  
General Fund--State Appropriation (FY 1997) \$ 29,120,000  
General Fund--Federal Appropriation \$ 23,011,000  
General Fund--Private/Local Appropriation \$ 830,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 10,634,000  
TOTAL APPROPRIATION \$ 89,296,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 1,021,000  
General Fund--State Appropriation (FY 1997) \$ 1,024,000  
General Fund--Federal Appropriation \$ 881,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 421,000  
TOTAL APPROPRIATION \$ 3,347,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 107,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 1,177,000  
TOTAL APPROPRIATION \$ 1,284,000

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 1996) \$ 162,878,000  
General Fund--State Appropriation (FY 1997) \$ 169,206,000  
General Fund--Federal Appropriation \$ 241,564,000  
General Fund--Private/Local Appropriation \$ 9,000,000  
Health Services Account Appropriation \$ 19,647,000  
TOTAL APPROPRIATION \$ 602,295,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$8,160,000 of the general fund--state appropriation and \$279,000 of the health services account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(c) From the general fund--state appropriation in this section, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that are used by enrolled regional support network consumers by reason of their psychiatric disability. The secretary of social and health services shall convene representatives from the aging and adult services program, the mental health division, and the regional support networks to establish an equitable and efficient mechanism for accomplishing this reimbursement.

(d) The appropriations in this section assume that expenditures for voluntary psychiatric hospitalization total \$23,600,000 from the general fund--state appropriation and \$4,300,000 from the health services account appropriation in fiscal year 1996, and \$26,200,000 from the general fund--state appropriation and \$4,600,000 from the health services account appropriation in fiscal year 1997. To the extent that regional support networks succeed in reducing hospitalization costs below these levels, one-half of the funds saved shall be provided as bonus payments to regional support networks for delivery of additional community mental health services, and one-half shall revert to the state treasury. Actual expenditures and bonus payments shall be calculated at the end of each biennial quarter, except for the final quarter, when expenditures and bonuses shall be projected based on actual experience through the end of April 1997.

(e) \$1,000,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 56,033,000  
General Fund--State Appropriation (FY 1997) \$ 56,579,000  
General Fund--Federal Appropriation \$ 112,097,000  
General Fund--Private/Local Appropriation \$ 42,512,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 747,000  
TOTAL APPROPRIATION \$ 267,968,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at Western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so.

(3) CIVIL COMMITMENT

General Fund Appropriation (FY 1996) \$ 3,378,000

General Fund Appropriation (FY 1997) \$ 3,378,000  
TOTAL APPROPRIATION \$ 6,756,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 6,341,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,549,000

General Fund--State Appropriation (FY 1997) \$ 2,544,000

General Fund--Federal Appropriation \$ 1,511,000

TOTAL APPROPRIATION \$ 6,604,000

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996) \$ 117,802,000

General Fund--State Appropriation (FY 1997) \$ 121,580,000

General Fund--Federal Appropriation \$ 165,632,000

Health Services Account Appropriation \$ 4,699,000

TOTAL APPROPRIATION \$ 409,713,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 62,357,000

General Fund--State Appropriation (FY 1997) \$ 62,953,000

General Fund--Federal Appropriation \$ 139,600,000

General Fund--Private/Local Appropriation \$ 9,100,000

TOTAL APPROPRIATION \$ 274,010,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,837,000

General Fund--State Appropriation (FY 1997) \$ 2,848,000

General Fund--Federal Appropriation \$ 777,000

TOTAL APPROPRIATION \$ 6,462,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 7,878,000

(5) The appropriations in this section are subject to the following conditions and limitations:

(a) \$6,569,000 of the general fund--state appropriation and \$19,000 of the health services account appropriation and \$4,298,000 of the general fund--federal appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) \$1,447,000 of the general fund--state appropriation is provided solely for employment or other day programs for eligible persons who complete a high school curriculum during the 1995-97 biennium.

(c) \$500,000 of the health services account appropriation is provided solely for fiscal year 1996 and \$3,500,000 of the health services account appropriation is provided solely for fiscal year 1997 for family support services for families who need but are currently unable to receive such services because of funding limitations. The fiscal year 1996 amount shall be prioritized for unserved families who have the most critical need for assistance. The fiscal year 1997 amount shall be distributed among unserved families according to priorities developed in consultation with organizations representing families of people with developmental disabilities.

(d) The secretary of social and health services shall work with provider organizations and advocacy groups to plan and implement strategies for increasing the efficiency of community residential services funded under this section. As a result of those efforts, the average number of persons receiving out-of-home community residential care, on a full-time rather than respite basis, shall be increased by at least 50 persons during fiscal year 1996 over the June 1995 level, and by at least 100 more during fiscal year 1997. Priority for such services shall be given to persons who are residing with elderly parents or relatives. The secretary shall report on plans and progress to the appropriate fiscal and policy committees of the legislature by November 15, 1995, and November 15, 1996.

(e) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(f) The secretary of social and health services shall investigate and by November 15, 1995, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the feasibility of obtaining a federal managed-care waiver under which growth which would otherwise occur in state and federal spending for the medicaid personal care and targeted case management programs is instead capitated and used to provide a flexible array of employment, day program, and in-home supports.

(g) \$1,015,000 of the program support general fund--state appropriation is provided solely for distribution among the five regional deaf centers for services for the deaf and hard of hearing.

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 378,972,000

General Fund--State Appropriation (FY 1997) \$ 393,491,000

General Fund--Federal Appropriation \$ 793,250,000

Health Services Account--State Appropriation \$ 9,885,000

TOTAL APPROPRIATION \$ 1,575,598,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,492,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to

adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(3) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for the community options program entry system exceed allotted levels, the secretary of social and health services shall immediately take action to adjust functional eligibility standards, service levels, and/or the terms of the medicaid waiver sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(4) The department shall seek a federal plan amendment to increase the home maintenance needs allowance for unmarried COPES recipients only to 100 percent of the federal poverty level. No changes shall be implemented in COPES home maintenance needs allowances until the amendment has been approved.

(5) The secretary of social and health services shall transfer funds appropriated under section 207(2) of this act to this section for the purpose of integrating and streamlining programmatic and financial eligibility determination for long-term care services.

(6) A maximum of \$2,603,000 of the general fund--state appropriation and \$2,670,000 of the general fund--federal appropriation for fiscal year 1996 and \$5,339,000 of the general fund--state appropriation and \$5,380,000 of the general fund--federal appropriation for fiscal year 1997 are provided to fund the medicaid share of any prospective payment rate adjustments as may be necessary in accordance with RCW 74.46.460.

(7) The health services account appropriation is to be used solely for the enrollment of home care workers employed through state contracts in the basic health plan.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

**(1) GRANTS AND SERVICES TO CLIENTS**

General Fund--State Appropriation (FY 1996) \$ 403,859,000

General Fund--State Appropriation (FY 1997) \$ 405,332,000

General Fund--Federal Appropriation \$ 677,127,000

**TOTAL APPROPRIATION \$ 1,486,318,000**

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more  
Exemption: \$55 71 86 102 117 133 154 170

(b) \$18,000 of the general fund--state appropriation for fiscal year 1996 and \$37,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(c) Not more than \$7,700,000 of the general fund--state appropriation may be expended to provide cash assistance through the general assistance for pregnancy program as specified in RCW 74.04.005 as amended (Substitute House Bill No. 2083).

**(2) PROGRAM SUPPORT**

General Fund--State Appropriation (FY 1996) \$ 113,329,000

General Fund--State Appropriation (FY 1997) \$ 110,137,000

General Fund--Federal Appropriation \$ 202,152,000

Health Services Account Appropriation \$ 750,000

**TOTAL APPROPRIATION \$ 426,368,000**

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$16,000 of the general fund--state appropriation for fiscal year 1996 and \$34,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social service providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) The department shall report to the fiscal committees of the legislature no later than December 20, 1995, concerning the number and dollar value of contracts for services provided as part of the job opportunities and basic skills program. This report shall indicate the criteria used in the choice of state agencies or private entities for a particular contract, the total value of contracts with state agencies, and the total value of contracts with private entities. The report shall also indicate what, if any, performance criteria are included in job opportunities and basic skills program contracts.

(c) The department shall:

(i) Reinstate the SAVE program by September 30, 1995, and report to the fiscal committees of the house of representatives and senate by December 1, 1995, regarding the progress of implementation and outcomes by region of the program;

(ii) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status;

(iii) Post at every community service office a sign letting applicants and recipients know that illegal aliens will be reported to the United States immigration and naturalization service and that the systematic alien verification for entitlements system is in use in the office; and

(iv) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 8,199,000

General Fund--State Appropriation (FY 1997) \$ 8,736,000

General Fund--Federal Appropriation \$ 76,400,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 71,900,000  
Health Services Account Appropriation \$ 969,000  
TOTAL APPROPRIATION \$ 166,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$400,000 of the health services account appropriation is provided solely to implement Second Substitute Senate bill No. 5688 (fetal alcohol syndrome). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$502,000 of the general fund--state appropriation and \$435,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1996 and \$1,015,000 of the general fund--state appropriation and \$1,023,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted and subcontract social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(4) \$552,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 670,792,000  
General Fund--State Appropriation (FY 1997) \$ 692,015,000  
General Fund--Federal Appropriation \$ 1,761,005,000  
General Fund--Private/Local Appropriation \$ 242,525,000  
Health Services Account Appropriation \$ 199,571,000  
TOTAL APPROPRIATION \$ 3,565,908,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. The department shall also continue to provide consistent reporting on other medicaid children served through the basic health plan.

(2) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(3) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(4) \$3,682,000 of the general fund--state appropriation for fiscal year 1996 and \$7,844,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted medical services providers.

(5)(a) Pursuant to RCW 74.09.700, the medically needy program shall be limited to include only the following groups: Those persons who, except for income and resources, would be eligible for the medicaid categorically needy aged, blind, or disabled programs and medically needy persons under age 21 or over age 65 in institutions for mental diseases or in intermediate care facilities for the mentally retarded. Existing departmental rules concerning income, resources, and other aspects of eligibility for the medically needy program shall continue to apply to these groups. The medically needy program will not provide coverage for caretaker relatives of medicaid-eligible children or for adults in families with dependent children who, except for income and resources, would be eligible for the medicaid categorically needy aid to families with dependent children program.

(b) Notwithstanding (a) of this subsection, the medically needy program shall provide coverage until December 31, 1995, to those persons who, except for income and resources, would be eligible for the medicaid aid to families with dependent children program. Not more than \$2,020,000 of the general fund--state appropriation may be expended for this purpose.

(6) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.

(7) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(8) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(9) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(10) Funding is provided in this section to fund payment of insurance premiums for persons with human immunodeficiency virus who are not eligible for medicaid.

(11) Not more than \$11,410,000 of the general fund--state appropriation may be expended for the purposes of operating the medically indigent program during fiscal year 1996. Funding is provided solely for emergency transportation and acute emergency hospital services, including emergency room physician services and related inpatient hospital physician services. Funding for such services is to be provided to an eligible individual for a maximum of three months following a hospital admission and only after \$2,000 of emergency medical expenses have been incurred in any twelve-month period.

(12) Not more than \$10,000,000 of the health services account appropriation may be expended for the purposes of providing reimbursement during fiscal year 1997 to those hospitals and physicians most adversely affected by the provision of uncompensated emergency room and uncompensated inpatient hospital care. The department shall develop rules stating the conditions for and rates of compensation.

(13) \$21,525,000 of the health services account appropriation and \$21,031,000 of the general fund--federal appropriation are provided solely to increase access to dental services and to increase the use of preventative dental services for title XIX categorically eligible children.

(14) After considering administrative and cost factors, the department shall adopt measures to realize savings in the purchase of prescription drugs, hearing aids, home health services, wheelchairs and other durable medical equipment, and disposable supplies. Such measures may include, but not be limited to, point-of-sale pharmacy adjudication systems, modification of reimbursement methodologies or payment schedules, selective contracting, and inclusion of such services in managed care rates.

(15) As part of the long-term care reforms contained in Engrossed Second Substitute House Bill No. 1908, after receiving acute inpatient hospital care, eligible clients shall be transferred from the high cost institutional setting to the least restrictive, least costly, and most appropriate facility as soon as medically reasonable. Physical medicine and rehabilitation services (acute rehabilitation) shall take place in the

least restrictive environment, at the least cost and in the most appropriate facility as determined by the department in coordination with appropriate health care professionals and facilities. Facilities providing physical medicine and rehabilitation services must meet the quality care certification standards required of acute rehabilitation hospitals and rehabilitation units of hospitals.

(16) The department is authorized to provide no more than five chiropractic service visits per person per year for those eligible recipients with acute conditions.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 7,741,000  
General Fund--State Appropriation (FY 1997) \$ 7,846,000  
General Fund--Federal Appropriation \$ 73,180,000  
General Fund--Private/Local Appropriation \$ 2,904,000  
TOTAL APPROPRIATION \$ 91,671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in the direct delivery of service to clients.

(2) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies.

(3) \$310,000 of the general fund--state appropriation and \$1,144,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals with developmental disabilities who complete a high school curriculum during the 1995-97 biennium.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 25,933,000  
General Fund--State Appropriation (FY 1997) \$ 25,934,000  
General Fund--Federal Appropriation \$ 41,503,000  
General Fund--Private/Local Appropriation \$ 270,000  
TOTAL APPROPRIATION \$ 93,640,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(2) \$500,000 of the general fund--state appropriation and \$300,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). The department may transfer all or a portion of these amounts to the appropriate divisions of the department for this purpose. If Engrossed Substitute House Bill No. 1010 (regulatory reform) is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 18,058,000  
General Fund--State Appropriation (FY 1997) \$ 18,169,000  
General Fund--Federal Appropriation \$ 135,488,000  
General Fund--Local Appropriation \$ 33,232,000  
TOTAL APPROPRIATION \$ 204,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

(3) The amounts appropriated in this section for child support legal services shall only be expended by means of contracts with local prosecutor's offices.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 21,112,000  
General Fund--State Appropriation (FY 1997) \$ 20,668,000  
General Fund--Federal Appropriation \$ 16,281,000  
TOTAL APPROPRIATION \$ 58,061,000

**NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE POLICY BOARD**

General Fund--Private/Local Appropriation \$ 110,000  
Health Services Account Appropriation \$ 4,229,000  
TOTAL APPROPRIATION \$ 4,339,000

**NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 1996) \$ 3,403,000  
General Fund--State Appropriation (FY 1997) \$ 3,403,000  
State Health Care Authority Administrative  
Account Appropriation \$ 15,744,000



Health Services Account Appropriation \$ 249,642,000  
TOTAL APPROPRIATION \$ 272,192,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,806,000 of the general fund appropriation and \$5,590,000 of the health services account appropriation are provided solely for health care services provided through local community clinics.

(2) \$1,268,000 of the health care authority administrative fund appropriation is provided to accommodate additional enrollment from school districts that voluntarily choose to purchase employee benefits through public employee benefits board programs. The office of financial management is directed to monitor K-12 enrollment in PEBB plans and to reduce allotments proportionally if the number of K-12 active employees enrolled after January 1995 is less than 11,837.

**NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 1,905,000  
General Fund--State Appropriation (FY 1997) \$ 1,912,000  
General Fund--Federal Appropriation \$ 1,344,000  
General Fund--Private/Local Appropriation \$ 402,000  
TOTAL APPROPRIATION \$ 5,563,000

**NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account  
Appropriation \$ 20,000  
Accident Account Appropriation \$ 9,806,000  
Medical Aid Account Appropriation \$ 9,807,000  
TOTAL APPROPRIATION \$ 19,633,000

**NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Death Investigations Account Appropriation \$ 38,000  
Public Safety and Education Account  
Appropriation \$ 10,654,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 344,000  
TOTAL APPROPRIATION \$ 11,036,000

The appropriations in this section are subject to the following conditions and limitations: \$28,000 of the public safety and education account is provided solely to implement Engrossed Second Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation (FY 1996) \$ 5,270,000  
General Fund Appropriation (FY 1997) \$ 5,311,000  
Public Safety and Education Account--State  
Appropriation \$ 19,547,000  
Public Safety and Education Account--Federal  
Appropriation \$ 6,002,000  
Public Safety and Education Account--Private/Local  
Appropriation \$ 972,000  
Electrical License Account Appropriation \$ 19,321,000  
Farm Labor Revolving Account--Private/Local  
Appropriation \$ 28,000  
Worker and Community Right-to-Know Account  
Appropriation \$ 2,138,000  
Public Works Administration Account  
Appropriation \$ 1,928,000  
Accident Account--State Appropriation \$ 137,909,000  
Accident Account--Federal Appropriation \$ 9,112,000  
Medical Aid Account--State Appropriation \$ 148,204,000  
Medical Aid Account--Federal Appropriation \$ 1,592,000  
Plumbing Certificate Account Appropriation \$ 682,000  
Pressure Systems Safety Account Appropriation \$ 2,053,000  
TOTAL APPROPRIATION \$ 360,069,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "crime victims--prime migration" and "document imaging--field offices" are conditioned upon compliance with section 902 of this act. In addition, funds for the "document imaging--field offices" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) Institute copayments for services; (b) develop preferred provider and managed care contracts; and (c) coordinate with the department of social and health services to use public safety and education account funds as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$108,000 of the general fund appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(5) By November 1, 1995, the director of labor and industries shall report to the appropriate policy and fiscal committees of the legislature with a plan for establishing within existing resources a designated claims unit to specialize in claims by state employees.

(6)(a) The appropriations in this section may not be used to implement or enforce rules that are not in compliance with the regulatory fairness act, under chapter 19.85 RCW.

(b) The appropriations in this section may not be used to implement or enforce rules that the joint administrative rules review committee finds are not within the intent of the legislature as expressed by the statute that the rule implements.

(7) \$450,000 of the accident account--state appropriation and \$450,000 of the medical aid account--state appropriation are provided solely to implement an on-line claims data access system that will include all employers in the retrospective rating plan program.

(8) Within the appropriations provided in this section, the department shall implement an integrated state-wide on-line verification system for pharmacy providers. The system shall be implemented by means of contracts that are competitively bid. Until this system is implemented, no department rules may take effect that reduce the dispensing fee for industrial insurance pharmacy services in effect on January 1, 1995.

**NEW SECTION. Sec. 220. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund Appropriation (FY 1996) \$ 1,199,000  
General Fund Appropriation (FY 1997) \$ 1,086,000  
TOTAL APPROPRIATION \$ 2,285,000

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund Appropriation (FY 1996) \$ 1,227,000  
General Fund Appropriation (FY 1997) \$ 1,226,000  
Industrial Insurance Refund Account  
Appropriation \$ 25,000  
Charitable, Educational, Penal, and Reformatory  
Institutions Account Appropriation \$ 4,000  
TOTAL APPROPRIATION \$ 2,482,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 1996) \$ 1,853,000  
General Fund--State Appropriation (FY 1997) \$ 1,852,000  
General Fund--Federal Appropriation \$ 736,000  
General Fund--Private/Local Appropriation \$ 85,000  
TOTAL APPROPRIATION \$ 4,526,000

(3) VETERANS HOME

General Fund--State Appropriation (FY 1996) \$ 4,127,000  
General Fund--State Appropriation (FY 1997) \$ 3,984,000  
General Fund--Federal Appropriation \$ 10,703,000  
General Fund--Private/Local Appropriation \$ 7,527,000  
TOTAL APPROPRIATION \$ 26,341,000

(4) SOLDIERS HOME

General Fund--State Appropriation (FY 1996) \$ 3,135,000  
General Fund--State Appropriation (FY 1997) \$ 3,049,000  
General Fund--Federal Appropriation \$ 6,158,000  
General Fund--Private/Local Appropriation \$ 4,667,000  
TOTAL APPROPRIATION \$ 17,009,000

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 1996) \$ 44,314,000  
General Fund--State Appropriation (FY 1997) \$ 44,313,000  
General Fund--Federal Appropriation \$ 233,122,000  
General Fund--Private/Local Appropriation \$ 25,476,000  
Hospital Commission Account Appropriation \$ 3,019,000  
Medical Disciplinary Account Appropriation \$ 1,798,000  
Health Professions Account Appropriation \$ 32,592,000  
Safe Drinking Water Account Appropriation \$ 2,751,000  
Public Health Services Account Appropriation \$ 23,753,000  
Waterworks Operator Certification  
Appropriation \$ 605,000  
Water Quality Account Appropriation \$ 3,079,000  
State Toxics Control Account Appropriation \$ 2,824,000  
Violence Reduction and Drug Enforcement Account  
Appropriation \$ 469,000  
Medical Test Site Licensure Account  
Appropriation \$ 1,822,000  
Youth Tobacco Prevention Account Appropriation \$ 1,412,000  
Health Services Account Appropriation \$ 16,516,000  
State and Local Improvements Revolving  
Account--Water Supply Facilities  
Appropriation \$ 40,000  
TOTAL APPROPRIATION \$ 437,905,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,466,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.

(2) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.

(3) \$4,750,000 of the public health account appropriation is provided solely for distribution to local health departments for capacity building and community assessment and mobilization.

(4) \$2,000,000 of the health services account appropriation is provided solely for public health information systems development. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(5) \$1,000,000 of the health services account appropriation is provided solely for state level capacity building.

(6) \$1,000,000 of the health services account appropriation is provided solely for training of public health professionals.

(7) \$200,000 of the health services account appropriation is provided solely for the American Indian health plan.

(8) \$1,640,000 of the health services account appropriation is provided solely for health care quality assurance and health care data standards activities as required by Engrossed Substitute House Bill No. 1589 (health care quality assurance).

(9) \$1,000,000 of the health services account appropriation is provided solely for development of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.

(10) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(11) \$981,000 of the general fund--state appropriation and \$3,873,000 of the general fund--private/local appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(12) The department is authorized to raise existing fees for nursing assistants and hypnotherapists in excess of the fiscal growth factor established by Initiative 601, if necessary, in order to meet the actual costs of investigative and legal services due to disciplinary activities.

#### **NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

##### **(1) ADMINISTRATION AND PROGRAM SUPPORT**

General Fund Appropriation (FY 1996) \$ 12,269,000

General Fund Appropriation (FY 1997) \$ 12,047,000

TOTAL APPROPRIATION \$ 24,316,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$211,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5088 (sexually violent predators). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (a) shall lapse.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) Appropriations in this section provide sufficient funds to implement the provisions of Second Engrossed Second Substitute House Bill 2010 (corrections cost-efficiency and inmate responsibility omnibus act).

(e) In treating sex offenders at the Twin Rivers corrections center, the department of corrections shall prioritize treatment services to reduce recidivism and shall develop and implement an evaluation tool that: (i) States the purpose of the treatment; (ii) measures the amount of treatment provided; (iii) identifies the measure of success; and (iv) determines the level of successful and unsuccessful outcomes. The department shall report to the legislature by December 1, 1995, on how treatment services were prioritized among categories of offenses and provide a description of the evaluation tool and its incorporation into the treatment program.

##### **(2) INSTITUTIONAL SERVICES**

General Fund--State Appropriation (FY 1996) \$ 265,008,000

General Fund--State Appropriation (FY 1997) \$ 270,221,000

General Fund--Federal Appropriation \$ 2,000,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 1,214,000

TOTAL APPROPRIATION \$ 538,443,000

##### **(3) COMMUNITY CORRECTIONS**

General Fund Appropriation (FY 1996) \$ 80,068,000

General Fund Appropriation (FY 1997) \$ 81,226,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 400,000

TOTAL APPROPRIATION \$ 161,694,000

##### **(4) CORRECTIONAL INDUSTRIES**

General Fund Appropriation (FY 1996) \$ 3,330,000

General Fund Appropriation (FY 1997) \$ 3,503,000

TOTAL APPROPRIATION \$ 6,833,000

##### **(5) INTERAGENCY PAYMENTS**

General Fund Appropriation (FY 1996) \$ 6,223,000

General Fund Appropriation (FY 1997) \$ 6,223,000

TOTAL APPROPRIATION \$ 12,446,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 1996) \$ 1,466,000  
General Fund--State Appropriation (FY 1997) \$ 1,123,000  
General Fund--Federal Appropriation \$ 9,683,000  
General Fund--Private/Local Appropriation \$ 80,000  
TOTAL APPROPRIATION \$ 12,352,000

**NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund Appropriation (FY 1996) \$ 517,000  
General Fund Appropriation (FY 1997) \$ 469,000  
TOTAL APPROPRIATION \$ 986,000

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ 334,000  
General Fund--State Appropriation (FY 1997) \$ 334,000  
General Fund--Federal Appropriation \$ 190,936,000  
General Fund--Private/Local Appropriation \$ 21,965,000  
Unemployment Compensation Administration  
Account--Federal Appropriation \$ 177,891,000  
Administrative Contingency Account--Federal  
Appropriation \$ 8,146,000  
Employment Services Administrative Account--  
Federal Appropriation \$ 12,294,000  
Employment and Training Trust Account  
Appropriation \$ 9,294,000  
TOTAL APPROPRIATION \$ 421,194,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project. Authority to expend this amount is conditioned on compliance with section 902 of this act.
- (2) The employment and training trust account appropriation shall not be expended until a plan for such expenditure is reviewed and approved by the workforce training and education coordinating board for consistency with chapter 226, Laws of 1993 (employment and training for unemployed workers), and the comprehensive plan for workforce training provided in RCW 28C.18.060(4).
- (3) \$95,000 of the employment services administrative account--federal appropriation is provided solely for a study of the financing provisions of the state's unemployment insurance law pursuant to Engrossed Senate Bill No. 5925.

**PART III  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE**

General Fund--State Appropriation (FY 1996) \$ 508,000  
General Fund--Federal Appropriation \$ 8,896,000  
General Fund--Private/Local Appropriation \$ 3,417,000  
Geothermal Account Appropriation \$ 21,000  
Industrial Insurance Premium Refund  
Appropriation \$ 2,000  
Building Code Council Account Appropriation \$ 10,000  
Air Pollution Control Account Appropriation \$ 3,138,000  
Energy Efficiency Services Account  
Appropriation \$ 493,000  
TOTAL APPROPRIATION \$ 16,485,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided solely for the public policy institute, in consultation with the office of financial management and the state energy office, to review options regarding the distribution of energy-related functions to other entities and develop an implementation plan for the closure of the state energy office. The plan shall include but not be limited to: (1) The feasibility of providing energy-related services through a nonprofit organization or organizations; (2) recommendations for the distribution of energy-related functions to other entities; (3) corresponding recommendations regarding statutory changes necessary to distribute functions and implement the plan; and (4) a time schedule for eliminating functions or transferring functions to other entities. The public policy institute shall submit the plan to the appropriate committees of the house of representatives and the senate by November 1, 1995. It is the intent of the legislature that the state continue to receive oil overcharge restitution funds for the citizens of the state and that every effort be made to maximize federal funds available for energy conservation purposes. To this end, the state energy office or its successor organizations may enter into contracts with appropriate entities to carry out energy conservation programs.

**NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 287,000  
General Fund--State Appropriation (FY 1997) \$ 290,000  
General Fund--Private/Local Appropriation \$ 524,000  
TOTAL APPROPRIATION \$ 1,101,000

The appropriations in this section are subject to the following conditions and limitations: State agencies shall provide to the commission, without charge, all available data and information necessary to complete its review of the Columbia River Gorge management plan.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 1996) \$ 22,125,000

General Fund--State Appropriation (FY 1997) \$ 20,639,000  
 General Fund--Federal Appropriation \$ 42,131,000  
 General Fund--Private/Local Appropriation \$ 1,385,000  
 Special Grass Seed Burning Research Account  
     Appropriation \$ 42,000  
 Reclamation Revolving Account Appropriation \$ 2,664,000  
 Flood Control Assistance Account Appropriation \$ 4,000,000  
 State Emergency Water Projects Revolving Account  
     Appropriation \$ 312,000  
 Waste Reduction, Recycling, and Litter Control  
     Account Appropriation \$ 5,461,000  
 State and Local Improvements Revolving Account--  
     Waste Disposal Appropriation \$ 1,000,000  
 State and Local Improvements Revolving Account--  
     Water Supply Facilities Appropriation \$ 1,344,000  
 Basic Data Account Appropriation \$ 182,000  
 Vehicle Tire Recycling Account Appropriation \$ 3,283,000  
 Water Quality Account Appropriation \$ 3,420,000  
 Worker and Community Right to Know Account  
     Appropriation \$ 408,000  
 State Toxics Control Account Appropriation \$ 49,924,000  
 Local Toxics Control Account Appropriation \$ 3,342,000  
 Water Quality Permit Account Appropriation \$ 19,600,000  
 Underground Storage Tank Account  
     Appropriation \$ 2,336,000  
 Solid Waste Management Account Appropriation \$ 3,631,000  
 Hazardous Waste Assistance Account  
     Appropriation \$ 3,476,000  
 Air Pollution Control Account Appropriation \$ 13,458,000  
 Oil Spill Administration Account Appropriation \$ 2,939,000  
 Water Right Permit Processing Account  
     Appropriation \$ 500,000  
 Wood Stove Education Account Appropriation \$ 1,251,000  
 Air Operating Permit Account Appropriation \$ 4,548,000  
 Freshwater Aquatic Weeds Account Appropriation \$ 1,187,000  
 Oil Spill Response Account Appropriation \$ 7,060,000  
 Metals Mining Account Appropriation \$ 300,000  
 Water Pollution Control Revolving Account--State  
     Appropriation \$ 165,000  
 Water Pollution Control Revolving Account--Federal  
     Appropriation \$ 1,019,000  
                     TOTAL APPROPRIATION \$ 223,132,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,324,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$394,000 of the general fund--federal appropriation, \$819,000 of the state toxics control account appropriation, \$3,591,000 of the water quality permit fee account appropriation, \$883,000 of the water quality account appropriation, and \$2,715,000 of the oil spill administration account appropriation may be used for the implementation of the Puget Sound water quality management plan.

(2) \$200,000 of the general fund--state appropriation is provided solely for implementing Substitute House Bill No. 1327 or substantially similar legislation (water rights claims filing). If the bill or substantially similar legislation is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$150,000 of the state toxics control account appropriation and \$150,000 of the local toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1810 (hazardous substance cleanup). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$581,000 of the general fund--state appropriation, \$170,000 of the air operating permit account appropriation, \$80,000 of the water quality permit account appropriation, and \$63,000 of the state toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(6) \$250,000 of the flood control assistance account is provided solely for a grant or contract to the lead local entity for technical analysis and coordination with the Army Corps of Engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

(7) \$70,000 of the general fund--state appropriation, \$90,000 of the state toxics control account appropriation, and \$55,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1724 (growth management). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(8) If Engrossed Substitute House Bill No. 1125 (dam safety inspections), or substantially similar legislation, is not enacted by June 30, 1995, then the department shall not expend any funds appropriated in this section for any regulatory activity authorized under RCW 90.03.350 with respect to hydroelectric facilities which require a license under the federal power act, 16 U.S.C.S. Sec. 791a et seq. If Engrossed Substitute House Bill No. 1125, or substantially similar legislation, is enacted by June 30, 1995, then the department may apply all available funds appropriated under this section for regulatory activity authorized under RCW 90.03.350 for the purposes of inspecting and regulating the safety of dams under the exclusive jurisdiction of the state.

(9) \$425,000 of the general fund--state appropriation and \$525,000 of the general fund--federal appropriation are provided solely for the Padilla Bay national estuarine research reserve and interpretive center.

(10) \$500,000 of the water right permit processing account appropriation and \$1,854,000 of the general fund--state appropriation are provided solely for continuing the department's participation in the Yakima adjudicative process.

(11) The water right permit processing account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for water right permit processing, regional water planning, and implementation of regional water plans.

(12) \$1,298,000 of the general fund--state appropriation, \$188,000 of the general fund--federal appropriation, and \$883,000 of the water quality account appropriation are provided solely to coordinate and implement the activities required by the Puget Sound water quality management plan and to perform the powers and duties under chapter 90.70 RCW.

**NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 18,020,000

General Fund--State Appropriation (FY 1997) \$ 17,877,000

General Fund--Federal Appropriation \$ 1,930,000

General Fund--Private/Local Appropriation \$ 1,463,000

Winter Recreation Program Account

Appropriation \$ 725,000

Off Road Vehicle Account Appropriation \$ 241,000

Snowmobile Account Appropriation \$ 2,174,000

Aquatic Lands Enhancement Account

Appropriation \$ 313,000

Public Safety and Education Account

Appropriation \$ 48,000

Industrial Insurance Premium Refund Account

Appropriation \$ 10,000

Waste Reduction, Recycling, and Litter Control

Account Appropriation \$ 34,000

Water Trail Program Account Appropriation \$ 26,000

Parks Renewal and Stewardship Account

Appropriation \$ 22,461,000

**TOTAL APPROPRIATION \$ 65,322,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.

(2) The general fund--state appropriation and the parks renewal and stewardship account appropriation are provided to maintain full funding and continued operation of all state parks and state parks facilities.

(3) \$1,800,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$3,591,000 of the parks renewal and stewardship account appropriation is provided for operation of a centralized reservation system.

(5) \$100,000 of the general fund--state appropriation is provided solely for a state match to local funds to prepare a master plan for Mt. Spokane state park.

**NEW SECTION. Sec. 305. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms Range Account Appropriation \$ 108,000

Recreation Resources Account--State

Appropriation \$ 2,387,000

Recreation Resources Account--Federal

Appropriation \$ 200,000

NOVA Appropriation \$ 524,000

**TOTAL APPROPRIATION \$ 3,219,000**

The appropriations in this section are subject to the following conditions and limitations: \$338,000 of the recreation resources account--state appropriation, \$150,000 of the recreation resources account--federal appropriation, and \$82,000 of the firearms range account appropriation are provided solely for the development and implementation of a grant tracking and management system.

**NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund Appropriation (FY 1996) \$ 715,000

General Fund Appropriation (FY 1997) \$ 713,000

**TOTAL APPROPRIATION \$ 1,428,000**

**NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION**

General Fund Appropriation (FY 1996) \$ 852,000

General Fund Appropriation (FY 1997) \$ 810,000

Water Quality Account Appropriation \$ 202,000

**TOTAL APPROPRIATION \$ 1,864,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan. In addition, \$130,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.

(3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5616 (watershed restoration projects). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$750,000 of the general fund appropriation is provided solely for grants to local conservation districts.

**NEW SECTION. Sec. 308. FOR THE OFFICE OF MARINE SAFETY**

State Toxics Control Account

Appropriation \$ 276,000

Oil Spill Administrative Account

Appropriation \$ 3,506,000

TOTAL APPROPRIATION \$ 3,782,000

The appropriations in this section are subject to the following conditions and limitations: \$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington's SeaGrant program in order to develop an education program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 1996) \$ 32,380,000

General Fund--State Appropriation (FY 1997) \$ 32,339,000

General Fund--Federal Appropriation \$ 54,098,000

General Fund--Private/Local Appropriation \$ 15,986,000

Off Road Vehicle Account Appropriation \$ 476,000

Aquatic Lands Enhancement Account

Appropriation \$ 5,412,000

Public Safety and Education Account

Appropriation \$ 590,000

Industrial Insurance Premium Refund Account

Appropriation \$ 156,000

Recreational Fisheries Enhancement Account

Appropriation \$ 2,200,000

Wildlife Account Appropriation \$ 49,741,000

Special Wildlife Account Appropriation \$ 1,884,000

Oil Spill Administration Account

Appropriation \$ 831,000

TOTAL APPROPRIATION \$ 196,093,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,532,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$250,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interests in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(3) \$500,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5632 (flood damage reduction). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$350,000 of the wildlife account appropriation is provided solely for control and eradication of class B designate weeds on department owned and managed lands.

(5) \$250,000 of the general fund--state appropriation is provided solely for costs associated with warm water fish production. Expenditure of this amount shall be consistent with the goals established under RCW 77.12.710 for development of a warm water fish program. No portion of this amount may be expended for any type of feasibility study.

(6) \$634,000 of the general fund--state appropriation and \$50,000 of the wildlife account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$2,000,000 of the general fund--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5157 (mass marking), chapter 372, Laws of 1995, under the following conditions:

(a) If, by October 1, 1995, the state reaches agreement with Canada on a marking and detection program, implementation will begin with the 1994 Puget Sound brood coho.

(b) If, by October 1, 1995, the state does not reach agreement with Canada on a marking and detection program, a pilot project shall be conducted with 1994 Puget Sound brood coho.

(c) Full implementation will begin with the 1995 brood coho.

(d) \$700,000 of the department's equipment funding and \$300,000 of the department's administration funding will be redirected toward implementation of Second Substitute Senate Bill No. 5157 during the 1995-97 biennium.

(8) The department shall request a reclassification study be conducted by the personnel resources board for hatchery staff. Any implementation of the study, if approved by the board, shall be pursuant to section 911 of this act.

(9) Within the appropriations in this section, the department shall maintain the Issaquah hatchery at the current 1993-95 operational level.

(10) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

(11) \$110,000 of the aquatic lands enhancement account appropriation may be used for publishing a brochure concerning hydraulic permit application requirements for the control of spartina and purple loosestrife.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 1996) \$ 20,300,000  
General Fund--State Appropriation (FY 1997) \$ 20,299,000  
General Fund--Federal Appropriation \$ 3,024,000  
General Fund--Private/Local Appropriation \$ 414,000  
Forest Development Account Appropriation \$ 37,946,000  
Off Road Vehicle Account Appropriation \$ 3,074,000  
Surveys and Maps Account Appropriation \$ 1,788,000  
Aquatic Lands Enhancement Account Appropriation \$ 2,512,000  
Resource Management Cost Account Appropriation \$ 11,624,000  
Waste Reduction, Recycling, and Litter Control  
Account Appropriation \$ 440,000  
Surface Mining Reclamation Account  
Appropriation \$ 1,273,000  
Wildlife Account Appropriation \$ 1,300,000  
Water Quality Account Appropriation \$ 2,000,000  
Aquatic Land Dredged Material Disposal Site  
Account Appropriation \$ 734,000  
Natural Resources Conservation Areas Stewardship  
Account Appropriation \$ 1,003,000  
Air Pollution Control Account Appropriation \$ 921,000  
Watershed Restoration Account Appropriation \$ 5,000,000  
Metals Mining Account Appropriation \$ 41,000

TOTAL APPROPRIATION \$ 113,693,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$7,998,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.
- (2) \$36,000 of the general fund--state appropriations is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$957,000 of the aquatic lands enhancement account is provided for the implementation of the Puget Sound water quality management plan.
- (3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.
- (4) \$22,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1437 (amateur radio repeater sites). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.
- (5) \$49,000 of the air pollution control account appropriation is provided solely to implement Substitute House Bill No. 1287 (silvicultural burning). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.
- (6) \$290,000 of the general fund--state appropriation, \$10,000 of the surface mining reclamation account appropriation, and \$29,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If this bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.
- (7) By September 30, 1995, the agency shall report to the appropriate fiscal committees of the legislature on fire suppression costs incurred during the 1993-95 biennium. The report shall provide the following information: (a) An object breakdown of costs for the 1993-95 fire suppression subprogram; (b) the amount of reimbursement provided for personnel, services, and equipment outside the agency; (c) FTE levels and salary amounts by fund of positions backfilled as a result of the fires; (d) overtime costs paid to agency personnel; (e) equipment replacement costs, and (f) final allocation of costs for the Hatchery and Tyee fires between the United States forest service, local governments, and the state.
- (8) By December 1, 1995, the department shall report to the house committee on natural resources and the senate committee on natural resources on measures taken to improve the health of the Loomis state forest.
- (9) \$13,000 of the general fund--state appropriation is provided solely to pay a portion of the rent charged to nonprofit television reception improvement districts pursuant to chapter 294, Laws of 1994.
- (10) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.
- (11) Up to \$572,000 of the general fund--state appropriation may be expended for the natural heritage program.
- (12) \$13,000,000, of which \$5,000,000 is from the watershed restoration account appropriation, \$1,300,000 is from the wildlife account appropriation, \$2,500,000 is from the resource management cost account appropriation, \$500,000 is from the forest development account appropriation, \$2,000,000 is from the water quality account appropriation, and \$1,700,000 is from the general fund--federal appropriation, is provided solely for the jobs in the environment program and/or the watershed restoration partnership program.
  - (a) These funds shall be used to:
    - (i) Restore and protect watersheds in accordance with priorities established to benefit fish stocks in critical or depressed condition as determined by the watershed coordinating council;
    - (ii) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts; and
    - (iii) Create market wage jobs in environmental restoration for displaced natural resource impact area workers, as defined under Second Substitute Senate Bill No. 5342 (rural natural resource impact areas).
  - (b) Except as provided in subsection (c) of this section, these amounts are solely for projects jointly selected by the department of natural resources and the department of fish and wildlife. Funds may be expended for planning, design, and engineering for projects that restore and protect priority watersheds identified by the watershed coordinating council and conform to priorities for fish stock recovery developed through watershed analysis conducted by the department of natural resources and the department of fish and wildlife. Funds expended shall be used for specific projects and not for on-going operational costs. Eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, clean-up of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover.



(c) The department of natural resources and the department of fish and wildlife, in consultation with the watershed coordinating council, the office of financial management, and other appropriate agencies, shall report to the appropriate committees of the legislature on January 1, 1996, and annually thereafter, on any expenditures made from these amounts and a plan for future use of the moneys provided in this subsection. The plan shall include a prioritized list of watersheds and future watershed projects. The plan shall also consider future funding needs, the availability of federal funding, and the integration and coordination of existing watershed and protection programs.

(d) All projects shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds shall be expended to acquire land through condemnation.

(e) Funds from the wildlife account appropriation shall be available only to the extent that the department of fish and wildlife sells surplus property.

(f) Funds from the resource management cost account appropriation shall only be used for projects on trust lands. Funds from the forest development account shall only be used for projects on county forest board lands.

(g) Projects under contract as of June 1, 1995 will be given first priority.

**NEW SECTION. Sec. 311. RESOURCE MANAGEMENT.** There is hereby appropriated from the resource management cost account for the operations of the department of natural resources, subject to the requirement that the department of natural resources shall not expend any moneys from any source to implement any habitat conservation plan or other agreement or commitment intended to induce the issuance of a permit from the federal government that affects more than ten thousand acres of public and/or state forest land for five or more years without a specific appropriation for that purpose and prior report to the legislative committees on natural resources as provided in this section, seventy-one million dollars for the biennium ending June 30, 1997.

(1) The department of natural resources shall report to the standing committees on natural resources of the legislature before entering into any agreement or making any commitment intended to induce the issuance of a permit from the federal government which, individually or together with any other agreement or commitment, affects more than ten thousand acres of public and/or state forest land for five or more years. Agreements and commitments to which this section applies include but are not limited to conservation plans and incidental take permits under 16 U.S.C. sec. 1539, and all other agreements, management plans, and "no-take" or similar letters relating to the federal endangered species act. The department shall provide the standing committees with copies of all proposed plans, agreements, and commitments, together with an analysis demonstrating that the proposed agreement or commitment is in the best interests of the trust beneficiaries.

(2) The department shall submit the following with each biennial budget request:

(a) An analysis of the impacts of any agreement or contract on state lands;

(b) Detailed funding requirements to implement the agreement or contract in the next biennium; and

(c) An accounting of expenditures during the current biennium with respect to any agreement or contract.

(3) The legislature shall review the department's funding request and funds appropriated shall be separate budget items. The legislature shall ensure that the appropriations made to implement any agreements or contracts are in conformity with Article 8, section 4 of the state Constitution and chapter 43.88 RCW.

**NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 1996) \$ 6,770,000

General Fund--State Appropriation (FY 1997) \$ 6,572,000

General Fund--Federal Appropriation \$ 4,278,000

General Fund--Private/Local Appropriation \$ 406,000

Aquatic Lands Enhancement Account

Appropriation \$ 800,000

Industrial Insurance Premium Refund Account

Appropriation \$ 178,000

State Toxics Control Account Appropriation \$ 1,088,000

**TOTAL APPROPRIATION \$ 20,092,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely for consumer protection activities of the department's weights and measures program. Moneys provided in this subsection may not be used for device inspection of the weights and measures program.

(2) \$142,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation is provided solely for grasshopper and mormon cricket control.

(4) \$200,000 of the general fund--state appropriation is provided solely for the agricultural showcase.

**NEW SECTION. Sec. 313. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Program Trust

Account Appropriation \$ 966,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the pollution liability insurance program trust account appropriation is provided solely to conduct a study of privatization of the functions performed by the pollution liability insurance program. The study will be conducted by the pollution liability insurance program management. Results of the study shall be reported to the financial institutions and housing committees of the legislature by November 30, 1995.

**PART IV  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund Appropriation (FY 1996) \$ 4,229,000

General Fund Appropriation (FY 1997) \$ 4,257,000

Architects' License Account Appropriation \$ 872,000

Cemetery Account Appropriation \$ 167,000

Professional Engineers' Account

Appropriation \$ 2,235,000

Real Estate Commission Account

Appropriation \$ 6,172,000  
 Master License Account Appropriation \$ 5,800,000  
 Uniform Commercial Code Account  
     Appropriation \$ 4,929,000  
 Real Estate Education Account  
     Appropriation \$ 606,000  
 Funeral Directors and Embalmers Account  
     Appropriation \$ 400,000  
                     TOTAL APPROPRIATION \$ 29,667,000

The appropriations in this section are subject to the following conditions and limitations: \$637,000 of the general fund appropriation is provided solely to implement sections 1001 through 1007 of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

General Fund--State Appropriation (FY 1996) \$ 7,198,000  
 General Fund--State Appropriation (FY 1997) \$ 7,883,000  
 General Fund--Federal Appropriation \$ 1,035,000  
 General Fund--Private/Local Appropriation \$ 254,000  
 Public Safety and Education Account  
     Appropriation \$ 4,492,000  
 County Criminal Justice Assistance  
     Appropriation \$ 3,572,000  
 Municipal Criminal Justice Assistance Account  
     Appropriation \$ 1,430,000  
 Fire Services Trust Account Appropriation \$ 90,000  
 Fire Services Training Account Appropriation \$ 1,740,000  
 State Toxics Control Account Appropriation \$ 425,000  
 Violence Reduction and Drug Enforcement  
     Account Appropriation \$ 2,133,000  
                     TOTAL APPROPRIATION \$ 30,252,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Expenditures from the nonappropriated fingerprint identification account for the automation of pre-employment background checks for public and private employers and background checks for firearms dealers and firearm purchasers are subject to office of financial management approval of a completed feasibility study.
- (2) Expenditures from the county criminal justice assistance account appropriation and municipal criminal justice assistance account appropriation in this section shall be expended solely for enhancements to crime lab services.
- (3) The Washington state patrol shall report to the department of information services and office of financial management by October 30, 1995, on the implementation and financing plan for the state-wide integrated narcotics system.
- (4) \$300,000 of the violence reduction and drug enforcement account appropriation is provided solely for enhancements to the organized crime intelligence unit.

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE**

**ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ 18,341,000  
 General Fund--State Appropriation (FY 1997) \$ 17,819,000  
 General Fund--Federal Appropriation \$ 39,791,000  
 Health Services Account Appropriation \$ 400,000  
 Public Safety and Education Account  
     Appropriation \$ 338,000  
 Violence Reduction and Drug Enforcement Account  
     Appropriation \$ 3,122,000  
                     TOTAL APPROPRIATION \$ 79,811,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) AGENCY OPERATIONS
  - (a) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.
  - (b) \$659,000 of the general fund--state appropriation is provided solely for investigation activities of the office of professional practices.
  - (c) \$1,700,000 of the general fund--state appropriation is provided solely to reprogram computer applications for collecting and processing school fiscal, personnel, and student data and for calculating apportionment payments and to upgrade agency computer hardware. A maximum of \$600,000 of this amount shall be used for computer hardware.
- By December 15, 1995, and before implementation of a new state-wide data system, the superintendent shall present a plan to the house of representatives and senate education and fiscal committees which identifies state data base uses that could involve potentially sensitive data on students and parents. The plan shall detail methods that the superintendent shall employ internally and recommend to school organizations to insure integrity and proper use of data in any student data base, with particular attention to eliminating unnecessary and intrusive data about nonschool related information.
- (d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.
- (2) STATE-WIDE PROGRAMS

(a) \$2,174,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,654,000 of the general fund--state appropriation is provided for educational centers, including state support activities.

(d) \$3,093,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(e) \$4,370,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30C as developed on May 21, 1995, at 23:46 hours.

(f) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(g) Districts receiving allocations from subsections (2) (d) and (e) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building. The superintendent of public instruction shall make copies of the reports available to the office of financial management and the legislature.

(h) \$500,000 of the general fund--federal appropriation is provided for plan development and coordination as required by the federal goals 2000: Educate America Act. The superintendent shall collaborate with the commission on student learning for the plan development and coordination and submit quarterly reports on the plan development to the education committees of the legislature.

(i) \$400,000 of the health services account appropriation is provided solely for media productions by students at up to 40 sites to focus on issues and consequences of teenage pregnancy and child rearing. The projects shall be consistent with the provisions of Engrossed Second Substitute House Bill No. 2798 as passed by the 1994 legislature, including a local/private or public sector match equal to fifty percent of the state grant; and shall be awarded to schools or consortia not granted funds in 1993-94.

(j) \$7,000 of the general fund--state appropriation is provided to the state board of education to establish teacher competencies in the instruction of braille to legally blind and visually impaired students.

(k) \$50,000 of the general fund--state appropriation is provided solely for matching grants to school districts for analysis of budgets for classroom-related activities as specified in chapter 230, Laws of 1995.

(l) \$3,050,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of that amount, \$50,000 is provided for a contract in fiscal year 1996 to the Washington state institute for public policy to conduct an evaluation and review as outlined in section 81 of Engrossed Second Substitute Senate Bill No. 5439. Allocation of the remaining amount shall be based on the number of petitions filed in each district.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation (FY 1996) \$ 3,174,826,000

General Fund Appropriation (FY 1997) \$ 3,284,918,000

TOTAL APPROPRIATION \$ 6,459,744,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for certificated staff salaries for the 1995-96 and 1996-97 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; and

(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students;

(ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(iii) Indirect cost charges to vocational-secondary programs shall not exceed 10 percent;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1995-96 and 1996-97 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 20.71 percent in the 1995-96 school year and 20.71 percent in the 1996-97 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.77 percent in the 1995-96 school year and 18.77 percent in the 1996-97 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent;

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,656 per certificated staff unit in the 1995-96 school year and a maximum of \$7,893 per certificated staff unit in the 1996-97 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$14,587 per certificated staff unit in the 1995-96 school year and a maximum of \$15,039 per certificated staff unit in the 1996-97 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1995-96 school year and \$341 per year for the 1996-97 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1994-95 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$3,122,000 outside the basic education formula during fiscal years 1996 and 1997 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$431,000 may be expended in fiscal year 1996 and a maximum of \$444,000 may be expended in fiscal year 1997;

(b) For summer vocational programs at skills centers, a maximum of \$1,938,000 may be expended in the 1995-96 school year; and

(c) A maximum of \$309,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.2 percent from the 1994-95 school year to the 1995-96 school year, and 1.5 percent from the 1995-96 school year to the 1996-97 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12C, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12C.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100;

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and

(c) "LEAP Document 12C" means the computerized tabulation of 1995-96 and 1996-97 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 21, 1995, at 23:35 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 20.07 percent for certificated staff and 15.27 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

**STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR SCHOOL YEARS 1995-96 AND 1996-97**

Years of

Service BA BA+15 BA+30 BA+45 BA+90

0	22,282	22,884	23,508	24,131	26,137
1	23,012	23,633	24,277	24,942	27,007
2	23,757	24,398	25,060	25,790	27,889
3	24,539	25,200	25,881	26,651	28,787
4	25,336	26,037	26,738	27,549	29,740
5	26,169	26,889	27,609	28,482	30,709
6	27,037	27,754	28,515	29,450	31,710
7	27,919	28,654	29,434	30,429	32,745
8	28,814	29,590	30,388	31,465	33,813
9	30,559	31,396	32,512	34,915	
10	32,417	33,613	36,048		
11	34,746	37,235			
12	35,843	38,452			
13	39,700				
14	40,955				
15 or more	42,020				

Years of MA+90

Service BA+135 MA MA+45 or PHD

0	27,429	26,715	28,720	30,012
1	28,316	27,526	29,590	30,899
2	29,238	28,374	30,472	31,820
3	30,195	29,235	31,370	32,779

4 31,188 30,133 32,324 33,771  
 5 32,214 31,065 33,292 34,797  
 6 33,253 32,033 34,294 35,837  
 7 34,347 33,013 35,329 36,931  
 8 35,473 34,048 36,397 38,057  
 9 36,632 35,095 37,499 39,215  
 10 37,822 36,196 38,632 40,405  
 11 39,044 37,329 39,818 41,627  
 12 40,316 38,508 41,036 42,900  
 13 41,620 39,726 42,284 44,203  
 14 42,972 40,981 43,619 45,556  
 15 or more 44,089 42,046 44,753 46,740

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1994-95 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7)(a) Credits earned by certificated instructional staff after September 1, 1995, shall be counted only if the content of the course: (i) is consistent with the school district's strategic plan for improving student learning; (ii) is consistent with a school-based plan for improving student learning developed under section 520(2) of this act for the school in which the individual is assigned; (iii) pertains to the individual's current assignment or expected assignment for the following school year; (iv) is necessary for obtaining an endorsement as prescribed by the state board of education; (v) is specifically required for obtaining advanced levels of certification; or (vi) is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certificated instructional staff.

(b) Once credits earned by certificated instructional staff have been determined to meet one or more of the criteria in (a) of this subsection, the credits shall be counted even if the individual transfers to other school districts.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund Appropriation (FY 1996) \$ 96,500,000

General Fund Appropriation (FY 1997) \$ 123,377,000

**TOTAL APPROPRIATION \$ 219,877,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$218,748,000 is provided for cost of living adjustments of 4.0 percent effective September 1, 1995, for state-formula staff units. The appropriation includes associated incremental fringe benefit allocations for both years at rates 20.07 percent for certificated staff and 15.27 percent for classified staff.

(a) The appropriation in this section includes the increased portion of salaries and incremental fringe benefits for all relevant state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act.

(b) The appropriation in this section provides salary increase and incremental fringe benefit allocations for the following programs based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.77 per weighted pupil-mile for the 1995-96 school year and maintained for the 1996-97 school year;

(ii) For learning assistance, an increase of \$11.24 per eligible student for the 1995-96 school year and maintained for the 1996-97 school year;

(iii) For education of highly capable students, an increase of \$8.76 per formula student for the 1995-96 school year and maintained for the 1996-97 school year; and

(iv) For transitional bilingual education, an increase of \$22.77 per eligible bilingual student for the 1995-96 school year and maintained for the 1996-97 school year.

(2) The maintenance rate for insurance benefits shall be \$313.95 for the 1995-96 school year and \$314.51 for the 1996-97 school year. Funding for insurance benefits is included within appropriations made in other sections of Part V of this act.

(3) Effective September 1, 1995, a maximum of \$1,129,000 is provided for a 4 percent increase in the state allocation for substitute teachers in the general apportionment programs.

(4) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. INCREMENT SALARY INCREASES** The appropriations in sections 502 through 519 of this act contain \$27,880,000 in fiscal year 1996 and \$63,950,000 in fiscal year 1997 for funding of experience and education increments for certificated instructional staff. This provides an average salary increase of 1.55 percent per year.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund Appropriation (FY 1996) \$ 155,970,000

General Fund Appropriation (FY 1997) \$ 164,511,000

TOTAL APPROPRIATION \$ 320,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$1,347,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. The 1994 travel time to contiguous school district study shall be continued and a report submitted to the fiscal committees of the legislature by December 1, 1995.

(3) A maximum of \$40,000 is provided to complete the computerized state map project containing school bus routing information. This information and available data on school buildings shall be consolidated. Data formats shall be compatible with the geographic information system (GIS) and included insofar as possible in the GIS system.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(5) Beginning with the 1995-96 school year, the superintendent of public instruction shall implement a state bid process for the purchase of school buses pursuant to Engrossed Substitute Senate Bill No. 5408.

(6) Of this appropriation, a maximum of \$8,807,000 may be allocated in the 1995-96 school year and a maximum of \$8,894,000 may be allocated in the 1996-97 school year for hazardous walking conditions. The superintendent shall ensure that the conditions specified in RCW 28A.160.160(4) for state funding of hazardous walking conditions for any district are fully and strictly adhered to, and that no funds are allocated in any instance in which a district is not actively and to the greatest extent possible engaged in efforts to mitigate hazardous walking conditions.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 3,000,000

General Fund--State Appropriation (FY 1997) \$ 3,000,000

General Fund--Federal Appropriation \$ 183,619,000

TOTAL APPROPRIATION \$ 189,619,000

**NEW SECTION. Sec. 508. SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 380,179,000

General Fund--State Appropriation (FY 1997) \$ 373,289,000

General Fund--Federal Appropriation \$ 98,684,000

TOTAL APPROPRIATION \$ 852,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) In recognition of the need for increased flexibility at the local district level to facilitate the provision of appropriate education to children with disabilities, and the need for substantive educational reform for a significant portion of the school population, the funding formula for special education is modified. These changes result from a 1994 study and recommendations by the institute for public policy and the legislative budget committee, aided by the office of the superintendent of public instruction and the statewide task force for the development of special education funding alternatives. The new formula is for allocation purposes only and is not intended to prescribe or imply any particular pattern of special education service delivery other than that contained in a properly formulated, locally determined, individualized education program.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the mandatory special education program for special education students ages three to twenty-one and the optional birth through age two program for developmentally delayed infants and toddlers. The superintendent shall review current state eligibility criteria for the fourteen special education categories and consider changes which would reduce assessment time and administrative costs associated with the special education program.

(4) For the 1995-96 and 1996-97 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the enrollment percent, times the district's average basic education allocation per full-time equivalent student times 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff in grades K-3, and 46/1000 in grades 4-12), and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" shall mean the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1995-96 and the 1996-97 school years, each district's enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:  
(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or  
(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined; or  
(C) For 1995-96, the 1994-95 enrollment percent reduced by 25 percent of the difference between the district's 1994-95 enrollment percent and 12.7. For 1996-97, the 1994-95 enrollment percent reduced by 50 percent of the difference between the district's 1994-95 enrollment percent and 12.7.

(6) A minimum of \$4.5 million of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of individual special education students.

(7) From the general fund--state appropriation, \$14,600,000 is provided for the 1995-96 school year, and \$19,575,000 for the 1996-97 school year, for safety net purposes for districts with demonstrable funding needs for special education beyond the combined amounts provided in subsection (4) of this section. The superintendent of public instruction shall, by rule, establish procedures and standards for allocation of safety net funds. School districts shall submit their requests for safety net funds to the appropriate regional committee established by the superintendent of public instruction. Regional committees shall make recommendations to the state oversight committee for approval. The following conditions and limitations shall be applicable to school districts requesting safety net funds:

(a) For a school district requesting state safety net funds due to special characteristics of the district and costs of providing services which differ significantly from the assumptions contained in the funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

- (i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;
- (ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;
- (iii) The district's programs are operated in a reasonably efficient manner and that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices;
- (iv) Indirect costs charged to this program do not exceed the allowable percent for the federal special education program;
- (v) Any available federal funds are insufficient to address the additional needs; and
- (vi) The costs of any supplemental contracts are not charged to this program for purposes of making these determinations.

(b) For districts requesting safety net funds due to federal maintenance of effort requirements, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

- (i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;
- (ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas; and
- (iii) Calculations made in accordance with subsection (8) of this section with respect to state fund allocations justify a need for additional funds for compliance with federal maintenance of effort requirements.

(8)(a) For purposes of making safety net determinations pursuant to subsection (7) of this section, the superintendent shall make available to each school district, from available data, prior to June 1st of each year:

- (i) The district's 1994-95 enrollment percent;
- (ii) For districts with a 1994-95 enrollment percent over 12.7 percent, the maximum 1995-96 enrollment percent, and prior to 1996-97 the maximum 1996-97 enrollment percent;
- (iii) The estimate to be used for purposes of subsection (7) of this section of each district's 1994-95 special education allocation showing the excess cost and the basic education portions; and
- (iv) If necessary, a process for each district to estimate the 1995-96 school year excess cost allocation for special education and the portion of the basic education allocation formerly included in the special education allocation. This process may utilize the allocations generated pursuant to subsection (4) of this section, each district's 1994-95 estimated basic education backout percent for the 1994-95 school year, and state compensation increases for 1995-96.

(b) The superintendent, in consultation with the state auditor, shall take all necessary steps to successfully transition to the new formula and minimize paperwork at the district level associated with maintenance of effort calculations. The superintendent shall develop such rules and procedures as are necessary to implement this process for the 1995-96 school year, and may use the same process for the 1996-97 school year if found necessary for federal maintenance of effort calculations.

(9) Prior to adopting any standards, procedures, or processes required to implement this section, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) Membership of the regional committees may include, but not be limited to:

- (a) A representative of the superintendent of public instruction;
- (b) One or more representatives from school districts including board members, superintendents, special education directors, and business managers; and
- (c) One or more staff from an educational service district.

(11) The state oversight committee appointed by the superintendent of public instruction shall consist of:

- (a) Staff of the office of superintendent of public instruction;
- (b) Staff of the office of the state auditor;
- (c) Staff from the office of the financial management; and
- (d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(12) The institute for public policy, in cooperation with the superintendent of public instruction, the office of financial management, and the fiscal committees of the legislature, shall evaluate the operation of the safety nets under subsections (6) and (7) of this section and shall prepare an interim report by December 15, 1995, and a final report on the first school year of operation by October 15, 1996.

(13) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(14) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.



(15) Not more than \$80,000 of the general fund--federal appropriation shall be expended for development of an inservice training program to identify students with dyslexia who may be in need of special education.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY**

**EDUCATION PROGRAMS**

Public Safety and Education Account

Appropriation \$ 17,488,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1995-96 and 1996-97 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1995-96 and 1996-97 school years.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE**

**DISTRICTS**

General Fund Appropriation (FY 1996) \$ 4,411,000

General Fund Appropriation (FY 1997) \$ 4,410,000

TOTAL APPROPRIATION \$ 8,821,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$225,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$360,000 of the general fund appropriation is provided solely to continue implementation of chapter 109, Laws of 1993 (collaborative development school projects).

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT**

**ASSISTANCE**

General Fund Appropriation (FY 1996) \$ 75,408,000

General Fund Appropriation (FY 1997) \$ 79,592,000

TOTAL APPROPRIATION \$ 155,000,000

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FUNDED**

**UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT**

General Fund--Federal Appropriation \$ 222,376,000

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATION OF INDIAN**

**CHILDREN**

General Fund--Federal Appropriation \$ 370,000

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL**

**EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 15,417,000

General Fund--State Appropriation (FY 1997) \$ 15,795,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ 39,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution and other state funding assumptions shall be those specified in the legislative budget notes.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR**

**HIGHLY CAPABLE STUDENTS**

General Fund Appropriation (FY 1996) \$ 4,254,000

General Fund Appropriation (FY 1997) \$ 4,277,000

TOTAL APPROPRIATION \$ 8,531,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full-time equivalent basic education act enrollment.

(3) \$436,000 of the appropriation is for the Centrum program at Fort Worden state park.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM**

**PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 17,904,000

General Fund--State Appropriation (FY 1997) \$ 18,062,000

General Fund--Federal Appropriation \$ 12,500,000

TOTAL APPROPRIATION \$ 48,466,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,819,000 of the general fund--state appropriation is provided solely for the operation of the commission on student learning under RCW 28A.630.883 through 28A.630.953. The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(2) \$4,890,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for development of assessments as required in RCW 28A.630.885 as amended by House Bill No. 1249.

(3) \$2,190,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,970,000 of the general fund--state appropriation is provided for school-to-work transition projects in the common schools, including state support activities, under RCW 28A.630.861 through 28A.630.880.

(5) \$2,970,000 of the general fund--state appropriation is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.

(6) \$1,620,000 of the general fund--state appropriation is provided for superintendent and principal internships, including state support activities, under RCW 28A.415.270 through 28A.415.300.

(7) \$4,050,000 of the general fund--state appropriation is provided for improvement of technology infrastructure, the creation of a student database, and educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(8) \$7,200,000 of the general fund--state appropriation is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(9) \$5,000,000 of the general fund--state appropriation is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs; and

(b) \$4,558,000 of the general fund--state appropriation is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(10) \$1,260,000 of the general fund--state appropriation is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(11) \$1,700,000 of the general fund--federal appropriation is provided for professional development grants.

(12) \$10,000,000 of the general fund--federal appropriation is provided solely for competitive grants to school districts for implementation of education reform. To the extent that additional federal goals 2000 funds become available, the superintendent shall also allocate such additional funds for the same purpose.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS**

General Fund--Federal Appropriation \$ 51,216,000

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation (FY 1996) \$ 27,286,000

General Fund Appropriation (FY 1997) \$ 29,566,000

TOTAL APPROPRIATION \$ 56,852,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) The superintendent shall distribute a maximum of \$623.21 per eligible bilingual student in the 1995-96 school year and \$623.31 in the 1996-97 school year.

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation (FY 1996) \$ 56,293,000

General Fund Appropriation (FY 1997) \$ 57,807,000

TOTAL APPROPRIATION \$ 114,100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.

(3) Funding for school district learning assistance programs shall be allocated at a maximum rate of \$366.74 per unit for the 1995-96 school year and a maximum of \$366.81 per unit in the 1996-97 school year. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(a) A school district's units for the 1995-96 school year shall be the sum of the following:

(i) The 1995-96 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(ii) The 1995-96 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(iii) If the district's percentage of October 1994 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 11.68 percent.

(b) A school district's units for the 1996-97 school year shall be the sum of the following:

(i) The 1996-97 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(ii) The 1996-97 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(iii) If the district's percentage of October 1995 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1996-97 K-12 annual average full-time equivalent enrollment times 22.30 percent.

**NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT**

**FUNDS**

General Fund Appropriation (FY 1996) \$ 57,126,000

General Fund Appropriation (FY 1997) \$ 58,429,000

TOTAL APPROPRIATION \$ 115,555,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) School districts receiving moneys pursuant to this section shall expend at least fifty-eight percent of such moneys in school buildings for building based planning, staff development, and other activities to improve student learning, consistent with the student learning goals in RCW 28A.150.210 and RCW 28A.630.885. Districts receiving the moneys shall have a policy regarding the involvement of school staff, parents, and community members in instructional decisions. Each school using the moneys shall, by the end of the 1995-96 school year, develop and keep on file a building plan to attain the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The remaining forty-two percent of such moneys may be used to meet other educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.

(3) Forty-two percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$26.30 for the 1995-96 and 1996-97 school years. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Fifty-eight percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$36.69 for the 1995-96 and 1996-97 fiscal years. The state schools for the deaf and the blind may qualify for allocations of funds under this subsection. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(5) Beginning with the 1995-96 school year, to provide parents, the local community, and the legislature with information on the student learning improvement block grants, schools receiving funds for such purpose shall include, in the annual performance report required in RCW 28A.320.205, information on how the student learning improvement block grant moneys were spent and what results were achieved. Each school district shall submit the reports to the superintendent of public instruction and the superintendent shall provide the legislature with an annual report.

(6) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that the district is enrolled as a Medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding).

**NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** The appropriations in sections 502, 504, 506, 508, 510, 514, 515, 518, and 519 of this act include amounts to pay increased state retirement system contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA).

**PART VI  
HIGHER EDUCATION**

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2) Operating resources that are not used to meet authorized salary increases and other mandated expenses shall be invested in measures that (a) reduce the time-to-degree, (b) provide additional access to postsecondary education, (c) improve the quality of undergraduate education, (d) provide improved access to courses and programs that meet core program requirements and are consistent with needs of the state labor market, (e) provide up-to-date equipment and facilities for training in current technologies, (f) expand the integration between the K-12 and postsecondary systems and among the higher education institutions, (g) provide additional access to postsecondary education for place-bound and remote students, and (h) improve teaching and research capability through the funding of distinguished professors. The institutions shall establish, in consultation with the board, measurable goals for increasing the average scheduled course contact hours by type of faculty, and shall report to the appropriate policy and fiscal committees of the legislature each December 1st as to performance on such goals.

To reduce the time it takes students to graduate, the institutions shall establish policies and reallocate resources as necessary to increase the number of undergraduate degrees granted per full-time equivalent instructional faculty.

(3) The salary increases provided or referenced in this subsection shall be the maximum allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(a) No more than \$300,000 of the appropriations provided in sections 602 through 608 of this act may be expended for purposes designated in section 911 of this act.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 4.0 percent on July 1, 1995. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 4.0 percent on July 1, 1995. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement.

(c) Funds under section 717 of this act are in addition to any increases provided in (a) and (b) of this subsection. Specific salary increases authorized in sections 603 and 604 of this act are in addition to any salary increase provided in this subsection.

**NEW SECTION. Sec. 602.** The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for student full-time equivalent enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

1995-96 1996-97  
Annual Annual  
Average Average  
FTE FTE

University of Washington

Main campus	29,857	29,888
Evening Degree Program	571	617
Tacoma branch	588	687
Bothell branch	533	617

Washington State University

Main campus	16,205	16,419
Spokane branch	283	308
Tri-Cities branch	624	707
Vancouver branch	723	851

Central Washington University	6,903	6,997
Eastern Washington University	7,656	7,739
The Evergreen State College	3,278	3,298
Western Washington University	9,483	9,606
State Board for Community and Technical Colleges	111,986	113,586
Higher Education Coordinating Board	50	50

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 1996)	\$ 345,763,000
General Fund--State Appropriation (FY 1997)	\$ 348,728,000
General Fund--Federal Appropriation	\$ 11,404,000
Employment and Training Trust Account Appropriation	\$ 58,575,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 764,470,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund appropriation is provided solely for 500 supplemental FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(2) \$58,575,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount:

(a) \$41,090,000 is to provide enrollment opportunity for 6,100 full-time equivalent students in fiscal year 1996 and 7,200 full-time equivalent students in fiscal year 1997. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for the allocation of the full-time equivalents provided in this subsection.

(b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

(c) \$7,632,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility will be exhausted before their training program is completed. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for eligibility and disbursement criteria to be used in determining the award of moneys provided in this subsection.

(d) \$750,000 is provided solely for an interagency agreement with the workforce training and education coordinating board for an independently contracted net-impact study to determine the overall effectiveness and outcomes of retraining and other services provided under chapter 226, Laws of 1993, (employment and training for unemployed workers). The net-impact study shall be completed and delivered to the legislature no later than December 31, 1996.

(e) \$700,000 is to provide the operating resources for seven employment security department job service centers located on community and technical college campuses.

- (3) \$3,725,000 of the general fund appropriation is provided solely for assessment of student outcomes at community and technical colleges.
- (4) \$1,412,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.
- (5) \$3,296,720 of the general fund appropriation is provided solely for instructional equipment.
- (6) \$688,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.
- (7) Up to \$4,200,000 of the appropriations in this section may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments.
- (8) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in Substitute Senate Bill No. 5325.
- (9) Up to \$6,000,000 of general operating funds may be used to address accreditation issues at the technical colleges.
- (10) Up to \$50,000, if matched by an equal amount from private sources, may be used to initiate an international trade education consortium, composed of selected community colleges, to fund and promote international trade education and training services in a variety of locations throughout the state, which services shall include specific business skills needed to develop and sustain international business opportunities that are oriented toward vocational, applied skills. The board shall report to appropriate legislative committees on these efforts at each regular session of the legislature.

**NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation (FY 1996) \$ 263,981,000  
 General Fund Appropriation (FY 1997) \$ 258,321,000  
 Death Investigations Account Appropriation \$ 1,685,000  
 Accident Account Appropriation \$ 4,335,000  
 Medical Aid Account Appropriation \$ 4,330,000  
 Health Services Account Appropriation \$ 6,244,000  
**TOTAL APPROPRIATION \$ 538,896,000**

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$9,516,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. Of this amount, \$237,000 is provided solely for continuation of the two-plus-two program operated jointly with the Olympic Community College.
- (2) \$9,438,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.
- (3) \$2,300,000 of the health services account appropriation is provided solely for the implementation of chapter 492, Laws of 1993 (health care reform) to increase the supply of primary health care providers.
- (4) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants.
- (5) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program.
- (6) \$2,909,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).
- (7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.
- (9) \$1,471,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.
- (10) \$500,000 of the general fund appropriation is provided solely for enhancements to the mathematics, engineering and science achievement (MESA) program.
- (11) \$227,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.
- (12) The university shall begin implementation of the professional staff and librarian market gap remedy plan II, which was submitted to the legislature in response to section 603(3), chapter 24, Laws of 1993 sp. sess. and section 603(3), chapter 6, Laws of 1994 sp. sess. As part of the implementation of the plan, an average salary increase of 5.0 percent may be provided to librarians and professional staff on July 1, 1995, to meet salary gaps as described in the plan.
- (13) \$184,000 of the health services account appropriation is provided solely for participation of the University of Washington dental school in migrant/community health centers in the Yakima valley.
- (14) At least \$50,000 of the general fund appropriation shall be used for research at the Olympic natural resources center.

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 150,520,000  
 General Fund Appropriation (FY 1997) \$ 153,906,000  
 Industrial Insurance Premium Refund Account  
 Appropriation \$ 33,000  
 Health Services Account Appropriation \$ 1,400,000  
**TOTAL APPROPRIATION \$ 305,859,000**

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$12,008,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus. \$1,198,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.
- (2) \$7,534,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus. \$53,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.
- (3) \$7,691,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.
- (4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(6) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$2,167,000 of the general fund appropriation is provided for new building operations and maintenance on the main campus and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) \$525,000 of the general fund appropriation is provided solely to implement House Bill No. 1741 (wine and wine grape research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(9) \$1,000,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1009 (pesticide research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(10) \$314,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 36,741,000

General Fund Appropriation (FY 1997) \$ 37,084,000

Health Services Account Appropriation \$ 200,000

**TOTAL APPROPRIATION \$ 74,025,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 33,683,000

General Fund Appropriation (FY 1997) \$ 34,055,000

Industrial Insurance Premium Refund Account

Appropriation \$ 10,000

Health Services Account Appropriation \$ 140,000

**TOTAL APPROPRIATION \$ 67,888,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$140,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation (FY 1996) \$ 18,436,000

General Fund Appropriation (FY 1997) \$ 18,504,000

**TOTAL APPROPRIATION \$ 36,940,000**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$58,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 42,533,000

General Fund Appropriation (FY 1997) \$ 43,173,000

Health Services Account Appropriation \$ 200,000

**TOTAL APPROPRIATION \$ 85,906,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$275,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (1996) \$ 1,933,000

General Fund--State Appropriation (1997) \$ 1,811,000

General Fund--Federal Appropriation \$ 1,073,000

**TOTAL APPROPRIATION \$ 4,817,000**

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$560,000 of the general fund--state appropriation is provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.580 (timber dependent communities). The number of students served shall be 50 full-time equivalent students per fiscal year. The higher education coordinating board (HECB) in cooperation with the state board for community and technical college education (SBCTC) shall review the outcomes of the timber program and report to the governor and legislature by November 1, 1995. The review should include programs administered by the HECB and SBCTC. The review should address student satisfaction, academic success, and employment success resulting from expenditure of these funds. The boards should consider a broad range of recommendations, from strengthening the program with existing resources to terminating the program.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (1996) \$ 71,412,000

General Fund--State Appropriation (1997) \$ 71,613,000  
General Fund--Federal Appropriation \$ 3,579,000  
State Educational Grant Account Appropriation \$ 40,000  
Health Services Account Appropriation \$ 2,230,000

TOTAL APPROPRIATION \$ 148,874,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.  
(2) \$431,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.  
(3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan.  
(4) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, the health professional conditional scholarship program. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) \$140,543,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$110,504,000 is provided solely for the state need grant program;  
(b) \$24,200,000 is provided solely for the state work study program;  
(c) \$1,000,000 is provided solely for educational opportunity grants;  
(d) A maximum of \$2,650,000 may be expended for financial aid administration, excluding the four percent state work study program administrative allowance provision;

(e) \$633,000 is provided solely for the educator's excellence awards;  
(f) \$876,000 is provided solely to implement the Washington scholars program pursuant to Second Substitute House Bill No. 1318 or substantially similar legislation (Washington scholars program); and

(g) \$680,000 is provided solely to implement Substitute House Bill No. 1814 (Washington award for vocational excellence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (g) shall lapse.

**NEW SECTION. Sec. 612. FOR THE JOINT CENTER FOR HIGHER EDUCATION**

General Fund Appropriation (FY 1996) \$ 1,127,000  
General Fund Appropriation (FY 1997) \$ 1,311,000

TOTAL APPROPRIATION \$ 2,438,000

The appropriation in this section is subject to the following conditions and limitations: \$765,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 613. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 1996) \$ 1,634,000  
General Fund--State Appropriation (FY 1997) \$ 1,634,000  
General Fund--Federal Appropriation \$ 34,641,000

TOTAL APPROPRIATION \$ 37,909,000

**NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY**

General Fund--State Appropriation (FY 1996) \$ 7,069,000  
General Fund--State Appropriation (1997) \$ 7,071,000  
General Fund--Federal Appropriation \$ 4,799,000  
General Fund--Private/Local Appropriation \$ 46,000  
Industrial Insurance Premium Refund Account

Appropriation \$ 7,000

TOTAL APPROPRIATION \$ 18,992,000

The appropriations in this section are subject to the following conditions and limitations: \$2,439,516 of the general fund--state appropriation and federal funds are provided for a contract with the Seattle public library for library services for the Washington book and braille library.

**NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (1996) \$ 2,236,000  
General Fund--State Appropriation (1997) \$ 1,929,000  
General Fund--Federal Appropriation \$ 934,000  
Industrial Insurance Premium Refund Account

Appropriation \$ 1,000

TOTAL APPROPRIATION \$ 5,100,000

**NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) \$ 1,965,000  
General Fund Appropriation (FY 1997) \$ 2,186,000

TOTAL APPROPRIATION \$ 4,151,000

The appropriation in this section is subject to the following conditions and limitations: \$1,731,000 is provided solely for the new Washington state historical society operations and maintenance located in Tacoma.

**NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) \$ 473,000  
General Fund Appropriation (FY 1997) \$ 473,000

TOTAL APPROPRIATION \$ 946,000

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (1996) \$ 3,421,000  
General Fund--State Appropriation (1997) \$ 3,440,000  
Industrial Insurance Premium Refund Account

Appropriation \$ 7,000

TOTAL APPROPRIATION \$ 6,868,000

**NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (1996) \$ 6,182,000  
General Fund--State Appropriation (1997) \$ 6,215,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 15,000  
TOTAL APPROPRIATION \$ 12,412,000

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT**

General Fund Appropriation \$ 852,281,000  
State Building and Construction Account  
Appropriation \$ 21,500,000  
TOTAL APPROPRIATION \$ 873,781,000

The general fund appropriation is for deposit into the account listed in section 801 of this act.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account  
Appropriation \$ 24,179,000  
Accident Account Appropriation \$ 5,548,000  
Medical Account Appropriation \$ 5,548,000  
TOTAL APPROPRIATION \$ 35,275,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund Appropriation \$ 37,031,000  
Higher Education Reimbursable Construction Account  
Appropriation \$ 197,000  
Community College Capital Construction Bond  
Retirement Fund 1975 Appropriation \$ 450,000  
Higher Education Bond Retirement Fund 1979  
Appropriation \$ 2,887,000  
TOTAL APPROPRIATION \$ 40,565,000

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Common School Building Bond Redemption Fund 1967  
Appropriation \$ 6,923,000  
State Building and Parking Bond Redemption  
Fund 1969 Appropriation \$ 2,453,000  
TOTAL APPROPRIATION \$ 9,376,000

**NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund Appropriation \$ 1,535,000  
State Convention and Trade Center Account  
Appropriation \$ 15,000  
State Building Construction Account  
Appropriation \$ 364,000  
Higher Education Reimbursable Construction  
Account Appropriation \$ 3,000  
TOTAL APPROPRIATION \$ 1,917,000

Total Bond Retirement and Interest Appropriations  
contained in sections 701 through 705 of this  
act \$ 960,914,000

**NEW SECTION. Sec. 706. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

General Fund Appropriation (FY 1996) \$ 1,815,000  
General Fund Appropriation (FY 1997) \$ 1,815,000  
Wildlife Fund Appropriation \$ 78,000  
TOTAL APPROPRIATION \$ 3,708,000

**NEW SECTION. Sec. 707. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT**

Americans with Disabilities Special Revolving Fund  
Appropriation \$ 426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation shall be used solely to fund requests from state agencies complying with the program requirements of the federal Americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.



(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the Americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 708. FOR THE GOVERNOR--TORT DEFENSE SERVICES**

General Fund Appropriation (FY 1996) \$ 965,000  
General Fund Appropriation (FY 1997) \$ 966,000  
TOTAL APPROPRIATION \$  
Special Fund Agency Tort Defense Services  
Revolving Fund Appropriation \$ 1,287,000  
TOTAL APPROPRIATION \$ 3,218,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

**NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**

General Fund Appropriation (FY 1996) \$ 850,000  
General Fund Appropriation (FY 1997) \$ 850,000  
TOTAL APPROPRIATION \$ 1,700,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 710. BELATED CLAIMS.** The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 711. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 1996) \$ 2,390,000  
General Fund--State Appropriation (FY 1997) \$ 2,561,000  
General Fund--Federal Appropriation \$ 1,835,000  
General Fund--Private/Local Appropriation \$ 136,000  
Salary and Insurance Increase Revolving Account  
Appropriation \$ 4,105,000  
TOTAL APPROPRIATION \$ 11,027,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly contribution for insurance benefit premiums shall not exceed \$308.14 per eligible employee for fiscal year 1996, and \$308.96 for fiscal year 1997.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$5.81 per eligible employee for fiscal year 1996, and \$5.55 for fiscal year 1997.

(c) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs or due to employee waivers of coverage may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without subsequent legislative authorization.

(d) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium co-payments, increase point-of-service cost sharing, and/or implement managed competition.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From July 1, 1995, through December 31, 1995, the subsidy shall be \$34.20 per month. From January 1, 1996, through December 31, 1996, the subsidy shall be \$36.77 per month. Starting January 1, 1997, the subsidy shall be \$39.52 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:

(a) For each full-time employee, \$14.79 per month beginning October 1, 1995, and \$14.80 per month beginning September 1, 1996;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$14.79 each month beginning October 1, 1995, and \$14.80 each month beginning September 1, 1996, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes funds sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1995-97 transportation appropriations act.

(6) Rates charged to school districts voluntarily purchasing employee benefits through the health care authority shall be equivalent to the actual insurance costs of benefits and administration costs for state and higher education employees except:

(a) The health care authority is authorized to reduce rates charged to school districts for up to 10,000 new subscribers by applying surplus funds accumulated in the public employees' and retirees' insurance account. Rates may be reduced up to a maximum of \$10.93 per subscriber per month in fiscal year 1996 and a maximum of \$7.36 per subscriber per month in fiscal year 1997; and

(b) For employees who first begin receiving benefits through the health care authority after September 1, 1995, districts shall remit the additional costs of health care authority administration resulting from their enrollment. The additional health care authority administration costs shall not exceed \$.30 per month per subscriber.

**NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

**FY 1996 FY 1997**

General Fund Appropriation \$ 87,500,000 87,500,000

(2) There is appropriated for contributions to the judicial retirement system:

**FY 1996 FY 1997**

General Fund Appropriation \$ 6,500,000 6,500,000

(3) There is appropriated for contributions to the judges retirement system:

**FY 1996 FY 1997**

General Fund Appropriation \$ 800,000 800,000

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

**FY 1996 FY 1997**

General Fund--State

Appropriation \$ 1,007,000 1,224,000

General Fund--Federal

Appropriation \$ 367,000 447,000

Special Account Retirement Contribution

Increase Revolving Account

Appropriation \$ 904,000 1,089,000

**TOTAL APPROPRIATION \$ 5,038,000**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to pay the increased retirement contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA). If the bill is not enacted by June 30, 1995, the amounts provided in this section shall lapse.

**NEW SECTION. Sec. 714. SALARY COST OF LIVING ADJUSTMENT**

General Fund--State Appropriation (FY 1996) \$ 36,020,000

General Fund--State Appropriation (FY 1997) \$ 36,590,000

General Fund--Federal Appropriation \$ 29,603,000

Salary and Insurance Increase Revolving Account

Appropriation \$ 60,213,000

**TOTAL APPROPRIATION \$ 162,426,000**

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) In addition to the purposes set forth in subsections (2), (3), and (4) of this section, appropriations in this section are provided solely for a 4.0 percent salary increase effective July 1, 1995, for all classified employees (including those employees in the Washington management service) and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 4.0 percent salary increase for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 4.0 percent cost-of-living adjustment, effective July 1, 1995, for ferry workers consistent with the 1995-97 transportation appropriations act.

(4) The appropriations in this section include funds sufficient to fund the salary increases approved by the commission on salaries for elected officials for legislators and judges.

(5) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

**NEW SECTION. Sec. 715. FOR THE ATTORNEY GENERAL--SALARY ADJUSTMENTS**

General Fund Appropriation (FY 1996) \$ 1,129,000

General Fund Appropriation (FY 1997) \$ 1,129,000

Attorney General Salary Increase Revolving

Account Appropriation \$ 1,542,000

**TOTAL APPROPRIATION \$ 3,800,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for increases in salaries and related benefits of assistant attorneys general. The attorney general shall distribute these funds in a manner that will maintain or increase the quality and experience of the attorney general's staff. Market value, specialization, retention, and merit (including billable hours) shall be the factors in determining the distribution of these funds.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the attorney general salary increase revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 716. SALARY INCREMENT INCREASES.** General government and higher education general service employees whose salaries were frozen in the 1993-95 biennium and who are below the top step of their salary range will receive a step increase on their next periodic increment date on or after July 1, 1995. Thereafter, periodic increments will occur on the subsequent increment dates. Affected Washington management service (WMS) employees may receive increments as provided in the pertinent WMS rules on or after July 1, 1995. Civil service exempt employees who are below the top step may receive an increase at the discretion of the relevant appointing authority.

**NEW SECTION. Sec. 717. INCREMENT SALARY INCREASES.** The appropriations in Parts I through VI of this act to the agencies and institutions of the state contain \$28,000,000 from the general fund--state and \$34,000,000 from other funds for the purposes of providing increment salary increases for longevity to employees of the state pursuant to RCW 41.06.150(18), chapter 41.56 RCW, and other statutes. This amount will provide average salary increases of 1.0 percent during the 1995-97 biennium.

**NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund Appropriation (FY 1997) \$ 5,000,000

Salary and Insurance Increase Revolving

Account Appropriation (FY 1997) \$ 5,000,000

TOTAL APPROPRIATION \$ 10,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be expended solely for the purposes designated in section 911 of this act.

(2) In addition to the moneys appropriated in this section, state agencies may expend up to an additional \$2,500,000 from other general fund--state appropriations in this act and \$2,500,000 from appropriations from other funds and accounts for the purposes and under the procedures designated in section 911 of this act.

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

State General Obligation Bond Retirement Fund 1979

Fund Appropriation \$ 852,281,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 701 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY AS PRESCRIBED BY STATUTE**

State General Obligation Bond Retirement Fund 1979

Appropriation \$ 37,031,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance

premiums distribution \$ 6,025,000

General Fund Appropriation for public utility

district excise tax distribution \$ 29,885,000

General Fund Appropriation for prosecuting

attorneys' salaries \$ 2,800,000

General Fund Appropriation for motor vehicle

excise tax distribution \$ 72,684,000

General Fund Appropriation for local mass

transit assistance \$ 335,869,000

General Fund Appropriation for camper and

travel trailer excise tax distribution \$ 3,554,000

General Fund Appropriation for boating

safety/education and law enforcement

distribution \$ 3,224,000

General Fund Appropriation for public health

distribution \$ 36,465,000

Aquatic Lands Enhancement Account Appropriation

for harbor improvement revenue

distribution \$ 130,000

Liquor Excise Tax Account Appropriation for

liquor excise tax distribution \$ 22,185,000

Liquor Revolving Fund Appropriation for liquor

profits distribution \$ 42,778,000

Timber Tax Distribution Account Appropriation

for distribution to "Timber" counties \$ 115,950,000

Municipal Sales and Use Tax Equalization Account

Appropriation \$ 58,181,000

County Sales and Use Tax Equalization Account

Appropriation \$ 12,940,000

Death Investigations Account Appropriation

for distribution to counties for publicly

funded autopsies \$ 1,200,000

County Criminal Justice Account Appropriation \$ 69,940,000

Municipal Criminal Justice Account

Appropriation \$ 27,972,000

County Public Health Account Appropriation \$ 29,709,000

TOTAL APPROPRIATION \$ 871,491,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

Forest Reserve Fund Appropriation for federal forest reserve fund distribution \$ 50,740,000  
General Fund Appropriation for federal flood control funds distribution \$ 48,000  
General Fund Appropriation for federal grazing fees distribution \$ 73,000  
General Fund Appropriation for distribution of federal funds to counties in conformance with P.L. 97-99 Federal Aid to Counties \$ 220,000  
TOTAL APPROPRIATION \$ 51,081,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS**

Public Works Assistance Account: For transfer to the Flood Control Assistance Account \$ 4,000,000  
General Fund: For transfer to the Natural Resources New Motor Vehicle Arbitration Account: For transfer to the Public Safety and Education Account \$ 3,200,000  
Fund--Water Quality Account \$ 18,471,000  
Water Quality Account: For transfer to the Water Pollution Revolving Fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit \$ 25,000,000  
Water Quality Account: For transfer to the Water Right Permit Processing Account \$ 500,000  
Trust Land Purchase Account: For transfer to the Parks Renewal and Stewardship Account \$ 1,304,000  
General Government Special Revenue Fund--State Treasurer's Service Account: For transfer to the general fund on or before June 30, 1997, an amount up to \$7,361,000 in excess of the cash requirements of the state treasurers service account \$ 7,361,000  
Health Services Account: For transfer to the Public Health Services Account \$ 26,003,000  
Public Health Services Account: For transfer to the County Public Health Account \$ 2,250,000  
Public Works Assistance Account: For transfer to the Growth Management Planning and Environmental Review Fund \$ 3,000,000  
Basic Health Plan Trust Account: For transfer to the General Fund--State Account (FY 1996) \$ 2,664,778  
Basic Health Plan Trust Account: For transfer to the General Fund--State Account (FY 1997) \$ 2,664,778  
Oil Spill Response Account: For transfer to the Oil Spill Administration Account \$ 1,718,000  
**NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**  
General Fund Appropriation: For transfer to the department of retirement systems expense fund \$ 18,000

**NEW SECTION. Sec. 807. FOR COMMON SCHOOL CONSTRUCTION.** The sum of one hundred and ten million dollars is appropriated from the general fund to the common school construction fund for the purposes under RCW 28A.515.320.

This section is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

**PART IX  
MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, costs and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and postimplementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written postimplementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the postimplementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the postimplementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

**NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 904. EMERGENCY FUND ALLOCATIONS.** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 905. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapter 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 906. BOND EXPENSES.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 907. LEGISLATIVE FACILITIES.** Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1995.

**NEW SECTION. Sec. 908. AGENCY RECOVERIES.** Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to, payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize

expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

**NEW SECTION. Sec. 909. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

**Sec. 910.** RCW 19.118.110 and 1995 c . . . s 7 (ESSB 5629) are each amended to read as follows:

A three-dollar arbitration fee shall be collected by either the new motor vehicle dealer or vehicle lessor from the consumer upon execution of a retail sale or lease agreement. The fee shall be forwarded to the department of licensing at the time of title application for deposit in the new motor vehicle arbitration account hereby created in the state treasury. Moneys in the account shall be used for the purposes of this chapter, subject to appropriation. During the 1995-97 fiscal biennium, the legislature may transfer moneys from the account to the extent that the moneys are not necessary for the purposes of this chapter.

At the end of each fiscal year, the attorney general shall prepare a report listing the annual revenue generated and the expenses incurred in implementing and operating the arbitration program under this chapter.

**Sec. 911.** RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s 27 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;
- (13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;
- (14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;
- (15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. ~~((However, beginning July 1, 1993, through June 30, 1995,))~~ The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW. Beginning July 1, 1995, through June 30, 1997:
  - (a) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:
    - (i) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;
    - (ii) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or
    - (iii) The implementation is a result of emergent conditions. Emergent conditions are defined as newly mandated programs for which moneys are not appropriated, establishment of positions necessary for the preservation of the public health, safety, or general welfare, and related issues which do not exceed \$250,000 of the moneys identified in section 718(2) of this act.

(b) The board may approve the implementation of salary increases resulting from adjustments to the classification plan for implementation in the 1997-99 fiscal biennium only if the implementation will not result in additional net costs or the implementation has been approved by the legislature in the omnibus appropriations act or other legislation.

(c) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(d) Adjustments made to the higher education hospital special pay plan are exempt from (a) through (c) of this subsection;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. ~~((However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds three thousand seven hundred fifty dollars;))~~

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions ~~((under chapter 28B.16 RCW))~~ before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

**Sec. 912.** RCW 43.08.250 and 1993 sp.s. c 24 s 917 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, ~~((1995))~~ 1997, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, and Washington state patrol criminal justice activities.

**Sec. 913.** RCW 70.47.030 and 1993 c 492 s 210 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

**Sec. 914.** RCW 70.105D.070 and 1994 c 252 s 5 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(d) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; and (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed fifty thousand dollars though it may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account. During the 1995-97 fiscal biennium no moneys deposited into the state and local toxics control accounts may be committed to public participation grants, except in the case where public participation grants assist in the implementation of the pilot projects established pursuant to Engrossed Substitute House Bill No. 1810.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

**Sec. 915.** RCW 86.26.007 and 1993 sp.s. c 24 s 928 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the ~~((1995-97))~~ 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. To the extent that moneys in the flood control assistance account are not appropriated during the ~~((1993-95))~~ 1995-97 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

**NEW SECTION. Sec. 916.** No funding appropriated in this act shall be expended to support efforts to establish the northwest marine straits sanctuary.

**NEW SECTION. Sec. 917.** No funding appropriated in this act shall be expended to establish or publish rules which exceed federal requirements for providing habitat protection for northern spotted owls.

**Sec. 918.** RCW 43.155.050 and 1993 sp.s. c 24 s 921 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. During the ~~((1993-95))~~ 1995-97 fiscal biennium, moneys in the public works assistance account may be appropriated for transfer to the flood control assistance account to be used for flood control assistance, including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the ~~((1993-95))~~ 1995-97 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

**Sec. 919.** RCW 69.50.520 and 1994 sp.s. c 7 s 910 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110~~((§))~~(7), 66.24.210(4), 66.24.290(3), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 ~~((1st))~~ sp. sess., including state incarceration costs. After July 1, 1997, at least seven and one-half



percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 920.** RCW 70.146.020 and 1993 sp.s. c 24 s 923 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Account" means the water quality account in the state treasury.

(2) "Department" means the department of ecology.

(3) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.

(4) "Water pollution control facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control facilities or other means. During the ((4993-1995)) 1995-1997 fiscal biennium, "water pollution control activities" includes activities by state agencies to protect public drinking water supplies and sources.

(6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the environmental protection agency pursuant to Public Law 93-523, Sec. 1424(b).

**Sec. 921.** RCW 70.146.030 and 1991 sp.s. c 13 s 61 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

(4) During the fiscal biennium ending June 30, 1997, moneys in the account may be transferred by the legislature to the water right permit processing account.

**Sec. 922.** RCW 74.14C.065 and 1992 c 214 s 11 are each amended to read as follows:

Any federal funds made available under RCW 74.14C.060 shall be used to supplement and shall not supplant state funds to carry out the purposes of this chapter. However, during the 1995-97 fiscal biennium, federal funds made available under RCW 74.14C.060 may be used to supplant state funds to carry out the purposes of this chapter.

**Sec. 923.** RCW 79.24.580 and 1994 c 219 s 12 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock. During the fiscal biennium ending June 30, 1997, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

**NEW SECTION. Sec. 924. FISCAL YEAR EXPENDITURE LIMITS.** An agency's total general fund--state expenditures by fiscal year shall not exceed the amount approved by the office of financial management (OFM) in expenditure plans authorized under RCW 43.88.070 and 43.88.110. OFM shall ensure that these plans conform with fiscal year expenditures in the OFM budget database as updated to reflect legislative appropriations and governor's vetoes. In no case shall the state-wide total of agency allotments exceed the Initiative 601 expenditure limit. The allotments of elected officials must match the GFS fiscal year split contained in the updated OFM database.

**NEW SECTION. Sec. 925.** Unless otherwise required by law, no moneys appropriated in this act may be expended for mandatory diversity training for state employees. No moneys appropriated in this act may be expended for voluntary diversity training offered to state employees where a record is made of attendance or nonattendance or where state employees may be subject to reprimand or other disciplinary action for participating or not participating.

NEW SECTION. Sec. 926. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 927. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Section 807 of this act shall take effect immediately. The remainder of the act shall take effect July 1, 1995."

#### MOTION

Senator Schow moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:  
On page 24, beginning on line 5 of the Ways and Means Committee amendment, strike all material down to and including line 9  
Renumber the subsections consecutively  
Debate ensued.  
Senator Schow demanded a roll call and the demand was sustained.

#### MOTION

On motion of Senator Ann Anderson, Senator Finkbeiner was excused.  
The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Schow on page 24, beginning on line 5, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1410.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.  
Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Roach, Schow, Sellar, Strannigan, West, Winsley and Wood - 21.  
Voting nay: Senators Bauer, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker and Wojahn - 25.  
Excused: Senators Anderson, C., Finkbeiner and Moyer - 3.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1410.  
The motion by Senator Rinehart carried and the Committee on Ways and Means striking amendment was adopted.

#### MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:  
On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997; amending RCW 19.118.110, 43.08.250, 70.47.030, 70.105D.070, 86.26.007, 43.155.050, 69.50.520, 70.146.020, 70.146.030, 74.14C.065, 79.24.580, 43.211.005, 43.211.010, 43.211.030, 43.211.040, 88.46.922, 88.46.925, and 90.56.510; amending 1991 c 200 s 1120 (uncodified); amending 1993 c 281 s 73 (uncodified); reenacting and amending RCW 41.06.150; adding a new section to chapter 90.56 RCW; creating new sections; recodifying RCW 43.211.005, 43.211.010, 43.211.030, and 43.211.040; repealing RCW 43.211.020, 88.46.920, and 88.46.923; providing an effective date; and declaring an emergency."

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 1410, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1410, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1410, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, West, Winsley, Wojahn and Wood - 36.

Voting nay: Senators Anderson, A., Hochstatter, McCaslin, Oke, Owen, Palmer, Roach, Schow, Strannigan, Sutherland and Swecker - 11.

Excused: Senators Anderson, C. and Moyer - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden, Dellwo, Schoesler, Sheahan and Chopp) (by request of Office of Financial Management)

Adopting the capital budget.

The bill was read the second time.

#### MOTION

Senator Loveland moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1997, out of the several funds specified in this act.

**NEW SECTION. Sec. 2.** As used in this act, the following phrases have the following meanings:

"Aquatic Lands Acct" means the Aquatic Lands Enhancement Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Data Proc Rev Acct" means Data Processing Revolving Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;

"NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account;

"ORA" means Outdoor Recreation Account;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account;

"Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account;

"St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;

"St Bldg Constr Acct" means State Building Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"Thoroughbred Racing Acct" means Washington Thoroughbred Racing Account;

"Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account;

"UW Bldg Acct" means University of Washington Building Account;

"WA Housing Trust Acct" means Washington Housing Trust Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

#### PART 1 GENERAL GOVERNMENT

##### **NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE**

##### **Northwest Washington Regional Archives: Construction (90-1-003)**

##### **Reappropriation:**

St Bldg Constr Acct--State \$ 3,970

Prior Biennia (Expenditures) \$ 128,341

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 132,311

##### **NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE**

##### **Central Washington Regional Archives--Central Washington University Campus (93-2-001)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 434,000**  
Prior Biennia (Expenditures) \$ 3,500,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,934,000

**NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE  
Essential Records Storage Site--Asbestos survey and abatement (94-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 50,000

**NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE  
Eastern Washington Branch Archives: Predesign (94-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,200**  
Prior Biennia (Expenditures) \$ 52,000  
Future Biennia (Projected Costs) \$ 4,540,612  
TOTAL \$ 4,598,812

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE  
Puget Sound Branch Archives--Building design and construction (94-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,700,125**  
Prior Biennia (Expenditures) \$ 40,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,740,125

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE  
Puget Sound Branch--Building "C" asbestos abatement and demolition (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 125,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 125,000

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Community economic revitalization (86-1-001)**

**Reappropriation:**

**Public Works Assistance Acct--State \$ 3,321,298**  
**Pub Fac Constr Loan Rev Acct--State \$ 3,862,729**  
**St Bldg Constr Acct--State \$ 2,106,034**  
Subtotal Reappropriation \$ 9,290,061

**Appropriation:**

**Pub Fac Constr Loan Rev Acct--State \$ 1,500,000**  
**Public Works Assistance Acct--State \$ 4,000,000**  
Subtotal Appropriation \$ 5,500,000  
Prior Biennia (Expenditures) \$ 7,026,937  
Future Biennia (Projected Costs) \$ 24,000,000  
TOTAL \$ 45,816,998

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Development loan fund (88-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,000,000**  
**Wa St Dev Loan Acct--Federal \$ 186,654**  
Subtotal Reappropriation \$ 2,186,654

**Appropriation:**

**Wa St Dev Loan Acct--Federal \$ 3,500,000**  
Prior Biennia (Expenditures) \$ 5,932,935  
Future Biennia (Projected Costs) \$ 20,000,000  
TOTAL \$ 31,619,589

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Grays Harbor dredging (88-3-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this reappropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,788,144**

Prior Biennia (Expenditures) \$ 4,211,856

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Housing assistance, weatherization, and affordable housing program (88-5-015)**

The appropriation in this section is subject to the following conditions and limitations: \$1,500,000 of the reappropriation from the state building and construction account, \$2,000,000 of the reappropriation from the charitable, educational, penal, and reformatory institutions account, and \$2,000,000 of the appropriation from the state building and construction account are provided solely for development of at least 367 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall implement this initiative in coordination with the managed care initiative developed by the division of developmental disabilities in accordance with the 1995-97 operating budget.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 33,214,000**

**CEP & RI Acct--State \$ 2,830,959**

Subtotal Reappropriation \$ 36,044,959

**Appropriation:**

**St Bldg Constr Acct--State \$ 47,800,000**

**WA Housing Trust Acct \$ 2,200,000**

Subtotal Appropriation \$ 50,000,000

Prior Biennia (Expenditures) \$ 77,601,500

Future Biennia (Projected Costs) \$ 100,000,000

TOTAL \$ 263,646,451

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
A Contemporary Theatre (ACT)--Seattle (90-1-006)**

This reappropriation is provided solely for the construction or renovation of a new theater in Seattle. If the project funded from the reappropriation in this section is not substantially complete by December 31, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 914,696**

Prior Biennia (Expenditures) \$ 85,031

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 999,727

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Seattle Center redevelopment:**

For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing **(92-1-019)**

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,735,637**  
Prior Biennia (Expenditures) \$ 5,764,364  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,500,001

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Yakima criminal justice facility:** For a grant to the city of Yakima for the construction of a new criminal justice facility (92-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

(3) If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,991,000**  
Prior Biennia (Expenditures) \$ 9,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,000,000

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**7th Street Theatre (90-2-008)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall be matched by at least \$200,000 from nonstate sources. The match may include cash or in-kind contributions. If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 150,000**  
Prior Biennia (Expenditures) \$ 250,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 400,000

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Minor works: Emergency Management Building (92-2-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 62,263**  
Prior Biennia (Expenditures) \$ 223,737  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 286,000

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Snohomish County drainage:** To purchase land in drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 348,950**  
Prior Biennia (Expenditures) \$ 1,050  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 350,000

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Resource Center for the Handicapped:** To acquire and improve the facilities in which the center currently operates (92-5-000)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources expended for the same purposes. The matching money may include lease-purchase payments made by the center prior to May 28, 1993.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 407,203**  
 Prior Biennia (Expenditures) \$ 792,797  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 1,200,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Washington Technology Center laboratories (92-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,262,945**  
 Prior Biennia (Expenditures) \$ 1,419,658  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 2,682,603

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Columbia River dredging feasibility:** For completing a study on the feasibility of deepening the navigation channel from Astoria to

Vancouver (92-5-006)

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose. If the project funded from the reappropriation in this section is not substantially complete by June 30, 1997, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 598,200**  
 Prior Biennia (Expenditures) \$ 1,800  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 600,000

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Building for the arts:** For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-

100)

The appropriations in this section are subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

**Phase 1** Estimated Total

Capital Cost

Seattle Children's Theatre \$ 8,000,000  
 Admiral Theatre (Bremerton) \$ 4,261,000  
 Pacific Northwest Ballet \$ 7,500,000  
 Seattle Symphony \$ 54,000,000  
 Seattle Repertory Theatre  
 (Phase 1) \$ 4,000,000  
 Broadway Theatre District  
 (Tacoma) \$ 11,800,000  
 Allied Arts of Yakima \$ 500,000  
 Spokane Art School \$ 454,000  
 Seattle Art Museum \$ 4,862,500  
 -----  
 Total \$ 95,377,500

**Phase 2** Estimated Total

Capital Cost

Bainbridge Performing  
 Arts Center \$ 1,200,000  
 The Children's Museum \$ 2,850,000  
 Everett Community Theatre \$ 12,119,063  
 Kirkland Center for  
 the Performing Arts \$ 2,500,000  
 Makah Cultural and

Research Center \$ 1,600,000  
 Mount Baker Theatre Center \$ 1,581,000  
 Seattle Group Theatre \$ 334,751  
 Seattle Opera Association \$ 985,000  
 Seattle Repertory Theatre  
 (Phase 2) \$ 4,000,000  
 Valley Museum of Northwest  
 Art \$ 1,100,000  
 Village Theatre \$ 6,000,000  
 Tacoma Little Theatre \$ 1,250,000  
 The Washington Center  
 for the Performing Arts \$ 400,000  
 Whidbey Island Center  
 for the Arts \$ 1,200,000  
 -----  
 Total \$ 37,119,814

**Phase 3 Estimated Total**

Capital Cost

ACT Theatre \$ 28,100,000  
 Corbin Art Theater (Spokane) \$ 69,055  
 Cutter Theater \$ 725,511  
 Depot Arts Center  
 (Anacortes) \$ 68,000  
 Little Theater (Walla Walla) \$ 100,000  
 Meadow for the Arts  
 (Gig Harbor) \$ 2,550,000  
 New City Theater \$ 281,000  
 Northwest Puppet Theater \$ 413,300  
 Paramount Theater \$ 14,705,262  
 Rainier Valley Cultural  
 Center \$ 600,000  
 Seattle Childrens Theater \$ 3,200,000  
 Steilacoom Cultural Center \$ 65,000  
 Meyendenbauer Theater \$ 2,400,000  
 Tu-Ha-Buts Cultural Center \$ 777,405  
 Vancouver Arts School \$ 8,549,313  
 World Kite Museum \$ 900,000  
 Clallam County Gallery \$ 174,314  
 Columbia Theater \$ 500,000  
 -----  
 Total \$ 64,178,160

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon: Uniform criteria for the selection of projects and awarding of grants for up to fifteen percent of the total project cost; local community support for the project; a requirement that the sites for the projects are secured or optioned for purchase; and a state-wide geographic distribution of projects.



(5) The reappropriation and new appropriation in this section are provided to fund the state share for phase 1, 2, and 3 of the building for the arts program. Within this amount the department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The department may require that projects recompile for funding.

(6) No single project shall exceed \$4,500,000 unless there are uncommitted funds from the appropriations in this section after January 1, 1997. Nothing in this subsection (6) prevents the department from submitting a request for an increased state share of any project subject to this limitation in the department's 1997-99 capital budget request.

(7) The department is authorized to allocate the amounts appropriated in this section among the eligible projects in phases 1, 2, 3 and to set matching requirements for individual projects.

(8) By December 15, 1995, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 8,000,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 9,209,986

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,209,986

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Columbia Gorge Interpretive Center (92-5-101)**

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,886**

Prior Biennia (Expenditures) \$ 3,999,114

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Tri-Cities Trade Center (93-5-003)**

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. These appropriations shall be matched by at least \$2,800,000 provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,527,385**

Prior Biennia (Expenditures) \$ 272,615

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,800,000

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Martin Luther King Jr. Memorial (93-5-005)**

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 95,450**

Prior Biennia (Expenditures) \$ 4,550

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Challenger Learning Center (93-5-006)**

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and
- (2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 322,908**

Prior Biennia (Expenditures) \$ 477,092

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 800,000

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Emergency Management Building: Preservation (94-1-018)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 71,759**  
Prior Biennia (Expenditures) \$ 13,325  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 85,084

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Public works trust fund loans (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

Up to \$20,000,000 of the new appropriation may be used for preconstruction activity loans under chapter 363, Laws of 1995.

**Reappropriation:**

**Public Works Assistance Acct--State \$ 105,699,689**

**Appropriation:**

**Public Works Assistance Acct--State \$ 148,900,000**  
Prior Biennia (Expenditures) \$ 151,561,725  
Future Biennia (Projected Costs) \$ 695,900,000  
TOTAL \$ 1,102,061,414

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Washington Technology Center: Equipment (94-2-002)**

The reappropriation in this section is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 947,785**  
Prior Biennia (Expenditures) \$ 32,215  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 980,000

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Bigelow House: For restoration and renovation of this historic home to accommodate public visitors (94-2-004)**

The reappropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 298,923**  
Prior Biennia (Expenditures) \$ 9,077  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 308,000

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Olympic Peninsula Natural History Museum (94-2-005)**

The appropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 300,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Thorp Grist Mill: To develop the ice pond park and provide facilities to accommodate public access (94-2-007)**

The reappropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 30,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Camp North Bend Environmental Center:** For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center (94-2-008)

The reappropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Boren Field repairs:** To provide financial assistance to the Seattle school district for repairs to Boren Field (94-2-011)

The reappropriation in this section shall be matched by at least \$50,000 from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 275,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,000

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Camelot community flooding assistance:** To provide financial assistance to King county to relieve flooding in the Camelot community (94-2-012)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 75,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Daybreak Star Center: Remodel (94-2-100)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 88,484**

Prior Biennia (Expenditures) \$ 138,516

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 227,000

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Pacific Science Center (96-1-900)**

The appropriation in this section is provided for capital facilities improvements.

**Appropriation:**

**St Bldg Constr Acct--State \$ 4,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Timber ports capital asset improvements:** To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities (94-2-102)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this reappropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

Port Amount

Port of Grays Harbor \$ 564,000  
Port of Port Angeles \$ 1,500,000  
Port of Longview \$ 1,855,000

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,281,019**

Prior Biennia (Expenditures) \$ 618,981

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,900,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Community Action Agencies:** For grants to nonprofit community action agencies to assist in acquiring, developing, or rehabilitating buildings for the purpose of providing community-based family services under RCW 43.63A.115

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value, and other in-kind contributions;

(2) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met; and

(3) The following projects are eligible for funding:

Total	State	Estimated
Cost	Grant	Capital

Benton Franklin Community  
Action Committee \$ 1,200,000 \$ 300,000  
Central Area Motivation  
Project \$ 1,000,000 \$ 250,000  
Community Action Center of  
Whitman County \$ 390,000 \$ 90,000  
Community Action Council  
of Lewis, Mason, and  
Thurston Counties \$ 700,000 \$ 175,000  
El Centro de la Raza \$ 1,250,000 \$ 300,000  
Fremont Public Association \$ 3,000,000 \$ 600,000  
Kitsap Community Action  
Program \$ 465,000 \$ 110,000  
Kittitas Community Action  
Council \$ 600,000 \$ 150,000  
Lower Columbia Community  
Action Council \$ 1,331,625 \$ 300,000  
Metropolitan Development  
Council \$ 880,000 \$ 220,000  
Multiservice Centers of  
North and East King  
County \$ 1,600,000 \$ 350,000  
Northeast Washington Rural  
Resources Development  
Association \$ 1,200,000 \$ 350,000  
Okanogan County Community  
Action Council \$ 350,000 \$ 80,000

South King County  
 Multiservice Center \$ 800,000 \$ 200,000  
 Spokane Neighborhood Action  
 Programs \$ 1,500,000 \$ 375,000  
 Yakima Valley Farmworker  
 Clinic \$ 605,000 \$ 150,000  
 -----  
 Total \$ 16,871,625 \$ 4,000,000

Appropriation:  
 St Bldg Constr Acct--State \$ 4,000,000  
 Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 4,000,000

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Juvenile detention facilities:** For financial assistance to local governments to build or expand juvenile detention facilities

Individual counties or consortiums of counties are eligible to make specific requests for loan authorizations under chapter 39.94 RCW for assistance in the construction or expansion of local juvenile detention centers. If such loans are authorized by the legislature, the participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this section.

**NEW SECTION. Sec. 139. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Collocated Cascadia Community College and University of Washington Branch Campus (94-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided to acquire property, design, and construct a new branch campus to meet the higher education needs of the north King and south Snohomish county area;
- (2) The location of the property to be acquired for the new collocated campus shall be determined by the higher education coordinating board. The higher education coordinating board shall acquire a site contingent upon a satisfactory site selection environmental impact statement, any necessary environmental permits, and fiscal approval by the office of financial management;
- (3) The moneys provided in this section may be allocated to the appropriate institution or institutions or fiscal agency as specified in the joint-operating agreement as approved by the higher education coordinating board; and
- (4) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 14,500,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,000,000**  
 Prior Biennia (Expenditures) \$ 10,710,000  
 Future Biennia (Projected Costs) \$ 75,000,000  
 TOTAL \$ 105,210,000

**NEW SECTION. Sec. 140. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Underground storage tank: Pool (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.
- (2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

**Reappropriation:**

**CEP & RI Acct--State \$ 105,000**  
**St Bldg Constr Acct--State \$ 665,000**

Subtotal Reappropriation \$ 770,000

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 4,248,146  
Future Biennia (Projected Costs) \$ 7,000,000  
TOTAL \$ 15,018,146

**NEW SECTION. Sec. 141. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Asbestos abatement and associated minor demolition: Pool (96-1-002)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos.
- (2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,500,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 6,358,088  
Future Biennia (Projected Costs) \$ 16,000,000  
TOTAL \$ 27,858,088

**NEW SECTION. Sec. 142. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Americans with Disabilities Act: Pool (96-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The money provided in this section shall be allocated to agencies and institutions for improvements to state-owned facilities for program access enhancements.
- (2) No moneys appropriated in this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. The office of financial management shall implement an agency request and evaluation procedure similar to the one adopted in the 1993-95 biennium for distribution of funds.
- (3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,000,000**  
Prior Biennia (Expenditures) \$ 8,360,000  
Future Biennia (Projected Costs) \$ 33,000,000  
TOTAL \$ 48,360,000

**NEW SECTION. Sec. 143. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Seismic retrofit: Pool (96-1-004)**

**Appropriation:**

**General Fund--Federal \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

**NEW SECTION. Sec. 144. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Capital budget system improvements (96-1-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 300,000  
Future Biennia (Projected Costs) \$ 1,200,000  
TOTAL \$ 1,900,000

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Lake repairs: To repair dam gates and shoreline areas damaged by erosion (92-1-015)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 985,000**  
Prior Biennia (Expenditures) \$ 140,000

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,125,000

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Capitol Campus geotechnical and hydrologic survey (92-2-108)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 75,000**  
Prior Biennia (Expenditures) \$ 125,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 200,000

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
CFC/Halon fire control systems (94-1-009)**

**Reappropriation:**

**Cap Bldg Constr Acct--State \$ 325,000**  
Prior Biennia (Expenditures) \$ 139,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 464,000

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Capitol Campus preservation (94-1-010)**

**Reappropriation:**

**Cap Bldg Constr Acct--State \$ 910,000**  
Prior Biennia (Expenditures) \$ 2,748,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,658,000

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Capitol Lake dredging: To develop a dredging plan and to dredge Capitol Lake (92-1-019)**

\$200,000 of the reappropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fish and wildlife, and transportation, and with affected local governments and Indian tribes.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,430,000**  
Prior Biennia (Expenditures) \$ 570,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,000,000

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Plaza--Department of Transportation Garage renovation: Design and construction (96-1-002)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 400,000**  
**St Bldg Constr Acct--State \$ 8,921,200**  
Subtotal Appropriation \$ 9,321,200  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 11,158,500  
TOTAL \$ 20,479,700

**NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
General Administration Building--Preservation: To make critical repairs to the electrical service of the General Administration Building (96-1-003)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 2,200,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,200,000

**NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Capitol campus controls systems phase 4 (96-1-004)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 868,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 868,000

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Heritage Park--Phased development:** To provide for a public access trail linking the campus to Capitol lake, slope stabilization, environmental review, and design and permitting for future phases (92-5-105)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,035,000**  
Prior Biennia (Expenditures) \$ 7,030,000  
Future Biennia (Projected Costs) \$ 11,492,000  
TOTAL \$ 19,557,000

**NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Roof repairs and replacement (96-1-010)**

**Appropriation:**

**Thurston County Cap Fac Acct--State \$ 775,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 3,200,000  
TOTAL \$ 3,975,000

**NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**CFC/Halon fire control systems: Removal and replacement (96-1-011)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 500,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,000,000  
TOTAL \$ 1,500,000

**NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Archives Building heating, ventilation, and air conditioning: Repairs (96-1-012)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,700,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,700,000

**NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Thurston County buildings: Preservation (96-1-013)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management, including electrical improvements, elevator and escalator preservation, building preservation, infrastructure preservation, and emergency and small repairs.
- (2) The department shall develop designs and plans for handrails in the legislative building and shall report its design recommendations and associated costs to the legislature.
- (3) \$50,000 of the appropriation in this section is provided solely to improve handicapped accessibility between the legislative building and the John L. O'Brien and John A. Cherberg buildings.

**Appropriation:**

**Thurston County Cap Fac Acct--State \$ 2,021,200**  
**Cap Bldg Constr Acct--State \$ 4,445,000**  
**St Bldg Constr Acct--State \$ 518,800**  
Subtotal Appropriation \$ 6,985,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 16,700,000  
TOTAL \$ 23,685,000

**NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Training and Conference Center--Preservation (96-1-016)**

**Appropriation:**



**St Bldg Constr Acct--State \$ 620,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 620,000

**NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Monumental buildings--Preservation:** To replace stone, repair and patch cracked stones, miscellaneous stone consolidation, water and chemical cleaning, and sealing the stone surface of campus monumental buildings (96-1-017)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,700,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,800,000

TOTAL \$ 8,500,000

**NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**State Library: Preservation (96-1-018)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 800,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

**NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**General Administration engineering and architectural services: Project management (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or those that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize a project management cost allocation procedure approved by the office of financial management to allocate costs under the appropriation, and costs under any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall allocate costs at the project level for projects valued over \$500,000.

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,500,000**

Prior Biennia (Expenditures) \$ 8,000,000

Future Biennia (Projected Costs) \$ 30,000,000

TOTAL \$ 45,500,000

**NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Northern State Multiservice Center:** To replace the central heating system with individual building heating systems.

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act and shall not be expended until the office of financial management has made a determination that the replacement individual heating systems will have a cost efficiency payback of less than five years.

**Appropriation:**

**St Bldg Constr Acct--State \$ 577,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 577,000

**NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Trading and Conference Center:** To construct a mock city, indoor firing range, and running track (96-2-004)

**Appropriation:**

**Public Safety Reimb Bond--State \$ 2,912,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,572,000

TOTAL \$ 4,484,000

**NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Northern State Multiservice Center:** For critical life/safety and preservation projects (94-1-014)

**Reappropriation:**

**CEP & RI Acct \$ 625,000**  
Prior Biennia (Expenditures) \$ 247,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 872,000

**NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**Campus transport system phase I: Design and construct (95-2-002)**

In the 1997-99 biennium the department will start charging the benefiting agencies, through their rate structure, amounts sufficient to recover the costs (principal and interest) for the entire transport system over a fifteen year period.

**Appropriation:**

**Data Proc Rev Acct--State \$ 3,450,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,650,000  
TOTAL \$ 5,100,000

**NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**Washington Information Network kiosks (95-2-003)**

Funding is provided solely for the acquisition and installation of up to 30 multimedia kiosks for the Washington Information Network.

**Appropriation:**

**Data Proc Rev Acct--State \$ 1,300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,300,000

**NEW SECTION. Sec. 167. FOR THE WASHINGTON HORSE RACING COMMISSION**

**Horse Racing Commission (94-5-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;
- (2) Expenditures from this appropriation shall only be made to construct horse race or related facilities after the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;
- (3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the states long-term interest in the continuation and development of thoroughbred horse racing.

**Reappropriation:**

**Thoroughbred Racing**  
**Acct--State \$ 8,200,000**

**Appropriation:**

**Thoroughbred Racing**  
**Acct--State \$ 168,065**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,368,065

**NEW SECTION. Sec. 168. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center: Security fence replacement (94-1-003)**

**Reappropriation:**

**Liquor Revolving Acct--State \$ 28,800**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 28,800

**NEW SECTION. Sec. 169. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center: Warehouse reroof and repairs (94-1-005)**

**Reappropriation:**

**Liquor Revolving Acct--State \$ 125,000**  
Prior Biennia (Expenditures) \$ 500,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 625,000

**NEW SECTION. Sec. 170. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center--Predesign:** To complete predesign for a new warehouse in accordance with the predesign manual published by the office of financial management (96-2-001)

**Appropriation:**

**Liquor Revolving Acct--State \$ 100,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 100,000

**NEW SECTION. Sec. 171. FOR THE MILITARY DEPARTMENT**

**Yakima Armory demolition:** To reimburse the city of Yakima for demolition costs (94-2-001)

**Appropriation:**

**General Fund--Federal \$ 155,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 155,000

**NEW SECTION. Sec. 172. FOR THE MILITARY DEPARTMENT**

**State-wide: Preservation (93-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 850,000**  
Prior Biennia (Expenditures) \$ 2,518,400  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,368,400

**NEW SECTION. Sec. 173. FOR THE MILITARY DEPARTMENT**

**Camp Murray buildings: Preservation (96-1-002)**

**Appropriation:**

**General Fund--Federal \$ 1,050,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 658,000  
TOTAL \$ 1,708,000

**NEW SECTION. Sec. 174. FOR THE MILITARY DEPARTMENT**

**Everett Armory: Preservation (96-1-003)**

**Appropriation:**

**General Fund--Federal \$ 500,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 500,000

**NEW SECTION. Sec. 175. FOR THE MILITARY DEPARTMENT**

**Camp Murray infrastructure: Preservation (96-1-006)**

**Appropriation:**

**General Fund--Federal \$ 500,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 2,000,000  
TOTAL \$ 2,500,000

**NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT**

**Minor works:** To provide support of federal construction projects (96-1-007)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**General Fund--Federal \$ 3,855,000**  
**St Bldg Constr Acct--State \$ 448,000**  
Subtotal Appropriation \$ 4,303,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 19,553,700  
TOTAL \$ 23,856,700

**NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT**

**Emergency Coordination Center:** For design and construction of an emergency coordination center and remodeling of associated facilities at Camp Murray

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;
- (2) The appropriation in this section represents the maximum amount of funding available for this project. To the extent moneys in this appropriation are not needed to complete the project, as mutually determined by the military department and the office of financial management, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund; and
- (3) If federal match or reimbursement funding is received by the state from the federal emergency management agency for this project, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund.

**Appropriation:**

**General Fund--Federal \$ 9,066,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,066,000

**NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT**

**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 179. FOR THE STATE CONVENTION AND TRADE CENTER**

**Minor works (93-2-001) (89-5-002) (89-5-003)**

If the projects funded from the reappropriation in this section are not substantially complete by January 1, 1997, the reappropriation shall lapse.

**Reappropriation:**

**St Conv & Trade Ctr Acct--State \$ 1,300,000**  
Prior Biennia (Expenditures) \$ 333,926  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,633,926

**PART 2  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Sanitary sewer (88-1-400)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 179,908**  
Prior Biennia (Expenditures) \$ 10,092  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 190,000

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Echo Glenn--Perimeter fence (90-5-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 48,223**  
Prior Biennia (Expenditures) \$ 426,777  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 475,000

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Eastern State Hospital--Ward renovation phase 3 (92-1-340)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 818,536**  
Prior Biennia (Expenditures) \$ 5,429,786  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,248,322

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Maple Lane--Level 2 security units (92-2-230)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,718**  
Prior Biennia (Expenditures) \$ 746,781  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 758,499

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Child Study--Education Center 1 (92-2-319)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 896,907**  
Prior Biennia (Expenditures) \$ 2,928,093  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,825,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Energy conservation management and planning (94-1-006)**

**Reappropriation:**

**CEP & RI Acct \$ 127,559**  
Prior Biennia (Expenditures) \$ 102,917  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 230,476

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Underground Storage Tanks (94-1-060)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 142,641**  
Prior Biennia (Expenditures) \$ 81,359  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 224,000

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Western State Hospital--Ward renovation Phase 5 (92-1-314)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,042,000**  
Prior Biennia (Expenditures) \$ 10,009,327  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 12,051,327

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Level 1 Security Units--Maple Lane School (92-2-225)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,895,110**  
Prior Biennia (Expenditures) \$ 3,017,906  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,913,016

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Fire safety and sewer improvements--Maple Lane School (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 427,281**

Prior Biennia (Expenditures) \$ 42,719  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 470,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Administration Building renovation--Maple Lane School (94-1-127)**

The reappropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,768,842**  
Prior Biennia (Expenditures) \$ 154,658  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,923,500

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Renovate apartment--Fircrest School (94-1-142)**

**Reappropriation:**

**CEP & RI Acct--State \$ 2,119,168**  
Prior Biennia (Expenditures) \$ 13,944  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,133,112

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Wastewater Treatment Plant--Maple Lane School (94-1-201)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 764,277**  
Prior Biennia (Expenditures) \$ 8,223  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 772,500

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Water system improvements--Naselle Youth Camp (94-1-202)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,165,694**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,165,694

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Replace Eagle Lodge--Naselle Youth Camp (94-1-204)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 954,831**  
Prior Biennia (Expenditures) \$ 1,145,169  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,100,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Clinic--Echo Glen Children's Center (94-1-207)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,025,262**  
Prior Biennia (Expenditures) \$ 61,352  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,086,614

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eagle Lodge rehabilitation--Naselle Youth Camp (94-1-210)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 224,455**  
Prior Biennia (Expenditures) \$ 57,545  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 282,000

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Child Study and Treatment Center--Administration Building renovation (94-1-306)**

**Reappropriation:**

**CEP & RI Acct--State \$ 766,205**  
Prior Biennia (Expenditures) \$ 11,395  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 777,600

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Western State Hospital: Security improvements (94-1-310)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 400,000

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Western State Hospital--Ward renovation phase 6 (94-1-316)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,905,826**

**Appropriation:**

**St Bldg Constr Acct--State \$ 819,000**  
Prior Biennia (Expenditures) \$ 245,174  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 12,970,000

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Frances Haddon Morgan Center--Remodel (94-1-402)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,707,781**  
Prior Biennia (Expenditures) \$ 13,519  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,721,300

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Green Hill School: Repairs (94-1-510)**

The reappropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 108,337**  
Prior Biennia (Expenditures) \$ 131,663  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 240,000

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Eastern State Hospital: Psychiatric Triage Unit grant (94-2-005)**

The reappropriation is provided to develop secure beds in Spokane county for persons in need of emergency short-term evaluation, treatment, and stabilization as a result of a psychiatric crisis. The department shall assure that: (1) Funding for the project shall be contingent upon a plan approved by the department of social and health services and upon an agreement by the participating regional support networks to reduce their utilization of eastern state hospital by at least 30 beds early in the 1995-97 biennium; and (2) the state's investment shall be promptly repaid if the facility is converted to use other than psychiatric care for publicly assisted individuals before the useful life of the project funded by this appropriation has expired.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Asbestos abatement (96-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 349,260**

**Appropriation:**

**St Bldg Constr Acct--State \$ 755,000**

Prior Biennia (Expenditures) \$ 367,764

Future Biennia (Projected Costs) \$ 3,253,650

TOTAL \$ 4,725,674

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Minor capital renewal (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**CEP & RI Acct--State \$ 1,739,331**

**St Bldg Constr Acct--State \$ 397,207**

Subtotal Reappropriation \$ 2,136,538

**Appropriation:**

**CEP & RI Acct--State \$ 5,400,000**

**St Bldg Constr Acct--State \$ 9,700,000**

Subtotal Appropriation \$ 15,100,000

Prior Biennia (Expenditures) \$ 6,131,034

Future Biennia (Projected Costs) \$ 68,000,000

TOTAL \$ 91,367,572

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Agency capital project management (96-1-005)**

**Appropriation:**

**CEP & RI Acct--State \$ 1,237,496**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,800,000

TOTAL \$ 6,037,496

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Resource conservation: Fircrest heating study (96-1-006)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996

**Appropriation:**

**CEP & RI Acct--State \$ 132,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 132,000

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Emergency projects (96-1-007)**

**Reappropriation:**

**CEP & RI Acct--State \$ 107,460**

**Appropriation:**

**CEP & RI Acct--State \$ 250,000**

Prior Biennia (Expenditures) \$ 321,454

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,678,914

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Chlorofluorocarbon abatement (96-1-008)**

**Reappropriation:**

**CEP & RI Acct--State \$ 100,000**

**Appropriation:**



**CEP & RI Acct--State \$ 150,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 150,000  
TOTAL \$ 400,000

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Rainier School infrastructure: Predesign (96-1-009)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 192,078**  
Prior Biennia (Expenditures) \$ 157,923  
Future Biennia (Projected Costs) \$ 30,300,000  
TOTAL \$ 30,650,001

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Juvenile facilities preservation and rehabilitation (96-1-020)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,705,275**  
Prior Biennia (Expenditures) \$ 374,325  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,079,600

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Minor projects--Mental health (96-1-030)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,412,297**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,950,000**  
Prior Biennia (Expenditures) \$ 433,004  
Future Biennia (Projected Costs) \$ 14,000,000  
TOTAL \$ 17,795,301

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Minor projects--Division of Developmental Disabilities (96-1-040)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**CEP & RI Acct--State \$ 864,813**

**Appropriation:**

**St Bldg Constr Acct--State \$ 539,000**  
Prior Biennia (Expenditures) \$ 1,658,687  
Future Biennia (Projected Costs) \$ 6,000,000  
TOTAL \$ 9,062,500

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Underground storage tanks removal and replacement (96-1-060)**

**Reappropriation:**

**CEP & RI Acct--State \$ 159,286**

**Appropriation:**

**CEP & RI Acct--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 832,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,191,286

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Maintenance management and planning (96-1-150)**

**Reappropriation:**

CEP & RI Acct--State \$ 140,323

**Appropriation:**

CEP & RI Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 279,124

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 544,447

**NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Medical Lake wastewater treatment facility: Design (96-1-301)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 699,903

**Appropriation:**

St Bldg Constr Acct--State \$ 1,264,000

Prior Biennia (Expenditures) \$ 2,014,097

Future Biennia (Projected Costs) \$ 750,000

TOTAL \$ 4,728,000

**NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Ward renovation Phase 7 (96-1-316)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 16,770,018

TOTAL \$ 17,470,018

**NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital Legal Offenders Unit: Predesign (96-1-318)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Reappropriation:**

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 22,300,000

TOTAL \$ 23,000,000

**NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital Legal Offenders Unit: Predesign, design and construct (96-1-319)**

The design and construction phase of this appropriation shall not be expended until the predesign document developed in accordance with the predesign manual published by the office of financial management has been reviewed and approved. Funds for design and construction shall be released subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 28,624

Future Biennia (Projected Costs) \$ 11,238,276

TOTAL \$ 12,266,900

**NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital: Replace Boiler #1 (96-1-322)**

**Appropriation:**

St Bldg Constr Acct--State \$ 1,440,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,440,000

**NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Juvenile Rehabilitation Administration new 300-bed institution: Site selection and environmental impact statement (96-2-228)**

To conduct a site selection process for the project described in this section.

**Appropriation:**

**St Bldg Constr Acct--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 45,000,000  
TOTAL \$ 45,200,000

**NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Echo Glen new beds and infrastructure (96-2-229)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,484,300**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,484,300

**NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Green Hill redevelopment (96-2-230)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;
- (2) \$380,000 of the appropriation in this section is provided for a facility and site master plan and environmental impact statement.

Moneys for design and construction shall not be expended until the facility and site master plan is approved by the office of financial management; and

(3) New residential units constructed with this appropriation shall be designed to accommodate a sustained operating capacity of at least forty-two residents, except for intake units, mental health units, and units housing sex offenders.

**Appropriation:**

**St Bldg Constr Acct--State \$ 34,374,536**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 3,000,000  
TOTAL \$ 37,374,536

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Maple Lane School support services renovation and infrastructure improvements (96-2-231)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,855,500**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,855,500

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Naselle Youth Camp sewer and infrastructure improvements (96-2-232)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,125,500**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,125,500

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Mission Creek preservation projects (96-2-233)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 414,800**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 414,800

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Crisis Residential Centers (96-1-900)**

The appropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,000,000

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Indian Ridge utility upgrade projects (96-2-234)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,521,500**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,521,500

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Minor works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management.
- (2) A maximum of \$5,000 from this appropriation may be used to acquire the surplus military base at Camp Bonneville for the purpose of developing a juvenile rehabilitation facility.

**Appropriation:**

**St Bldg Constr Acct--State \$ 344,400**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 344,400

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Child care facilities for state employees, including higher education employees (92-4-050)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,490,000**  
Prior Biennia (Expenditures) \$ 2,010,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,500,000

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH**  
**Referendum 38--Water bonds (86-2-099)**

**Reappropriation:**

**LIRA, Water Sup Fac--State \$ 1,900,000**  
Prior Biennia (Expenditures) \$ 7,208,954  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,108,954

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF HEALTH**  
**Health Laboratory: Repairs and improvements (96-1-001)**

**Reappropriation:**

**CEP & RI Acct--State \$ 450,000**  
**St Bldg Constr Acct--State \$ 350,000**  
Subtotal Reappropriation \$ 800,000

**Appropriation:**

**St Bldg Constr Acct--State \$ 863,992**  
Prior Biennia (Expenditures) \$ 118,204  
Future Biennia (Projected Costs) \$ 2,478,536  
TOTAL \$ 4,260,870

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF HEALTH**

**Emergency power system (96-1-009)**

**Appropriation:**

**CEP & RI Acct--State \$ 596,790**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 596,790

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Underground storage tank: Replacement (94-1-019)**

**Reappropriation:**

**CEP & RI Acct--State \$ 52,000**  
Prior Biennia (Expenditures) \$ 103,902  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 155,902

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Main kitchen upgrade, Washington Soldiers' Home (95-1-001)**

**Appropriation:**

**CEP & RI Acct--State \$ 1,096,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,096,000

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Roof repair and replacement, Washington Veterans' Home (95-1-002)**

**Reappropriation:**

**CEP & RI Acct--State \$ 50,000**

**Appropriation:**

**CEP & RI Acct--State \$ 402,000**  
Prior Biennia (Expenditures) \$ 327,895  
Future Biennia (Projected Costs) \$ 775,000  
TOTAL \$ 1,554,895

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, and heating, ventilation, and air conditioning improvements, Washington Veterans' Home (95-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 600,000**

**Appropriation:**

**CEP & RI Acct--State \$ 360,000**  
Prior Biennia (Expenditures) \$ 1,346,611  
Future Biennia (Projected Costs) \$ 1,600,000  
TOTAL \$ 3,906,611

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Building connection and automatic doors, Washington Soldiers' Home (95-1-005)**

**Appropriation:**

**CEP & RI Acct--State \$ 511,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 511,000

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, heating, ventilation and air conditioning projects, Washington Soldiers' Home (95-1-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 250,000**

**Appropriation:**

**CEP & RI Acct--State \$ 235,000**

Prior Biennia (Expenditures) \$ 587,057

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 2,672,057

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Replace failing sewer line, Washington Soldiers' Home (95-1-011)**

**Appropriation:**

**CEP & RI Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 275,595

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 375,595

**NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Roof maintenance and demolition, Washington Soldiers' Home (95-1-012)**

**Reappropriation:**

**CEP & RI Acct--State \$ 30,000**

**Appropriation:**

**CEP & RI Acct--State \$ 120,000**

Prior Biennia (Expenditures) \$ 511,570

Future Biennia (Projected Costs) \$ 525,000

TOTAL \$ 1,186,570

**NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Emergency projects (95-1-013)**

**Appropriation:**

**CEP & RI Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 1,900,000

**NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Occupational Therapy and Physical Therapy Room addition in Building 10, Washington Veterans' Home (95-2-009)**

**Appropriation:**

**CEP & RI Acct--State \$ 110,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 110,000

**NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**

**McNeil Island master plan development (94-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,519,000**

Prior Biennia (Expenditures) \$ 11,359,689

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,878,689

**NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**

**Airway Heights Correctional Center improvements and infrastructure for 512-bed expansion (94-2-016)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,355,000**

Prior Biennia (Expenditures) \$ 12,248,062

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,603,062

**NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**

**State-wide preservation projects (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management; and

(2) Moneys from the appropriation may be spent for critical repairs at the western Washington prerelease facility and to evaluate options for continued utilization and possible expansion of the facility on the western state hospital campus. The department shall report such options to the legislature by December 1, 1995.

(3) Up to \$350,000 from the appropriation may be used for repairs to the creamery facility necessary to continue the operation of the dairy and creamery at the Monroe honor farm.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 17,000,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 14,879,313**

Prior Biennia (Expenditures) \$ 54,525,756

Future Biennia (Projected Costs) \$ 94,000,000

TOTAL \$ 180,405,069

**NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS**

**Underground storage tank and above-ground storage tank program (96-1-002)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 794,729**

Prior Biennia (Expenditures) \$ 940,348

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,735,077

**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS**

**Emergency projects (96-1-015)**

**Reappropriation:**

**CEP & RI Acct--State \$ 106,000**

**Appropriation:**

**CEP & RI Acct--State \$ 1,602,750**

**St Bldg Constr Acct--State \$ 200,000**

Subtotal Appropriation \$ 1,802,750

Prior Biennia (Expenditures) \$ 2,376,811

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 10,285,561

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington State Penitentiary steam system replacement (96-1-016)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 4,411,252**

Prior Biennia (Expenditures) \$ 2,482,811

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,894,063

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington Corrections Center for Women: Replace "G" Units with 256-bed unit (96-2-001)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,611,187**

**Appropriation:**

**St Bldg Constr Acct--State \$ 8,317,839**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,929,026

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS**

**400-bed minimum facility for Washington State Reformatory (96-2-002)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 18,733,120**

Prior Biennia (Expenditures) \$ 50,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 18,783,120

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS**

**Airway Heights Correctional Center 512-bed expansion (96-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,055,776**

**Appropriation:**

**St Bldg Constr Acct--State \$ 17,155,382**

Prior Biennia (Expenditures) \$ 4,439,774

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 23,650,932

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS**

**1936-bed multicustody facility design, land acquisition, utilities, and site work (96-2-007)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) In order to coordinate the initial development of the new prison funded in this section with the privatization evaluation in Engrossed Substitute House Bill No. 1410 (omnibus operating budget), moneys in this appropriation may be spent solely for land acquisition, utility development, site work, design and engineering activities related to utilities and site work, schematic design of buildings to determine placement on the building site, and related activities. Moneys in this appropriation may also be spent for detailed design and engineering of buildings with the approval of the office of financial management and concurrence of the chairs of the house of representatives capital budget committee and senate ways and means committee.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 19,263,733**

Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 166,190,016

TOTAL \$ 186,453,749

**NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS**

**Yakima Prerelease: Design and construction (96-2-008)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,527,900**

Prior Biennia (Expenditures) \$ 240,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,767,900

**NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS**

**Larch and Cedar Creek expansion to 400-bed camps (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The design and construction phase of this appropriation shall not be expended until the facility predesign documents developed in accordance with the predesign manual published by the office of financial management have been reviewed and approved. The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) If the appropriation in this section is in excess of the amount required to complete the expansion of the Larch and Cedar Creek camps, the office of financial management may authorize the transfer of excess appropriation authority to match federal grant funds received by the department to expand inmate capacity at the work ethic camp on McNeil Island. The office of financial management may also authorize the transfer of excess appropriation authority to expand the inmate capacity of the Olympic corrections center. The office of financial management shall notify the appropriate committees of the house of representatives and senate within ten days of any such transfer.

(3) It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project cost savings may be realized.

(4) The department shall construct secure perimeter fencing as part of the expansion of the Larch corrections center.

(5) The department shall not house alien offenders at the Larch corrections center on or after January 1, 1996.

**Appropriation:**



**St Bldg Constr Acct--State \$ 22,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 22,000,000

**NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS**  
**Special Offenders Unit: Predesign (96-2-011)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. The predesign will be coordinated with the department of social and health services and will address civil commitment needs as well as the department of corrections need for expanded mental health services. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 427,400**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 15,985,140  
TOTAL \$ 16,412,540

**NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS**  
**State-wide program projects (96-2-012)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,428,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 8,074,963**  
Prior Biennia (Expenditures) \$ 45,659,492  
Future Biennia (Projected Costs) \$ 70,000,000  
TOTAL \$ 131,162,455

**PART 3**  
**NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY**  
**Referendum 26 waste disposal facilities (74-2-004)**

**Reappropriation:**

**LIRA--State \$ 6,216,000**  
Prior Biennia (Expenditures) \$ 2,711,028  
Future Biennia (Projected Costs) \$ 863,680  
TOTAL \$ 9,790,708

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**  
**Referendum 38 water supply facilities (74-2-006)**

\$2,500,000 of the state and local improvements revolving account reappropriation is provided solely for funding the state's cost share in the water conservation demonstration project--Yakima river reregulation reservoir.

It is the intent of the legislature that \$17,500,000 of the state and local improvements revolving account bond authorization will be earmarked for use in funding the state's cost share to match future federal and local contributions to implement provisions of United States Public Law 103-434, Title XII affecting water resources enhancement in the Yakima River Basin.

**Reappropriation:**

**LIRA, Water Sup Fac--State \$ 9,374,371**

**Appropriation:**

**LIRA, Water Sup Fac--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 5,738,929  
Future Biennia (Projected Costs) \$ 20,712,800  
TOTAL \$ 36,826,100

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**  
**State emergency water projects revolving account (76-2-003)**

**Reappropriation:**

**St Emerg Water Proj Rev--State \$ 7,749,052**  
Prior Biennia (Expenditures) \$ 1,187,225  
Future Biennia (Projected Costs) \$ 236,956  
TOTAL \$ 9,173,233

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 39 waste disposal facilities (82-2-005)**

No expenditure from the appropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

**Reappropriation:**

**LIRA, Waste Fac 1980--State \$ 18,423,360**

**Appropriation:**

**LIRA, Waste Fac 1980--State \$ 638,273**

Prior Biennia (Expenditures) \$ 32,125,342

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 51,186,975

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY**

**Centennial clean water fund (86-2-007)**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the appropriation is provided solely for the extended grant payment to Metro/King county.

(2) \$10,000,000 of the appropriation is provided solely for an extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$14,986,000 of the appropriation shall be allocated by the department for point source pollution prevention facilities and activities.

The department is directed to emphasize implementation activities over planning activities.

(4) \$7,492,000 of the appropriation shall be allocated by the department for nonpoint source pollution prevention facilities and

activities. The department is directed to emphasize implementation activities over planning activities.

**Reappropriation:**

**Water Quality Acct--State \$ 72,995,194**

**Appropriation:**

**Water Quality Acct--State \$ 57,478,000**

Prior Biennia (Expenditures) \$ 156,707,408

Future Biennia (Projected Costs) \$ 300,000,000

TOTAL \$ 587,180,602

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**

**Local toxics control account (88-2-008)**

**Reappropriation:**

**Local Toxics Control Acct--**

**State \$ 29,538,197**

**Appropriation:**

**Local Toxics Control Acct--**

**State \$ 42,467,860**

Prior Biennia (Expenditures) \$ 81,326,814

Future Biennia (Projected Costs) \$ 201,245,135

TOTAL \$ 354,578,006

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**

**Water pollution control revolving account (90-2-002)**

**Reappropriation:**

**Water Pollution Cont Rev**

**Fund--State \$ 12,000,000**

**Water Pollution Cont Rev**

**Fund--Federal \$ 77,857,990**

Subtotal Reappropriation \$ 89,857,990

**Appropriation:**

**Water Pollution Cont Rev Fund--**

**State \$ 13,000,000**

**Water Pollution Cont Rev Fund--**

**Federal \$ 62,000,000**

**Water Pollution Cont Rev Fund--**

**Private/Local \$ 4,265,272**

Subtotal Appropriation \$ 79,265,272

Prior Biennia (Expenditures) \$ 111,343,108

Future Biennia (Projected Costs) \$ 175,000,000

TOTAL \$ 455,466,370

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**

**Methow Basin water conservation (92-2-009)**

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 171,000**

Prior Biennia (Expenditures) \$ 229,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

**NEW SECTION. Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Spokane Centennial Trail (89-5-112)**

**Reappropriation:**

**General Fund--Federal \$ 432,618**

Prior Biennia (Expenditures) \$ 7,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,432,618

**NEW SECTION. Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Doug's Beach development (90-1-171)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**

Prior Biennia (Expenditures) \$ 12,206

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 62,206

**NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Deception Pass State Park: Sewer development (91-2-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 925,000**

**Appropriation:**

**LIRA, Waste Fac 1980--State \$ 2,229,000**

Prior Biennia (Expenditures) \$ 37,433

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,191,433

**NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Triton Cove State Park: Phase 1 (91-2-008)**

**Reappropriation:**

**ORA--State \$ 400,000**

Prior Biennia (Expenditures) \$ 228,140

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 628,140

**NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Omnibus boating facilities (91-2-009)**

**Reappropriation:**

**ORA--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 54,780  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 254,780

**NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION  
St. Edwards State Park--Gym renovation and parking expansion (92-2-501)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 152,137  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 552,137

**NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION  
Sewer facility improvements (93-2-001)**

**Reappropriation:**

**LIRA, Waste Fac 1980--State \$ 650,000**  
Prior Biennia (Expenditures) \$ 935,820  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,585,820

**NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION  
Boating facility preservation (94-1-057)**

**Reappropriation:**

**ORA--State \$ 2,400,000**  
**General Fund--Federal \$ 150,000**  
Subtotal Reappropriation \$ 2,550,000

**Appropriation:**

**General Fund--Federal \$ 700,000**  
Prior Biennia (Expenditures) \$ 570,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,820,000

**NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION  
Asbestos abatement projects: State-wide (95-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 650,000**  
Prior Biennia (Expenditures) \$ 350,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

**NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION  
Iron Horse Trail State Park: Acquisition (95-2-000)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 70,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 70,000

**NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION  
Emergency projects (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 500,000**  
Prior Biennia (Expenditures) \$ 850,000  
Future Biennia (Projected Costs) \$ 2,450,000  
TOTAL \$ 3,800,000

**NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION  
Underground storage tanks: Phase 3 (96-1-002)**

act. That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 600,000**

Prior Biennia (Expenditures) \$ 2,600,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,300,000

**NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: General (96-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 932,200**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,500,000**

Prior Biennia (Expenditures) \$ 291,300

Future Biennia (Projected Costs) \$ 21,000,000

TOTAL \$ 23,723,500

**NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: Buildings (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,801,500**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 598,500

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 16,900,000

**NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: Utilities (96-1-005)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,995,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,000,000**

Prior Biennia (Expenditures) \$ 1,505,000

Future Biennia (Projected Costs) \$ 13,000,000

TOTAL \$ 19,500,000

**NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION**

**State park program projects (96-2-007)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,880,400**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 11,880,400

**NEW SECTION. Sec. 325. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Boating facilities (I-215) (96-2-001)**

**Reappropriation:**

**ORA--State \$ 7,398,959**

**Appropriation:**

**Recreation Resources Acct--State \$ 7,500,000**  
Prior Biennia (Expenditures) \$ 5,108,690  
Future Biennia (Projected Costs) \$ 35,584,384  
TOTAL \$ 55,592,033

**NEW SECTION. Sec. 326. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
Nonhighway road and off-road vehicle activities (NOVA) (96-2-002)**

**Reappropriation:**

**ORA--State \$ 7,651,387**

**Appropriation:**

**NOVA--State \$ 5,120,000**  
Prior Biennia (Expenditures) \$ 6,346,803  
Future Biennia (Projected Costs) \$ 20,912,228  
TOTAL \$ 40,030,418

**NEW SECTION. Sec. 327. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
Washington wildlife and recreation program (96-2-003)**

The appropriations in this section for the Washington wildlife and recreation program under chapter 43.98A RCW are subject to the following conditions and limitations:

- (1) The new appropriations in this section are provided solely for the approved list of projects included in LEAP CAPITAL DOCUMENT NO. 4 as developed on May 24, 1995, at 3:00 p.m.
- (2) All land acquired by a state agency with moneys from these appropriations shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.
- (3) No moneys from the appropriations in this section shall be spent for the Lewis and Clark equestrian area project (project number 92-502A).
- (4) The entire appropriation from the wildlife account is provided solely for the critical habitat project category.
- (5) Acquisitions occurring pursuant to the new appropriation provided in this section shall be deemed public improvements for the purposes of RCW 8.26.180. This subsection shall not be deemed to prevent any state agency from accepting a gift of real property or from purchasing any property at less than fair market value.

**Reappropriation:**

**ORA--State \$ 13,943,479**  
**Habitat Conservation Acct--State \$ 9,134,101**  
**Aquatic Lands Acct--State \$ 33,335**  
**St Bldg Constr Acct--State \$ 48,691,974**  
Subtotal Reappropriation \$ 71,802,889

**Appropriation:**

**Wildlife Acct--State \$ 1,400,000**  
**Habitat Conservation Acct--State \$ 21,100,000**  
**ORA--State \$ 22,500,000**  
Subtotal Appropriation \$ 45,000,000  
Prior Biennia (Expenditures) \$ 118,234,493  
Future Biennia (Projected Costs) \$ 200,000,000  
TOTAL \$ 435,037,382

**NEW SECTION. Sec. 328. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
Firearms range program (96-2-004)**

**Reappropriation:**

**Firearms Range Acct--State \$ 487,382**

**Appropriations:**

**Firearms Range Acct--State \$ 900,000**  
Prior Biennia (Expenditures) \$ 554,621  
Future Biennia (Projected Costs) \$ 2,249,798  
TOTAL \$ 4,191,801

**NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
Land and water conservation fund (96-2-005)**

**Reappropriation:**

**ORA--Federal \$ 2,180,812**

**Appropriation:**

**Recreation Resources Acct--Federal \$ 1,050,000**

Prior Biennia (Expenditures) \$ 1,341,684

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 8,572,496

**NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**National Recreation Trails Act (96-2-006)**

**Reappropriation:**

**ORA--Federal \$ 125,000**

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

**NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Recreational facility acquisition and development projects (96-2-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 195,090**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 195,090

**NEW SECTION. Sec. 332. FOR THE STATE CONSERVATION COMMISSION**

**Water quality account projects (90-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,253,101 of the reappropriation is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

(2) The new appropriation provided in this section shall be allocated by the commission for nonpoint source pollution prevention facilities and activities.

**Reappropriation:**

**Water Quality Acct--State \$ 3,360,475**

**Appropriation:**

**Water Quality Acct--State \$ 5,500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 18,860,475

**NEW SECTION. Sec. 333. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Devils creek acclimation pond (87-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 370,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,000

**NEW SECTION. Sec. 334. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Luhrs Landing Access Interpretive Building (92-5-017)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 345,000**

Prior Biennia (Expenditures) \$ 105,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

**NEW SECTION. Sec. 335. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Grandy Creek Hatchery (92-5-024)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,006,000**

Prior Biennia (Expenditures) \$ 494,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,500,000

**NEW SECTION. Sec. 336. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Towhead Island public access renovation (86-3-028)**

If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

**ORA--State \$ 190,000**  
Prior Biennia (Expenditures) \$ 21,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 211,000

**NEW SECTION. Sec. 337. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Warm water fish facility: To purchase and develop property in eastern or central Washington for a warm water fish facility (92-5-025)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriations in this section shall not be expended for the purchase of property until the department has made a determination that:

- (1) The water rights to the property being transferred to the department, as part of the purchase agreement, are sufficient to operate the hatchery; and
- (2) The operation of a warm water fish hatchery on the property is feasible.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,134,622**  
Prior Biennia (Expenditures) \$ 127,378  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,262,000

**NEW SECTION. Sec. 338. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Tideland acquisitions (94-2-003)**

**Reappropriation:**

**General Fund--Federal \$ 1,664,600**  
Prior Biennia (Expenditures) \$ 3,335,400  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,000,000

**NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Sprague Lake Access Area development (94-2-008)**

**Reappropriation:**

**Wildlife Acct--Federal \$ 48,000**  
**ORA--State \$ 101,000**  
Subtotal Reappropriation \$ 149,000  
Prior Biennia (Expenditures) \$ 24,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 173,000

**NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Minor works: Preservation (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 624,000**

**Appropriation:**

**General Fund--Federal \$ 2,000,000**  
Prior Biennia (Expenditures) \$ 4,934,887  
Future Biennia (Projected Costs) \$ 7,000,000  
TOTAL \$ 14,558,887

**NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Underground storage tank (UST) removal and replacement (96-1-002)**

The appropriations in this section are subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.



**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 1,299,000

Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 1,799,000

**NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Emergency repair (96-1-003)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 650,000**

Prior Biennia (Expenditures) \$ 1,200,000

Future Biennia (Projected Costs) \$ 2,750,000

TOTAL \$ 4,600,000

**NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Facilities renovation (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) No funds will be provided to increase residential capacity at any state hatchery facility.
- (2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 130,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 3,056,300

Future Biennia (Projected Costs) \$ 4,700,000

TOTAL \$ 8,886,300

**NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Hatchery renovation (96-1-005)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) No funds will be provided to increase residential capacity at any state hatchery facility.
- (2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,880,000**

**Wildlife Acct--Federal \$ 120,000**

Subtotal Reappropriation \$ 3,000,000

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,200,000**

Prior Biennia (Expenditures) \$ 4,626,155

Future Biennia (Projected Costs) \$ 15,000,000

TOTAL \$ 25,826,155

**NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Recreational access redevelopment (96-1-007)**

**Reappropriation:**

**Wildlife Acct--Federal \$ 75,000**

**ORA--State \$ 172,903**

Subtotal Reappropriation \$ 247,903

**Appropriation:**

**General Fund--Federal \$ 500,000**

**St Bldg Constr Acct--State \$ 250,000**

Subtotal Appropriation \$ 750,000

Prior Biennia (Expenditures) \$ 2,741,629

Future Biennia (Projected Costs) \$ 3,250,000

TOTAL \$ 6,989,532

**NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Shellfish laboratory and hatchery upgrades (96-1-009)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 300,000

**NEW SECTION. Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Wildlife area renovation (96-1-010)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 275,000**

**Appropriation:**

**General Fund--Federal \$ 50,000**  
**Wildlife Acct--State \$ 625,000**  
Subtotal Appropriation \$ 675,000  
Prior Biennia (Expenditures) \$ 764,000  
Future Biennia (Projected Costs) \$ 2,950,000  
TOTAL \$ 4,664,000

**NEW SECTION. Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Issaquah Hatchery Utilization Study and Improvements:** To prepare a facilities master plan for the hatchery and for improvements to the hatchery, its water supply, and in-stream fish passage facilities **(96-1-011)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$150,000.00 of the state building construction account appropriation is provided solely for the master plan for the improvements to the hatchery. The master plan's primary consideration is to identify, prioritize, and design improvements which will aid in the continued production of salmon at this facility. The master plan shall also focus on improvements which will enable this facility with the merger of the departments to aid in wild stock restoration for migratory fish species previously under management of the department of wildlife. It shall also consider the educational, cultural, watershed management, research, tourism, tribal interests, and community development aspects of the hatchery. This master plan shall incorporate participation and recommendations from the Issaquah fishery management task force. A report is due to the legislature by January 1996.

(2) State dollars for construction and improvements shall be matched by at least \$1.00 from nonstate sources for each dollar provided by the state. Up to \$150,000.00 of the construction and improvement appropriation shall be immediately released and combined with matching funds to expedite in-stream improvements which meet the following criteria: Improvements will be designed and constructed which: (a) Facilitate better fish passage for utilization of up-stream habitat; (b) provide for flexible management strategies for a variety of fish stocks including small runs, threatened or endangered species and game fish; (c) minimally impact future operating expenses while reaching these objectives; and (d) provide for raising of the pumps at the lower intake and make other improvements which protect in-stream structures from seasonal high water.

(3) The remainder of the funds may be spent for hatchery improvements following approval of the master plan by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 650,000**  
**General Fund--Private Local \$ 500,000**  
Subtotal Appropriation \$ 1,150,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,150,000

**NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Coast and Puget Sound salmon enhancement and wildstock restoration habitat (96-2-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,100,000**

**Appropriation:**

**General Fund--Federal \$ 800,000**  
**St Bldg Constr Acct--State \$ 3,645,000**  
**General Fund--Private/Local \$ 800,000**  
Subtotal Appropriation \$ 5,245,000  
Prior Biennia (Expenditures) \$ 6,770,000

Future Biennia (Projected Costs) \$ 15,500,000  
TOTAL \$ 28,615,000

**NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Coast and Puget Sound wildstock restoration: Hatchery improvements (96-2-013)**  
**Reappropriation:**

St Bldg Constr Acct--State \$ 400,000

**Appropriation:**

General Fund--Federal \$ 700,000

St Bldg Constr Acct--State \$ 800,000

Subtotal Appropriation \$ 1,500,000

Prior Biennia (Expenditures) \$ 3,280,000

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 9,180,000

**NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Fish protection facilities (96-2-014)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 50,000

**Appropriation:**

General Fund--Federal \$ 2,075,000

General Fund--Private/Local \$ 200,000

Subtotal Appropriation \$ 2,275,000

Prior Biennia (Expenditures) \$ 2,656,000

Future Biennia (Projected Costs) \$ 10,830,000

TOTAL \$ 15,811,000

**NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Game farm renovation (96-2-015)**

**Appropriation:**

Wildlife Acct--State \$ 700,000

Prior Biennia (Expenditures) \$ 1,125,000

Future Biennia (Projected Costs) \$ 600,000

TOTAL \$ 2,425,000

**NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Nemah Hatchery Building and incubation system replacement (96-1-006)**

**Appropriation:**

General Fund--Federal \$ 1,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000

**NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Minter Creek Hatchery phase 2 (96-2-019)**

Funding from this appropriation shall not be used to construct agency residential structures at the hatchery.

**Reappropriation:**

St Bldg Constr Acct--State \$ 10,000

**Appropriation:**

St Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 4,329,000

Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 5,339,000

**NEW SECTION. Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**State-wide fencing renovation and construction (96-2-020)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 175,000

**Appropriation:**

St Bldg Constr Acct--State \$ 575,000

Prior Biennia (Expenditures) \$ 1,875,000  
Future Biennia (Projected Costs) \$ 2,650,000  
TOTAL \$ 5,275,000

**NEW SECTION. Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Clam and oyster beach enhancement (96-2-021)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

**Appropriation:**

**Aquatic Lands Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 2,716,201  
Future Biennia (Projected Costs) \$ 2,000,000  
TOTAL \$ 5,616,201

**NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Migratory waterfowl habitat and acquisition and development (96-2-024)**

**Appropriation:**

**Wildlife Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 1,299,335  
Future Biennia (Projected Costs) \$ 2,000,000  
TOTAL \$ 3,799,335

**NEW SECTION. Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Mitigation projects (96-2-025)**

**Reappropriation:**

**Special Wildlife Acct--Private/Local \$ 871,000**

**Appropriation:**

**Special Wildlife Acct--State \$ 50,000**

**General Fund--Federal \$ 6,000,000**

**General Fund--Private/Local \$ 5,000,000**

Subtotal Appropriation \$ 11,050,000

Prior Biennia (Expenditures) \$ 54,000  
Future Biennia (Projected Costs) \$ 64,250,000  
TOTAL \$ 76,225,000

**NEW SECTION. Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Water access and development (96-2-027)**

**Reappropriation:**

**ORA--State \$ 1,170,000**

Prior Biennia (Expenditures) \$ 694,600  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,864,600

**NEW SECTION. Sec. 360. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Recreational fish enhancement (96-2-028)**

**Reappropriation:**

**Rec Fisheries Enh Acct--State \$ 150,000**

**Appropriation:**

**Rec Fisheries Enh Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 150,000  
Future Biennia (Projected Costs) \$ 8,000,000  
TOTAL \$ 9,300,000

**NEW SECTION. Sec. 361. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Emergency repairs--Recreation sites (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 120,000**

Prior Biennia (Expenditures) \$ 100,000  
Future Biennia (Projected Costs) \$ 480,000  
TOTAL \$ 700,000

**NEW SECTION. Sec. 362. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Recreation health and safety improvements (96-1-003)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 300,000  
Future Biennia (Projected Costs) \$ 1,200,000  
TOTAL \$ 1,800,000

**NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Natural area preserve and natural resource conservation area Management (96-1-004)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 350,000**  
Prior Biennia (Expenditures) \$ 350,000  
Future Biennia (Projected Costs) \$ 1,400,000  
TOTAL \$ 2,100,000

**NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Emergency repairs (96-1-006)**

**Appropriation:**

**For Dev Acct--State \$ 53,000**  
**Res Mgmt Cost Acct--State \$ 195,100**  
**St Bldg Constr Acct--State \$ 30,000**  
Subtotal Appropriation \$ 278,100  
Prior Biennia (Expenditures) \$ 147,700  
Future Biennia (Projected Costs) \$ 1,112,400  
TOTAL \$ 1,538,200

**NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Minor works: Preservation (96-1-112)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**For Dev Acct--State \$ 165,200**  
**Res Mgmt Cost Acct--State \$ 611,100**  
**St Bldg Constr Acct--State \$ 250,000**  
Subtotal Appropriation \$ 1,026,300  
Prior Biennia (Expenditures) \$ 494,800  
Future Biennia (Projected Costs) \$ 4,105,200  
TOTAL \$ 5,626,300

**NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Small repairs and improvement (96-1-113)**

**Appropriation:**

**For Dev Acct--State \$ 14,500**  
**Res Mgmt Cost Acct--State \$ 54,500**  
Subtotal Appropriation \$ 69,000  
Prior Biennia (Expenditures) \$ 69,000  
Future Biennia (Projected Costs) \$ 276,000  
TOTAL \$ 414,000

**NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Hazardous waste cleanup (96-1-114)**

**Appropriation:**

**For Dev Acct--State \$ 100,000**  
**Res Mgmt Cost Acct--State \$ 200,000**  
Subtotal Appropriation \$ 300,000  
Prior Biennia (Expenditures) \$ 450,000  
Future Biennia (Projected Costs) \$ 1,200,000  
TOTAL \$ 1,950,000

**NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Irrigation repairs and replacements (96-1-115)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 235,000**  
Prior Biennia (Expenditures) \$ 730,000  
Future Biennia (Projected Costs) \$ 2,375,000  
TOTAL \$ 3,340,000

**NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Repair, maintenance, and tenant improvements on state trust lease properties (96-1-117)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 600,000**  
Prior Biennia (Expenditures) \$ 862,000  
Future Biennia (Projected Costs) \$ 2,700,000  
TOTAL \$ 4,162,000

**NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Communication site repair (96-1-119)**

**Appropriation:**

**For Dev Acct--State \$ 25,000**  
**Res Mgmt Cost Acct--State \$ 25,000**  
Subtotal Appropriation \$ 50,000  
Prior Biennia (Expenditures) \$ 300,000  
Future Biennia (Projected Costs) \$ 700,000  
TOTAL \$ 1,050,000

**NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Road and bridge construction (96-2-001)**

**Appropriation:**

**For Dev Acct--State \$ 241,750**  
**Res Mgmt Cost Acct--State \$ 678,450**  
Subtotal Appropriation \$ 920,200  
Prior Biennia (Expenditures) \$ 1,655,500  
Future Biennia (Projected Costs) \$ 3,835,000  
TOTAL \$ 6,410,700

**NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Region administrative facilities expansion (96-2-002)**

**Appropriation:**

**For Dev Acct--State \$ 294,488**  
**Res Mgmt Cost Acct--State \$ 390,584**  
**General Fund--Federal \$ 400,000**  
Subtotal Appropriation \$ 1,085,072  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 5,890,400  
TOTAL \$ 6,975,472

**NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Minor works: Program (96-2-004)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**For Dev Acct--State \$ 152,900**  
**Res Mgmt Cost Acct--State \$ 574,800**  
**St Bldg Constr Acct--State \$ 100,000**  
Subtotal Appropriation \$ 827,700  
Prior Biennia (Expenditures) \$ 99,500  
Future Biennia (Projected Costs) \$ 4,110,800  
TOTAL \$ 5,038,000

**NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Land bank program to enhance trust land holdings (96-2-005)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 15,000,000**  
Prior Biennia (Expenditures) \$ 19,698,000  
Future Biennia (Projected Costs) \$ 60,000,000  
TOTAL \$ 94,698,000

**NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Right of way acquisition (96-2-006)**

**Appropriation:**

**For Dev Acct--State \$ 500,000**  
**Res Mgmt Cost Acct--State \$ 500,000**  
Subtotal Appropriation \$ 1,000,000  
Prior Biennia (Expenditures) \$ 1,498,000  
Future Biennia (Projected Costs) \$ 4,400,000  
TOTAL \$ 6,898,000

**NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Irrigation development (96-2-007)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 336,000  
Future Biennia (Projected Costs) \$ 4,000,000  
TOTAL \$ 4,736,000

**NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Communication site construction--Various (96-2-008)**

**Appropriation:**

**For Dev Acct--State \$ 460,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,310,000  
TOTAL \$ 1,770,000

**NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Mineral resource testing (96-2-009)**

**Reappropriation:**

**For Dev Acct--State \$ 10,000**  
**Res Mgmt Cost Acct--State \$ 10,000**  
Subtotal Reappropriation \$ 20,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 80,000  
TOTAL \$ 100,000

**NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Commercial development: Local improvement districts (96-2-010)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 470,000**  
Prior Biennia (Expenditures) \$ 860,000  
Future Biennia (Projected Costs) \$ 2,420,000  
TOTAL \$ 3,750,000

**NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Aquatic lands enhancement grants (96-2-012)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for grant funding from the new appropriation in this section in the amounts indicated:

Amount

Alki/Harbor/Duwamish Corridor, City of Seattle \$ 200,000  
ASARCO, Town of Ruston \$ 100,000

Cape Flattery, Makah Tribe \$ 200,000  
 Columbia River Renaissance, City of Vancouver \$ 2,800,000  
 Columbia River Trail, East Wenatchee \$ 100,000  
 Columbia River Trail Phase 2, LOOP Coalition \$ 400,000  
 Cooperative Environmental Education, North  
     Mason School District \$ 300,000  
 Duckabush River, Jefferson County \$ 350,000  
 Latah Creek, City of Spokane \$ 300,000  
 Little Spokane River, Spokane County \$ 300,000  
 Odyssey Maritime Museum, Port of Seattle \$ 1,000,000  
 Raymond Waterfront Park, City of Raymond \$ 200,000  
 Seattle Aquarium, City of Seattle \$ 300,000  
 South Lake Union, City of Seattle \$ 200,000  
 Statewide Competitive Small Grant Program \$ 500,000  
 Stevenson Waterfront Park, Port of Skamania \$ 75,000  
     Total \$ 7,300,000

(2) Grant funding shall be distributed based on the order in which projects are ready to proceed, as determined by the department, and the availability of funds.

(3) The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects.

**Reappropriation:**

**Aquatic Lands Acct--State \$ 2,500,000**

**Appropriation:**

**Aquatic Lands Acct--State \$ 4,500,000**

Prior Biennia (Expenditures) \$ 276,000

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 19,276,000

**NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Natural resources real property replacement account (96-2-013)**

**Appropriation:**

**Nat Res Prop Repl Acct--State \$ 25,000,000**

Prior Biennia (Expenditures) \$ 30,826,750

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 55,826,750

**NEW SECTION. Sec. 382. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Seattle waterfront phase 2 development (96-2-014)**

**Reappropriation:**

**ORA--State \$ 1,562,835**

Prior Biennia (Expenditures) \$ 84,765

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,647,600

**PART 4  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE PATROL**

**To construct a new crime laboratory in Tacoma (92-2-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 172,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 172,000



**NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE PATROL  
Spokane Crime Laboratory: Predesign (96-2-009)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 80,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 5,500,000  
TOTAL \$ 5,580,000

**NEW SECTION. Sec. 403. FOR THE WASHINGTON STATE PATROL  
Fire Training Academy: Preservation (94-1-016)**

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,221,018**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,500,000**  
Prior Biennia (Expenditures) \$ 128,982  
Future Biennia (Projected Costs) \$ 1,200,000  
TOTAL \$ 4,050,000

**NEW SECTION. Sec. 404. FOR THE WASHINGTON STATE PATROL  
Fire Training Academy Portable Building Improvements (96-2-999)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 99,410**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 99,410

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE STATE BOARD OF EDUCATION  
Public school building construction (85-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 335,780**  
Prior Biennia (Expenditures) \$ 656,119  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 991,899

**NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION  
Public school building construction (87-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,473,203**  
Prior Biennia (Expenditures) \$ 2,193,257  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,666,460

**NEW SECTION. Sec. 503. FOR THE STATE BOARD OF EDUCATION  
Public school building construction (89-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,573,705**  
Prior Biennia (Expenditures) \$ 24,362,530  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 25,936,235

**NEW SECTION. Sec. 504. FOR THE STATE BOARD OF EDUCATION  
Public school building construction (89-2-002)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,730,000**

Prior Biennia (Expenditures) \$ 17,521,803

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 19,251,803

**NEW SECTION. Sec. 505. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-003)**

**Reappropriation:**

**Common School Constr Fund--State \$ 4,211,005**

Prior Biennia (Expenditures) \$ 41,637,585

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 45,848,590

**NEW SECTION. Sec. 506. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (91-2-001)**

**Reappropriation:**

**Common School Reimb Constr Acct--**

**State \$ 5,443,735**

**Common School Constr Fund--State \$ 6,115,606**

Subtotal Reappropriation \$ 11,559,341

Prior Biennia (Expenditures) \$ 78,816,301

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,375,642

**NEW SECTION. Sec. 507. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (94-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 59,729,325**

**St Bldg Constr Acct--State \$ 27,004,958**

Subtotal Reappropriation \$ 86,734,283

Prior Biennia (Expenditures) \$ 60,102,660

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 146,836,943

**NEW SECTION. Sec. 508. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (96-2-001)**

The appropriations in this subsection are subject to the following conditions and limitations:

- (1) Not more than \$210,000,000 from this appropriation may be obligated in fiscal year 1996 for school district project design and construction.
- (2) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction and architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.
- (3) From the appropriation in this section the state board shall maintain a reserve contingency fund for emergency repair projects for school buildings which present imminent health and safety hazards to building occupants. Expenditures shall not exceed \$5,000,000 per fiscal year. The board shall establish policies for recovery of expenditures from subsequent releases of funds approved by the school board to any school district receiving funds under this subsection (3), from any insurance payments for the same repair projects for which a school district has received funds under this subsection (3), and from local funding sources.
- (4) \$250,000 of the appropriation in this section may be expended for the office of the superintendent of public instruction and the office of financial management to jointly contract with qualified specially trained teams to conduct a value engineering and a constructability review on at least five pilot school facility construction projects. The purpose of the pilot program is to determine the potential advantages and savings of value engineering and constructability review processes on school facility construction. The pilot projects shall be wholly paid from this appropriation without a requirement for local matching, and project sites shall be selected jointly by the superintendent of public instruction and the office of financial management on the basis of size, geographical area, and grade level. The results of the pilot program and recommendations on the use of value engineering and constructability reviews and how the current value engineering process can be improved shall be reported to the state board of education and the legislature by January 1997.
- (5) The state board shall conduct a study of school districts with less than twenty-five percent taxable property in the district. The study shall identify the school districts with less than twenty-five percent taxable property and for the identified districts calculate the percentage

of state match for financial assistance for school facilities, compare the school levy rate per one thousand dollars of taxable property to the state average, verify the number of unhoused students, and make an assessment of the condition of existing school buildings in the district. The state board shall make recommendations to the 1996 legislature on potential state policy changes.

**Appropriation:**

**Common School Constr Fund--State \$ 265,600,000**  
**St Bldg Constr Acct--State \$ 100,000,000**  
Subtotal Appropriation \$ 365,600,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 365,600,000

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**School facilities staff:** To fund the direct costs of state administration of school construction funding (96-2-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(1) Up to \$100,000 of the common school construction fund appropriation is provided to complete the facility condition management database begun in the 1993-95 biennium.

(2) \$1,639,000 is provided solely for in-house or contracted technical assistance to school districts for evaluation, response and prevention of situations which present life or safety threats, fire hazard, or deficiencies relating to utility and electrical standards.

**Appropriation:**

**Common School Constr Fund--State \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 5,444,000  
TOTAL \$ 8,444,000

**NEW SECTION. Sec. 510. FOR THE STATE BOARD OF EDUCATION**

**Clover Park School District transportation facilities (96-1-101)**

The appropriation in this section is provided for design of a renovation project for a transportation-maintenance complex as described in the memorandum of understanding between the Clover Park technical college and the Clover Park school district. Future state appropriations for this project shall be matched by an equal amount from local funds.

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 7,200,000  
TOTAL \$ 7,500,000

**NEW SECTION. Sec. 511. FOR THE STATE SCHOOL FOR THE BLIND**

**Old Main: Seismic stabilization (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 850,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 850,000

**NEW SECTION. Sec. 512. FOR THE STATE SCHOOL FOR THE BLIND**

**Minor works: Preservation (96-1-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 2,340,000  
TOTAL \$ 2,740,000

**NEW SECTION. Sec. 513. FOR THE STATE SCHOOL FOR THE DEAF**

**Minor works: Preservation (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 570,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 2,925,000  
TOTAL \$ 3,495,000

**NEW SECTION. Sec. 514. FOR THE STATE SCHOOL FOR THE DEAF**

**MacDonald and Deer Halls: Elevators (96-2-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 550,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 550,000

**NEW SECTION. Sec. 515. FOR THE UNIVERSITY OF WASHINGTON**

**Power plant boiler (88-2-022)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,400,000**  
Prior Biennia (Expenditures) \$ 9,805,653  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 16,205,653

**NEW SECTION. Sec. 516. FOR THE UNIVERSITY OF WASHINGTON**

**Power generation, chiller, data communications, electrical distribution (90-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,175,700**  
Prior Biennia (Expenditures) \$ 3,703,053  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 4,878,753

**NEW SECTION. Sec. 517. FOR THE UNIVERSITY OF WASHINGTON**

**Chemistry Building: Construction (90-2-011)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 38,952,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 39,152,000

**NEW SECTION. Sec. 518. FOR THE UNIVERSITY OF WASHINGTON**

**Electrical Engineering and Computer Sciences Engineering Building: Construction (90-2-013)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 80,000,000**  
Prior Biennia (Expenditures) \$ 14,869,028  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 94,869,028

**NEW SECTION. Sec. 519. FOR THE UNIVERSITY OF WASHINGTON**

**Physics/Astronomy building construction (90-2-009)**

**Reappropriation:**

**H Ed Reimb Constr Acct \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 69,564,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 72,564,000

**NEW SECTION. Sec. 520. FOR THE UNIVERSITY OF WASHINGTON**

**Old Physics Hall: Design and construction (92-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**UW Bldg Acct--State \$ 1,650,000**  
**St Bldg Constr Acct--State \$ 32,544,400**  
Subtotal Reappropriation \$ 34,194,400  
Prior Biennia (Expenditures) \$ 912,600  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 35,107,000

**NEW SECTION. Sec. 521. FOR THE UNIVERSITY OF WASHINGTON**

**Ocean and Fishery Sciences II: Predesign (92-2-027)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,065,300**  
Prior Biennia (Expenditures) \$ 784,700  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,850,000

**NEW SECTION. Sec. 522. FOR THE UNIVERSITY OF WASHINGTON**

**Harborview Medical Center research (94-2-013)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 9,000,000**  
**H Ed Constr Acct \$ 10,000,000**  
Subtotal Appropriation \$ 19,000,000  
Prior Biennia (Expenditures) \$ 520,000  
Future Biennia (Projected Costs) \$ 56,380,000  
TOTAL \$ 79,000,000

**NEW SECTION. Sec. 523. FOR THE UNIVERSITY OF WASHINGTON**

**Parrington Hall: Exterior and seismic repair (92-3-018)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**UW Bldg Acct--State \$ 5,008,499**  
Prior Biennia (Expenditures) \$ 264,001  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,272,500

**NEW SECTION. Sec. 524. FOR THE UNIVERSITY OF WASHINGTON**

**Henry Gallery: Addition (93-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.
- (2) The reappropriation in this section shall be matched by at least \$4,050,000 in cash provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,504,300**  
Prior Biennia (Expenditures) \$ 811,700  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,316,000

**NEW SECTION. Sec. 525. FOR THE UNIVERSITY OF WASHINGTON**

**Burke Museum:** To study the museum's space needs, long-term physical facilities needs, and options for future expansion (93-2-002) and for exhibit renovation (94-1-002)

\$1,846,500 of the reappropriation in this section is for the exhibit renovation and shall be matched by at least \$615,000 from other sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,031,000**  
Prior Biennia (Expenditures) \$ 369,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,400,000

**NEW SECTION. Sec. 526. FOR THE UNIVERSITY OF WASHINGTON**

**Business Administration: Expansion (93-2-006)**

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.
- (2) The reappropriation in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,600,000**

Prior Biennia (Expenditures) \$ 900,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,500,000

**NEW SECTION. Sec. 527. FOR THE UNIVERSITY OF WASHINGTON**

**Minor repairs: Preservation (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,240,000**  
**UW Bldg Acct--State \$ 276,400**  
Subtotal Reappropriation \$ 11,516,400  
Prior Biennia (Expenditures) \$ 6,464,876  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 17,981,276

**NEW SECTION. Sec. 528. FOR THE UNIVERSITY OF WASHINGTON**

**Minor repairs (94-1-004)**

**Reappropriation:**

**UW Bldg Acct--State \$ 6,850,000**  
Prior Biennia (Expenditures) \$ 5,757,630  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 12,607,630

**NEW SECTION. Sec. 529. FOR THE UNIVERSITY OF WASHINGTON**

**Americans with Disabilities Act (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 1,325,150  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,525,150

**NEW SECTION. Sec. 530. FOR THE UNIVERSITY OF WASHINGTON**

**Utilities projects (94-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 800,000**  
Prior Biennia (Expenditures) \$ 1,396,009  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,196,009

**NEW SECTION. Sec. 531. FOR THE UNIVERSITY OF WASHINGTON**

**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 532. FOR THE UNIVERSITY OF WASHINGTON**

**Minor repairs (94-2-005)**

**Reappropriation:**

**UW Bldg Acct--State \$ 5,200,000**  
Prior Biennia (Expenditures) \$ 1,871,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,071,000

**NEW SECTION. Sec. 533. FOR THE UNIVERSITY OF WASHINGTON**

**Tacoma Branch Campus--Phase II: Predesign (94-2-500)**

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

(2) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 33,455,244**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,700,000**

Prior Biennia (Expenditures) \$ 17,738,913

Future Biennia (Projected Costs) \$ 35,320,000

TOTAL \$ 92,214,157

**NEW SECTION. Sec. 534. FOR THE UNIVERSITY OF WASHINGTON**

**Suzzallo Library renovation--Phase I design:** To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies **(94-1-015)**

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 717,600**

**St Bldg Constr Acct--State \$ 2,142,275**

Subtotal Appropriation \$ 2,859,875

Prior Biennia (Expenditures) \$ 517,750

Future Biennia (Projected Costs) \$ 29,076,925

TOTAL \$ 32,454,550

**NEW SECTION. Sec. 535. FOR THE UNIVERSITY OF WASHINGTON**

**Minor safety repairs: Preservation (96-1-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,700,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 19,700,000

**NEW SECTION. Sec. 536. FOR THE UNIVERSITY OF WASHINGTON**

**Minor works: Building renewal (96-1-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**UW Bldg Acct--State \$ 7,047,000**

**St Bldg Constr Acct--State \$ 2,000,000**

Subtotal Appropriation \$ 9,047,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 53,000,000

TOTAL \$ 62,047,000

**NEW SECTION. Sec. 537. FOR THE UNIVERSITY OF WASHINGTON**

**Minor works: Utility infrastructure (96-1-004)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,900,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 26,000,000

TOTAL \$ 31,900,000

**NEW SECTION. Sec. 538. FOR THE UNIVERSITY OF WASHINGTON**

**Law School Building--Design and development:** To design a new law school and law library facility

In addition to any state appropriation for this project, at least one-third of the cost of this project, including the costs of design, construction and consulting services, shall be derived from private matching funds. The appropriation in this section shall not be expended on

design documents until the University of Washington has secured \$10,000,000 in private matching funds. Such funds, in the form of cash or written pledges, must be secured by no later than July 1, 1997. In the event \$10,000,000 is not secured by that date, the appropriation in this section shall be null and void.

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 1,140,000**  
Prior Biennia (Expenditures) \$ 128,000  
Future Biennia (Projected Costs) \$ 33,860,000  
TOTAL \$ 35,128,000

**NEW SECTION. Sec. 539. FOR THE UNIVERSITY OF WASHINGTON**

**Health Sciences Center BB Tower Elevators--Design and construction:** To design and construct the addition of one elevator and upgrading of the existing elevators in the health sciences center BB-wing and tower (96-1-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 210,700**  
**St Bldg Constr Acct--State \$ 4,981,900**  
Subtotal Appropriation \$ 5,192,600  
Prior Biennia (Expenditures) \$ 117,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,309,600

**NEW SECTION. Sec. 540. FOR THE UNIVERSITY OF WASHINGTON**

**Health Sciences Center D-Wing Dent Student Lab: Design and construction (96-1-016)**

**Appropriation:**

**UW Bldg Acct--State \$ 112,100**  
**St Bldg Constr Acct--State \$ 2,905,000**  
Subtotal Appropriation \$ 3,017,100  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,017,100

**NEW SECTION. Sec. 541. FOR THE UNIVERSITY OF WASHINGTON**

**Social Work third floor addition--Design and construction:** To design and construct a 12,000 gross square foot partial third floor addition to the Social Work and Speech and Hearing Sciences Building (96-2-010)

**Appropriation:**

**UW Bldg Acct--State \$ 126,400**  
**St Bldg Constr Acct--State \$ 2,789,200**  
Subtotal Appropriation \$ 2,915,600  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,915,600

**NEW SECTION. Sec. 542. FOR THE UNIVERSITY OF WASHINGTON**

**Hogness/Health Sciences Center Lobby: Americans with Disabilities Act improvements (96-1-022)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,300,000

**NEW SECTION. Sec. 543. FOR THE UNIVERSITY OF WASHINGTON**

**Ocean and Fisheries Science Buildings II & III: Design and site preparation:** To design the 125,673 gross square foot OFS II (Fisheries) and 106,000 gross square foot OFS III (Oceanography) buildings and clear and prepare sites for future construction (96-2-006)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$991,000 of the amount reappropriated in section 521 of this act for predesign of this project shall be used for design.
- (2) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 1,548,150**



**St Bldg Constr Acct--State \$ 5,932,025**  
Subtotal Appropriation \$ 7,480,175  
Prior Biennia (Expenditures) \$ 558,400  
Future Biennia (Projected Costs) \$ 65,758,625  
TOTAL \$ 73,797,200

**NEW SECTION. Sec. 544. FOR THE UNIVERSITY OF WASHINGTON**

**West Electrical Power Station:** To design and construct the installation of new transformers, switch gear facilities, and primary distribution feeders at the west receiving station (96-2-011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 204,000**  
**St Bldg Constr Acct--State \$ 6,600,000**  
Subtotal Appropriation \$ 6,804,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,804,000

**NEW SECTION. Sec. 545.** It is the intention of the legislature that the state dispose of its interest in the Wellington Hills property for consideration at fair market value and that the net proceeds of the sale be deposited into the state building construction account in the state treasury.

**NEW SECTION. Sec. 546. FOR THE UNIVERSITY OF WASHINGTON**

**Power Plant Boiler #7--Design and construction:** To design and construct an addition to the south end of the Power Plant to house a new Boiler #7 (96-2-020)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 288,703**  
**St Bldg Constr Acct--State \$ 9,623,297**  
Subtotal Appropriation \$ 9,912,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,912,000

**NEW SECTION. Sec. 547. FOR THE UNIVERSITY OF WASHINGTON**

**Southwest Campus utilities phase I--Design and construction:** To design and construct the extension of utilities to serve the southwest campus development (96-2-027)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 285,600**  
**St Bldg Constr Acct--State \$ 9,023,900**  
Subtotal Appropriation \$ 9,309,500  
Prior Biennia (Expenditures) \$ 152,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,461,500

**NEW SECTION. Sec. 548. FOR WASHINGTON STATE UNIVERSITY**

**Branch campus acquisition (90-5-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 42,000**  
Prior Biennia (Expenditures) \$ 735,424  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 777,424

**NEW SECTION. Sec. 549. FOR WASHINGTON STATE UNIVERSITY**

**Hazardous, pathological, and radioactive waste handling facilities:** To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

**Reappropriation:**

**St Bldg Constr Acct--State \$ 991,640**

Prior Biennia (Expenditures) \$ 197,714  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,189,354

**NEW SECTION. Sec. 550. FOR WASHINGTON STATE UNIVERSITY**

**Todd Hall renovation:** To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-1-021)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Acct--State \$ 3,478,000**  
**St Bldg Constr Acct--State \$ 2,626,444**  
Subtotal Reappropriation \$ 6,104,444  
Prior Biennia (Expenditures) \$ 8,577,065  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 14,681,509

**NEW SECTION. Sec. 551. FOR WASHINGTON STATE UNIVERSITY**

**Veterinary Teaching Hospital--Construction:** To construct, equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**H Ed Reimb Constr Acct--State \$ 10,214,399**  
**St Bldg Constr Acct--State \$ 2,200,000**  
Subtotal Reappropriation \$ 12,414,399  
Prior Biennia (Expenditures) \$ 19,643,672  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 32,058,071

**NEW SECTION. Sec. 552. FOR WASHINGTON STATE UNIVERSITY**

**Fulmer Hall--Fulmer Annex renovation:** To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 12,212,322**  
Prior Biennia (Expenditures) \$ 908,367  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,120,689

**NEW SECTION. Sec. 553. FOR WASHINGTON STATE UNIVERSITY**

**Student services addition:** To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 10,173,300**  
Prior Biennia (Expenditures) \$ 4,826,700  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 15,000,000

**NEW SECTION. Sec. 554. FOR WASHINGTON STATE UNIVERSITY**

**Records and maintenance materials:** To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

**Reappropriation:**

**WSU Bldg Acct--State \$ 1,250,000**  
Prior Biennia (Expenditures) \$ 395,826  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,645,826

**NEW SECTION. Sec. 555. FOR WASHINGTON STATE UNIVERSITY**

**Minor capital renewal (94-1-004)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,784,260**

Prior Biennia (Expenditures) \$ 3,215,740  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,000,000

**NEW SECTION. Sec. 556. FOR WASHINGTON STATE UNIVERSITY**

**Bohler Gym renovation--Design:** To design the renovation of the existing Bohler Gym (94-1-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**WSU Bldg Acct--State \$ 391,500**  
**St Bldg Constr Acct--State \$ 1,496,600**  
Subtotal Appropriation \$ 1,888,100  
Prior Biennia (Expenditures) \$ 49,000  
Future Biennia (Projected Costs) \$ 14,462,500  
TOTAL \$ 16,399,600

**NEW SECTION. Sec. 557. FOR WASHINGTON STATE UNIVERSITY**

**Prosser: Septic system (94-1-500)**

**Reappropriation:**

**WSU Bldg Acct--State \$ 757,192**  
Prior Biennia (Expenditures) \$ 492,808  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,250,000

**NEW SECTION. Sec. 558. FOR WASHINGTON STATE UNIVERSITY**

**Infrastructure savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 559. FOR WASHINGTON STATE UNIVERSITY**

**Minor works (94-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,192,401**  
Prior Biennia (Expenditures) \$ 1,807,599  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,000,000

**NEW SECTION. Sec. 560. FOR WASHINGTON STATE UNIVERSITY**

**Minor capital improvements (94-2-002)**

**Reappropriation:**

**WSU Bldg Acct--State \$ 2,430,690**  
Prior Biennia (Expenditures) \$ 3,569,310  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,000,000

**NEW SECTION. Sec. 561. FOR WASHINGTON STATE UNIVERSITY**

**Hazardous waste facilities (94-2-006)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**WSU Bldg Acct--State \$ 1,500,000**  
Prior Biennia (Expenditures) \$ 211,000  
Future Biennia (Projected Costs) \$ 12,037,774

TOTAL \$ 13,748,774

**NEW SECTION. Sec. 562. FOR WASHINGTON STATE UNIVERSITY**

**Pathological and biomedical incinerator: Design and construction (94-2-012)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 3,443,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,443,000

**NEW SECTION. Sec. 563. FOR WASHINGTON STATE UNIVERSITY**

**Communication infrastructure renewal (94-2-013)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

WSU Bldg Constr Acct--State \$ 5,000,000

St Bldg Constr Acct--State \$ 4,203,432

Subtotal Reappropriation \$ 9,203,432

**Appropriation:**

WSU Bldg Acct--State \$ 4,159,625

Prior Biennia (Expenditures) \$ 12,796,568

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 26,159,625

**NEW SECTION. Sec. 564. FOR WASHINGTON STATE UNIVERSITY**

**Engineering Teaching and Research Laboratory Building: Construction (94-2-014)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

WSU Bldg Acct--State \$ 226,379

**Appropriation:**

General Fund--Federal \$ 8,000,000

St Bldg Constr Acct--State \$ 17,140,300

Subtotal Appropriation \$ 25,140,300

Prior Biennia (Expenditures) \$ 1,143,621

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 26,510,300

**NEW SECTION. Sec. 565. FOR WASHINGTON STATE UNIVERSITY**

**Chemical waste collection facilities: Design and construction (94-2-016)**

**Reappropriation:**

WSU Bldg Acct--State \$ 2,084,274

**Appropriation:**

WSU Bldg Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 252,726

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,337,000

**NEW SECTION. Sec. 566. FOR WASHINGTON STATE UNIVERSITY**

**Bohler Gym Addition--Design and construction: To construct a 45,800 gross square foot addition to Bohler Gym (94-2-017)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 477,000

**Appropriation:**

WSU Bldg Acct--State \$ 399,800

St Bldg Constr Acct--State \$ 8,960,400

Subtotal Appropriation \$ 9,360,200

Prior Biennia (Expenditures) \$ 517,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,354,200

**NEW SECTION. Sec. 567. FOR WASHINGTON STATE UNIVERSITY**

**018) Animal Science Laboratory Building--Design and Construction:** To construct a 20,200 gross square foot animal science lab (94-4-

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

WSU Bldg Acct--State \$ 143,532

**Appropriation:**

St Bldg Constr Acct--State \$ 6,332,300

WSU Bldg Acct--State \$ 255,000

Subtotal Appropriation \$ 6,587,300

Prior Biennia (Expenditures) \$ 451,468

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,182,300

**NEW SECTION. Sec. 568. FOR WASHINGTON STATE UNIVERSITY**

**(94-2-019) Kimbrough Hall addition and remodeling:** To design a 32,000 gross square foot addition and remodel the existing Kimbrough Hall

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

WSU Bldg Acct--State \$ 238,425

St Bldg Constr Acct--State \$ 965,700

Subtotal Appropriation \$ 1,204,125

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 10,448,875

TOTAL \$ 11,733,000

**NEW SECTION. Sec. 569. FOR WASHINGTON STATE UNIVERSITY**

**Intercollegiate Center for Nursing Education:** To construct and equip a new nursing education facility in Yakima (94-2-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

**Reappropriation:**

St Bldg Constr Acct--State \$ 2,525,202

Prior Biennia (Expenditures) \$ 974,798

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

**NEW SECTION. Sec. 570. FOR WASHINGTON STATE UNIVERSITY**

**Washington State University--Vancouver:** New campus construction (94-2-902)

The appropriations in this section are subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 23,580,000

**Appropriation:**

St Bldg Constr Acct--State \$ 9,066,000

Prior Biennia (Expenditures) \$ 10,994,362

Future Biennia (Projected Costs) \$ 35,000,000

TOTAL \$ 78,640,362

**NEW SECTION. Sec. 571. FOR WASHINGTON STATE UNIVERSITY**

**Puyallup: Greenhouse replacements (94-2-027)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 2,126,945

Prior Biennia (Expenditures) \$ 114,055

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,241,000

**NEW SECTION. Sec. 572. FOR WASHINGTON STATE UNIVERSITY**

**Washington State University Tri-Cities: Consolidated Information Center (94-2-905)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 730,500**

**Appropriation:**

**St Bldg Constr Acct--State \$ 9,709,000**

Prior Biennia (Expenditures) \$ 679,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,119,000

**NEW SECTION. Sec. 573. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Preservation (96-1-004)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,900,000**

**WSU Bldg Acct--State \$ 252,000**

Subtotal Appropriation \$ 6,152,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 34,690,000

TOTAL \$ 40,842,000

**NEW SECTION. Sec. 574. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Safety and environmental (96-2-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,600,000**

**WSU Bldg Acct--State \$ 1,000,000**

Subtotal Appropriation \$ 2,600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 17,400,000

TOTAL \$ 20,000,000

**NEW SECTION. Sec. 575. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Program (96-2-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**WSU Bldg Acct--State \$ 5,150,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 41,016,000

TOTAL \$ 46,166,000

**NEW SECTION. Sec. 576. FOR WASHINGTON STATE UNIVERSITY**

**Plant growth--Wheat Research Center: Construction (96-2-047)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources.

**Appropriation:**

**General Fund--Private \$ 1,000,000**

**General Fund--Federal \$ 3,000,000**

**St Bldg Constr Acct--State \$ 4,000,000**

Subtotal Appropriation \$ 8,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,000,000

**NEW SECTION. Sec. 577. FOR WASHINGTON STATE UNIVERSITY**

**Intercollegiate Center for Nursing Education--Spokane, Yakima, and Wenatchee Washington higher education telecommunication system classrooms, cabling, and connection (96-2-915)**

**Appropriation:**

**WSU Bldg Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,500,000

**NEW SECTION. Sec. 578. FOR EASTERN WASHINGTON UNIVERSITY**

**Sutton Hall remodel:** To complete the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,730,092**  
Prior Biennia (Expenditures) \$ 526,494  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,256,586

**NEW SECTION. Sec. 579. FOR EASTERN WASHINGTON UNIVERSITY**

**Science Building addition and remodel:** To complete the remodeling of the existing science building (83-1-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,100,480**  
Prior Biennia (Expenditures) \$ 18,934,987  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 21,035,467

**NEW SECTION. Sec. 580. FOR EASTERN WASHINGTON UNIVERSITY**

**Minor works preservation, repair, and renewal of campus facilities (86-1-002) (90-3-002) (92-1-001) (92-1-002) (92-3-004) (94-1-001) (94-1-006) (94-1-010) (94-1-014) (94-1-015) (94-2-012)**

**Reappropriation:**

**EWU Cap Proj Acct--State \$ 4,300,000**  
**St Bldg Constr Acct--State \$ 1,438,000**  
Subtotal Reappropriation \$ 5,738,000  
Prior Biennia (Expenditures) \$ 7,685,782  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,423,782

**NEW SECTION. Sec. 581. FOR EASTERN WASHINGTON UNIVERSITY**

**Telecommunications network and cable replacement (90-2-004)**

**Appropriation:**

**EWU Cap Proj Acct--State \$ 1,593,800**  
Prior Biennia (Expenditures) \$ 4,080,000  
Future Biennia (Projected Costs) \$ 2,000,000  
TOTAL \$ 7,673,800

**NEW SECTION. Sec. 582. FOR EASTERN WASHINGTON UNIVERSITY**

**JFK Library addition and remodel--Construction:** To construct the 73,500 gross square foot addition and remodeling of the JFK Library (90-5-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,678,756**

**Appropriation:**

**EWU Cap Proj Acct--State \$ 152,174**  
**St Bldg Constr Acct--State \$ 19,692,130**  
Subtotal Appropriation \$ 19,844,304  
Prior Biennia (Expenditures) \$ 536,244  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 22,059,304

**NEW SECTION. Sec. 583. FOR EASTERN WASHINGTON UNIVERSITY**

**Removal of underground storage tanks (92-1-003)**

**Reappropriation:**

**EWU Cap Proj Acct--State \$ 193,438**  
Prior Biennia (Expenditures) \$ 56,110  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 249,548

**NEW SECTION. Sec. 584. FOR EASTERN WASHINGTON UNIVERSITY  
Spokane Center remodel and fire egress (92-5-008)**

**Reappropriation:**

**EWU Cap Proj Acct--State \$ 43,686**

Prior Biennia (Expenditures) \$ 1,756,314

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000

**NEW SECTION. Sec. 585. FOR EASTERN WASHINGTON UNIVERSITY  
Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,318,877**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,361,600**

**EWU Cap Proj Acct--State \$ 638,400**

Subtotal Appropriation \$ 4,000,000

Prior Biennia (Expenditures) \$ 91,123

Future Biennia (Projected Costs) \$ 3,275,000

TOTAL \$ 9,685,000

**NEW SECTION. Sec. 586. FOR EASTERN WASHINGTON UNIVERSITY  
Infrastructure project: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house or representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 587. FOR EASTERN WASHINGTON UNIVERSITY  
Showalter Hall Auditorium: Preservation (96-1-001)**

**Appropriation:**

**EWU Cap Proj Acct--State \$ 977,800**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 977,800

**NEW SECTION. Sec. 588. FOR EASTERN WASHINGTON UNIVERSITY  
Monroe Hall Remodel (96-1-002)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**EWU Cap Proj Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 6,100,000

**NEW SECTION. Sec. 589. FOR EASTERN WASHINGTON UNIVERSITY  
Campus classrooms--Renewal: To renovate and upgrade classrooms and lab in various buildings on campus (96-2-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**EWU Cap Proj Acct--State \$ 3,650,000**



Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 14,925,000  
TOTAL \$ 18,575,000

**NEW SECTION. Sec. 590. FOR EASTERN WASHINGTON UNIVERSITY  
Americans with Disabilities Act projects (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 193,089**  
Prior Biennia (Expenditures) \$ 132,711  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 325,800

**NEW SECTION. Sec. 591. FOR CENTRAL WASHINGTON UNIVERSITY  
Life and safety improvements (92-1-030)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 125,000**  
Prior Biennia (Expenditures) \$ 208,267  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 333,267

**NEW SECTION. Sec. 592. FOR CENTRAL WASHINGTON UNIVERSITY  
Barge Hall renovation (92-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 263,000**  
Prior Biennia (Expenditures) \$ 11,318,970  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,581,970

**NEW SECTION. Sec. 593. FOR CENTRAL WASHINGTON UNIVERSITY  
Shaw/Smyser Hall renovation (90-2-005)**

**Reappropriation:**

**H Ed Reimb Constr Acct \$ 302,000**  
Prior Biennia (Expenditures) \$ 12,983,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,285,000

**NEW SECTION. Sec. 594. FOR CENTRAL WASHINGTON UNIVERSITY  
Minor capital projects (92-2-050)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 600,000**  
Prior Biennia (Expenditures) \$ 1,623,120  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,223,120

**NEW SECTION. Sec. 595. FOR CENTRAL WASHINGTON UNIVERSITY  
Boullion asbestos: Construction (94-1-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,160,000**  
Prior Biennia (Expenditures) \$ 1,163,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,323,000

**NEW SECTION. Sec. 596. FOR CENTRAL WASHINGTON UNIVERSITY  
Minor works: Preservation (94-1-005)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 2,000,000**  
Prior Biennia (Expenditures) \$ 1,562,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,562,000

**NEW SECTION. Sec. 597. FOR CENTRAL WASHINGTON UNIVERSITY**

**Underground tank replacement (94-1-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**  
Prior Biennia (Expenditures) \$ 176,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 276,000

**NEW SECTION. Sec. 598. FOR CENTRAL WASHINGTON UNIVERSITY**

**Electrical cable replacement (94-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**  
Prior Biennia (Expenditures) \$ 1,700,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,750,000

**NEW SECTION. Sec. 599. FOR CENTRAL WASHINGTON UNIVERSITY**

**Steamline replacement (94-1-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 790,000**  
Prior Biennia (Expenditures) \$ 60,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 850,000

**NEW SECTION. Sec. 600. FOR CENTRAL WASHINGTON UNIVERSITY**

**Infrastructure savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 601. FOR CENTRAL WASHINGTON UNIVERSITY**

**Science Facility design and construction (94-2-002)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 4,000,000**  
**St Bldg Constr Acct--State \$ 53,590,000**  
Subtotal Reappropriation \$ 57,590,000  
Prior Biennia (Expenditures) \$ 610,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 58,200,000

**NEW SECTION. Sec. 602. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Program (94-2-006)**

**Reappropriation:**

**CWU Cap Proj Acct \$ 815,000**  
Prior Biennia (Expenditures) \$ 1,692,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,507,000

**NEW SECTION. Sec. 603. FOR CENTRAL WASHINGTON UNIVERSITY**

**Black Hall--Design and construction:** To design and construct a 66,200 gross square foot addition to and complete remodel of the Black Hall (94-2-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 15,000**

**Appropriation:**

**CWU Cap Proj Acct--State \$ 875,100**

**St Bldg Constr Acct--State \$ 26,369,300**

Subtotal Appropriation \$ 27,244,400

Prior Biennia (Expenditures) \$ 144,000

Future Biennia (Projected Costs) \$ 0

**TOTAL \$ 27,403,400**

**NEW SECTION. Sec. 604. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Infrastructure preservation (96-1-040)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management.
- (2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,687,100**

**CWU Cap Proj Acct--State \$ 712,900**

Subtotal Appropriation \$ 2,400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

**TOTAL \$ 8,300,000**

**NEW SECTION. Sec. 605. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Preservation (96-1-120)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management.
- (2) A maximum of \$85,000 from this appropriation may be expended for remodeling the president's residence.

**Appropriation:**

**CWU Cap Proj Acct--State \$ 3,500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,850,000

**TOTAL \$ 20,350,000**

**NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY**

**Hertz Hall addition (96-2-050)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 125,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 13,350,000

**TOTAL \$ 13,475,000**

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Program (96-2-130)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management.
- (2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

**Appropriation:**

**CWU Cap Proj Acct--State \$ 2,500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 11,110,000

**TOTAL \$ 13,610,000**

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

**Campus: Air quality improvement (96-1-001)**

**Appropriation:**

TESC Cap Proj Acct--State \$ 492,425  
St Bldg Constr Acct \$ 528,896  
Subtotal Appropriation \$ 1,021,321  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,021,321

**NEW SECTION. Sec. 609. FOR THE EVERGREEN STATE COLLEGE**

**Minor works: Preservation (96-1-002)**

**Appropriation:**

TESC Cap Proj Acct--State \$ 970,245  
St Bldg Constr Acct--State \$ 2,154,876  
Subtotal Appropriations \$ 3,125,121  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 20,488,124  
TOTAL \$ 23,613,245

**NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

**Campus: Preservation (94-1-001)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 150,000  
Prior Biennia (Expenditures) \$ 1,599,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,749,000

**NEW SECTION. Sec. 611. FOR THE EVERGREEN STATE COLLEGE**

**Classroom Facility: Longhouse design and construction (94-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 400,000  
Prior Biennia (Expenditures) \$ 1,800,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,200,000

**NEW SECTION. Sec. 612. FOR THE EVERGREEN STATE COLLEGE**

**Emergency repairs (96-1-003)**

**Appropriation:**

TESC Cap Proj Acct--State \$ 238,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,076,000  
TOTAL \$ 1,314,000

**NEW SECTION. Sec. 613. FOR THE EVERGREEN STATE COLLEGE**

**Computer Network phase III (96-2-006)**

**Appropriation:**

St Bldg Constr Acct--State \$ 162,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 162,000

**NEW SECTION. Sec. 614. FOR THE EVERGREEN STATE COLLEGE**

**Communications Building: Retrofit (96-2-007)**

**Appropriation:**

St Bldg Constr Acct--State \$ 1,726,300  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,726,300

**NEW SECTION. Sec. 615. FOR THE EVERGREEN STATE COLLEGE**

**Library Building renovation (96-2-009)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 772,500**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 772,500

**NEW SECTION. Sec. 616. FOR THE JOINT CENTER FOR HIGHER EDUCATION  
Riverpoint Campus: Design and construction (94-2-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 9,000,000**  
Prior Biennia (Expenditures) \$ 8,000,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 17,000,000

**NEW SECTION. Sec. 617. FOR THE JOINT CENTER FOR HIGHER EDUCATION  
Riverpoint Campus phase II (96-2-001)**

To predesign, design, and make infrastructure improvements to the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996. The appropriation in this section is subject to the review and allotment requirements under sections 813 and 815 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,310,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 21,690,000  
TOTAL \$ 25,000,000

**NEW SECTION. Sec. 618. FOR WESTERN WASHINGTON UNIVERSITY  
Science facility phase II: Construction (92-1-007)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct \$ 2,400,000**  
Prior Biennia (Expenditures) \$ 17,650,533  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 20,050,553

**NEW SECTION. Sec. 619. FOR WESTERN WASHINGTON UNIVERSITY  
Fire detection systems (94-1-030)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**  
Prior Biennia (Expenditures) \$ 643,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 743,000

**NEW SECTION. Sec. 620. FOR WESTERN WASHINGTON UNIVERSITY  
Underground storage tank removal (94-1-032)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 58,200**  
Prior Biennia (Expenditures) \$ 1,800  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 60,000

**NEW SECTION. Sec. 621. FOR WESTERN WASHINGTON UNIVERSITY  
Pool chlorine gas system (94-1-033)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 10,300**  
Prior Biennia (Expenditures) \$ 24,700  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 35,000

**NEW SECTION. Sec. 622. FOR WESTERN WASHINGTON UNIVERSITY  
Exterior and roofing renewal (94-1-034)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 309,000**  
Prior Biennia (Expenditures) \$ 292,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 601,000

**NEW SECTION. Sec. 623. FOR WESTERN WASHINGTON UNIVERSITY**

**Boiler system (94-1-035)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 859,884**  
Prior Biennia (Expenditures) \$ 40,116  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 900,000

**NEW SECTION. Sec. 624. FOR WESTERN WASHINGTON UNIVERSITY**

**Utility upgrade (94-1-037)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 103,000**  
Prior Biennia (Expenditures) \$ 302,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 405,000

**NEW SECTION. Sec. 625. FOR WESTERN WASHINGTON UNIVERSITY**

**Interior renewal (94-1-038)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 74,000**  
Prior Biennia (Expenditures) \$ 24,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 98,000

**NEW SECTION. Sec. 626. FOR WESTERN WASHINGTON UNIVERSITY**

**Interior painting (94-1-041)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 272,000**  
Prior Biennia (Expenditures) \$ 129,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 401,000

**NEW SECTION. Sec. 627. FOR WESTERN WASHINGTON UNIVERSITY**

**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 628. FOR WESTERN WASHINGTON UNIVERSITY**

**Science facility phase III: Construction (94-2-014)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,473,119**  
Prior Biennia (Expenditures) \$ 96,988  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,570,107

**NEW SECTION. Sec. 629. FOR WESTERN WASHINGTON UNIVERSITY**

**Haggard Hall renovation and abatement: Construction (94-2-015)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 950,000**

**Appropriation:**

**WWU Cap Proj Acct--State \$ 3,735,420**

**St Bldg Constr Acct--State \$ 17,352,985**

Subtotal Appropriation \$ 21,088,405

Prior Biennia (Expenditures) \$ 166,000

Future Biennia (Projected Costs) \$ 0

**TOTAL \$ 22,204,405**

**NEW SECTION. Sec. 630. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Program (94-2-028)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 3,200,000**

Prior Biennia (Expenditures) \$ 2,900,000

Future Biennia (Projected Costs) \$ 0

**TOTAL \$ 6,100,000**

**NEW SECTION. Sec. 631. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Preservation (96-1-030)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**WWU Cap Proj Acct--State \$ 1,300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 9,200,000

**TOTAL \$ 10,500,000**

**NEW SECTION. Sec. 632. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Infrastructure preservation (96-1-061)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,650,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,400,000

**TOTAL \$ 6,050,000**

**NEW SECTION. Sec. 633. FOR WESTERN WASHINGTON UNIVERSITY**

**Campus Services Facility (96-2-025)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,883,400

**TOTAL \$ 7,983,400**

**NEW SECTION. Sec. 634. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Program (96-2-028)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**WWU Cap Proj Acct--State \$ 2,000,000**

**St Bldg Constr Acct \$ 3,850,000**

Subtotal Appropriation \$ 5,850,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,500,000

**TOTAL \$ 31,350,000**

**NEW SECTION. Sec. 635. FOR WESTERN WASHINGTON UNIVERSITY**

**Integrated signal distribution--Design: To design a campus network system (96-2-056)**

**Appropriation:**

**WWU Cap Proj Acct--State \$ 229,650**  
**St Bldg Constr Acct--State \$ 985,750**  
Subtotal Appropriation \$ 1,215,400  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 9,339,400  
TOTAL \$ 10,554,800

**NEW SECTION. Sec. 636. FOR WESTERN WASHINGTON UNIVERSITY**

**Wilson Library renovation (96-2-057)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 105,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,331,900  
TOTAL \$ 8,436,900

**NEW SECTION. Sec. 637. FOR WESTERN WASHINGTON UNIVERSITY**

**Recreation and physical education fields phase I (96-2-051)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,535,200**  
**WWU Cap Proj Acct--State \$ 130,800**  
Subtotal Appropriation \$ 2,666,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,666,000

**NEW SECTION. Sec. 638. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Complete construction of Washington state History Museum (94-2-001)**

The appropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.
- (2) \$50,000 of the new appropriation in this section shall be provided as a grant to a local nonprofit organization to purchase land and provide exhibit space for the display of fossils.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,859,978**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 35,592,643  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 42,752,621

**NEW SECTION. Sec. 639. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Stadium Way facility: Preservation (96-1-102)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 60,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 487,500**  
Prior Biennia (Expenditures) \$ 1,254,500  
Future Biennia (Projected Costs) \$ 335,469  
TOTAL \$ 2,137,469

**NEW SECTION. Sec. 640. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Bremerton Shellbanks Retreat: Preservation (96-1-103)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 68,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 250,000



TOTAL \$ 318,000

**NEW SECTION. Sec. 641. FOR THE WASHINGTON STATE HISTORICAL SOCIETY  
State Capital Museum: Preservation (96-1-105)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 122,592**  
Prior Biennia (Expenditures) \$ 107,500  
Future Biennia (Projected Costs) \$ 199,628  
TOTAL \$ 429,720

**NEW SECTION. Sec. 642. FOR THE WASHINGTON STATE HISTORICAL SOCIETY  
Stadium Way facility: Collection storage and access (96-2-204)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 230,600**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,420,000  
TOTAL \$ 1,650,600

**NEW SECTION. Sec. 643. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY  
Campbell House restoration (86-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 30,000**  
Prior Biennia (Expenditures) \$ 100,500  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 130,500

**NEW SECTION. Sec. 644. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY  
Cheney Cowles Museum: Parking lot grading and resurfacing (96-1-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 285,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 285,000

**NEW SECTION. Sec. 645. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY  
Cheney Cowles Museum: Preservation (96-1-004)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 175,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 700,000  
TOTAL \$ 875,000

**NEW SECTION. Sec. 646. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Learning Resource Center--Skagit Valley College Whidbey Campus (88-5-020)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,408**  
Prior Biennia (Expenditures) \$ 2,117,591  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,122,999

**NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Science, Fine Art, and Physical Education Building--South Puget Sound Community College (88-5-021)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 21,933**  
Prior Biennia (Expenditures) \$ 5,976,066  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,997,999

**NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Library addition and remodel--Columbia Basin College (88-5-023)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 21,573**

Prior Biennia (Expenditures) \$ 1,961,132  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,982,705

**NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Vocational Shop Building--Centralia College (88-5-024)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 36,519**  
Prior Biennia (Expenditures) \$ 2,035,306  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,071,825

**NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Art Commission carryover (88-5-026)**

**Reappropriation:**

**St Bldg Constr Acct \$ 9,378**  
Prior Biennia (Expenditures) \$ 2,984,655  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,994,033

**NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Business Education Building--Spokane Community College (88-5-027)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 20,846**  
Prior Biennia (Expenditures) \$ 6,291,122  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,311,968

**NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Student Activity Center and Physical Education Building--Seattle Central (88-5-028)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,681,465**  
Prior Biennia (Expenditures) \$ 9,519,434  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,200,899

**NEW SECTION. Sec. 653. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Fire and security system repairs (90-1-004)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 134,433**  
Prior Biennia (Expenditures) \$ 236,508  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 370,941

**NEW SECTION. Sec. 654. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Minor asbestos removal (90-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 323,914**  
Prior Biennia (Expenditures) \$ 992,167  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,316,081

**NEW SECTION. Sec. 655. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Roof and structural repairs (90-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 8,779**  
Prior Biennia (Expenditures) \$ 706,514  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 715,293

**NEW SECTION. Sec. 656. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Heating, ventilation, and air conditioning and mechanical repairs (90-2-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,944**  
Prior Biennia (Expenditures) \$ 947,439  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 998,383

**NEW SECTION. Sec. 657. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Facility repairs (90-3-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 24,471**  
Prior Biennia (Expenditures) \$ 503,545  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 528,016

**NEW SECTION. Sec. 658. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Minor improvement projects (90-5-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 120,737**  
Prior Biennia (Expenditures) \$ 2,904,787  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,025,524

**NEW SECTION. Sec. 659. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Physical Education Facility--North Seattle Community College (90-5-011)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,883,057**  
Prior Biennia (Expenditures) \$ 1,671,143  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,554,200

**NEW SECTION. Sec. 660. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Applied Arts Facility--Spokane Falls Community College (90-5-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,848,249**  
Prior Biennia (Expenditures) \$ 2,643,840  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,492,089

**NEW SECTION. Sec. 661. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Industrial Tech Building--Spokane Community College (90-5-013)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,016,150**  
Prior Biennia (Expenditures) \$ 3,915,945  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,932,095

**NEW SECTION. Sec. 662. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Vocational Art Facility--Shoreline Community College (90-5-014)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,885,749**  
Prior Biennia (Expenditures) \$ 179,656  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,065,405

**NEW SECTION. Sec. 663. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Business Education Building--Clark College (90-5-015)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,439,646**  
Prior Biennia (Expenditures) \$ 3,851,620  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,291,266

**NEW SECTION. Sec. 664. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Student Center Building--South Seattle Community College (90-5-016)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,188,316**  
Prior Biennia (Expenditures) \$ 1,193,777  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,382,093

**NEW SECTION. Sec. 665. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Library addition--Skagit Valley College (90-5-017)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 602,270**  
Prior Biennia (Expenditures) \$ 1,403,729  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,005,999

**NEW SECTION. Sec. 666. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Business Complex renovation--Clover Park Technical College (91-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 26,062**  
Prior Biennia (Expenditures) \$ 2,473,938  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,500,000

**NEW SECTION. Sec. 667. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Administration Office renovation--Bellingham Technical College (91-3-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 155,844**  
Prior Biennia (Expenditures) \$ 1,456,156  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,612,000

**NEW SECTION. Sec. 668. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Acquisition: Auto Shop--Olympic College (92-1-604)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 575,155**  
Prior Biennia (Expenditures) \$ 124,845  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 700,000

**NEW SECTION. Sec. 669. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Underground storage tank removal (92-2-102)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 96,033**  
Prior Biennia (Expenditures) \$ 1,300,819  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,396,852

**NEW SECTION. Sec. 670. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Legal and code requirement--Repairs (92-2-103)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 340,786**  
Prior Biennia (Expenditures) \$ 831,214  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,172,000

**NEW SECTION. Sec. 671. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Roof repairs (92-2-104)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 373,515**  
Prior Biennia (Expenditures) \$ 7,083,485

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,457,000

**NEW SECTION. Sec. 672. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Exterior and structure repairs (92-2-105)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 138,431**  
Prior Biennia (Expenditures) \$ 678,569  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 817,000

**NEW SECTION. Sec. 673. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Heating, ventilation, and air conditioning repairs (92-2-106)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,913,684**  
Prior Biennia (Expenditures) \$ 1,160,315  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,073,999

**NEW SECTION. Sec. 674. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Electrical repair (92-2-107)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 174,538**  
Prior Biennia (Expenditures) \$ 2,132,462  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,307,000

**NEW SECTION. Sec. 675. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Mechanical repairs (92-2-108)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 824,457**  
Prior Biennia (Expenditures) \$ 1,683,543  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,508,000

**NEW SECTION. Sec. 676. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Fire and security repairs (92-2-109)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 418,730**  
Prior Biennia (Expenditures) \$ 273,269  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 691,999

**NEW SECTION. Sec. 677. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Interior repairs (92-2-110)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 427,638**  
Prior Biennia (Expenditures) \$ 1,012,361  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,439,999

**NEW SECTION. Sec. 678. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Site repairs (92-2-111)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 98,377**  
Prior Biennia (Expenditures) \$ 1,230,622  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,328,999

**NEW SECTION. Sec. 679. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Pool repairs (92-2-112)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,133**  
Prior Biennia (Expenditures) \$ 594,867  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 600,000

**NEW SECTION. Sec. 680. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Administration addition--Lake Washington Technical College (92-5-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,498,016**  
Prior Biennia (Expenditures) \$ 6,644,183  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,142,199

**NEW SECTION. Sec. 681. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Minor improvements (92-5-200)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,979,165**  
Prior Biennia (Expenditures) \$ 14,950,834  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 16,929,999

**NEW SECTION. Sec. 682. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Roof repair--Clover Park Technical College (93-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,130**  
Prior Biennia (Expenditures) \$ 183,869  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 188,999

**NEW SECTION. Sec. 683. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Repairs and minor improvements (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 28,290,145**  
Prior Biennia (Expenditures) \$ 8,709,855  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 37,000,000

**NEW SECTION. Sec. 684. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Asbestos abatement (94-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 112,447**  
Prior Biennia (Expenditures) \$ 441,786  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 554,233

**NEW SECTION. Sec. 685. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Underground storage tank removal and remediation (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 158,727**  
Prior Biennia (Expenditures) \$ 765,990  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 924,717

**NEW SECTION. Sec. 686. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Underground storage tank removal (94-1-370)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 197,830**  
Prior Biennia (Expenditures) \$ 4,170  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 202,000

**NEW SECTION. Sec. 687. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Asbestos abatement (94-1-390)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 326,887**  
Prior Biennia (Expenditures) \$ 124,440  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 451,327

**NEW SECTION. Sec. 688. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Renovate Seattle Vocational Institute facility:** Top design and begin remodel on the first phase of improvements to Seattle Vocational Institute (94-1-733)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,523,494**  
Prior Biennia (Expenditures) \$ 59,506  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,583,000

**NEW SECTION. Sec. 689. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (94-2-400)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,640,466**  
Prior Biennia (Expenditures) \$ 3,837,534  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,478,000

**NEW SECTION. Sec. 690. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (94-2-500)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 590,517**  
Prior Biennia (Expenditures) \$ 38,483  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 629,000

**NEW SECTION. Sec. 691. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Pierce College--Puyallup phase II (94-2-601)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 862,234**

**Appropriation:**

**St Bldg Constr Acct--State \$ 12,852,618**  
Prior Biennia (Expenditures) \$ 164,686  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,879,538

**NEW SECTION. Sec. 692. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Skagit Valley College Vocational Building (94-2-602)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 152,981**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,320,000**  
Prior Biennia (Expenditures) \$ 16,063  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,489,044

**NEW SECTION. Sec. 693. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Whatcom Community College Learning Resource Center, Fine Arts, Student Center (94-2-603)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 342,967**

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,930,000**  
Prior Biennia (Expenditures) \$ 262,669  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,535,636

**NEW SECTION. Sec. 694. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Edmonds Community College Classroom and Laboratory Building (94-2-604)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 728,058**

**Appropriation:**

**St Bldg Constr Acct--State \$ 12,343,480**  
Prior Biennia (Expenditures) \$ 138,578  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,210,116

**NEW SECTION. Sec. 695. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct South Puget Sound Community College Technical Education Building (94-2-605)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 512,534**

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,430,000**  
Prior Biennia (Expenditures) \$ 135,533  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,078,067

**NEW SECTION. Sec. 696. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Green River Community College Center for Information Technology (94-2-606)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,069,426**

**Appropriation:**

**St Bldg Constr Acct--State \$ 16,800,000**  
Prior Biennia (Expenditures) \$ 324,303  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 18,193,729

**NEW SECTION. Sec. 697. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Predesign (94-2-650)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 43,379**  
Prior Biennia (Expenditures) \$ 206,621  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 250,000

**NEW SECTION. Sec. 698. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Acquisitions (94-2-700)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 28,591**  
Prior Biennia (Expenditures) \$ 480,409  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 509,000

**NEW SECTION. Sec. 699. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Americans with Disabilities Act projects (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,190,091**  
Prior Biennia (Expenditures) \$ 231,807  
Future Biennia (Projected Costs) \$ 0



TOTAL \$ 3,421,898

**NEW SECTION. Sec. 700. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair and minor improvement (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 10,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 40,000,000  
TOTAL \$ 50,000,000

**NEW SECTION. Sec. 701. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair roofs (96-1-010)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,406,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 16,000,000  
TOTAL \$ 21,406,000

**NEW SECTION. Sec. 702. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair heating, ventilation, and air conditioning (96-1-030)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,588,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 32,000,000  
TOTAL \$ 39,588,000

**NEW SECTION. Sec. 703. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair mechanical (96-1-060)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,262,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 6,000,000  
TOTAL \$ 7,262,000

**NEW SECTION. Sec. 704. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair electrical (96-1-080)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,192,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,000,000  
TOTAL \$ 10,192,000

**NEW SECTION. Sec. 705. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair exterior (96-1-100)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,419,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,000,000  
TOTAL \$ 10,419,000

**NEW SECTION. Sec. 706. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair interiors (96-1-120)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,254,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 6,000,000  
TOTAL \$ 7,254,000

**NEW SECTION. Sec. 707. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Site improvements (96-1-140)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,465,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,000,000  
TOTAL \$ 10,465,000

**NEW SECTION. Sec. 708. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Infrastructure project savings (96-1-500)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 709. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Clover Park Technical College: Aviation trades complex, site acquisition, and related costs**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,100,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,100,000

**NEW SECTION. Sec. 710. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Minor program remodel and improvements (96-2-199)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 13,300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 56,000,000  
TOTAL \$ 69,300,000

**NEW SECTION. Sec. 711. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Project artwork consolidation account (96-2-400)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 712. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**North Seattle Community College:** To design a Vocational Technical Center Building and a separate Child Care Center (96-2-651)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 895,712**  
Prior Biennia (Expenditures) \$ 43,512  
Future Biennia (Projected Costs) \$ 12,047,538  
TOTAL \$ 12,986,762

**NEW SECTION. Sec. 713. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Everett Community College:** To procure land for a new access to the college and for a new Instruction Technology Center (96-2-

652)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,558,440**  
Prior Biennia (Expenditures) \$ 25,140  
Future Biennia (Projected Costs) \$ 12,251,270  
TOTAL \$ 15,834,850

**NEW SECTION. Sec. 714. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**South Seattle Community College:** To design the Integrated Learning Assistance Resource Center (ILARC) (96-2-653)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 592,266**  
Prior Biennia (Expenditures) \$ 21,466  
Future Biennia (Projected Costs) \$ 7,064,600  
TOTAL \$ 7,678,332

**NEW SECTION. Sec. 715. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Olympic College Satellite--Poulsbo: Design (96-2-654)**

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct \$ 755,000**  
Prior Biennia (Expenditures) \$ 26,359  
Future Biennia (Projected Costs) \$ 10,248,000  
TOTAL \$ 11,029,359

**NEW SECTION. Sec. 716. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Bellevue Community College Classroom/Laboratory Building: Design (96-2-655)**

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 587,000**  
Prior Biennia (Expenditures) \$ 34,423  
Future Biennia (Projected Costs) \$ 9,116,160  
TOTAL \$ 9,737,583

**NEW SECTION. Sec. 717. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Tacoma Community College:** To acquire land for the Gig Harbor center.

**Appropriation:**

**St Bldg Constr Acct--State \$ 421,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 421,000

**PART 6  
MISCELLANEOUS**

**NEW SECTION. Sec. 801.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$14,710,000 during the 1995-97 fiscal period; \$86,791,000 during the 1997-99 fiscal period; \$123,561,000 during the 1999-2001 fiscal period; \$123,500,000 during the 2001-03 fiscal period; and \$123,450,000 during the 2003-05 fiscal period.

**NEW SECTION. Sec. 802. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts. Prior to the finalization of a financing contract authorized under this act there shall be placed on file with the office of financial management an amortization statement which provides a schedule of contracted payments by source of fund. In addition, the contracting agency shall provide to the office of financial management a condition statement regarding any existing facility which is acquired listing the expected renovation or improvement costs which shall be incurred within five years of occupancy. The office of financial management shall provide annual reports to the appropriate legislative committees summarizing the information regarding the payment schedule and facility condition.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

Long-term lease with an option to purchase or lease-purchase for office space and associated parking in downtown Tacoma. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(2) Liquor control board:

Lease-develop with an option to purchase a new liquor distribution center and materials handling center costing approximately \$30,000,000 to replace the current Seattle facility. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(3) Department of corrections:

(a) Lease-purchase property from the department of natural resources on which Cedar Creek, Larch, and Olympic correctional centers are located for up to \$1,000,000;

(b) Lease-develop with the option to purchase or lease-purchase 240 work release beds in facilities throughout the state for \$10,080,000; and

(c) Enter into a financing agreement on behalf of the department of corrections in the amount \$10,000,000 and reserves pursuant to chapter 39.94 RCW, to construct a new correctional industries dairy and creamery. It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project costs savings may be realized. The department shall reevaluate costs using inmate labor and submit new estimates to the office of financial management before entering into any agreements. Milk and other products of the dairy shall be sold exclusively to correctional facilities and jails.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Clark College in the amount of \$4,200,000 and reserves pursuant to chapter 39.94 RCW, to purchase 12 acres and a 60,000 square foot building as an expansion site for the main campus.

(b) Enter into a long-term lease or lease-purchase contract for Clover Park Technical College in the amount of \$5,600,000 for off-campus aircraft training programs;

(c) Purchase from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3.3 acres and a 67,000 square foot building to house classrooms, office facilities, and physical plant activities;

(d) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$1,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.2 acres and a 10,923 square foot building to house international programs and adult basic education and English as a second language instruction and student and faculty services;

(e) Purchase in a lump sum from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.1 acres and a 32,000 square foot building to house the extended learning center. This facility is currently being leased and maintained by the college;

(f) Enter into a financing contract on behalf of Green River Community College in the amount of \$4,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase a 28,000 square foot building, site and associated parking to house extension and business related programs;

(g) Enter into a financing contract on behalf of Highline Community College in the amount of \$300,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.45 acres and a 1,500 square foot building;

(h) Lease-purchase or enter into a financing contract on behalf of South Puget Sound Community College in the amount of \$1,400,000 and reserves pursuant to chapter 39.94 RCW, to purchase 6.69 acres contiguous to the main campus;

(i) Lease-purchase or enter into a financing contract on behalf of Walla Walla Community College in the amount of \$1,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 18 acres of land and 27,500 square feet of improvements contiguous to the site;

(j) Lease-purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$250,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3 acres of land and erect a 7,500 square foot metal building to house physical plant shops.

(k) Lease-develop with option to purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 2 acres of land and construct additional parking for college faculty, staff, and students. This project is required by the City of Omak for the Wenatchee Valley College - North Campus;

(l) Lease-purchase or enter into a financing contract on behalf of Tacoma Community College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.275 acres contiguous to the campus;

(m) Enter into a financing contract on behalf of Skagit Valley Community College in the amount of \$800,000 and reserves pursuant to chapter 39.94 RCW for the purchase and development of a 5,000 square foot educational and support services facility to provide instructional and meeting space for Skagit Valley Community College on San Juan Island;

- (n) Lease-purchase or enter into a financing contract on behalf of Yakima Valley College in the amount of \$115,000 and reserves pursuant to chapter 39.94 RCW, to purchase two undeveloped lots adjacent to the campus for use as parking areas;
- (o) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$2,880,000 and reserves pursuant to chapter 39.94 RCW, to purchase the Gig Harbor extension center and site;
- (p) Enter into a financing contract on behalf of South Seattle Community College in the amount of \$5,350,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 11.08 acres of land to accommodate expansion of the Duwamish industrial education center;
- (q) Enter into a long-term lease in a 11,097 square foot former bank building in Enumclaw by Green River Community College extension program for approximately \$90,000;
- (r) Enter into a financing contract on behalf of Bellingham Technical College in the amount of \$1,100,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 8.5 acres of land to accommodate expansion of the Bellingham Technical College;
- (s) Lease-develop with option to purchase or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000, subject to the approval of the office of financial management; and
- (t) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;
- (u) Lease-develop or lease-purchase property for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$350,000;
- (v) Acquire a residence that abuts the Bellevue Community College campus, valued at \$200,000, for use as an English language center and long term campus expansion;
- (w) Enter into a financing contract on behalf of Columbia Basin College in the amount of \$3,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$4,000,000 work force and vocational training facility. Columbia Basin College shall provide the balance of project cost in local funds; and
- (x) Enter into a financing contract on behalf of Shoreline Community College in the amount of \$400,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$3,500,000 vocational art facility. The balance of construction funds are appropriated in the capital budget.
- (5) State parks and recreation:  
Enter into a financing contract on behalf of state parks and recreation in the amount of \$600,000 and reserves pursuant to chapter 39.94 RCW, to develop new campsite electrical hookups and expand group camp facilities statewide.
- (6) Washington State University:  
(a) Enter into a financing contract for \$8,600,000 plus financing costs to construct a facility on the Vancouver Branch Campus. The facility will be leased to the federal general services administration to house the Cascades Volcano Observatory and the lease payments shall reimburse Washington State University for the cost of the financing contract; and  
(b) Enter into a financing contract for \$7,500,000 plus financing costs to construct a portion of the Consolidated Information Center at the Tri-Cities Branch Campus. Washington State University will be reimbursed for the cost of the financing contract from federal money received for the operation and/or construction of the center.
- (7) Western Washington State University:  
Lease-purchase property adjacent or near to the campus for future expansion for \$2,000,000.
- (8) Washington state fruit commission:  
Enter into a financing contract for the purpose of completing its new headquarters and visitor center facility in the principal amount of \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.
- (9) The office of the state treasurer is authorized to enter into a financing contract pursuant to chapter 39.94 RCW for \$4,000,000 plus issuance expenses and required reserves to assist a consortium of Washington counties in the lease/purchase of leasehold improvements to Martin Hall, on the campus of eastern state hospital, in Medical Lake, and the renovation of the hall for use as a juvenile rehabilitation center. The participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection.
- (10) Washington state convention and trade center:  
(a) Enter into a financing contract in the amount of \$8,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for refinancing the parking revenue note issued by the corporation to Industrial Indemnity Corporation and held by its successor, Resolution Credit Service Corporation; and  
(b) Enter into a financing contract in the amount of \$111,700,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for the construction of a \$130,000,000 expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995 in lieu of bonds described therein. The balance of the expansion project funds shall be provided from interest earnings and public or private funds.

**NEW SECTION. Sec. 803. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY.** The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies.

**NEW SECTION. Sec. 804. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING.** (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1995-97 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

**NEW SECTION. Sec. 805.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

**NEW SECTION. Sec. 806.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1995, in the 1993-95 biennial appropriations for each project.

**NEW SECTION. Sec. 807.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 808.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

**NEW SECTION. Sec. 809.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 810.** Notwithstanding any other provisions of law, for the 1995-97 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

**NEW SECTION. Sec. 811.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 812.** The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have

been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected. The director shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 813.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

**NEW SECTION. Sec. 814.** Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management.

**NEW SECTION. Sec. 815.** Appropriations for design and construction of facilities on higher education branch campuses shall proceed only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board; and (4) branch campus facility utilization policies and standards as determined by the office of financial management in consultation with the higher education coordinating board. The office of financial management shall report to the appropriate committees of the legislature, by December 1, 1996, the standards, policies and enrollment levels used as the basis for allotting funds for branch campus design and construction.

**NEW SECTION. Sec. 816.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 817.** The department of natural resources shall submit economic assumptions and forecast methodology for trust revenues to the economic and revenue forecast work group. The supervisor of the economic and revenue forecast council shall include the forecast of trust revenues in the economic and revenue forecasts described in RCW 82.33.020.

**NEW SECTION. Sec. 818.** No moneys in this act shall be used to develop facilities for juvenile offenders at Rainier school.

**NEW SECTION. Sec. 819. STUDYING THE FEASIBILITY OF ESTABLISHING A POOLED REVENUE DISTRIBUTION SYSTEM FOR STATE TRUST LANDS.** The board of natural resources shall evaluate the feasibility of establishing a pooled revenue distribution system for state lands, as defined in RCW 79.01.004, to provide a more consistent and predictable revenue stream to trust beneficiaries. For the purposes of this section, a "pooled revenue distribution system" means a system that distributes revenues to each trust beneficiary based on the proportional net present value of revenue forecasted for each trust ownership over a defined time period. Actual revenue distribution to each trust during a fiscal period would be based on the assigned proportional benefit multiplied by the actual total revenues produced from all state lands during the period. The board shall report to the legislature on its evaluation, including any recommendations for implementation, by November 1, 1995. The report shall include necessary modifications to the legal framework governing state trust land revenues, and a proposed valuation methodology, as well as a forecast of potential revenue distributions using a pooled revenue distribution system.

**NEW SECTION. Sec. 820.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 821. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

#### MOTION

Senator Schow moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 27, line 36, after "Network." insert "The WIN kiosks shall not compete against other, private sector information or service providers. For currently existing private sector service providers that provide services or products also to be offered by the WIN kiosks after the effective date of this act, the department of information services shall complete a business impact study of the anticipated effects on the private sector businesses of adding the product or service to the kiosk system prior to adding the service or product to the kiosk system. If any impact on the private sector providers is found, the department shall submit the project or service to the legislature for approval."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schow on page 27, line 36, to the Committee on Ways and Means striking amendment to Second Engrossed Substitute House Bill No. 1070.

The motion by Senator Schow failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Second Engrossed Substitute House Bill No. 1070.

The motion by Senator Loveland carried and the committee amendment was adopted.

#### MOTIONS

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency."

On motion of Senator Loveland, the rules were suspended, Second Engrossed Substitute House Bill No. 1070, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute House Bill No. 1070, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute House Bill No. 1070, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Cantu, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, McDonald, Owen, Palmer, Pelz, Prentice, Prince, Rinehart, Sheldon, Smith, Snyder, Spanel, Swecker, West, Winsley and Wojahn - 28.

Voting nay: Senators Anderson, A., Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, Morton, Newhouse, Oke, Quigley, Rasmussen, Roach, Schow, Sellar, Strannigan, Sutherland and Wood - 19.

Excused: Senators Anderson, C. and Moyer - 2.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1071, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden and Dellwo) (by request of Office of Financial Management)

Authorizing general obligation bonds for costs incidental to the 1995-97 biennium.

The bill was read the second time.

#### MOTION



On motion of Senator Loveland, the rules were suspended, Engrossed Substitute House Bill No. 1071, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1071, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1071, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Cantu, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rinehart, Sheldon, Smith, Snyder, Spanel, Strannigan, West, Winsley and Wojahn - 30.

Voting nay: Senators Anderson, A., Deccio, Finkbeiner, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Palmer, Rasmussen, Roach, Schow, Sellar, Sutherland, Swecker and Wood - 17.

Excused: Senators Anderson, C. and Moyer - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1071, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2110, by Representatives Campbell, Smith, Talcott, Morris, Conway, Huff, Costa, Scott, Casada, McMahan, Brumsickle and Ebersole

Authorizing the imposition of taxes by counties for correctional facilities and juvenile detention facilities.

The bill was read the second time.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, House Bill No. 2110, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, there are a number of cities in the state which operate jails. Is it possible that some portion of the revenue authorized by this bill could be used by a city for construction or expansion of a city jail?"

Senator Gaspard: "Cities and counties currently have authority to enter into agreements covering various governmental services and may agree to distribution of revenues as part of such agreements. For example, the Legislature approved Senate Bill No. 5038 last year which describes one process through which counties and cities may reach agreements on providing governmental services, including detention. Nothing in this bill, House Bill No. 2110, precludes counties and cities from entering into agreements for providing services or for the distribution of revenue authorized by this bill."

#### POINT OF INQUIRY

Senator Deccio: "Senator Gaspard, there have been several cities and counties that have built new facilities in the last three or four years. Would they be able to recoup any of their costs under this legislation?"

Senator Gaspard: "I would only answer that, Senator, by looking at page 2, beginning on line 1, and how moneys received from this tax can be used, such as the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping and improvement of juvenile detention facilities and jails, so if it reaches those categories, it would probably apply."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2110, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2110, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Spanel, Sutherland, Swecker, Winsley, Wojahn and Wood - 36.

Voting nay: Senators Anderson, A., Cantu, Finkbeiner, Johnson, McDonald, Pelz, Roach, Schow, Snyder, Strannigan and West - 11.

Excused: Senators Anderson, C. and Moyer - 2.

HOUSE BILL NO. 2110, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Drew, Senator Owen was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769, by House Committee on Finance (originally sponsored by Representatives Mielke, Morris, Campbell, Appelwick, Benton, Kremen, Fuhrman, Mulliken, G. Fisher, Basich, Brumsickle, Van Luven, Skinner, Grant, Boldt, Hymes, Carrell, Chandler, Beeksma, L. Thomas, Foreman, McMahan, Schoesler, Blanton and Thompson)

Lowering business and occupation tax for insurance business.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Engrossed Substitute House Bill No. 1769, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1769, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1769, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 44.

Voting nay: Senators Fairley and Wojahn - 2.

Excused: Senators Anderson, C., Moyer and Owen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1102, by Representatives Sheldon, Johnson, Basich, Hargrove, Hatfield, Koster, Quall, Goldsmith, Kessler, Kremen and Buck

Expanding the base of the tax exemption for food fish eggs and fry to shellfish.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 1102, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1102, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1102, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Fairley, Franklin and Prentice - 3.

Excused: Senators Anderson, C., Moyer and Owen - 3.

HOUSE BILL NO. 1102, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1057, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler, Morris, B. Thomas, Delvin, Carlson, Hankins, Dyer, Sheldon, Casada, Chandler, L. Thomas, Fuhrman, Mulliken, Lisk, Cooke, Sheahan and Mastin)

Lowering the tax rate on canola.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 1057, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1057, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1057, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Prince, Rasmussen, Roach, Schow, Sellar, Snyder, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 32.

Voting nay: Senators Drew, Fairley, Fraser, Gaspard, Kohl, McAuliffe, Pelz, Prentice, Quigley, Rinehart, Sheldon, Smith, Spanel and Wojahn - 14.

Excused: Senators Anderson, C., Moyer and Owen - 3.

SUBSTITUTE HOUSE BILL NO. 1057, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### THIRD READING

ENGROSSED SENATE BILL NO. 5269, by Senators Rasmussen, Pelz, Heavey, Winsley, Franklin, Oke and Deccio

Raising the maximum cost for raffle tickets to twenty-five dollars.

The bill was read the third time.

#### MOTION

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5269.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5269 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Palmer, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 41.

Voting nay: Senators Cantu, Heavey, Newhouse, Quigley and Wojahn - 5.

Excused: Senators Anderson, C., Moyer and Owen - 3.

ENGROSSED SENATE BILL NO. 5269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 8:01 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 8:20 p.m. by President Pro Tempore Wojahn.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator West, Gubernatorial Appointment No. 9086, Girard Clark, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17, was confirmed.

#### APPOINTMENT OF GIRARD CLARK

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 7; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 39.

Absent: Senators Deccio, Palmer, Pelz, Rinehart, Roach, Schow and Strannigan - 7.

Excused: Senators Anderson, C., Moyer and Owen - 3.

#### MOTIONS

On motion of Senator Wood, Senator Deccio was excused.

On motion of Senator Loveland, Senator Rinehart was excused.

#### MOTION

On motion of Senator West, Gubernatorial Appointment No. 9125, James L. Kirschbaum, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

#### APPOINTMENT OF JAMES L. KIRSCHBAUM

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Absent: Senator Kohl - 1.

Excused: Senators Anderson, C., Deccio, Moyer, Owen and Rinehart - 5.

#### MOTION

On motion of Senator Loveland, Gubernatorial Appointment No. 9130, Joe W. Jackson, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

#### APPOINTMENT OF JOE W. JACKSON

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 43.

Absent: Senator Sutherland - 1.

Excused: Senators Anderson, C., Deccio, Moyer, Owen and Rinehart - 5.

#### MOTION

On motion of Senator Fraser, Senator Pelz was excused.

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9144, Barbara A. Koerber, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

#### APPOINTMENT OF BARBARA A. KOERBER

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Prentice, Prince, Quigley, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 41.

Absent: Senators Roach and Sutherland - 2.

Excused: Senators Anderson, C., Deccio, Moyer, Owen, Pelz and Rinehart - 6.

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9145, Dan C. Wilder, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

#### APPOINTMENT OF DAN C. WILDER

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Anderson, C., Deccio, Moyer, Pelz and Rinehart - 5.

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9147, Mitchell Bower, Jr., as a member of the State Board for Community and Technical Colleges, was confirmed.

#### APPOINTMENT OF MITCHELL BOWER, JR.

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Absent: Senator Cantu - 1.

Excused: Senators Anderson, C., Moyer, Pelz and Rinehart - 4.

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9148, William Selby, as a member of the State Board for Community and Technical Colleges, was confirmed.

#### APPOINTMENT OF WILLIAM SELBY

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senator Spanel - 1.

Excused: Senators Anderson, C., Moyer and Rinehart - 3.

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9152, John Carter, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

#### APPOINTMENT OF JOHN CARTER

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

#### MOTION

Senator Gaspard moved that Gubernatorial Appointment No. 9105, Len McComb, as Director of the Department of Revenue be confirmed.

Debate ensued.

MOTION

On motion of Senator Gaspard, further consideration of Gubernatorial Appointment No. 9105, Len McComb, as Director of the Department of Revenue, was deferred.

MOTION

On motion of Senator Loveland, Gubernatorial Appointment No. 9108, Lonna K. Malone-Purtle, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

Senators Loveland and Hale spoke to the confirmation of Lonna K. Malone-Purtle, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

APPOINTMENT OF LONNA K. MALONE-PURTLE

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Anderson, C. and Moyer - 2.

MOTION

At 9:05 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:32 p.m. by President Pro Tempore Wojahn.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 24, 1995

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8419,

SENATE CONCURRENT RESOLUTION NO. 8420, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

May 24, 1995

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1057,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1071,

HOUSE BILL NO. 1102,

SUBSTITUTE HOUSE BILL NO. 1279,

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913,

HOUSE BILL NO. 2110, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

May 24, 1995

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 5269,  
SUBSTITUTE SENATE BILL NO. 5364, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

May 24, 1995

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5739, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1057,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1071,  
HOUSE BILL NO. 1102,  
SUBSTITUTE HOUSE BILL NO. 1279,  
THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913,  
HOUSE BILL NO. 2110.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SENATE BILL NO. 5269,  
SUBSTITUTE SENATE BILL NO. 5364,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5739.

There being no objection, the President Pro Tempore advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Spanel, the following resolution was adopted:

SENATE RESOLUTION 1995-8668

By Senators Spanel, Snyder and Newhouse

WHEREAS, Fred J. Martin, Sr., a dedicated elected official, public servant, and conservationist, and lifelong resident of Northwest Washington, died on Monday, May 22, 1995; and

WHEREAS, Fred ably represented the people of Skagit County as a member of the State House of Representatives and the State Senate for seventeen years; and

WHEREAS, Fred also served the people of the state of Washington as a department head in the administrations of Governors Mon Walgren and Albert Rosselini; and

WHEREAS, Fred through his many efforts to set aside habitat for bald eagles on the Skagit River, made an invaluable contribution to the comeback of bald eagles in our state and the region; and

WHEREAS, Fred's contributions to his state and community were accompanied by a dedicated and successful family life; and

WHEREAS, Fred's service at the highest levels of state government and to the stewardship of natural resources and wildlife has left a lasting legacy for his fellow citizens;

NOW, THEREFORE, BE IT RESOLVED, That the life and accomplishments of Fred J. Martin, Sr. be hereby acknowledged and commended by the Senate of the state of Washington; and

BE IT FURTHER RESOLVED, That the Senate extends sincere condolences to Fred's wife, Elsie, and the Martin family; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Fred's wife, Elsie, and to the Martin family.



Senators Spanel and Snyder spoke to Senate Resolution 1995-8668.

MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957, by House Committee on Finance (originally sponsored by Representatives B. Thomas, Carrell, Mulliken, Campbell, Foreman, Van Luven, Benton, L. Thomas, Crouse, Backlund, Elliot, McMahan, Smith, Stevens and Schoesler)

Reducing the state property tax levy.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, Engrossed Substitute House Bill No. 1957, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1957, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1957, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Fairley, Franklin, Kohl and Pelz - 4.

Excused: Senators Anderson, C. and Moyer - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1023, by Representatives B. Thomas, Foreman, Chandler, Lisk, Cooke, Carlson, Brumsickle, Silver, Ballasiotes, Dyer, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Tokuda, Costa, Horn, Delvin, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Quall, Chappell, G. Fisher, Grant, Smith, Robertson, Sehlin, Honeyford, Van Luven, Pelesky, Blanton, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens, Morris, Hymes and Casada

Reducing business and occupation tax rates.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed House Bill No. 1023, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator Pelz, in your very dramatic speech in regards to education, are you saying, then, that with this tax it has a long-range affect for impacting our level of funding for education and it takes us under the 601 which could really impair our education funding?"

Senator Pelz: "That is certainly my understanding."

Senator Franklin: "Thank you."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1023, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1023, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley and Wood - 41.

Voting nay: Senators Fairley, Franklin, Pelz, Prentice, Sutherland and Wojahn - 6.

Excused: Senators Anderson, C. and Moyer - 2.

ENGROSSED HOUSE BILL NO. 1023, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:50 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Thursday, May 25, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, SECOND SPECIAL SESSION, MAY 24, 1995

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

**SECOND SPECIAL SESSION  
SECOND DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, May 25, 1995  
The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. No roll call was taken.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

MR. PRESIDENT: May 24, 1995  
The House has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT: May 24, 1995  
The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT: May 24, 1995  
The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, and passed the bill as amended by the Senate.  
TIMOTHY A. MARTIN, Chief Clerk

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

ESHB 1741 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and Mastin)

Providing moneys for wine and wine grape research.

HOLD.

2ESHB 2080 by House Committee on Transportation (originally sponsored by Representative K. Schmidt. Hankins, Benton, Elliot, Skinner, Buck, McMahan, Robertson, Johnson, D. Schmidt, Chandler, Mitchell, Koster, Backlund, Cairnes, Horn, Blanton and Stevens)

Providing transportation funding and appropriations.

HOLD.

**MOTION**

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute House Bill No. 1741 and Second Engrossed Substitute House Bill No. 2080 were advanced to second reading and placed on the second reading calendar.

**MOTION**

At 9:09 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 9:35 a.m. by President Pro Tempore Wojahn.  
There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

May 24, 1995

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Spanel, Second Engrossed Substitute House Bill No. 1070 was referred to the Committee on Ways and Means.

MOTION-

At 9:36 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:04 p.m. by President Pritchard.  
There being no objection, the President reverted the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

May 25, 1995

2ESHB 1070 Prime Sponsor, House Committee on Capital Budget: Adopting the capital budget. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Fraser, Gaspard, Hargrove, McDonald, Pelz, Sheldon, Snyder, Spanel, Strannigan, Winsley and Wojahn.

MOTION

On motion of Senator Spanel, the rules were suspended, Second Engrossed Substitute House Bill No. 1070 was advanced to second reading and placed on the second reading calendar.

MOTION

At 1:05 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:18 p.m. by President Pritchard.  
There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9100, Lee D. Lannoye, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF LEE D. LANNOYE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.  
Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Absent: Senators Deccio, Finkbeiner, McCaslin and Moyer - 4.

MOTION

On motion of Senator Ann Anderson, Senator Moyer was excused.

SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden, Dellwo, Schoesler, Sheahan and Chopp) (by request of Office of Financial Management)

Adopting the capital budget.

The bill was read the second time.

#### MOTION

Senator Loveland moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1997, out of the several funds specified in this act.

**NEW SECTION. Sec. 2.** As used in this act, the following phrases have the following meanings:

"Aquatic Lands Acct" means the Aquatic Lands Enhancement Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Data Proc Rev Acct" means Data Processing Revolving Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;

"NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account;

"ORA" means Outdoor Recreation Account;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account;

"Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account;

"St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;

"St Bldg Constr Acct" means State Building Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"Thoroughbred Racing Acct" means Washington Thoroughbred Racing Account;

"Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account;

"UW Bldg Acct" means University of Washington Building Account;

"WA Housing Trust Acct" means Washington Housing Trust Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

#### PART 1 GENERAL GOVERNMENT

##### **NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE**

##### **Northwest Washington Regional Archives: Construction (90-1-003)**

##### **Reappropriation:**

**St Bldg Constr Acct--State \$ 3,970**

Prior Biennia (Expenditures) \$ 128,341

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 132,311

##### **NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Central Washington Regional Archives--Central Washington University Campus (93-2-001)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 434,000**  
Prior Biennia (Expenditures) \$ 3,500,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,934,000

**NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Essential Records Storage Site--Asbestos survey and abatement (94-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 50,000

**NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Eastern Washington Branch Archives: Predesign (94-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,200**  
Prior Biennia (Expenditures) \$ 52,000  
Future Biennia (Projected Costs) \$ 4,540,612  
TOTAL \$ 4,598,812

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Puget Sound Branch Archives--Building design and construction (94-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,700,125**  
Prior Biennia (Expenditures) \$ 40,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,740,125

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Puget Sound Branch--Building "C" asbestos abatement and demolition (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 125,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 125,000

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Community economic revitalization (86-1-001)**

**Reappropriation:**

**Public Works Assistance Acct--State \$ 3,321,298**  
**Pub Fac Constr Loan Rev Acct--State \$ 3,862,729**  
**St Bldg Constr Acct--State \$ 2,106,034**  
Subtotal Reappropriation \$ 9,290,061

**Appropriation:**

**Pub Fac Constr Loan Rev Acct--State \$ 1,500,000**  
**Public Works Assistance Acct--State \$ 4,000,000**  
Subtotal Appropriation \$ 5,500,000  
Prior Biennia (Expenditures) \$ 7,026,937  
Future Biennia (Projected Costs) \$ 24,000,000  
TOTAL \$ 45,816,998

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Development loan fund (88-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,000,000**

**Wa St Dev Loan Acct--Federal \$ 186,654**

Subtotal Reappropriation \$ 2,186,654

**Appropriation:**

**Wa St Dev Loan Acct--Federal \$ 3,500,000**

Prior Biennia (Expenditures) \$ 5,932,935

Future Biennia (Projected Costs) \$ 20,000,000

TOTAL \$ 31,619,589

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**Grays Harbor dredging (88-3-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this reappropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,788,144**

Prior Biennia (Expenditures) \$ 4,211,856

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**Housing assistance, weatherization, and affordable housing program (88-5-015)**

The appropriation in this section is subject to the following conditions and limitations: \$1,500,000 of the reappropriation from the state building and construction account, \$2,000,000 of the reappropriation from the charitable, educational, penal, and reformatory institutions account, and \$2,000,000 of the appropriation from the state building and construction account are provided solely for development of at least 367 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall implement this initiative in coordination with the managed care initiative developed by the division of developmental disabilities in accordance with the 1995-97 operating budget.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 33,214,000**

**CEP & RI Acct--State \$ 2,830,959**

Subtotal Reappropriation \$ 36,044,959

**Appropriation:**

**St Bldg Constr Acct--State \$ 47,800,000**

**WA Housing Trust Acct \$ 2,200,000**

Subtotal Appropriation \$ 50,000,000

Prior Biennia (Expenditures) \$ 77,601,500

Future Biennia (Projected Costs) \$ 100,000,000

TOTAL \$ 263,646,451

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**A Contemporary Theatre (ACT)--Seattle (90-1-006)**

This reappropriation is provided solely for the construction or renovation of a new theater in Seattle. If the project funded from the reappropriation in this section is not substantially complete by December 31, 1996, the reappropriation shall lapse.



**Reappropriation:**

**St Bldg Constr Acct--State \$ 914,696**  
Prior Biennia (Expenditures) \$ 85,031  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 999,727

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Seattle Center redevelopment:** For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing **(92-1-019)**

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,735,637**  
Prior Biennia (Expenditures) \$ 5,764,364  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,500,001

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Yakima criminal justice facility:** For a grant to the city of Yakima for the construction of a new criminal justice facility **(92-2-001)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

(3) If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,991,000**  
Prior Biennia (Expenditures) \$ 9,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,000,000

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**7th Street Theatre (90-2-008)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall be matched by at least \$200,000 from nonstate sources. The match may include cash or in-kind contributions. If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 150,000**  
Prior Biennia (Expenditures) \$ 250,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 400,000

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Minor works: Emergency Management Building (92-2-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 62,263**  
Prior Biennia (Expenditures) \$ 223,737  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 286,000

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Snohomish County drainage:** To purchase land in drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands **(92-2-011)**

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 348,950**  
Prior Biennia (Expenditures) \$ 1,050  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 350,000

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Resource Center for the Handicapped:** To acquire and improve the facilities in which the center currently operates (92-5-000)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources expended for the same purposes. The matching money may include lease-purchase payments made by the center prior to May 28, 1993.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 407,203**  
Prior Biennia (Expenditures) \$ 792,797  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,200,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Washington Technology Center laboratories (92-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,262,945**  
Prior Biennia (Expenditures) \$ 1,419,658  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,682,603

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Columbia River dredging feasibility:** For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose. If the project funded from the reappropriation in this section is not substantially complete by June 30, 1997, the reappropriation shall lapse.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 598,200**  
Prior Biennia (Expenditures) \$ 1,800  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 600,000

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Building for the arts:** For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

The appropriations in this section are subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

**Phase 1 Estimated Total**

Capital Cost

Seattle Children's Theatre \$ 8,000,000  
Admiral Theatre (Bremerton) \$ 4,261,000  
Pacific Northwest Ballet \$ 7,500,000  
Seattle Symphony \$ 54,000,000  
Seattle Repertory Theatre  
(Phase 1) \$ 4,000,000  
Broadway Theatre District  
(Tacoma) \$ 11,800,000  
Allied Arts of Yakima \$ 500,000  
Spokane Art School \$ 454,000  
Seattle Art Museum \$ 4,862,500

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Total \$ 95,377,500

**Phase 2** Estimated Total

Capital Cost

Bainbridge Performing

Arts Center \$ 1,200,000

The Children's Museum \$ 2,850,000

Everett Community Theatre \$ 12,119,063

Kirkland Center for

the Performing Arts \$ 2,500,000

Makah Cultural and

Research Center \$ 1,600,000

Mount Baker Theatre Center \$ 1,581,000

Seattle Group Theatre \$ 334,751

Seattle Opera Association \$ 985,000

Seattle Repertory Theatre

(Phase 2) \$ 4,000,000

Valley Museum of Northwest

Art \$ 1,100,000

Village Theatre \$ 6,000,000

Tacoma Little Theatre \$ 1,250,000

The Washington Center

for the Performing Arts \$ 400,000

Whidbey Island Center

for the Arts \$ 1,200,000

Total \$ 37,119,814

**Phase 3** Estimated Total

Capital Cost

ACT Theatre \$ 28,100,000

Corbin Art Theater (Spokane) \$ 69,055

Cutter Theater \$ 725,511

Depot Arts Center

(Anacortes) \$ 68,000

Little Theater (Walla Walla) \$ 100,000

Meadow for the Arts

(Gig Harbor) \$ 2,550,000

New City Theater \$ 281,000

Northwest Puppet Theater \$ 413,300

Paramount Theater \$ 14,705,262

Rainier Valley Cultural

Center \$ 600,000

Seattle Children's Theater \$ 3,200,000

Steilacoom Cultural Center \$ 65,000

Meyendenbauer Theater \$ 2,400,000

Tu-Ha-Buts Cultural Center \$ 777,405

Vancouver Arts School \$ 8,549,313

World Kite Museum \$ 900,000

Clallam County Gallery \$ 174,314

Columbia Theater \$ 500,000

Total \$ 64,178,160

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon: Uniform criteria for the selection of projects and awarding of grants for up to fifteen percent of the total project cost; local community support for the project; a requirement that the sites for the projects are secured or optioned for purchase; and a state-wide geographic distribution of projects.

(5) The reappropriation and new appropriation in this section are provided to fund the state share for phase 1, 2, and 3 of the building for the arts program. Within this amount the department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The department may require that projects recompile for funding.

(6) No single project shall exceed \$4,500,000 unless there are uncommitted funds from the appropriations in this section after January 1, 1997. Nothing in this subsection (6) prevents the department from submitting a request for an increased state share of any project subject to this limitation in the department's 1997-99 capital budget request.

(7) The department is authorized to allocate the amounts appropriated in this section among the eligible projects in phases 1, 2, 3 and to set matching requirements for individual projects.

(8) By December 15, 1995, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 8,000,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 9,209,986

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,209,986

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Columbia Gorge Interpretive Center (92-5-101)**

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,886**

Prior Biennia (Expenditures) \$ 3,999,114

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Tri-Cities Trade Center (93-5-003)**

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. These appropriations shall be matched by at least \$2,800,000 provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,527,385**

Prior Biennia (Expenditures) \$ 272,615

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,800,000

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Martin Luther King Jr. Memorial (93-5-005)**

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 95,450**

Prior Biennia (Expenditures) \$ 4,550

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Challenger Learning Center (93-5-006)**

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and
- (2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 322,908**  
Prior Biennia (Expenditures) \$ 477,092  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 800,000

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Emergency Management Building: Preservation (94-1-018)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 71,759**  
Prior Biennia (Expenditures) \$ 13,325  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 85,084

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Public works trust fund loans (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

Up to \$20,000,000 of the new appropriation may be used for preconstruction activity loans under chapter 363, Laws of 1995.

**Reappropriation:**

**Public Works Assistance Acct--State \$ 105,699,689**

**Appropriation:**

**Public Works Assistance Acct--State \$ 148,900,000**  
Prior Biennia (Expenditures) \$ 151,561,725  
Future Biennia (Projected Costs) \$ 695,900,000  
TOTAL \$ 1,102,061,414

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Washington Technology Center: Equipment (94-2-002)**

The reappropriation in this section is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 947,785**  
Prior Biennia (Expenditures) \$ 32,215  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 980,000

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Bigelow House: For restoration and renovation of this historic home to accommodate public visitors (94-2-004)**

The reappropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 298,923**  
Prior Biennia (Expenditures) \$ 9,077  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 308,000

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Olympic Peninsula Natural History Museum (94-2-005)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.
- (2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 300,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Thorp Grist Mill:** To develop the ice pond park and provide facilities to accommodate public access (94-2-007)

The reappropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 30,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Camp North Bend Environmental Center:** For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center (94-2-008)

The reappropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Boren Field repairs:** To provide financial assistance to the Seattle school district for repairs to Boren Field (94-2-011)

The reappropriation in this section shall be matched by at least \$50,000 from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 275,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,000

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Camelot community flooding assistance:** To provide financial assistance to King county to relieve flooding in the Camelot community (94-2-012)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 75,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Daybreak Star Center: Remodel (94-2-100)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 88,484**

Prior Biennia (Expenditures) \$ 138,516

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 227,000

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Pacific Science Center (96-1-900)**

The appropriation in this section is provided for capital facilities improvements.

**Appropriation:**

**St Bldg Constr Acct--State \$ 4,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Timber ports capital asset improvements:** To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities (94-2-102)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this reappropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

Port    Amount

Port of Grays Harbor \$ 564,000

Port of Port Angeles \$ 1,500,000

Port of Longview \$ 1,855,000

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,281,019**

Prior Biennia (Expenditures) \$ 618,981

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,900,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Community Action Agencies:** For grants to nonprofit community action agencies to assist in acquiring, developing, or rehabilitating buildings for the purpose of providing community-based family services under RCW 43.63A.115

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value, and other in-kind contributions;

(2) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met; and

(3) The following projects are eligible for funding:

Estimated Total    State  
Capital Cost    Grant

Benton Franklin Community

  Action Committee \$ 1,200,000 \$ 300,000

Central Area Motivation

  Project \$ 1,000,000 \$ 250,000

Community Action Center of

  Whitman County \$ 390,000 \$ 90,000

Community Action Council

  of Lewis, Mason, and

  Thurston Counties \$ 700,000 \$ 175,000

El Centro de la Raza \$ 1,250,000 \$ 300,000

Fremont Public Association \$ 3,000,000 \$ 600,000

Kitsap Community Action

  Program \$ 465,000 \$ 110,000

Kittitas Community Action

  Council \$ 600,000 \$ 150,000

Lower Columbia Community

  Action Council \$ 1,331,625 \$ 300,000

Metropolitan Development

  Council \$ 880,000 \$ 220,000

Multiservice Centers of

  North and East King

County	\$ 1,600,000	\$ 350,000
Northeast Washington Rural Resources Development Association	\$ 1,200,000	\$ 350,000
Okanogan County Community Action Council	\$ 350,000	\$ 80,000
South King County Multiservice Center	\$ 800,000	\$ 200,000
Spokane Neighborhood Action Programs	\$ 1,500,000	\$ 375,000
Yakima Valley Farmworker Clinic	\$ 605,000	\$ 150,000
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Total	\$ 16,871,625	\$ 4,000,000

**Appropriation:**

St Bldg Constr Acct--State	\$ 4,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
<b>TOTAL</b>	<b>\$ 4,000,000</b>

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Juvenile detention facilities:** For financial assistance to local governments to build or expand juvenile detention facilities

Individual counties or consortiums of counties are eligible to make specific requests for loan authorizations under chapter 39.94 RCW for assistance in the construction or expansion of local juvenile detention centers. If such loans are authorized by the legislature, the participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this section.

**NEW SECTION. Sec. 139. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Collocated Cascadia Community College and University of Washington Branch Campus (94-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided to acquire property, design, and construct a new branch campus to meet the higher education needs of the north King and south Snohomish county area;
- (2) The location of the property to be acquired for the new collocated campus shall be determined by the higher education coordinating board. The higher education coordinating board shall acquire a site contingent upon a satisfactory site selection environmental impact statement, any necessary environmental permits, and fiscal approval by the office of financial management;
- (3) The moneys provided in this section may be allocated to the appropriate institution or institutions or fiscal agency as specified in the joint-operating agreement as approved by the higher education coordinating board; and
- (4) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

St Bldg Constr Acct--State	\$ 14,500,000
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**Appropriation:**

St Bldg Constr Acct--State	\$ 5,000,000
Prior Biennia (Expenditures)	\$ 10,710,000
Future Biennia (Projected Costs)	\$ 75,000,000
<b>TOTAL</b>	<b>\$ 105,210,000</b>

**NEW SECTION. Sec. 140. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Underground storage tank: Pool (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.
- (2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to



minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

**Reappropriation:**

**CEP & RI Acct--State \$ 105,000**  
**St Bldg Constr Acct--State \$ 665,000**  
Subtotal Reappropriation \$ 770,000

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 4,248,146  
Future Biennia (Projected Costs) \$ 7,000,000  
TOTAL \$ 15,018,146

**NEW SECTION. Sec. 141. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Asbestos abatement and associated minor demolition: Pool (96-1-002)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos.
- (2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,500,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 6,358,088  
Future Biennia (Projected Costs) \$ 16,000,000  
TOTAL \$ 27,858,088

**NEW SECTION. Sec. 142. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Americans with Disabilities Act: Pool (96-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The money provided in this section shall be allocated to agencies and institutions for improvements to state-owned facilities for program access enhancements.
- (2) No moneys appropriated in this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. The office of financial management shall implement an agency request and evaluation procedure similar to the one adopted in the 1993-95 biennium for distribution of funds.
- (3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,000,000**  
Prior Biennia (Expenditures) \$ 8,360,000  
Future Biennia (Projected Costs) \$ 33,000,000  
TOTAL \$ 48,360,000

**NEW SECTION. Sec. 143. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Seismic retrofit: Pool (96-1-004)**

**Appropriation:**

**General Fund--Federal \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

**NEW SECTION. Sec. 144. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Capital budget system improvements (96-1-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,200,000  
TOTAL \$ 1,900,000

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Lake repairs:** To repair dam gates and shoreline areas damaged by erosion (92-1-015)

**Reappropriation:**

**St Bldg Constr Acct--State \$ 985,000**  
Prior Biennia (Expenditures) \$ 140,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,125,000

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Campus geotechnical and hydrologic survey (92-2-108)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 75,000**  
Prior Biennia (Expenditures) \$ 125,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 200,000

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**CFC/Halon fire control systems (94-1-009)**

**Reappropriation:**

**Cap Bldg Constr Acct--State \$ 325,000**  
Prior Biennia (Expenditures) \$ 139,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 464,000

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Campus preservation (94-1-010)**

**Reappropriation:**

**Cap Bldg Constr Acct--State \$ 910,000**  
Prior Biennia (Expenditures) \$ 2,748,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,658,000

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Lake dredging:** To develop a dredging plan and to dredge Capitol Lake (92-1-019)

\$200,000 of the reappropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fish and wildlife, and transportation, and with affected local governments and Indian tribes.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,430,000**  
Prior Biennia (Expenditures) \$ 570,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,000,000

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Plaza--Department of Transportation Garage renovation: Design and construction (96-1-002)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 400,000**  
**St Bldg Constr Acct--State \$ 8,921,200**  
Subtotal Appropriation \$ 9,321,200  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 11,158,500  
TOTAL \$ 20,479,700

**NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**General Administration Building--Preservation:** To make critical repairs to the electrical service of the General Administration Building (96-1-003)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 2,200,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

**NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol campus controls systems phase 4 (96-1-004)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 868,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 868,000

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Heritage Park--Phased development:** To provide for a public access trail linking the campus to Capitol lake, slope stabilization, environmental review, and design and permitting for future phases (92-5-105)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,035,000**

Prior Biennia (Expenditures) \$ 7,030,000

Future Biennia (Projected Costs) \$ 11,492,000

TOTAL \$ 19,557,000

**NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Roof repairs and replacement (96-1-010)**

**Appropriation:**

**Thurston County Cap Fac Acct--State \$ 775,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,200,000

TOTAL \$ 3,975,000

**NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**CFC/Halon fire control systems: Removal and replacement (96-1-011)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,500,000

**NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Archives Building heating, ventilation, and air conditioning: Repairs (96-1-012)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,700,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000

**NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Thurston County buildings: Preservation (96-1-013)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management, including electrical improvements, elevator and escalator preservation, building preservation, infrastructure preservation, and emergency and small repairs.
- (2) The department shall develop designs and plans for handrails in the legislative building and shall report its design recommendations and associated costs to the legislature.
- (3) \$50,000 of the appropriation in this section is provided solely to improve handicapped accessibility between the legislative building and the John L. O'Brien and John A. Cherberg buildings.

**Appropriation:**

**Thurston County Cap Fac Acct--State \$ 2,021,200**

**Cap Bldg Constr Acct--State \$ 4,445,000**

**St Bldg Constr Acct--State \$ 518,800**

Subtotal Appropriation \$ 6,985,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 16,700,000  
TOTAL \$ 23,685,000

**NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Training and Conference Center--Preservation (96-1-016)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 620,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 620,000

**NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Monumental buildings--Preservation:** To replace stone, repair and patch cracked stones, miscellaneous stone consolidation, water and chemical cleaning, and sealing the stone surface of campus monumental buildings (96-1-017)

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 1,700,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 6,800,000  
TOTAL \$ 8,500,000

**NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**State Library: Preservation (96-1-018)**

**Appropriation:**

**Cap Bldg Constr Acct--State \$ 800,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 800,000

**NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**General Administration engineering and architectural services: Project management (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or those that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize a project management cost allocation procedure approved by the office of financial management to allocate costs under the appropriation, and costs under any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall allocate costs at the project level for projects valued over \$500,000.

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,500,000**  
Prior Biennia (Expenditures) \$ 8,000,000  
Future Biennia (Projected Costs) \$ 30,000,000  
TOTAL \$ 45,500,000

**NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Northern State Multiservice Center:** To replace the central heating system with individual building heating systems.

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act and shall not be expended until the office of financial management has made a determination that the replacement individual heating systems will have a cost efficiency payback of less than five years.

**Appropriation:**

**St Bldg Constr Acct--State \$ 577,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 577,000

**NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Trading and Conference Center:** To construct a mock city, indoor firing range, and running track (96-2-004)

**Appropriation:**

**Public Safety Reimb Bond--State \$ 2,912,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,572,000  
TOTAL \$ 4,484,000

**NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Northern State Multiservice Center:** For critical life/safety and preservation projects (94-1-014)

**Reappropriation:**

**CEP & RI Acct \$ 625,000**  
Prior Biennia (Expenditures) \$ 247,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 872,000

**NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**Campus transport system phase I: Design and construct (95-2-002)**

In the 1997-99 biennium the department will start charging the benefiting agencies, through their rate structure, amounts sufficient to recover the costs (principal and interest) for the entire transport system over a fifteen year period.

**Appropriation:**

**Data Proc Rev Acct--State \$ 3,450,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,650,000  
TOTAL \$ 5,100,000

**NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**Washington Information Network kiosks (95-2-003)**

Funding is provided solely for the acquisition and installation of up to 30 multimedia kiosks for the Washington Information Network.

**Appropriation:**

**Data Proc Rev Acct--State \$ 1,300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,300,000

**NEW SECTION. Sec. 167. FOR THE WASHINGTON HORSE RACING COMMISSION**

**Horse Racing Commission (94-5-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;
- (2) Expenditures from this appropriation shall only be made to construct horse race or related facilities after the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;
- (3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

**Reappropriation:**

**Thoroughbred Racing**  
**Acct--State \$ 8,200,000**

**Appropriation:**

**Thoroughbred Racing**  
**Acct--State \$ 168,065**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,368,065

**NEW SECTION. Sec. 168. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center: Security fence replacement (94-1-003)**

**Reappropriation:**

**Liquor Revolving Acct--State \$ 28,800**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 28,800

**NEW SECTION. Sec. 169. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center: Warehouse reroof and repairs (94-1-005)**

**Reappropriation:**

**Liquor Revolving Acct--State \$ 125,000**  
Prior Biennia (Expenditures) \$ 500,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 625,000

**NEW SECTION. Sec. 170. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center--Predesign:** To complete predesign for a new warehouse in accordance with the predesign manual published by the office of financial management (96-2-001)

**Appropriation:**

**Liquor Revolving Acct--State \$ 100,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 100,000

**NEW SECTION. Sec. 171. FOR THE MILITARY DEPARTMENT**

**Yakima Armory demolition:** To reimburse the city of Yakima for demolition costs (94-2-001)

**Appropriation:**

**General Fund--Federal \$ 155,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 155,000

**NEW SECTION. Sec. 172. FOR THE MILITARY DEPARTMENT**

**State-wide: Preservation (93-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 850,000**  
Prior Biennia (Expenditures) \$ 2,518,400  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,368,400

**NEW SECTION. Sec. 173. FOR THE MILITARY DEPARTMENT**

**Camp Murray buildings: Preservation (96-1-002)**

**Appropriation:**

**General Fund--Federal \$ 1,050,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 658,000  
TOTAL \$ 1,708,000

**NEW SECTION. Sec. 174. FOR THE MILITARY DEPARTMENT**

**Everett Armory: Preservation (96-1-003)**

**Appropriation:**

**General Fund--Federal \$ 500,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 500,000

**NEW SECTION. Sec. 175. FOR THE MILITARY DEPARTMENT**

**Camp Murray infrastructure: Preservation (96-1-006)**

**Appropriation:**

**General Fund--Federal \$ 500,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 2,000,000  
TOTAL \$ 2,500,000

**NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT**

**Minor works:** To provide support of federal construction projects (96-1-007)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**General Fund--Federal \$ 3,855,000**  
**St Bldg Constr Acct--State \$ 448,000**  
Subtotal Appropriation \$ 4,303,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 19,553,700  
TOTAL \$ 23,856,700

**NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT**

**Emergency Coordination Center:** For design and construction of an emergency coordination center and remodeling of associated facilities at Camp Murray

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;
- (2) The appropriation in this section represents the maximum amount of funding available for this project. To the extent moneys in this appropriation are not needed to complete the project, as mutually determined by the military department and the office of financial management, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund; and
- (3) If federal match or reimbursement funding is received by the state from the federal emergency management agency for this project, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund.

**Appropriation:**

**General Fund--Federal \$ 9,066,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,066,000

**NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT**

**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 179. FOR THE STATE CONVENTION AND TRADE CENTER**

**Minor works (93-2-001) (89-5-002) (89-5-003)**

If the projects funded from the reappropriation in this section are not substantially complete by January 1, 1997, the reappropriation shall lapse.

**Reappropriation:**

**St Conv & Trade Ctr Acct--State \$ 1,300,000**  
Prior Biennia (Expenditures) \$ 333,926  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,633,926

**PART 2  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Sanitary sewer (88-1-400)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 179,908**  
Prior Biennia (Expenditures) \$ 10,092  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 190,000

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Echo Glenn--Perimeter fence (90-5-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 48,223**  
Prior Biennia (Expenditures) \$ 426,777  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 475,000

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Eastern State Hospital--Ward renovation phase 3 (92-1-340)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 818,536**  
Prior Biennia (Expenditures) \$ 5,429,786  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,248,322

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Maple Lane--Level 2 security units (92-2-230)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,718**  
Prior Biennia (Expenditures) \$ 746,781  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 758,499

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Child Study--Education Center 1 (92-2-319)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 896,907**  
Prior Biennia (Expenditures) \$ 2,928,093  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,825,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Energy conservation management and planning (94-1-006)**

**Reappropriation:**

**CEP & RI Acct \$ 127,559**  
Prior Biennia (Expenditures) \$ 102,917  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 230,476

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Underground Storage Tanks (94-1-060)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 142,641**  
Prior Biennia (Expenditures) \$ 81,359  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 224,000

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Western State Hospital--Ward renovation Phase 5 (92-1-314)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,042,000**  
Prior Biennia (Expenditures) \$ 10,009,327  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 12,051,327

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Level 1 Security Units--Maple Lane School (92-2-225)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,895,110**



Prior Biennia (Expenditures) \$ 3,017,906  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,913,016

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Fire safety and sewer improvements--Maple Lane School (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 427,281**  
Prior Biennia (Expenditures) \$ 42,719  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 470,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Administration Building renovation--Maple Lane School (94-1-127)**

The reappropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,768,842**  
Prior Biennia (Expenditures) \$ 154,658  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,923,500

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Renovate apartment--Fircrest School (94-1-142)**

**Reappropriation:**

**CEP & RI Acct--State \$ 2,119,168**  
Prior Biennia (Expenditures) \$ 13,944  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,133,112

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Wastewater Treatment Plant--Maple Lane School (94-1-201)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 764,277**  
Prior Biennia (Expenditures) \$ 8,223  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 772,500

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Water system improvements--Naselle Youth Camp (94-1-202)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,165,694**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,165,694

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Replace Eagle Lodge--Naselle Youth Camp (94-1-204)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 954,831**  
Prior Biennia (Expenditures) \$ 1,145,169  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,100,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Clinic--Echo Glen Children's Center (94-1-207)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,025,262**  
Prior Biennia (Expenditures) \$ 61,352  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,086,614

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eagle Lodge rehabilitation--Naselle Youth Camp (94-1-210)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 224,455**  
Prior Biennia (Expenditures) \$ 57,545  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 282,000

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Child Study and Treatment Center--Administration Building renovation (94-1-306)**

**Reappropriation:**

**CEP & RI Acct--State \$ 766,205**  
Prior Biennia (Expenditures) \$ 11,395  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 777,600

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital: Security improvements (94-1-310)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 400,000

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Ward renovation phase 6 (94-1-316)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,905,826**

**Appropriation:**

**St Bldg Constr Acct--State \$ 819,000**  
Prior Biennia (Expenditures) \$ 245,174  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 12,970,000

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Frances Haddon Morgan Center--Remodel (94-1-402)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,707,781**  
Prior Biennia (Expenditures) \$ 13,519  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,721,300

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Green Hill School: Repairs (94-1-510)**

The reappropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 108,337**  
Prior Biennia (Expenditures) \$ 131,663  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 240,000

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital: Psychiatric Triage Unit grant (94-2-005)**

The reappropriation is provided to develop secure beds in Spokane county for persons in need of emergency short-term evaluation, treatment, and stabilization as a result of a psychiatric crisis. The department shall assure that: (1) Funding for the project shall be contingent upon a plan approved by the department of social and health services and upon an agreement by the participating regional support networks to reduce their utilization of eastern state hospital by at least 30 beds early in the 1995-97 biennium; and (2) the states investment shall be promptly

repaid if the facility is converted to use other than psychiatric care for publicly assisted individuals before the useful life of the project funded by this appropriation has expired.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Asbestos abatement (96-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 349,260**

**Appropriation:**

**St Bldg Constr Acct--State \$ 755,000**  
Prior Biennia (Expenditures) \$ 367,764  
Future Biennia (Projected Costs) \$ 3,253,650  
TOTAL \$ 4,725,674

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Minor capital renewal (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**CEP & RI Acct--State \$ 1,739,331**  
**St Bldg Constr Acct--State \$ 397,207**  
Subtotal Reappropriation \$ 2,136,538

**Appropriation:**

**CEP & RI Acct--State \$ 5,400,000**  
**St Bldg Constr Acct--State \$ 9,700,000**  
Subtotal Appropriation \$ 15,100,000  
Prior Biennia (Expenditures) \$ 6,131,034  
Future Biennia (Projected Costs) \$ 68,000,000  
TOTAL \$ 91,367,572

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Agency capital project management (96-1-005)**

**Appropriation:**

**CEP & RI Acct--State \$ 1,237,496**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 4,800,000  
TOTAL \$ 6,037,496

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Resource conservation: Fircrest heating study (96-1-006)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996

**Appropriation:**

**CEP & RI Acct--State \$ 132,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 132,000

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Emergency projects (96-1-007)**

**Reappropriation:**

**CEP & RI Acct--State \$ 107,460**

**Appropriation:**

**CEP & RI Acct--State \$ 250,000**

Prior Biennia (Expenditures) \$ 321,454  
Future Biennia (Projected Costs) \$ 1,000,000  
TOTAL \$ 1,678,914

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Chlorofluorocarbon abatement (96-1-008)**

**Reappropriation:**

**CEP & RI Acct--State \$ 100,000**

**Appropriation:**

**CEP & RI Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 150,000  
TOTAL \$ 400,000

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Rainier School infrastructure: Predesign (96-1-009)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 192,078**

Prior Biennia (Expenditures) \$ 157,923  
Future Biennia (Projected Costs) \$ 30,300,000  
TOTAL \$ 30,650,001

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Juvenile facilities preservation and rehabilitation (96-1-020)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,705,275**

Prior Biennia (Expenditures) \$ 374,325  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,079,600

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Minor projects--Mental health (96-1-030)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,412,297**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,950,000**

Prior Biennia (Expenditures) \$ 433,004  
Future Biennia (Projected Costs) \$ 14,000,000  
TOTAL \$ 17,795,301

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Minor projects--Division of Developmental Disabilities (96-1-040)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**CEP & RI Acct--State \$ 864,813**

**Appropriation:**

**St Bldg Constr Acct--State \$ 539,000**

Prior Biennia (Expenditures) \$ 1,658,687  
Future Biennia (Projected Costs) \$ 6,000,000  
TOTAL \$ 9,062,500

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
**Underground storage tanks removal and replacement (96-1-060)**

**Reappropriation:**

CEP & RI Acct--State \$ 159,286

**Appropriation:**

CEP & RI Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 832,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,191,286

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maintenance management and planning (96-1-150)**

**Reappropriation:**

CEP & RI Acct--State \$ 140,323

**Appropriation:**

CEP & RI Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 279,124

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 544,447

**NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Medical Lake wastewater treatment facility: Design (96-1-301)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 699,903

**Appropriation:**

St Bldg Constr Acct--State \$ 1,264,000

Prior Biennia (Expenditures) \$ 2,014,097

Future Biennia (Projected Costs) \$ 750,000

TOTAL \$ 4,728,000

**NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital--Ward renovation Phase 7 (96-1-316)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 16,770,018

TOTAL \$ 17,470,018

**NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital Legal Offenders Unit: Predesign (96-1-318)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Reappropriation:**

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 22,300,000

TOTAL \$ 23,000,000

**NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital Legal Offenders Unit: Predesign, design and construct (96-1-319)**

The design and construction phase of this appropriation shall not be expended until the predesign document developed in accordance with the predesign manual published by the office of financial management has been reviewed and approved. Funds for design and construction shall be released subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 28,624

Future Biennia (Projected Costs) \$ 11,238,276

TOTAL \$ 12,266,900

**NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital: Replace Boiler #1 (96-1-322)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,440,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,440,000

**NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Juvenile Rehabilitation Administration new 300-bed institution: Site selection and environmental impact statement (96-2-228)**

To conduct a site selection process for the project described in this section.

**Appropriation:**

**St Bldg Constr Acct--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 45,000,000  
TOTAL \$ 45,200,000

**NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Echo Glen new beds and infrastructure (96-2-229)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,484,300**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,484,300

**NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Green Hill redevelopment (96-2-230)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;
- (2) \$380,000 of the appropriation in this section is provided for a facility and site master plan and environmental impact statement.

Moneys for design and construction shall not be expended until the facility and site master plan is approved by the office of financial management; and

- (3) New residential units constructed with this appropriation shall be designed to accommodate a sustained operating capacity of at least forty-two residents, except for intake units, mental health units, and units housing sex offenders.

**Appropriation:**

**St Bldg Constr Acct--State \$ 34,374,536**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 3,000,000  
TOTAL \$ 37,374,536

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maple Lane School support services renovation and infrastructure improvements (96-2-231)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,855,500**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,855,500

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Naselle Youth Camp sewer and infrastructure improvements (96-2-232)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,125,500**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,125,500

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Mission Creek preservation projects (96-2-233)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 414,800**  
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 414,800

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Crisis Residential Centers (96-1-900)**

The appropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,000,000

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Indian Ridge utility upgrade projects (96-2-234)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,521,500**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,521,500

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Minor works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management.
- (2) A maximum of \$5,000 from this appropriation may be used to acquire the surplus military base at Camp Bonneville for the purpose of developing a juvenile rehabilitation facility.

**Appropriation:**

**St Bldg Constr Acct--State \$ 344,400**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 344,400

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Child care facilities for state employees, including higher education employees (92-4-050)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,490,000**  
Prior Biennia (Expenditures) \$ 2,010,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,500,000

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH  
Referendum 38--Water bonds (86-2-099)**

**Reappropriation:**

**LIRA, Water Sup Fac--State \$ 1,900,000**  
Prior Biennia (Expenditures) \$ 7,208,954

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,108,954

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF HEALTH**

**Health Laboratory: Repairs and improvements (96-1-001)**

**Reappropriation:**

CEP & RI Acct--State \$ 450,000  
St Bldg Constr Acct--State \$ 350,000

Subtotal Reappropriation \$ 800,000

**Appropriation:**

St Bldg Constr Acct--State \$ 863,992  
Prior Biennia (Expenditures) \$ 118,204  
Future Biennia (Projected Costs) \$ 2,478,536  
TOTAL \$ 4,260,870

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF HEALTH**

**Emergency power system (96-1-009)**

**Appropriation:**

CEP & RI Acct--State \$ 596,790  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 596,790

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Underground storage tank: Replacement (94-1-019)**

**Reappropriation:**

CEP & RI Acct--State \$ 52,000  
Prior Biennia (Expenditures) \$ 103,902  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 155,902

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Main kitchen upgrade, Washington Soldiers' Home (95-1-001)**

**Appropriation:**

CEP & RI Acct--State \$ 1,096,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,096,000

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Roof repair and replacement, Washington Veterans' Home (95-1-002)**

**Reappropriation:**

CEP & RI Acct--State \$ 50,000

**Appropriation:**

CEP & RI Acct--State \$ 402,000  
Prior Biennia (Expenditures) \$ 327,895  
Future Biennia (Projected Costs) \$ 775,000  
TOTAL \$ 1,554,895

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, and heating, ventilation, and air conditioning improvements, Washington Veterans' Home (95-1-003)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 600,000

**Appropriation:**

CEP & RI Acct--State \$ 360,000  
Prior Biennia (Expenditures) \$ 1,346,611  
Future Biennia (Projected Costs) \$ 1,600,000  
TOTAL \$ 3,906,611

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Building connection and automatic doors, Washington Soldiers' Home (95-1-005)**



**Appropriation:**

**CEP & RI Acct--State \$ 511,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 511,000

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, heating, ventilation and air conditioning projects, Washington Soldiers' Home (95-1-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 250,000**

**Appropriation:**

**CEP & RI Acct--State \$ 235,000**  
Prior Biennia (Expenditures) \$ 587,057  
Future Biennia (Projected Costs) \$ 1,600,000  
TOTAL \$ 2,672,057

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Replace failing sewer line, Washington Soldiers' Home (95-1-011)**

**Appropriation:**

**CEP & RI Acct--State \$ 100,000**  
Prior Biennia (Expenditures) \$ 275,595  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 375,595

**NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Roof maintenance and demolition, Washington Soldiers' Home (95-1-012)**

**Reappropriation:**

**CEP & RI Acct--State \$ 30,000**

**Appropriation:**

**CEP & RI Acct--State \$ 120,000**  
Prior Biennia (Expenditures) \$ 511,570  
Future Biennia (Projected Costs) \$ 525,000  
TOTAL \$ 1,186,570

**NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Emergency projects (95-1-013)**

**Appropriation:**

**CEP & RI Acct--State \$ 150,000**  
Prior Biennia (Expenditures) \$ 150,000  
Future Biennia (Projected Costs) \$ 1,600,000  
TOTAL \$ 1,900,000

**NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Occupational Therapy and Physical Therapy Room addition in Building 10, Washington Veterans' Home (95-2-009)**

**Appropriation:**

**CEP & RI Acct--State \$ 110,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 110,000

**NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**

**McNeil Island master plan development (94-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,519,000**  
Prior Biennia (Expenditures) \$ 11,359,689  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 12,878,689

**NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**

**Airway Heights Correctional Center improvements and infrastructure for 512-bed expansion (94-2-016)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,355,000**  
Prior Biennia (Expenditures) \$ 12,248,062  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 16,603,062

**NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**

**State-wide preservation projects (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management; and
- (2) Moneys from the appropriation may be spent for critical repairs at the western Washington prerelease facility and to evaluate options for continued utilization and possible expansion of the facility on the western state hospital campus. The department shall report such options to the legislature by December 1, 1995.
- (3) Up to \$350,000 from the appropriation may be used for repairs to the creamery facility necessary to continue the operation of the dairy and creamery at the Monroe honor farm.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 17,000,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 14,879,313**  
Prior Biennia (Expenditures) \$ 54,525,756  
Future Biennia (Projected Costs) \$ 94,000,000  
TOTAL \$ 180,405,069

**NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS**

**Underground storage tank and above-ground storage tank program (96-1-002)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 794,729**  
Prior Biennia (Expenditures) \$ 940,348  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,735,077

**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS**

**Emergency projects (96-1-015)**

**Reappropriation:**

**CEP & RI Acct--State \$ 106,000**

**Appropriation:**

**CEP & RI Acct--State \$ 1,602,750**  
**St Bldg Constr Acct--State \$ 200,000**  
Subtotal Appropriation \$ 1,802,750  
Prior Biennia (Expenditures) \$ 2,376,811  
Future Biennia (Projected Costs) \$ 6,000,000  
TOTAL \$ 10,285,561

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington State Penitentiary steam system replacement (96-1-016)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 4,411,252**  
Prior Biennia (Expenditures) \$ 2,482,811  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,894,063

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington Corrections Center for Women: Replace "G" Units with 256-bed unit (96-2-001)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,611,187**

**Appropriation:**

**St Bldg Constr Acct--State \$ 8,317,839**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,929,026

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS**  
**400-bed minimum facility for Washington State Reformatory (96-2-002)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 18,733,120**  
Prior Biennia (Expenditures) \$ 50,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 18,783,120

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS**  
**Airway Heights Correctional Center 512-bed expansion (96-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,055,776**

**Appropriation:**

**St Bldg Constr Acct--State \$ 17,155,382**  
Prior Biennia (Expenditures) \$ 4,439,774  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 23,650,932

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS**  
**1936-bed multicustody facility design, land acquisition, utilities, and site work (96-2-007)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) In order to coordinate the initial development of the new prison funded in this section with the privatization evaluation in Engrossed Substitute House Bill No. 1410 (omnibus operating budget), moneys in this appropriation may be spent solely for land acquisition, utility development, site work, design and engineering activities related to utilities and site work, schematic design of buildings to determine placement on the building site, and related activities. Moneys in this appropriation may also be spent for detailed design and engineering of buildings with the approval of the office of financial management and concurrence of the chairs of the house of representatives capital budget committee and senate ways and means committee.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 19,263,733**  
Prior Biennia (Expenditures) \$ 900,000  
Future Biennia (Projected Costs) \$ 166,190,016  
TOTAL \$ 186,453,749

**NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS**  
**Yakima Prerelease: Design and construction (96-2-008)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,527,900**  
Prior Biennia (Expenditures) \$ 240,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,767,900

**NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS**  
**Larch and Cedar Creek expansion to 400-bed camps (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The design and construction phase of this appropriation shall not be expended until the facility predesign documents developed in accordance with the predesign manual published by the office of financial management have been reviewed and approved. The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) If the appropriation in this section is in excess of the amount required to complete the expansion of the Larch and Cedar Creek camps, the office of financial management may authorize the transfer of excess appropriation authority to match federal grant funds received by

the department to expand inmate capacity at the work ethic camp on McNeil Island. The office of financial management may also authorize the transfer of excess appropriation authority to expand the inmate capacity of the Olympic corrections center. The office of financial management shall notify the appropriate committees of the house of representatives and senate within ten days of any such transfer.

(3) It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project cost savings may be realized.

(4) The department shall construct secure perimeter fencing as part of the expansion of the Larch corrections center.

(5) The department shall not house alien offenders at the Larch corrections center on or after January 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 22,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 22,000,000

**NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS**

**Special Offenders Unit: Predesign (96-2-011)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. The predesign will be coordinated with the department of social and health services and will address civil commitment needs as well as the department of corrections need for expanded mental health services. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 427,400**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 15,985,140  
TOTAL \$ 16,412,540

**NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS**

**State-wide program projects (96-2-012)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,428,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 8,074,963**  
Prior Biennia (Expenditures) \$ 45,659,492  
Future Biennia (Projected Costs) \$ 70,000,000  
TOTAL \$ 131,162,455

**PART 3**

**NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 26 waste disposal facilities (74-2-004)**

**Reappropriation:**

**LIRA--State \$ 6,216,000**  
Prior Biennia (Expenditures) \$ 2,711,028  
Future Biennia (Projected Costs) \$ 863,680  
TOTAL \$ 9,790,708

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 38 water supply facilities (74-2-006)**

\$2,500,000 of the state and local improvements revolving account is provided solely for funding the state's cost share in the water conservation demonstration project--Yakima river reregulation reservoir.

**Reappropriation:**

**LIRA, Water Sup Fac--State \$ 9,374,371**

**Appropriation:**

**LIRA, Water Sup Fac--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 5,738,929

Future Biennia (Projected Costs) \$ 20,712,800  
TOTAL \$ 36,826,100

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**  
**State emergency water projects revolving account (76-2-003)**

**Reappropriation:**

**St Emerg Water Proj Rev--State \$ 7,749,052**  
Prior Biennia (Expenditures) \$ 1,187,225  
Future Biennia (Projected Costs) \$ 236,956  
TOTAL \$ 9,173,233

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY**  
**Referendum 39 waste disposal facilities (82-2-005)**

No expenditure from the appropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

- (1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;
- (2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and
- (3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

**Reappropriation:**

**LIRA, Waste Fac 1980--State \$ 18,423,360**

**Appropriation:**

**LIRA, Waste Fac 1980--State \$ 638,273**  
Prior Biennia (Expenditures) \$ 32,125,342  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 51,186,975

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY**  
**Centennial clean water fund (86-2-007)**

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$25,000,000 of the appropriation is provided solely for the extended grant payment to Metro/King county.
- (2) \$10,000,000 of the appropriation is provided solely for an extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.
- (3) \$14,986,000 of the appropriation shall be allocated by the department for point source pollution prevention facilities and activities. The department is directed to emphasize implementation activities over planning activities.
- (4) \$7,492,000 of the appropriation shall be allocated by the department for nonpoint source pollution prevention facilities and activities. The department is directed to emphasize implementation activities over planning activities.

**Reappropriation:**

**Water Quality Acct--State \$ 72,995,194**

**Appropriation:**

**Water Quality Acct--State \$ 57,478,000**  
Prior Biennia (Expenditures) \$ 156,707,408  
Future Biennia (Projected Costs) \$ 300,000,000  
TOTAL \$ 587,180,602

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**  
**Local toxics control account (88-2-008)**

**Reappropriation:**

**Local Toxics Control Acct--  
State \$ 29,538,197**

**Appropriation:**

**Local Toxics Control Acct--  
State \$ 42,467,860**  
Prior Biennia (Expenditures) \$ 81,326,814  
Future Biennia (Projected Costs) \$ 201,245,135  
TOTAL \$ 354,578,006

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**

**Water pollution control revolving account (90-2-002)**

**Reappropriation:**

**Water Pollution Cont Rev**

**Fund--State \$ 12,000,000**

**Water Pollution Cont Rev**

**Fund--Federal \$ 77,857,990**

Subtotal Reappropriation \$ 89,857,990

**Appropriation:**

**Water Pollution Cont Rev Fund--**

**State \$ 13,000,000**

**Water Pollution Cont Rev Fund--**

**Federal \$ 62,000,000**

**Water Pollution Cont Rev Fund--**

**Private/Local \$ 4,265,272**

Subtotal Appropriation \$ 79,265,272

Prior Biennia (Expenditures) \$ 111,343,108

Future Biennia (Projected Costs) \$ 175,000,000

TOTAL \$ 455,466,370

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**

**Methow Basin water conservation (92-2-009)**

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 171,000**

Prior Biennia (Expenditures) \$ 229,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

**NEW SECTION. Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Spokane Centennial Trail (89-5-112)**

**Reappropriation:**

**General Fund--Federal \$ 432,618**

Prior Biennia (Expenditures) \$ 7,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,432,618

**NEW SECTION. Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Doug's Beach development (90-1-171)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**

Prior Biennia (Expenditures) \$ 12,206

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 62,206

**NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Deception Pass State Park: Sewer development (91-2-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 925,000**

**Appropriation:**

**LIRA, Waste Fac 1980--State \$ 2,229,000**

Prior Biennia (Expenditures) \$ 37,433

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,191,433

**NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Triton Cove State Park: Phase 1 (91-2-008)**

**Reappropriation:**

**ORA--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 228,140  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 628,140

**NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Omnibus boating facilities (91-2-009)**

**Reappropriation:**

**ORA--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 54,780  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 254,780

**NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**St. Edwards State Park--Gym renovation and parking expansion (92-2-501)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 152,137  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 552,137

**NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Sewer facility improvements (93-2-001)**

**Reappropriation:**

**LIRA, Waste Fac 1980--State \$ 650,000**  
Prior Biennia (Expenditures) \$ 935,820  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,585,820

**NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Boating facility preservation (94-1-057)**

**Reappropriation:**

**ORA--State \$ 2,400,000**  
**General Fund--Federal \$ 150,000**  
Subtotal Reappropriation \$ 2,550,000

**Appropriation:**

**General Fund--Federal \$ 700,000**  
Prior Biennia (Expenditures) \$ 570,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,820,000

**NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Asbestos abatement projects: State-wide (95-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 650,000**  
Prior Biennia (Expenditures) \$ 350,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

**NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Iron Horse Trail State Park: Acquisition (95-2-000)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 70,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 70,000

**NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Emergency projects (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 850,000  
Future Biennia (Projected Costs) \$ 2,450,000  
TOTAL \$ 3,800,000

**NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Underground storage tanks: Phase 3 (96-1-002)**

act. That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 600,000**  
Prior Biennia (Expenditures) \$ 2,600,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,300,000

**NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: General (96-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 932,200**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,500,000**  
Prior Biennia (Expenditures) \$ 291,300  
Future Biennia (Projected Costs) \$ 21,000,000  
TOTAL \$ 23,723,500

**NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: Buildings (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,801,500**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,500,000**  
Prior Biennia (Expenditures) \$ 598,500  
Future Biennia (Projected Costs) \$ 12,000,000  
TOTAL \$ 16,900,000

**NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: Utilities (96-1-005)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,995,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,000,000**  
Prior Biennia (Expenditures) \$ 1,505,000  
Future Biennia (Projected Costs) \$ 13,000,000  
TOTAL \$ 19,500,000

**NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION**

**State park program projects (96-2-007)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,880,400**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 10,000,000  
TOTAL \$ 11,880,400



**NEW SECTION. Sec. 325. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
Boating facilities (I-215) (96-2-001)**

**Reappropriation:**

**ORA--State \$ 7,398,959**

**Appropriation:**

**Recreation Resources Acct--State \$ 7,500,000**

Prior Biennia (Expenditures) \$ 5,108,690

Future Biennia (Projected Costs) \$ 35,584,384

TOTAL \$ 55,592,033

**NEW SECTION. Sec. 326. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
Nonhighway road and off-road vehicle activities (NOVA) (96-2-002)**

**Reappropriation:**

**ORA--State \$ 7,651,387**

**Appropriation:**

**NOVA--State \$ 5,120,000**

Prior Biennia (Expenditures) \$ 6,346,803

Future Biennia (Projected Costs) \$ 20,912,228

TOTAL \$ 40,030,418

**NEW SECTION. Sec. 327. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
Washington wildlife and recreation program (96-2-003)**

The appropriations in this section for the Washington wildlife and recreation program under chapter 43.98A RCW are subject to the following conditions and limitations:

- (1) The new appropriations in this section are provided solely for the approved list of projects included in LEAP CAPITAL DOCUMENT NO. 4 as developed on May 24, 1995, at 3:00 p.m.
- (2) All land acquired by a state agency with moneys from these appropriations shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.
- (3) No moneys from the appropriations in this section shall be spent for the Lewis and Clark equestrian area project (project number 92-502A).
- (4) The entire appropriation from the wildlife account is provided solely for the critical habitat project category.
- (5) Acquisitions occurring pursuant to the new appropriation provided in this section shall be deemed public improvements for the purposes of RCW 8.26.180. This subsection shall not be deemed to prevent any state agency from accepting a gift of real property or from purchasing any property at less than fair market value.

**Reappropriation:**

**ORA--State \$ 13,943,479**

**Habitat Conservation Acct--State \$ 9,134,101**

**Aquatic Lands Acct--State \$ 33,335**

**St Bldg Constr Acct--State \$ 48,691,974**

Subtotal Reappropriation \$ 71,802,889

**Appropriation:**

**Wildlife Acct--State \$ 1,400,000**

**Habitat Conservation Acct--State \$ 21,100,000**

**ORA--State \$ 22,500,000**

Subtotal Appropriation \$ 45,000,000

Prior Biennia (Expenditures) \$ 118,234,493

Future Biennia (Projected Costs) \$ 200,000,000

TOTAL \$ 435,037,382

**NEW SECTION. Sec. 328. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
Firearms range program (96-2-004)**

**Reappropriation:**

**Firearms Range Acct--State \$ 487,382**

**Appropriations:**

**Firearms Range Acct--State \$ 900,000**

Prior Biennia (Expenditures) \$ 554,621

Future Biennia (Projected Costs) \$ 2,249,798

TOTAL \$ 4,191,801

**NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
Land and water conservation fund (96-2-005)**

**Reappropriation:**

**ORA--Federal \$ 2,180,812**

**Appropriation:**

**Recreation Resources Acct--Federal \$ 1,050,000**

Prior Biennia (Expenditures) \$ 1,341,684

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 8,572,496

**NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
National Recreation Trails Act (96-2-006)**

**Reappropriation:**

**ORA--Federal \$ 125,000**

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

**NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
Recreational facility acquisition and development projects (96-2-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 195,090**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 195,090

**NEW SECTION. Sec. 332. FOR THE STATE CONSERVATION COMMISSION  
Water quality account projects (90-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,253,101 of the reappropriation is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

(2) The new appropriation provided in this section shall be allocated by the commission for nonpoint source pollution prevention facilities and activities.

**Reappropriation:**

**Water Quality Acct--State \$ 3,360,475**

**Appropriation:**

**Water Quality Acct--State \$ 5,500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 18,860,475

**NEW SECTION. Sec. 333. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Devils creek acclimation pond (87-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 370,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,000

**NEW SECTION. Sec. 334. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Luhrs Landing Access Interpretive Building (92-5-017)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 345,000**

Prior Biennia (Expenditures) \$ 105,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

**NEW SECTION. Sec. 335. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Grandy Creek Hatchery (92-5-024)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,006,000**  
Prior Biennia (Expenditures) \$ 494,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 4,500,000

**NEW SECTION. Sec. 336. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Warm water fish facility:** To purchase and develop property in eastern or central Washington for a warm water fish facility (92-5-025)

The appropriation in this section is subject to the following conditions and limitations:

The appropriations in this section shall not be expended for the purchase of property until the department has made a determination that:

- (1) The water rights to the property being transferred to the department, as part of the purchase agreement, are sufficient to operate the hatchery; and
- (2) The operation of a warm water fish hatchery on the property is feasible.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,134,622**  
Prior Biennia (Expenditures) \$ 127,378  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,262,000

**NEW SECTION. Sec. 337. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Tideland acquisitions (94-2-003)**

**Reappropriation:**

**General Fund--Federal \$ 1,664,600**  
Prior Biennia (Expenditures) \$ 3,335,400  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,000,000

**NEW SECTION. Sec. 338. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Sprague Lake Access Area development (94-2-008)**

**Reappropriation:**

**Wildlife Acct--Federal \$ 48,000**  
**ORA--State \$ 101,000**  
Subtotal Reappropriation \$ 149,000  
Prior Biennia (Expenditures) \$ 24,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 173,000

**NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Minor works: Preservation (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 624,000**

**Appropriation:**

**General Fund--Federal \$ 2,000,000**  
Prior Biennia (Expenditures) \$ 4,934,887  
Future Biennia (Projected Costs) \$ 7,000,000  
TOTAL \$ 14,558,887

**NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Underground storage tank (UST) removal and replacement (96-1-002)**

The appropriations in this section are subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 1,299,000  
Future Biennia (Projected Costs) \$ 200,000  
TOTAL \$ 1,799,000

**NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Emergency repair (96-1-003)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 650,000**  
Prior Biennia (Expenditures) \$ 1,200,000  
Future Biennia (Projected Costs) \$ 2,750,000  
TOTAL \$ 4,600,000

**NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Facilities renovation (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) No funds will be provided to increase residential capacity at any state hatchery facility.
- (2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 130,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 3,056,300  
Future Biennia (Projected Costs) \$ 4,700,000  
TOTAL \$ 8,886,300

**NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Hatchery renovation (96-1-005)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) No funds will be provided to increase residential capacity at any state hatchery facility.
- (2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,880,000**  
**Wildlife Acct--Federal \$ 120,000**  
Subtotal Reappropriation \$ 3,000,000

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,200,000**  
Prior Biennia (Expenditures) \$ 4,626,155  
Future Biennia (Projected Costs) \$ 15,000,000  
TOTAL \$ 25,826,155

**NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Recreational access redevelopment (96-1-007)**

**Reappropriation:**

**Wildlife Acct--Federal \$ 75,000**  
**ORA--State \$ 172,903**  
Subtotal Reappropriation \$ 247,903

**Appropriation:**

**General Fund--Federal \$ 500,000**  
**St Bldg Constr Acct--State \$ 250,000**  
Subtotal Appropriation \$ 750,000  
Prior Biennia (Expenditures) \$ 2,741,629  
Future Biennia (Projected Costs) \$ 3,250,000  
TOTAL \$ 6,989,532

**NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Shellfish laboratory and hatchery upgrades (96-1-009)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 300,000

**NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Wildlife area renovation (96-1-010)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 275,000**

**Appropriation:**

**General Fund--Federal \$ 50,000**

**Wildlife Acct--State \$ 625,000**

Subtotal Appropriation \$ 675,000

Prior Biennia (Expenditures) \$ 764,000

Future Biennia (Projected Costs) \$ 2,950,000

TOTAL \$ 4,664,000

**NEW SECTION. Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Issaquah Hatchery Utilization Study and Improvements:** To prepare a facilities master plan for the hatchery and for improvements to the hatchery, its water supply, and in-stream fish passage facilities (96-1-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$150,000.00 of the state building construction account appropriation is provided solely for the master plan for the improvements to the hatchery. The master plan's primary consideration is to identify, prioritize, and design improvements which will aid in the continued production of salmon at this facility. The master plan shall also focus on improvements which will enable this facility with the merger of the departments to aid in wild stock restoration for migratory fish species previously under management of the department of wildlife. It shall also consider the educational, cultural, watershed management, research, tourism, tribal interests, and community development aspects of the hatchery. This master plan shall incorporate participation and recommendations from the Issaquah fishery management task force. A report is due to the legislature by January 1996.

(2) State dollars for construction and improvements shall be matched by at least \$1.00 from nonstate sources for each dollar provided by the state. Up to \$150,000.00 of the construction and improvement appropriation shall be immediately released and combined with matching funds to expedite in-stream improvements which meet the following criteria: Improvements will be designed and constructed which: (a) Facilitate better fish passage for utilization of up-stream habitat; (b) provide for flexible management strategies for a variety of fish stocks including small runs, threatened or endangered species and game fish; (c) minimally impact future operating expenses while reaching these objectives; and (d) provide for raising of the pumps at the lower intake and make other improvements which protect in-stream structures from seasonal high water.

(3) The remainder of the funds may be spent for hatchery improvements following approval of the master plan by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 650,000**

**General Fund--Private Local \$ 500,000**

Subtotal Appropriation \$ 1,150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,150,000

**NEW SECTION. Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Coast and Puget Sound salmon enhancement and wildstock restoration habitat (96-2-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,100,000**

**Appropriation:**

**General Fund--Federal \$ 800,000**

**St Bldg Constr Acct--State \$ 3,645,000**

**General Fund--Private/Local \$ 800,000**

Subtotal Appropriation \$ 5,245,000

Prior Biennia (Expenditures) \$ 6,770,000

Future Biennia (Projected Costs) \$ 15,500,000

TOTAL \$ 28,615,000

**NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Coast and Puget Sound wildstock restoration: Hatchery improvements (96-2-013)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 400,000

**Appropriation:**

General Fund--Federal \$ 700,000

St Bldg Constr Acct--State \$ 800,000

Subtotal Appropriation \$ 1,500,000

Prior Biennia (Expenditures) \$ 3,280,000

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 9,180,000

**NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Fish protection facilities (96-2-014)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 50,000

**Appropriation:**

General Fund--Federal \$ 2,075,000

General Fund--Private/Local \$ 200,000

Subtotal Appropriation \$ 2,275,000

Prior Biennia (Expenditures) \$ 2,656,000

Future Biennia (Projected Costs) \$ 10,830,000

TOTAL \$ 15,811,000

**NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Game farm renovation (96-2-015)**

**Appropriation:**

Wildlife Acct--State \$ 700,000

Prior Biennia (Expenditures) \$ 1,125,000

Future Biennia (Projected Costs) \$ 600,000

TOTAL \$ 2,425,000

**NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Nemah Hatchery Building and incubation system replacement (96-1-006)**

**Appropriation:**

General Fund--Federal \$ 1,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000

**NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Minter Creek Hatchery phase 2 (96-2-019)**

Funding from this appropriation shall not be used to construct agency residential structures at the hatchery.

**Reappropriation:**

St Bldg Constr Acct--State \$ 10,000

**Appropriation:**

St Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 4,329,000

Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 5,339,000

**NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**State-wide fencing renovation and construction (96-2-020)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 175,000

**Appropriation:**

St Bldg Constr Acct--State \$ 575,000

Prior Biennia (Expenditures) \$ 1,875,000

Future Biennia (Projected Costs) \$ 2,650,000

TOTAL \$ 5,275,000

**NEW SECTION. Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Clam and oyster beach enhancement (96-2-021)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 400,000**

**Appropriation:**

**Aquatic Lands Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 2,716,201

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 5,616,201

**NEW SECTION. Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Migratory waterfowl habitat and acquisition and development (96-2-024)**

**Appropriation:**

**Wildlife Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 1,299,335

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 3,799,335

**NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Mitigation projects (96-2-025)**

**Reappropriation:**

**Special Wildlife Acct--Private/Local \$ 871,000**

**Appropriation:**

**Special Wildlife Acct--State \$ 50,000**

**General Fund--Federal \$ 6,000,000**

**General Fund--Private/Local \$ 5,000,000**

Subtotal Appropriation \$ 11,050,000

Prior Biennia (Expenditures) \$ 54,000

Future Biennia (Projected Costs) \$ 64,250,000

TOTAL \$ 76,225,000

**NEW SECTION. Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Water access and development (96-2-027)**

**Reappropriation:**

**ORA--State \$ 1,170,000**

Prior Biennia (Expenditures) \$ 694,600

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,864,600

**NEW SECTION. Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Recreational fish enhancement (96-2-028)**

**Reappropriation:**

**Rec Fisheries Enh Acct--State \$ 150,000**

**Appropriation:**

**Rec Fisheries Enh Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 9,300,000

**NEW SECTION. Sec. 360. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Emergency repairs--Recreation sites (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 120,000**

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 480,000

TOTAL \$ 700,000

**NEW SECTION. Sec. 361. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Recreation health and safety improvements (96-1-003)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 300,000  
Future Biennia (Projected Costs) \$ 1,200,000  
TOTAL \$ 1,800,000

**NEW SECTION. Sec. 362. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Natural area preserve and natural resource conservation area Management (96-1-004)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 350,000**  
Prior Biennia (Expenditures) \$ 350,000  
Future Biennia (Projected Costs) \$ 1,400,000  
TOTAL \$ 2,100,000

**NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Emergency repairs (96-1-006)**

**Appropriation:**

**For Dev Acct--State \$ 53,000**  
**Res Mgmt Cost Acct--State \$ 195,100**  
**St Bldg Constr Acct--State \$ 30,000**  
Subtotal Appropriation \$ 278,100  
Prior Biennia (Expenditures) \$ 147,700  
Future Biennia (Projected Costs) \$ 1,112,400  
TOTAL \$ 1,538,200

**NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Minor works: Preservation (96-1-112)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**For Dev Acct--State \$ 165,200**  
**Res Mgmt Cost Acct--State \$ 611,100**  
**St Bldg Constr Acct--State \$ 250,000**  
Subtotal Appropriation \$ 1,026,300  
Prior Biennia (Expenditures) \$ 494,800  
Future Biennia (Projected Costs) \$ 4,105,200  
TOTAL \$ 5,626,300

**NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Small repairs and improvement (96-1-113)**

**Appropriation:**

**For Dev Acct--State \$ 14,500**  
**Res Mgmt Cost Acct--State \$ 54,500**  
Subtotal Appropriation \$ 69,000  
Prior Biennia (Expenditures) \$ 69,000  
Future Biennia (Projected Costs) \$ 276,000  
TOTAL \$ 414,000

**NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Hazardous waste cleanup (96-1-114)**

**Appropriation:**

**For Dev Acct--State \$ 100,000**  
**Res Mgmt Cost Acct--State \$ 200,000**  
Subtotal Appropriation \$ 300,000  
Prior Biennia (Expenditures) \$ 450,000  
Future Biennia (Projected Costs) \$ 1,200,000  
TOTAL \$ 1,950,000

**NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Irrigation repairs and replacements (96-1-115)**

**Appropriation:**



**Res Mgmt Cost Acct--State \$ 235,000**  
Prior Biennia (Expenditures) \$ 730,000  
Future Biennia (Projected Costs) \$ 2,375,000  
TOTAL \$ 3,340,000

**NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Repair, maintenance, and tenant improvements on state trust lease properties (96-1-117)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 600,000**  
Prior Biennia (Expenditures) \$ 862,000  
Future Biennia (Projected Costs) \$ 2,700,000  
TOTAL \$ 4,162,000

**NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Communication site repair (96-1-119)**

**Appropriation:**

**For Dev Acct--State \$ 25,000**  
**Res Mgmt Cost Acct--State \$ 25,000**  
Subtotal Appropriation \$ 50,000  
Prior Biennia (Expenditures) \$ 300,000  
Future Biennia (Projected Costs) \$ 700,000  
TOTAL \$ 1,050,000

**NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Road and bridge construction (96-2-001)**

**Appropriation:**

**For Dev Acct--State \$ 241,750**  
**Res Mgmt Cost Acct--State \$ 678,450**  
Subtotal Appropriation \$ 920,200  
Prior Biennia (Expenditures) \$ 1,655,500  
Future Biennia (Projected Costs) \$ 3,835,000  
TOTAL \$ 6,410,700

**NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Region administrative facilities expansion (96-2-002)**

**Appropriation:**

**For Dev Acct--State \$ 294,488**  
**Res Mgmt Cost Acct--State \$ 390,584**  
**General Fund--Federal \$ 400,000**  
Subtotal Appropriation \$ 1,085,072  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 5,890,400  
TOTAL \$ 6,975,472

**NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Minor works: Program (96-2-004)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**For Dev Acct--State \$ 152,900**  
**Res Mgmt Cost Acct--State \$ 574,800**  
**St Bldg Constr Acct--State \$ 100,000**  
Subtotal Appropriation \$ 827,700  
Prior Biennia (Expenditures) \$ 99,500  
Future Biennia (Projected Costs) \$ 4,110,800  
TOTAL \$ 5,038,000

**NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Land bank program to enhance trust land holdings (96-2-005)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 15,000,000**  
Prior Biennia (Expenditures) \$ 19,698,000  
Future Biennia (Projected Costs) \$ 60,000,000  
TOTAL \$ 94,698,000

**NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Right of way acquisition (96-2-006)**

**Appropriation:**

**For Dev Acct--State \$ 500,000**  
**Res Mgmt Cost Acct--State \$ 500,000**  
Subtotal Appropriation \$ 1,000,000  
Prior Biennia (Expenditures) \$ 1,498,000  
Future Biennia (Projected Costs) \$ 4,400,000  
TOTAL \$ 6,898,000

**NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Irrigation development (96-2-007)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 336,000  
Future Biennia (Projected Costs) \$ 4,000,000  
TOTAL \$ 4,736,000

**NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Communication site construction--Various (96-2-008)**

**Appropriation:**

**For Dev Acct--State \$ 460,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,310,000  
TOTAL \$ 1,770,000

**NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Mineral resource testing (96-2-009)**

**Reappropriation:**

**For Dev Acct--State \$ 10,000**  
**Res Mgmt Cost Acct--State \$ 10,000**  
Subtotal Reappropriation \$ 20,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 80,000  
TOTAL \$ 100,000

**NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Commercial development: Local improvement districts (96-2-010)**

**Appropriation:**

**Res Mgmt Cost Acct--State \$ 470,000**  
Prior Biennia (Expenditures) \$ 860,000  
Future Biennia (Projected Costs) \$ 2,420,000  
TOTAL \$ 3,750,000

**NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Aquatic lands enhancement grants (96-2-012)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for grant funding from the new appropriation in this section in the amounts indicated:

Amount

Alki/Harbor/Duwamish Corridor, City of Seattle \$ 200,000  
ASARCO, Town of Ruston \$ 100,000  
Cape Flattery, Makah Tribe \$ 200,000  
Columbia River Renaissance, City of Vancouver \$ 2,800,000  
Columbia River Trail, East Wenatchee \$ 100,000

Columbia River Trail Phase 2, LOOP Coalition \$ 400,000  
 Cooperative Environmental Education, North  
     Mason School District \$ 300,000  
 Duckabush River, Jefferson County \$ 350,000  
 Latah Creek, City of Spokane \$ 300,000  
 Little Spokane River, Spokane County \$ 300,000  
 Odyssey Maritime Museum, Port of Seattle \$ 1,000,000  
 Raymond Waterfront Park, City of Raymond \$ 200,000  
 Seattle Aquarium, City of Seattle \$ 300,000  
 South Lake Union, City of Seattle \$ 200,000  
 Statewide Competitive Small Grant Program \$ 500,000  
 Stevenson Waterfront Park, Port of Skamania \$ 75,000  
     Total \$ 7,300,000

(2) Grant funding shall be distributed based on the order in which projects are ready to proceed, as determined by the department, and the availability of funds.

(3) The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects.

**Reappropriation:**

**Aquatic Lands Acct--State \$ 2,500,000**

**Appropriation:**

**Aquatic Lands Acct--State \$ 4,500,000**

Prior Biennia (Expenditures) \$ 276,000

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 19,276,000

**NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES  
 Natural resources real property replacement account (96-2-013)**

**Appropriation:**

**Nat Res Prop Repl Acct--State \$ 25,000,000**

Prior Biennia (Expenditures) \$ 30,826,750

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 55,826,750

**NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES  
 Seattle waterfront phase 2 development (96-2-014)**

**Reappropriation:**

**ORA--State \$ 1,562,835**

Prior Biennia (Expenditures) \$ 84,765

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,647,600

**PART 4  
 TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE PATROL  
 To construct a new crime laboratory in Tacoma (92-2-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 172,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 172,000

**NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE PATROL  
 Spokane Crime Laboratory: Predesign (96-2-009)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 80,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 5,500,000  
TOTAL \$ 5,580,000

**NEW SECTION. Sec. 403. FOR THE WASHINGTON STATE PATROL**

**Fire Training Academy: Preservation (94-1-016)**

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,221,018**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,500,000**  
Prior Biennia (Expenditures) \$ 128,982  
Future Biennia (Projected Costs) \$ 1,200,000  
TOTAL \$ 4,050,000

**NEW SECTION. Sec. 404. FOR THE WASHINGTON STATE PATROL**

**Fire Training Academy Portable Building Improvements (96-2-999)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 99,410**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 99,410

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (85-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 335,780**  
Prior Biennia (Expenditures) \$ 656,119  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 991,899

**NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (87-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,473,203**  
Prior Biennia (Expenditures) \$ 2,193,257  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,666,460

**NEW SECTION. Sec. 503. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,573,705**  
Prior Biennia (Expenditures) \$ 24,362,530  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 25,936,235

**NEW SECTION. Sec. 504. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-002)**

**Reappropriation:**

**Common School Constr Fund--State \$ 1,730,000**

Prior Biennia (Expenditures) \$ 17,521,803

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 19,251,803

**NEW SECTION. Sec. 505. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-003)**

**Reappropriation:**

**Common School Constr Fund--State \$ 4,211,005**

Prior Biennia (Expenditures) \$ 41,637,585

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 45,848,590

**NEW SECTION. Sec. 506. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (91-2-001)**

**Reappropriation:**

**Common School Reimb Constr Acct--**

**State \$ 5,443,735**

**Common School Constr Fund--State \$ 6,115,606**

Subtotal Reappropriation \$ 11,559,341

Prior Biennia (Expenditures) \$ 78,816,301

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,375,642

**NEW SECTION. Sec. 507. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (94-2-001)**

**Reappropriation:**

**Common School Constr Fund--State \$ 59,729,325**

**St Bldg Constr Acct--State \$ 27,004,958**

Subtotal Reappropriation \$ 86,734,283

Prior Biennia (Expenditures) \$ 60,102,660

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 146,836,943

**NEW SECTION. Sec. 508. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (96-2-001)**

The appropriations in this subsection are subject to the following conditions and limitations:

- (1) Not more than \$210,000,000 from this appropriation may be obligated in fiscal year 1996 for school district project design and construction.
- (2) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction and architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.
- (3) From the appropriation in this section the state board shall maintain a reserve contingency fund for emergency repair projects for school buildings which present imminent health and safety hazards to building occupants. Expenditures shall not exceed \$5,000,000 per fiscal year. The board shall establish policies for recovery of expenditures from subsequent releases of funds approved by the school board to any school district receiving funds under this subsection (3), from any insurance payments for the same repair projects for which a school district has received funds under this subsection (3), and from local funding sources.
- (4) \$250,000 of the appropriation in this section may be expended for the office of the superintendent of public instruction and the office of financial management to jointly contract with qualified specially trained teams to conduct a value engineering and a constructability review on at least five pilot school facility construction projects. The purpose of the pilot program is to determine the potential advantages and savings of value engineering and constructability review processes on school facility construction. The pilot projects shall be wholly paid from this appropriation without a requirement for local matching, and project sites shall be selected jointly by the superintendent of public instruction and the office of financial management on the basis of size, geographical area, and grade level. The results of the pilot program and recommendations on the use of value engineering and constructability reviews and how the current value engineering process can be improved shall be reported to the state board of education and the legislature by January 1997.
- (5) The state board shall conduct a study of school districts with less than twenty-five percent taxable property in the district. The study shall identify the school districts with less than twenty-five percent taxable property and for the identified districts calculate the percentage of state match for financial assistance for school facilities, compare the school levy rate per one thousand dollars of taxable property to the state

average, verify the number of unhoused students, and make an assessment of the condition of existing school buildings in the district. The state board shall make recommendations to the 1996 legislature on potential state policy changes.

**Appropriation:**

**Common School Constr Fund--State \$ 265,600,000**  
**St Bldg Constr Acct--State \$ 100,000,000**  
Subtotal Appropriation \$ 365,600,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 365,600,000

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**School facilities staff:** To fund the direct costs of state administration of school construction funding (96-2-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(1) Up to \$100,000 of the common school construction fund appropriation is provided to complete the facility condition management database begun in the 1993-95 biennium.

(2) \$1,639,000 is provided solely for in-house or contracted technical assistance to school districts for evaluation, response and prevention of situations which present life or safety threats, fire hazard, or deficiencies relating to utility and electrical standards.

**Appropriation:**

**Common School Constr Fund--State \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 5,444,000  
TOTAL \$ 8,444,000

**NEW SECTION. Sec. 510. FOR THE STATE BOARD OF EDUCATION**

**Clover Park School District transportation facilities (96-1-101)**

The appropriation in this section is provided for design of a renovation project for a transportation-maintenance complex as described in the memorandum of understanding between the Clover Park technical college and the Clover Park school district. Future state appropriations for this project shall be matched by an equal amount from local funds.

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 7,200,000  
TOTAL \$ 7,500,000

**NEW SECTION. Sec. 511. FOR THE STATE SCHOOL FOR THE BLIND**

**Old Main: Seismic stabilization (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 850,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 850,000

**NEW SECTION. Sec. 512. FOR THE STATE SCHOOL FOR THE BLIND**

**Minor works: Preservation (96-1-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 400,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 2,340,000  
TOTAL \$ 2,740,000

**NEW SECTION. Sec. 513. FOR THE STATE SCHOOL FOR THE DEAF**

**Minor works: Preservation (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 570,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 2,925,000  
TOTAL \$ 3,495,000

**NEW SECTION. Sec. 514. FOR THE STATE SCHOOL FOR THE DEAF**

**MacDonald and Deer Halls: Elevators (96-2-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 550,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 550,000

**NEW SECTION. Sec. 515. FOR THE UNIVERSITY OF WASHINGTON**

**Power plant boiler (88-2-022)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,400,000**  
Prior Biennia (Expenditures) \$ 9,805,653  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 16,205,653

**NEW SECTION. Sec. 516. FOR THE UNIVERSITY OF WASHINGTON**

**Power generation, chiller, data communications, electrical distribution (90-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,175,700**  
Prior Biennia (Expenditures) \$ 3,703,053  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 4,878,753

**NEW SECTION. Sec. 517. FOR THE UNIVERSITY OF WASHINGTON**

**Chemistry Building: Construction (90-2-011)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 38,952,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 39,152,000

**NEW SECTION. Sec. 518. FOR THE UNIVERSITY OF WASHINGTON**

**Electrical Engineering and Computer Sciences Engineering Building: Construction (90-2-013)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 80,000,000**  
Prior Biennia (Expenditures) \$ 14,869,028  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 94,869,028

**NEW SECTION. Sec. 519. FOR THE UNIVERSITY OF WASHINGTON**

**Physics/Astronomy building construction (90-2-009)**

**Reappropriation:**

**H Ed Reimb Constr Acct \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 69,564,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 72,564,000

**NEW SECTION. Sec. 520. FOR THE UNIVERSITY OF WASHINGTON**

**Old Physics Hall: Design and construction (92-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**UW Bldg Acct--State \$ 1,650,000**  
**St Bldg Constr Acct--State \$ 32,544,400**  
Subtotal Reappropriation \$ 34,194,400  
Prior Biennia (Expenditures) \$ 912,600  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 35,107,000

**NEW SECTION. Sec. 521. FOR THE UNIVERSITY OF WASHINGTON**

**Ocean and Fishery Sciences II: Predesign (92-2-027)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,065,300**  
Prior Biennia (Expenditures) \$ 784,700  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,850,000

**NEW SECTION. Sec. 522. FOR THE UNIVERSITY OF WASHINGTON**

**Harborview Medical Center research (94-2-013)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,100,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 9,000,000**  
**H Ed Constr Acct \$ 10,000,000**  
Subtotal Appropriation \$ 19,000,000  
Prior Biennia (Expenditures) \$ 520,000  
Future Biennia (Projected Costs) \$ 56,380,000  
TOTAL \$ 79,000,000

**NEW SECTION. Sec. 523. FOR THE UNIVERSITY OF WASHINGTON**

**Parrington Hall: Exterior and seismic repair (92-3-018)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**UW Bldg Acct--State \$ 5,008,499**  
Prior Biennia (Expenditures) \$ 264,001  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,272,500

**NEW SECTION. Sec. 524. FOR THE UNIVERSITY OF WASHINGTON**

**Henry Gallery: Addition (93-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.
- (2) The reappropriation in this section shall be matched by at least \$4,050,000 in cash provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,504,300**  
Prior Biennia (Expenditures) \$ 811,700  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,316,000

**NEW SECTION. Sec. 525. FOR THE UNIVERSITY OF WASHINGTON**

**Burke Museum:** To study the museum's space needs, long-term physical facilities needs, and options for future expansion (93-2-002) and for exhibit renovation (94-1-002)

\$1,846,500 of the reappropriation in this section is for the exhibit renovation and shall be matched by at least \$615,000 from other sources for the same purpose.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,031,000**  
Prior Biennia (Expenditures) \$ 369,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,400,000

**NEW SECTION. Sec. 526. FOR THE UNIVERSITY OF WASHINGTON**

**Business Administration: Expansion (93-2-006)**

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.
- (2) The reappropriation in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,600,000**  
Prior Biennia (Expenditures) \$ 900,000



Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,500,000

**NEW SECTION. Sec. 527. FOR THE UNIVERSITY OF WASHINGTON**  
**Minor repairs: Preservation (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,240,000**  
**UW Bldg Acct--State \$ 276,400**  
Subtotal Reappropriation \$ 11,516,400  
Prior Biennia (Expenditures) \$ 6,464,876  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 17,981,276

**NEW SECTION. Sec. 528. FOR THE UNIVERSITY OF WASHINGTON**  
**Minor repairs (94-1-004)**

**Reappropriation:**

**UW Bldg Acct--State \$ 6,850,000**  
Prior Biennia (Expenditures) \$ 5,757,630  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 12,607,630

**NEW SECTION. Sec. 529. FOR THE UNIVERSITY OF WASHINGTON**  
**Americans with Disabilities Act (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 200,000**  
Prior Biennia (Expenditures) \$ 1,325,150  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,525,150

**NEW SECTION. Sec. 530. FOR THE UNIVERSITY OF WASHINGTON**  
**Utilities projects (94-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 800,000**  
Prior Biennia (Expenditures) \$ 1,396,009  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,196,009

**NEW SECTION. Sec. 531. FOR THE UNIVERSITY OF WASHINGTON**  
**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 532. FOR THE UNIVERSITY OF WASHINGTON**  
**Minor repairs (94-2-005)**

**Reappropriation:**

**UW Bldg Acct--State \$ 5,200,000**  
Prior Biennia (Expenditures) \$ 1,871,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,071,000

**NEW SECTION. Sec. 533. FOR THE UNIVERSITY OF WASHINGTON**  
**Tacoma Branch Campus--Phase II: Predesign (94-2-500)**

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

(2) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 33,455,244**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,700,000**

Prior Biennia (Expenditures) \$ 17,738,913

Future Biennia (Projected Costs) \$ 35,320,000

TOTAL \$ 92,214,157

**NEW SECTION. Sec. 534. FOR THE UNIVERSITY OF WASHINGTON**

**Suzzallo Library renovation--Phase I design:** To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies **(94-1-015)**

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 717,600**

**St Bldg Constr Acct--State \$ 2,142,275**

Subtotal Appropriation \$ 2,859,875

Prior Biennia (Expenditures) \$ 517,750

Future Biennia (Projected Costs) \$ 29,076,925

TOTAL \$ 32,454,550

**NEW SECTION. Sec. 535. FOR THE UNIVERSITY OF WASHINGTON**

**Minor safety repairs: Preservation (96-1-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,700,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 19,700,000

**NEW SECTION. Sec. 536. FOR THE UNIVERSITY OF WASHINGTON**

**Minor works: Building renewal (96-1-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**UW Bldg Acct--State \$ 7,047,000**

**St Bldg Constr Acct--State \$ 2,000,000**

Subtotal Appropriation \$ 9,047,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 53,000,000

TOTAL \$ 62,047,000

**NEW SECTION. Sec. 537. FOR THE UNIVERSITY OF WASHINGTON**

**Minor works: Utility infrastructure (96-1-004)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,900,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 26,000,000

TOTAL \$ 31,900,000

**NEW SECTION. Sec. 538. FOR THE UNIVERSITY OF WASHINGTON**

**Law School Building--Design and development:** To design a new law school and law library facility

In addition to any state appropriation for this project, at least one-third of the cost of this project, including the costs of design, construction and consulting services, shall be derived from private matching funds. The appropriation in this section shall not be expended on design documents until the University of Washington has secured \$10,000,000 in private matching funds. Such funds, in the form of cash or

written pledges, must be secured by no later than July 1, 1997. In the event \$10,000,000 is not secured by that date, the appropriation in this section shall be null and void.

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct--State \$ 1,140,000  
Prior Biennia (Expenditures) \$ 128,000  
Future Biennia (Projected Costs) \$ 33,860,000  
TOTAL \$ 35,128,000

**NEW SECTION. Sec. 539. FOR THE UNIVERSITY OF WASHINGTON**

**Health Sciences Center BB Tower Elevators--Design and construction:** To design and construct the addition of one elevator and upgrading of the existing elevators in the health sciences center BB-wing and tower (96-1-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct--State \$ 210,700  
St Bldg Constr Acct--State \$ 4,981,900  
Subtotal Appropriation \$ 5,192,600  
Prior Biennia (Expenditures) \$ 117,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,309,600

**NEW SECTION. Sec. 540. FOR THE UNIVERSITY OF WASHINGTON**

**Health Sciences Center D-Wing Dent Student Lab: Design and construction (96-1-016)**

**Appropriation:**

UW Bldg Acct--State \$ 112,100  
St Bldg Constr Acct--State \$ 2,905,000  
Subtotal Appropriation \$ 3,017,100  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,017,100

**NEW SECTION. Sec. 541. FOR THE UNIVERSITY OF WASHINGTON**

**Social Work third floor addition--Design and construction:** To design and construct a 12,000 gross square foot partial third floor addition to the Social Work and Speech and Hearing Sciences Building (96-2-010)

**Appropriation:**

UW Bldg Acct--State \$ 126,400  
St Bldg Constr Acct--State \$ 2,789,200  
Subtotal Appropriation \$ 2,915,600  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,915,600

**NEW SECTION. Sec. 542. FOR THE UNIVERSITY OF WASHINGTON**

**Hogness/Health Sciences Center Lobby: Americans with Disabilities Act improvements (96-1-022)**

**Appropriation:**

St Bldg Constr Acct--State \$ 1,300,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,300,000

**NEW SECTION. Sec. 543. FOR THE UNIVERSITY OF WASHINGTON**

**Ocean and Fisheries Science Buildings II & III: Design and site preparation:** To design the 125,673 gross square foot OFS II (Fisheries) and 106,000 gross square foot OFS III (Oceanography) buildings and clear and prepare sites for future construction (96-2-006)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$991,000 of the amount reappropriated in section 521 of this act for predesign of this project shall be used for design.
- (2) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct--State \$ 1,548,150  
St Bldg Constr Acct--State \$ 5,932,025

Subtotal Appropriation \$ 7,480,175  
Prior Biennia (Expenditures) \$ 558,400  
Future Biennia (Projected Costs) \$ 65,758,625  
TOTAL \$ 73,797,200

**NEW SECTION. Sec. 544. FOR THE UNIVERSITY OF WASHINGTON**

**West Electrical Power Station:** To design and construct the installation of new transformers, switch gear facilities, and primary distribution feeders at the west receiving station (96-2-011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 204,000**  
**St Bldg Constr Acct--State \$ 6,600,000**  
Subtotal Appropriation \$ 6,804,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,804,000

**NEW SECTION. Sec. 545.** It is the intention of the legislature that the state dispose of its interest in the Wellington Hills property for consideration at fair market value and that the net proceeds of the sale be deposited into the state building construction account in the state treasury.

**NEW SECTION. Sec. 546. FOR THE UNIVERSITY OF WASHINGTON**

**Power Plant Boiler #7--Design and construction:** To design and construct an addition to the south end of the Power Plant to house a new Boiler #7 (96-2-020)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 288,703**  
**St Bldg Constr Acct--State \$ 9,623,297**  
Subtotal Appropriation \$ 9,912,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,912,000

**NEW SECTION. Sec. 547. FOR THE UNIVERSITY OF WASHINGTON**

**Southwest Campus utilities phase I--Design and construction:** To design and construct the extension of utilities to serve the southwest campus development (96-2-027)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 285,600**  
**St Bldg Constr Acct--State \$ 9,023,900**  
Subtotal Appropriation \$ 9,309,500  
Prior Biennia (Expenditures) \$ 152,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,461,500

**NEW SECTION. Sec. 548. FOR WASHINGTON STATE UNIVERSITY**

**Branch campus acquisition (90-5-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 42,000**  
Prior Biennia (Expenditures) \$ 735,424  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 777,424

**NEW SECTION. Sec. 549. FOR WASHINGTON STATE UNIVERSITY**

**Hazardous, pathological, and radioactive waste handling facilities:** To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

**Reappropriation:**

**St Bldg Constr Acct--State \$ 991,640**  
Prior Biennia (Expenditures) \$ 197,714

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,189,354

**NEW SECTION. Sec. 550. FOR WASHINGTON STATE UNIVERSITY**

**Todd Hall renovation:** To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-1-021)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Acct--State \$ 3,478,000**  
**St Bldg Constr Acct--State \$ 2,626,444**  
Subtotal Reappropriation \$ 6,104,444  
Prior Biennia (Expenditures) \$ 8,577,065  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 14,681,509

**NEW SECTION. Sec. 551. FOR WASHINGTON STATE UNIVERSITY**

**Veterinary Teaching Hospital--Construction:** To construct, equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**H Ed Reimb Constr Acct--State \$ 10,214,399**  
**St Bldg Constr Acct--State \$ 2,200,000**  
Subtotal Reappropriation \$ 12,414,399  
Prior Biennia (Expenditures) \$ 19,643,672  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 32,058,071

**NEW SECTION. Sec. 552. FOR WASHINGTON STATE UNIVERSITY**

**Fulmer Hall--Fulmer Annex renovation:** To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 12,212,322**  
Prior Biennia (Expenditures) \$ 908,367  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,120,689

**NEW SECTION. Sec. 553. FOR WASHINGTON STATE UNIVERSITY**

**Student services addition:** To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 10,173,300**  
Prior Biennia (Expenditures) \$ 4,826,700  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 15,000,000

**NEW SECTION. Sec. 554. FOR WASHINGTON STATE UNIVERSITY**

**Records and maintenance materials:** To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

**Reappropriation:**

**WSU Bldg Acct--State \$ 1,250,000**  
Prior Biennia (Expenditures) \$ 395,826  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,645,826

**NEW SECTION. Sec. 555. FOR WASHINGTON STATE UNIVERSITY**

**Minor capital renewal (94-1-004)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,784,260**  
Prior Biennia (Expenditures) \$ 3,215,740

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,000,000

**NEW SECTION. Sec. 556. FOR WASHINGTON STATE UNIVERSITY**

**Bohler Gym renovation--Design:** To design the renovation of the existing Bohler Gym (94-1-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

WSU Bldg Acct--State \$ 391,500  
St Bldg Constr Acct--State \$ 1,496,600  
Subtotal Appropriation \$ 1,888,100  
Prior Biennia (Expenditures) \$ 49,000  
Future Biennia (Projected Costs) \$ 14,462,500  
TOTAL \$ 16,399,600

**NEW SECTION. Sec. 557. FOR WASHINGTON STATE UNIVERSITY**

**Prosser: Septic system (94-1-500)**

**Reappropriation:**

WSU Bldg Acct--State \$ 757,192  
Prior Biennia (Expenditures) \$ 492,808  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,250,000

**NEW SECTION. Sec. 558. FOR WASHINGTON STATE UNIVERSITY**

**Infrastructure savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

St Bldg Constr Acct--State \$ 1  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 559. FOR WASHINGTON STATE UNIVERSITY**

**Minor works (94-2-001)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 1,192,401  
Prior Biennia (Expenditures) \$ 1,807,599  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,000,000

**NEW SECTION. Sec. 560. FOR WASHINGTON STATE UNIVERSITY**

**Minor capital improvements (94-2-002)**

**Reappropriation:**

WSU Bldg Acct--State \$ 2,430,690  
Prior Biennia (Expenditures) \$ 3,569,310  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,000,000

**NEW SECTION. Sec. 561. FOR WASHINGTON STATE UNIVERSITY**

**Hazardous waste facilities (94-2-006)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

WSU Bldg Acct--State \$ 1,500,000  
Prior Biennia (Expenditures) \$ 211,000  
Future Biennia (Projected Costs) \$ 12,037,774  
TOTAL \$ 13,748,774

**NEW SECTION. Sec. 562. FOR WASHINGTON STATE UNIVERSITY**

**Pathological and biomedical incinerator: Design and construction (94-2-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,443,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,443,000

**NEW SECTION. Sec. 563. FOR WASHINGTON STATE UNIVERSITY**

**Communication infrastructure renewal (94-2-013)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Constr Acct--State \$ 5,000,000**  
**St Bldg Constr Acct--State \$ 4,203,432**  
Subtotal Reappropriation \$ 9,203,432

**Appropriation:**

**WSU Bldg Acct--State \$ 4,159,625**  
Prior Biennia (Expenditures) \$ 12,796,568  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 26,159,625

**NEW SECTION. Sec. 564. FOR WASHINGTON STATE UNIVERSITY**

**Engineering Teaching and Research Laboratory Building: Construction (94-2-014)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**WSU Bldg Acct--State \$ 226,379**

**Appropriation:**

**General Fund--Federal \$ 8,000,000**  
**St Bldg Constr Acct--State \$ 17,140,300**  
Subtotal Appropriation \$ 25,140,300  
Prior Biennia (Expenditures) \$ 1,143,621  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 26,510,300

**NEW SECTION. Sec. 565. FOR WASHINGTON STATE UNIVERSITY**

**Chemical waste collection facilities: Design and construction (94-2-016)**

**Reappropriation:**

**WSU Bldg Acct--State \$ 2,084,274**

**Appropriation:**

**WSU Bldg Acct--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 252,726  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,337,000

**NEW SECTION. Sec. 566. FOR WASHINGTON STATE UNIVERSITY**

**Bohler Gym Addition--Design and construction: To construct a 45,800 gross square foot addition to Bohler Gym (94-2-017)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 477,000**

**Appropriation:**

**WSU Bldg Acct--State \$ 399,800**  
**St Bldg Constr Acct--State \$ 8,960,400**  
Subtotal Appropriation \$ 9,360,200  
Prior Biennia (Expenditures) \$ 517,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 10,354,200

**NEW SECTION. Sec. 567. FOR WASHINGTON STATE UNIVERSITY**

**018) Animal Science Laboratory Building--Design and Construction:** To construct a 20,200 gross square foot animal science lab (94-4-

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

WSU Bldg Acct--State \$ 143,532

**Appropriation:**

St Bldg Constr Acct--State \$ 6,332,300

WSU Bldg Acct--State \$ 255,000

Subtotal Appropriation \$ 6,587,300

Prior Biennia (Expenditures) \$ 451,468

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,182,300

**NEW SECTION, Sec. 568. FOR WASHINGTON STATE UNIVERSITY**

**Kimbrough Hall addition and remodeling:** To design a 32,000 gross square foot addition and remodel the existing Kimbrough Hall (94-2-019)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

WSU Bldg Acct--State \$ 238,425

St Bldg Constr Acct--State \$ 965,700

Subtotal Appropriation \$ 1,204,125

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 10,448,875

TOTAL \$ 11,733,000

**NEW SECTION, Sec. 569. FOR WASHINGTON STATE UNIVERSITY**

**Intercollegiate Center for Nursing Education:** To construct and equip a new nursing education facility in Yakima (94-2-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

**Reappropriation:**

St Bldg Constr Acct--State \$ 2,525,202

Prior Biennia (Expenditures) \$ 974,798

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

**NEW SECTION, Sec. 570. FOR WASHINGTON STATE UNIVERSITY**

**Washington State University--Vancouver:** New campus construction (94-2-902)

The appropriations in this section are subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 23,580,000

**Appropriation:**

St Bldg Constr Acct--State \$ 9,066,000

Prior Biennia (Expenditures) \$ 10,994,362

Future Biennia (Projected Costs) \$ 35,000,000

TOTAL \$ 78,640,362

**NEW SECTION, Sec. 571. FOR WASHINGTON STATE UNIVERSITY**

**Puyallup: Greenhouse replacements (94-2-027)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 2,126,945

Prior Biennia (Expenditures) \$ 114,055

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,241,000

**NEW SECTION, Sec. 572. FOR WASHINGTON STATE UNIVERSITY**

**Washington State University Tri-Cities: Consolidated Information Center (94-2-905)**



The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 730,500**

**Appropriation:**

**St Bldg Constr Acct--State \$ 9,709,000**

Prior Biennia (Expenditures) \$ 679,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,119,000

**NEW SECTION. Sec. 573. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Preservation (96-1-004)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,900,000**

**WSU Bldg Acct--State \$ 252,000**

Subtotal Appropriation \$ 6,152,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 34,690,000

TOTAL \$ 40,842,000

**NEW SECTION. Sec. 574. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Safety and environmental (96-2-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,600,000**

**WSU Bldg Acct--State \$ 1,000,000**

Subtotal Appropriation \$ 2,600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 17,400,000

TOTAL \$ 20,000,000

**NEW SECTION. Sec. 575. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Program (96-2-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**WSU Bldg Acct--State \$ 5,150,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 41,016,000

TOTAL \$ 46,166,000

**NEW SECTION. Sec. 576. FOR WASHINGTON STATE UNIVERSITY**

**Plant growth--Wheat Research Center: Construction (96-2-047)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources.

**Appropriation:**

**General Fund--Private \$ 1,000,000**

**General Fund--Federal \$ 3,000,000**

**St Bldg Constr Acct--State \$ 4,000,000**

Subtotal Appropriation \$ 8,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,000,000

**NEW SECTION. Sec. 577. FOR WASHINGTON STATE UNIVERSITY**

**Intercollegiate Center for Nursing Education--Spokane, Yakima, and Wenatchee Washington higher education telecommunication system classrooms, cabling, and connection (96-2-915)**

**Appropriation:**

**WSU Bldg Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,500,000

**NEW SECTION. Sec. 578. FOR EASTERN WASHINGTON UNIVERSITY**

**Sutton Hall remodel:** To complete the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,730,092**  
Prior Biennia (Expenditures) \$ 526,494  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,256,586

**NEW SECTION. Sec. 579. FOR EASTERN WASHINGTON UNIVERSITY**

**Science Building addition and remodel:** To complete the remodeling of the existing science building (83-1-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,100,480**  
Prior Biennia (Expenditures) \$ 18,934,987  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 21,035,467

**NEW SECTION. Sec. 580. FOR EASTERN WASHINGTON UNIVERSITY**

**Minor works preservation, repair, and renewal of campus facilities (86-1-002) (90-3-002) (92-1-001) (92-1-002) (92-3-004) (94-1-001) (94-1-006) (94-1-010) (94-1-014) (94-1-015) (94-2-012)**

**Reappropriation:**

**EWU Cap Proj Acct--State \$ 4,300,000**  
**St Bldg Constr Acct--State \$ 1,438,000**  
Subtotal Reappropriation \$ 5,738,000  
Prior Biennia (Expenditures) \$ 7,685,782  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,423,782

**NEW SECTION. Sec. 581. FOR EASTERN WASHINGTON UNIVERSITY**

**Telecommunications network and cable replacement (90-2-004)**

**Appropriation:**

**EWU Cap Proj Acct--State \$ 1,593,800**  
Prior Biennia (Expenditures) \$ 4,080,000  
Future Biennia (Projected Costs) \$ 2,000,000  
TOTAL \$ 7,673,800

**NEW SECTION. Sec. 582. FOR EASTERN WASHINGTON UNIVERSITY**

**JFK Library addition and remodel--Construction:** To construct the 73,500 gross square foot addition and remodeling of the JFK Library (90-5-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,678,756**

**Appropriation:**

**EWU Cap Proj Acct--State \$ 152,174**  
**St Bldg Constr Acct--State \$ 19,692,130**  
Subtotal Appropriation \$ 19,844,304  
Prior Biennia (Expenditures) \$ 536,244  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 22,059,304

**NEW SECTION. Sec. 583. FOR EASTERN WASHINGTON UNIVERSITY**

**Removal of underground storage tanks (92-1-003)**

**Reappropriation:**

**EWU Cap Proj Acct--State \$ 193,438**  
Prior Biennia (Expenditures) \$ 56,110  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 249,548

**NEW SECTION. Sec. 584. FOR EASTERN WASHINGTON UNIVERSITY  
Spokane Center remodel and fire egress (92-5-008)**

**Reappropriation:**

**EWU Cap Proj Acct--State \$ 43,686**

Prior Biennia (Expenditures) \$ 1,756,314

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000

**NEW SECTION. Sec. 585. FOR EASTERN WASHINGTON UNIVERSITY  
Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,318,877**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,361,600**

**EWU Cap Proj Acct--State \$ 638,400**

Subtotal Appropriation \$ 4,000,000

Prior Biennia (Expenditures) \$ 91,123

Future Biennia (Projected Costs) \$ 3,275,000

TOTAL \$ 9,685,000

**NEW SECTION. Sec. 586. FOR EASTERN WASHINGTON UNIVERSITY  
Infrastructure project: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house or representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 587. FOR EASTERN WASHINGTON UNIVERSITY  
Showalter Hall Auditorium: Preservation (96-1-001)**

**Appropriation:**

**EWU Cap Proj Acct--State \$ 977,800**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 977,800

**NEW SECTION. Sec. 588. FOR EASTERN WASHINGTON UNIVERSITY  
Monroe Hall Remodel (96-1-002)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**EWU Cap Proj Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 6,100,000

**NEW SECTION. Sec. 589. FOR EASTERN WASHINGTON UNIVERSITY  
Campus classrooms--Renewal: To renovate and upgrade classrooms and lab in various buildings on campus (96-2-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

**EWU Cap Proj Acct--State \$ 3,650,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 14,925,000  
TOTAL \$ 18,575,000

**NEW SECTION. Sec. 590. FOR EASTERN WASHINGTON UNIVERSITY  
Americans with Disabilities Act projects (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 193,089**  
Prior Biennia (Expenditures) \$ 132,711  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 325,800

**NEW SECTION. Sec. 591. FOR CENTRAL WASHINGTON UNIVERSITY  
Life and safety improvements (92-1-030)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 125,000**  
Prior Biennia (Expenditures) \$ 208,267  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 333,267

**NEW SECTION. Sec. 592. FOR CENTRAL WASHINGTON UNIVERSITY  
Barge Hall renovation (92-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 263,000**  
Prior Biennia (Expenditures) \$ 11,318,970  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,581,970

**NEW SECTION. Sec. 593. FOR CENTRAL WASHINGTON UNIVERSITY  
Shaw/Smyser Hall renovation (90-2-005)**

**Reappropriation:**

**H Ed Reimb Constr Acct \$ 302,000**  
Prior Biennia (Expenditures) \$ 12,983,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,285,000

**NEW SECTION. Sec. 594. FOR CENTRAL WASHINGTON UNIVERSITY  
Minor capital projects (92-2-050)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 600,000**  
Prior Biennia (Expenditures) \$ 1,623,120  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,223,120

**NEW SECTION. Sec. 595. FOR CENTRAL WASHINGTON UNIVERSITY  
Boullion asbestos: Construction (94-1-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,160,000**  
Prior Biennia (Expenditures) \$ 1,163,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,323,000

**NEW SECTION. Sec. 596. FOR CENTRAL WASHINGTON UNIVERSITY  
Minor works: Preservation (94-1-005)**

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 2,000,000**  
Prior Biennia (Expenditures) \$ 1,562,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,562,000

**NEW SECTION. Sec. 597. FOR CENTRAL WASHINGTON UNIVERSITY**

**Underground tank replacement (94-1-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**  
Prior Biennia (Expenditures) \$ 176,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 276,000

**NEW SECTION. Sec. 598. FOR CENTRAL WASHINGTON UNIVERSITY**

**Electrical cable replacement (94-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,000**  
Prior Biennia (Expenditures) \$ 1,700,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,750,000

**NEW SECTION. Sec. 599. FOR CENTRAL WASHINGTON UNIVERSITY**

**Steamline replacement (94-1-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 790,000**  
Prior Biennia (Expenditures) \$ 60,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 850,000

**NEW SECTION. Sec. 600. FOR CENTRAL WASHINGTON UNIVERSITY**

**Infrastructure savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 601. FOR CENTRAL WASHINGTON UNIVERSITY**

**Science Facility design and construction (94-2-002)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 4,000,000**  
**St Bldg Constr Acct--State \$ 53,590,000**  
Subtotal Reappropriation \$ 57,590,000  
Prior Biennia (Expenditures) \$ 610,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 58,200,000

**NEW SECTION. Sec. 602. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Program (94-2-006)**

**Reappropriation:**

**CWU Cap Proj Acct \$ 815,000**  
Prior Biennia (Expenditures) \$ 1,692,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,507,000

**NEW SECTION. Sec. 603. FOR CENTRAL WASHINGTON UNIVERSITY**

**Black Hall--Design and construction:** To design and construct a 66,200 gross square foot addition to and complete remodel of the Black Hall (94-2-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**CWU Cap Proj Acct--State \$ 15,000**

**Appropriation:**

**CWU Cap Proj Acct--State \$ 875,100**

**St Bldg Constr Acct--State \$ 26,369,300**

Subtotal Appropriation \$ 27,244,400

Prior Biennia (Expenditures) \$ 144,000

Future Biennia (Projected Costs) \$ 0

**TOTAL \$ 27,403,400**

**NEW SECTION. Sec. 604. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Infrastructure preservation (96-1-040)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management.
- (2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,687,100**

**CWU Cap Proj Acct--State \$ 712,900**

Subtotal Appropriation \$ 2,400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

**TOTAL \$ 8,300,000**

**NEW SECTION. Sec. 605. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Preservation (96-1-120)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management.
- (2) A maximum of \$85,000 from this appropriation may be expended for remodeling the president's residence.

**Appropriation:**

**CWU Cap Proj Acct--State \$ 3,500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,850,000

**TOTAL \$ 20,350,000**

**NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY**

**Hertz Hall addition (96-2-050)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 125,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 13,350,000

**TOTAL \$ 13,475,000**

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Program (96-2-130)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management.
- (2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

**Appropriation:**

**CWU Cap Proj Acct--State \$ 2,500,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 11,110,000

**TOTAL \$ 13,610,000**

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

**Campus: Air quality improvement (96-1-001)**

**Appropriation:**

TESC Cap Proj Acct--State \$ 492,425  
St Bldg Constr Acct \$ 528,896  
Subtotal Appropriation \$ 1,021,321  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,021,321

**NEW SECTION. Sec. 609. FOR THE EVERGREEN STATE COLLEGE**

**Minor works: Preservation (96-1-002)**

**Appropriation:**

TESC Cap Proj Acct--State \$ 970,245  
St Bldg Constr Acct--State \$ 2,154,876  
Subtotal Appropriations \$ 3,125,121  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 20,488,124  
TOTAL \$ 23,613,245

**NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

**Campus: Preservation (94-1-001)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 150,000  
Prior Biennia (Expenditures) \$ 1,599,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,749,000

**NEW SECTION. Sec. 611. FOR THE EVERGREEN STATE COLLEGE**

**Classroom Facility: Longhouse design and construction (94-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 400,000  
Prior Biennia (Expenditures) \$ 1,800,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,200,000

**NEW SECTION. Sec. 612. FOR THE EVERGREEN STATE COLLEGE**

**Emergency repairs (96-1-003)**

**Appropriation:**

TESC Cap Proj Acct--State \$ 238,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,076,000  
TOTAL \$ 1,314,000

**NEW SECTION. Sec. 613. FOR THE EVERGREEN STATE COLLEGE**

**Computer Network phase III (96-2-006)**

**Appropriation:**

St Bldg Constr Acct--State \$ 162,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 162,000

**NEW SECTION. Sec. 614. FOR THE EVERGREEN STATE COLLEGE**

**Communications Building: Retrofit (96-2-007)**

**Appropriation:**

St Bldg Constr Acct--State \$ 1,726,300  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,726,300

**NEW SECTION. Sec. 615. FOR THE EVERGREEN STATE COLLEGE**

**Library Building renovation (96-2-009)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 772,500**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 772,500

**NEW SECTION. Sec. 616. FOR THE JOINT CENTER FOR HIGHER EDUCATION**  
**Riverpoint Campus: Design and construction (94-2-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 9,000,000**  
Prior Biennia (Expenditures) \$ 8,000,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 17,000,000

**NEW SECTION. Sec. 617. FOR THE JOINT CENTER FOR HIGHER EDUCATION**  
**Riverpoint Campus phase II (96-2-001)**

To predesign, design, and make infrastructure improvements to the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996. The appropriation in this section is subject to the review and allotment requirements under sections 813 and 815 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,310,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 21,690,000  
TOTAL \$ 25,000,000

**NEW SECTION. Sec. 618. FOR WESTERN WASHINGTON UNIVERSITY**  
**Science facility phase II: Construction (92-1-007)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct \$ 2,400,000**  
Prior Biennia (Expenditures) \$ 17,650,533  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 20,050,553

**NEW SECTION. Sec. 619. FOR WESTERN WASHINGTON UNIVERSITY**  
**Fire detection systems (94-1-030)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 100,000**  
Prior Biennia (Expenditures) \$ 643,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 743,000

**NEW SECTION. Sec. 620. FOR WESTERN WASHINGTON UNIVERSITY**  
**Underground storage tank removal (94-1-032)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 58,200**  
Prior Biennia (Expenditures) \$ 1,800  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 60,000

**NEW SECTION. Sec. 621. FOR WESTERN WASHINGTON UNIVERSITY**  
**Pool chlorine gas system (94-1-033)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 10,300**  
Prior Biennia (Expenditures) \$ 24,700  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 35,000

**NEW SECTION. Sec. 622. FOR WESTERN WASHINGTON UNIVERSITY**  
**Exterior and roofing renewal (94-1-034)**



**Reappropriation:**

**St Bldg Constr Acct--State \$ 309,000**  
Prior Biennia (Expenditures) \$ 292,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 601,000

**NEW SECTION. Sec. 623. FOR WESTERN WASHINGTON UNIVERSITY**

**Boiler system (94-1-035)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 859,884**  
Prior Biennia (Expenditures) \$ 40,116  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 900,000

**NEW SECTION. Sec. 624. FOR WESTERN WASHINGTON UNIVERSITY**

**Utility upgrade (94-1-037)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 103,000**  
Prior Biennia (Expenditures) \$ 302,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 405,000

**NEW SECTION. Sec. 625. FOR WESTERN WASHINGTON UNIVERSITY**

**Interior renewal (94-1-038)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 74,000**  
Prior Biennia (Expenditures) \$ 24,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 98,000

**NEW SECTION. Sec. 626. FOR WESTERN WASHINGTON UNIVERSITY**

**Interior painting (94-1-041)**

**Reappropriation:**

**WWU Cap Proj Acct--State \$ 272,000**  
Prior Biennia (Expenditures) \$ 129,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 401,000

**NEW SECTION. Sec. 627. FOR WESTERN WASHINGTON UNIVERSITY**

**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 628. FOR WESTERN WASHINGTON UNIVERSITY**

**Science facility phase III: Construction (94-2-014)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 11,473,119**  
Prior Biennia (Expenditures) \$ 96,988  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,570,107

**NEW SECTION. Sec. 629. FOR WESTERN WASHINGTON UNIVERSITY**

**Haggard Hall renovation and abatement: Construction (94-2-015)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 950,000

**Appropriation:**

WWU Cap Proj Acct--State \$ 3,735,420

St Bldg Constr Acct--State \$ 17,352,985

Subtotal Appropriation \$ 21,088,405

Prior Biennia (Expenditures) \$ 166,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,204,405

**NEW SECTION. Sec. 630. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Program (94-2-028)**

**Reappropriation:**

WWU Cap Proj Acct--State \$ 3,200,000

Prior Biennia (Expenditures) \$ 2,900,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,100,000

**NEW SECTION. Sec. 631. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Preservation (96-1-030)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

WWU Cap Proj Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 9,200,000

TOTAL \$ 10,500,000

**NEW SECTION. Sec. 632. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Infrastructure preservation (96-1-061)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

St Bldg Constr Acct--State \$ 1,650,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,050,000

**NEW SECTION. Sec. 633. FOR WESTERN WASHINGTON UNIVERSITY**

**Campus Services Facility (96-2-025)**

**Appropriation:**

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,883,400

TOTAL \$ 7,983,400

**NEW SECTION. Sec. 634. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Program (96-2-028)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

WWU Cap Proj Acct--State \$ 2,000,000

St Bldg Constr Acct \$ 3,850,000

Subtotal Appropriation \$ 5,850,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,500,000

TOTAL \$ 31,350,000

**NEW SECTION. Sec. 635. FOR WESTERN WASHINGTON UNIVERSITY**

**Integrated signal distribution--Design: To design a campus network system (96-2-056)**

**Appropriation:**

**WWU Cap Proj Acct--State \$ 229,650**  
**St Bldg Constr Acct--State \$ 985,750**  
Subtotal Appropriation \$ 1,215,400  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 9,339,400  
TOTAL \$ 10,554,800

**NEW SECTION. Sec. 636. FOR WESTERN WASHINGTON UNIVERSITY**

**Wilson Library renovation (96-2-057)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ 105,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,331,900  
TOTAL \$ 8,436,900

**NEW SECTION. Sec. 637. FOR WESTERN WASHINGTON UNIVERSITY**

**Recreation and physical education fields phase I (96-2-051)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,535,200**  
**WWU Cap Proj Acct--State \$ 130,800**  
Subtotal Appropriation \$ 2,666,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,666,000

**NEW SECTION. Sec. 638. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Complete construction of Washington state History Museum (94-2-001)**

The appropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.
- (2) \$50,000 of the new appropriation in this section shall be provided as a grant to a local nonprofit organization to purchase land and provide exhibit space for the display of fossils.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,859,978**

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**  
Prior Biennia (Expenditures) \$ 35,592,643  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 42,752,621

**NEW SECTION. Sec. 639. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Stadium Way facility: Preservation (96-1-102)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 60,000**

**Appropriation:**

**St Bldg Constr Acct--State \$ 487,500**  
Prior Biennia (Expenditures) \$ 1,254,500  
Future Biennia (Projected Costs) \$ 335,469  
TOTAL \$ 2,137,469

**NEW SECTION. Sec. 640. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Bremerton Shellbanks Retreat: Preservation (96-1-103)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 68,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 250,000

TOTAL \$ 318,000

**NEW SECTION. Sec. 641. FOR THE WASHINGTON STATE HISTORICAL SOCIETY  
State Capital Museum: Preservation (96-1-105)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 122,592**  
Prior Biennia (Expenditures) \$ 107,500  
Future Biennia (Projected Costs) \$ 199,628  
TOTAL \$ 429,720

**NEW SECTION. Sec. 642. FOR THE WASHINGTON STATE HISTORICAL SOCIETY  
Stadium Way facility: Collection storage and access (96-2-204)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 230,600**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,420,000  
TOTAL \$ 1,650,600

**NEW SECTION. Sec. 643. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY  
Campbell House restoration (86-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 30,000**  
Prior Biennia (Expenditures) \$ 100,500  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 130,500

**NEW SECTION. Sec. 644. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY  
Cheney Cowles Museum: Parking lot grading and resurfacing (96-1-002)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 285,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 285,000

**NEW SECTION. Sec. 645. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY  
Cheney Cowles Museum: Preservation (96-1-004)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 175,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 700,000  
TOTAL \$ 875,000

**NEW SECTION. Sec. 646. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Learning Resource Center--Skagit Valley College Whidbey Campus (88-5-020)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,408**  
Prior Biennia (Expenditures) \$ 2,117,591  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,122,999

**NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Science, Fine Art, and Physical Education Building--South Puget Sound Community College (88-5-021)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 21,933**  
Prior Biennia (Expenditures) \$ 5,976,066  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,997,999

**NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Library addition and remodel--Columbia Basin College (88-5-023)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 21,573**

Prior Biennia (Expenditures) \$ 1,961,132  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,982,705

**NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Vocational Shop Building--Centralia College (88-5-024)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 36,519**  
Prior Biennia (Expenditures) \$ 2,035,306  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,071,825

**NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Art Commission carryover (88-5-026)**

**Reappropriation:**

**St Bldg Constr Acct \$ 9,378**  
Prior Biennia (Expenditures) \$ 2,984,655  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,994,033

**NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Business Education Building--Spokane Community College (88-5-027)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 20,846**  
Prior Biennia (Expenditures) \$ 6,291,122  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,311,968

**NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Student Activity Center and Physical Education Building--Seattle Central (88-5-028)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,681,465**  
Prior Biennia (Expenditures) \$ 9,519,434  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,200,899

**NEW SECTION. Sec. 653. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Fire and security system repairs (90-1-004)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 134,433**  
Prior Biennia (Expenditures) \$ 236,508  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 370,941

**NEW SECTION. Sec. 654. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Minor asbestos removal (90-1-008)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 323,914**  
Prior Biennia (Expenditures) \$ 992,167  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,316,081

**NEW SECTION. Sec. 655. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Roof and structural repairs (90-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 8,779**  
Prior Biennia (Expenditures) \$ 706,514  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 715,293

**NEW SECTION. Sec. 656. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Heating, ventilation, and air conditioning and mechanical repairs (90-2-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 50,944**  
Prior Biennia (Expenditures) \$ 947,439  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 998,383

**NEW SECTION. Sec. 657. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Facility repairs (90-3-007)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 24,471**  
Prior Biennia (Expenditures) \$ 503,545  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 528,016

**NEW SECTION. Sec. 658. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Minor improvement projects (90-5-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 120,737**  
Prior Biennia (Expenditures) \$ 2,904,787  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,025,524

**NEW SECTION. Sec. 659. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Physical Education Facility--North Seattle Community College (90-5-011)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 6,883,057**  
Prior Biennia (Expenditures) \$ 1,671,143  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,554,200

**NEW SECTION. Sec. 660. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Applied Arts Facility--Spokane Falls Community College (90-5-012)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,848,249**  
Prior Biennia (Expenditures) \$ 2,643,840  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,492,089

**NEW SECTION. Sec. 661. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Industrial Tech Building--Spokane Community College (90-5-013)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,016,150**  
Prior Biennia (Expenditures) \$ 3,915,945  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,932,095

**NEW SECTION. Sec. 662. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Vocational Art Facility--Shoreline Community College (90-5-014)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,885,749**  
Prior Biennia (Expenditures) \$ 179,656  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,065,405

**NEW SECTION. Sec. 663. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Business Education Building--Clark College (90-5-015)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,439,646**  
Prior Biennia (Expenditures) \$ 3,851,620  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,291,266

**NEW SECTION. Sec. 664. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Student Center Building--South Seattle Community College (90-5-016)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 4,188,316**  
Prior Biennia (Expenditures) \$ 1,193,777  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,382,093

**NEW SECTION. Sec. 665. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Library addition--Skagit Valley College (90-5-017)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 602,270**  
Prior Biennia (Expenditures) \$ 1,403,729  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,005,999

**NEW SECTION. Sec. 666. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Business Complex renovation--Clover Park Technical College (91-2-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 26,062**  
Prior Biennia (Expenditures) \$ 2,473,938  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,500,000

**NEW SECTION. Sec. 667. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Administration Office renovation--Bellingham Technical College (91-3-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 155,844**  
Prior Biennia (Expenditures) \$ 1,456,156  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,612,000

**NEW SECTION. Sec. 668. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Acquisition: Auto Shop--Olympic College (92-1-604)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 575,155**  
Prior Biennia (Expenditures) \$ 124,845  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 700,000

**NEW SECTION. Sec. 669. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Underground storage tank removal (92-2-102)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 96,033**  
Prior Biennia (Expenditures) \$ 1,300,819  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,396,852

**NEW SECTION. Sec. 670. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Legal and code requirement--Repairs (92-2-103)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 340,786**  
Prior Biennia (Expenditures) \$ 831,214  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,172,000

**NEW SECTION. Sec. 671. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Roof repairs (92-2-104)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 373,515**  
Prior Biennia (Expenditures) \$ 7,083,485

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,457,000

**NEW SECTION. Sec. 672. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Exterior and structure repairs (92-2-105)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 138,431**  
Prior Biennia (Expenditures) \$ 678,569  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 817,000

**NEW SECTION. Sec. 673. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Heating, ventilation, and air conditioning repairs (92-2-106)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,913,684**  
Prior Biennia (Expenditures) \$ 1,160,315  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,073,999

**NEW SECTION. Sec. 674. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Electrical repair (92-2-107)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 174,538**  
Prior Biennia (Expenditures) \$ 2,132,462  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,307,000

**NEW SECTION. Sec. 675. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Mechanical repairs (92-2-108)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 824,457**  
Prior Biennia (Expenditures) \$ 1,683,543  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,508,000

**NEW SECTION. Sec. 676. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Fire and security repairs (92-2-109)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 418,730**  
Prior Biennia (Expenditures) \$ 273,269  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 691,999

**NEW SECTION. Sec. 677. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Interior repairs (92-2-110)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 427,638**  
Prior Biennia (Expenditures) \$ 1,012,361  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,439,999

**NEW SECTION. Sec. 678. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Site repairs (92-2-111)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 98,377**  
Prior Biennia (Expenditures) \$ 1,230,622  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,328,999

**NEW SECTION. Sec. 679. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Pool repairs (92-2-112)**

**Reappropriation:**



**St Bldg Constr Acct--State \$ 5,133**  
Prior Biennia (Expenditures) \$ 594,867  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 600,000

**NEW SECTION. Sec. 680. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Administration addition--Lake Washington Technical College (92-5-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 2,498,016**  
Prior Biennia (Expenditures) \$ 6,644,183  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,142,199

**NEW SECTION. Sec. 681. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Minor improvements (92-5-200)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,979,165**  
Prior Biennia (Expenditures) \$ 14,950,834  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 16,929,999

**NEW SECTION. Sec. 682. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Roof repair--Clover Park Technical College (93-2-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 5,130**  
Prior Biennia (Expenditures) \$ 183,869  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 188,999

**NEW SECTION. Sec. 683. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Repairs and minor improvements (94-1-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 28,290,145**  
Prior Biennia (Expenditures) \$ 8,709,855  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 37,000,000

**NEW SECTION. Sec. 684. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Asbestos abatement (94-1-002)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 112,447**  
Prior Biennia (Expenditures) \$ 441,786  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 554,233

**NEW SECTION. Sec. 685. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Underground storage tank removal and remediation (94-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 158,727**  
Prior Biennia (Expenditures) \$ 765,990  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 924,717

**NEW SECTION. Sec. 686. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Underground storage tank removal (94-1-370)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 197,830**  
Prior Biennia (Expenditures) \$ 4,170  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 202,000

**NEW SECTION. Sec. 687. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Asbestos abatement (94-1-390)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 326,887**  
Prior Biennia (Expenditures) \$ 124,440  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 451,327

**NEW SECTION. Sec. 688. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Renovate Seattle Vocational Institute facility:** Top design and begin remodel on the first phase of improvements to Seattle Vocational Institute (94-1-733)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,523,494**  
Prior Biennia (Expenditures) \$ 59,506  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,583,000

**NEW SECTION. Sec. 689. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (94-2-400)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 7,640,466**  
Prior Biennia (Expenditures) \$ 3,837,534  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,478,000

**NEW SECTION. Sec. 690. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (94-2-500)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 590,517**  
Prior Biennia (Expenditures) \$ 38,483  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 629,000

**NEW SECTION. Sec. 691. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Pierce College--Puyallup phase II (94-2-601)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 862,234**

**Appropriation:**

**St Bldg Constr Acct--State \$ 12,852,618**  
Prior Biennia (Expenditures) \$ 164,686  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,879,538

**NEW SECTION. Sec. 692. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Skagit Valley College Vocational Building (94-2-602)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 152,981**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,320,000**  
Prior Biennia (Expenditures) \$ 16,063  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,489,044

**NEW SECTION. Sec. 693. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Whatcom Community College Learning Resource Center, Fine Arts, Student Center (94-2-603)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 342,967**

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,930,000**  
Prior Biennia (Expenditures) \$ 262,669  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,535,636

**NEW SECTION. Sec. 694. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Edmonds Community College Classroom and Laboratory Building (94-2-604)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 728,058**

**Appropriation:**

**St Bldg Constr Acct--State \$ 12,343,480**  
Prior Biennia (Expenditures) \$ 138,578  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 13,210,116

**NEW SECTION. Sec. 695. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct South Puget Sound Community College Technical Education Building (94-2-605)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 512,534**

**Appropriation:**

**St Bldg Constr Acct--State \$ 6,430,000**  
Prior Biennia (Expenditures) \$ 135,533  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 7,078,067

**NEW SECTION. Sec. 696. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Construct Green River Community College Center for Information Technology (94-2-606)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1,069,426**

**Appropriation:**

**St Bldg Constr Acct--State \$ 16,800,000**  
Prior Biennia (Expenditures) \$ 324,303  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 18,193,729

**NEW SECTION. Sec. 697. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Predesign (94-2-650)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 43,379**  
Prior Biennia (Expenditures) \$ 206,621  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 250,000

**NEW SECTION. Sec. 698. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Acquisitions (94-2-700)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 28,591**  
Prior Biennia (Expenditures) \$ 480,409  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 509,000

**NEW SECTION. Sec. 699. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Americans with Disabilities Act projects (94-5-001)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 3,190,091**  
Prior Biennia (Expenditures) \$ 231,807  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,421,898

**NEW SECTION. Sec. 700. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair and minor improvement (96-1-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 10,000,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 40,000,000  
TOTAL \$ 50,000,000

**NEW SECTION. Sec. 701. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair roofs (96-1-010)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,406,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 16,000,000  
TOTAL \$ 21,406,000

**NEW SECTION. Sec. 702. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair heating, ventilation, and air conditioning (96-1-030)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,588,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 32,000,000  
TOTAL \$ 39,588,000

**NEW SECTION. Sec. 703. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair mechanical (96-1-060)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,262,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 6,000,000  
TOTAL \$ 7,262,000

**NEW SECTION. Sec. 704. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair electrical (96-1-080)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,192,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,000,000  
TOTAL \$ 10,192,000

**NEW SECTION. Sec. 705. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair exterior (96-1-100)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,419,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,000,000  
TOTAL \$ 10,419,000

**NEW SECTION. Sec. 706. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Repair interiors (96-1-120)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1,254,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 6,000,000  
TOTAL \$ 7,254,000

**NEW SECTION. Sec. 707. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**Site improvements (96-1-140)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,465,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,000,000  
TOTAL \$ 10,465,000

**NEW SECTION. Sec. 708. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Infrastructure project savings (96-1-500)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 709. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Clover Park Technical College: Aviation trades complex, site acquisition, and related costs**

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,100,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,100,000

**NEW SECTION. Sec. 710. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Minor program remodel and improvements (96-2-199)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 13,300,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 56,000,000  
TOTAL \$ 69,300,000

**NEW SECTION. Sec. 711. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES  
Project artwork consolidation account (96-2-400)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**NEW SECTION. Sec. 712. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**North Seattle Community College: To design a Vocational Technical Center Building and a separate Child Care Center (96-2-651)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 895,712**  
Prior Biennia (Expenditures) \$ 43,512  
Future Biennia (Projected Costs) \$ 12,047,538  
TOTAL \$ 12,986,762

**NEW SECTION. Sec. 713. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Everett Community College: To procure land for a new access to the college and for a new Instruction Technology Center (96-2-**

**652)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,558,440**  
Prior Biennia (Expenditures) \$ 25,140  
Future Biennia (Projected Costs) \$ 12,251,270  
TOTAL \$ 15,834,850

**NEW SECTION. Sec. 714. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**South Seattle Community College:** To design the Integrated Learning Assistance Resource Center (ILARC) (96-2-653)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 592,266**  
Prior Biennia (Expenditures) \$ 21,466  
Future Biennia (Projected Costs) \$ 7,064,600  
TOTAL \$ 7,678,332

**NEW SECTION. Sec. 715. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Olympic College Satellite--Poulsbo: Design (96-2-654)**

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct \$ 755,000**  
Prior Biennia (Expenditures) \$ 26,359  
Future Biennia (Projected Costs) \$ 10,248,000  
TOTAL \$ 11,029,359

**NEW SECTION. Sec. 716. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Bellevue Community College Classroom/Laboratory Building: Design (96-2-655)**

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

**Appropriation:**

**St Bldg Constr Acct--State \$ 587,000**  
Prior Biennia (Expenditures) \$ 34,423  
Future Biennia (Projected Costs) \$ 9,116,160  
TOTAL \$ 9,737,583

**NEW SECTION. Sec. 717. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Tacoma Community College:** To acquire land for the Gig Harbor center.

**Appropriation:**

**St Bldg Constr Acct--State \$ 421,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 421,000

**PART 6  
MISCELLANEOUS**

**NEW SECTION. Sec. 801.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$14,710,000 during the 1995-97 fiscal period; \$86,791,000 during the 1997-99 fiscal period; \$123,561,000 during the 1999-2001 fiscal period; \$123,500,000 during the 2001-03 fiscal period; and \$123,450,000 during the 2003-05 fiscal period.

**NEW SECTION. Sec. 802. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts. Prior to the finalization of a financing contract authorized under this act there shall be placed on file with the office of financial management an amortization statement which provides a schedule of contracted payments by source of fund. In addition, the contracting agency shall provide to the office of financial management a condition statement regarding any existing facility which is acquired listing the expected renovation or improvement costs which shall be incurred within five years of occupancy. The office of financial management shall provide annual reports to the appropriate legislative committees summarizing the information regarding the payment schedule and facility condition.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

Long-term lease with an option to purchase or lease-purchase for office space and associated parking in downtown Tacoma. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(2) Liquor control board:

Lease-develop with an option to purchase a new liquor distribution center and materials handling center costing approximately \$30,000,000 to replace the current Seattle facility. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(3) Department of corrections:

(a) Lease-purchase property from the department of natural resources on which Cedar Creek, Larch, and Olympic correctional centers are located for up to \$1,000,000; and

(b) Lease-develop with the option to purchase or lease-purchase 240 work release beds in facilities throughout the state for \$10,080,000.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Clark College in the amount of \$4,200,000 and reserves pursuant to chapter 39.94 RCW, to purchase 12 acres and a 60,000 square foot building as an expansion site for the main campus.

(b) Enter into a long-term lease or lease-purchase contract for Clover Park Technical College in the amount of \$5,600,000 for off-campus aircraft training programs;

(c) Purchase from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3.3 acres and a 67,000 square foot building to house classrooms, office facilities, and physical plant activities;

(d) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$1,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.2 acres and a 10,923 square foot building to house international programs and adult basic education and English as a second language instruction and student and faculty services;

(e) Purchase in a lump sum from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.1 acres and a 32,000 square foot building to house the extended learning center. This facility is currently being leased and maintained by the college;

(f) Enter into a financing contract on behalf of Green River Community College in the amount of \$4,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase a 28,000 square foot building, site and associated parking to house extension and business related programs;

(g) Enter into a financing contract on behalf of Highline Community College in the amount of \$300,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.45 acres and a 1,500 square foot building;

(h) Lease-purchase or enter into a financing contract on behalf of South Puget Sound Community College in the amount of \$1,400,000 and reserves pursuant to chapter 39.94 RCW, to purchase 6.69 acres contiguous to the main campus;

(i) Lease-purchase or enter into a financing contract on behalf of Walla Walla Community College in the amount of \$1,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 18 acres of land and 27,500 square feet of improvements contiguous to the site;

(j) Lease-purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$250,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3 acres of land and erect a 7,500 square foot metal building to house physical plant shops.

(k) Lease-develop with option to purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 2 acres of land and construct additional parking for college faculty, staff, and students. This project is required by the City of Omak for the Wenatchee Valley College - North Campus;

(l) Lease-purchase or enter into a financing contract on behalf of Tacoma Community College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.275 acres contiguous to the campus;

(m) Enter into a financing contract on behalf of Skagit Valley Community College in the amount of \$800,000 and reserves pursuant to chapter 39.94 RCW for the purchase and development of a 5,000 square foot educational and support services facility to provide instructional and meeting space for Skagit Valley Community College on San Juan Island;

(n) Lease-purchase or enter into a financing contract on behalf of Yakima Valley College in the amount of \$115,000 and reserves pursuant to chapter 39.94 RCW, to purchase two undeveloped lots adjacent to the campus for use as parking areas;

(o) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$2,880,000 and reserves pursuant to chapter 39.94 RCW, to purchase the Gig Harbor extension center and site;

(p) Enter into a financing contract on behalf of South Seattle Community College in the amount of \$5,350,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 11.08 acres of land to accommodate expansion of the Duwamish industrial education center;

(q) Enter into a long-term lease in a 11,097 square foot former bank building in Enumclaw by Green River Community College extension program for approximately \$90,000;

(r) Enter into a financing contract on behalf of Bellingham Technical College in the amount of \$1,100,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 8.5 acres of land to accommodate expansion of the Bellingham Technical College;

(s) Lease-develop with option to purchase or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000, subject to the approval of the office of financial management; and

(t) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;

(u) Lease-develop or lease-purchase property for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$350,000;

(v) Acquire a residence that abuts the Bellevue Community College campus, valued at \$200,000, for use as an English language center and long term campus expansion;

(w) Enter into a financing contract on behalf of Columbia Basin College in the amount of \$3,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$4,000,000 work force and vocational training facility. Columbia Basin College shall provide the balance of project cost in local funds; and

(x) Enter into a financing contract on behalf of Shoreline Community College in the amount of \$400,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$3,500,000 vocational art facility. The balance of construction funds are appropriated in the capital budget.

(5) State parks and recreation:

Enter into a financing contract on behalf of state parks and recreation in the amount of \$600,000 and reserves pursuant to chapter 39.94 RCW, to develop new campsite electrical hookups and expand group camp facilities statewide.

(6) Washington State University:

(a) Enter into a financing contract for \$8,600,000 plus financing costs to construct a facility on the Vancouver Branch Campus. The facility will be leased to the federal general services administration to house the Cascades Volcano Observatory and the lease payments shall reimburse Washington State University for the cost of the financing contract; and

(b) Enter into a financing contract for \$7,500,000 plus financing costs to construct a portion of the Consolidated Information Center at the Tri-Cities Branch Campus. Washington State University will be reimbursed for the cost of the financing contract from federal money received for the operation and/or construction of the center.

(7) Western Washington State University:

Lease-purchase property adjacent or near to the campus for future expansion for \$2,000,000.

(8) Washington state fruit commission:

Enter into a financing contract for the purpose of completing its new headquarters and visitor center facility in the principal amount of \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(9) The office of the state treasurer is authorized to enter into a financing contract pursuant to chapter 39.94 RCW for \$4,000,000 plus issuance expenses and required reserves to assist a consortium of Washington counties in the lease/purchase of leasehold improvements to Martin Hall, on the campus of eastern state hospital, in Medical Lake, and the renovation of the hall for use as a juvenile rehabilitation center. The participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection.

(10) Washington state convention and trade center:

(a) Enter into a financing contract in the amount of \$8,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for refinancing the parking revenue note issued by the corporation to Industrial Indemnity Corporation and held by its successor, Resolution Credit Service Corporation; and

(b) Enter into a financing contract in the amount of \$111,700,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for the construction of a \$130,000,000 expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995 in lieu of bonds described therein. The balance of the expansion project funds shall be provided from interest earnings and public or private funds.

**NEW SECTION. Sec. 803. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY.** The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies.

**NEW SECTION. Sec. 804. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING.** (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW



28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1995-97 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

**NEW SECTION. Sec. 805.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

**NEW SECTION. Sec. 806.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1995, in the 1993-95 biennial appropriations for each project.

**NEW SECTION. Sec. 807.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 808.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

**NEW SECTION. Sec. 809.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 810.** Notwithstanding any other provisions of law, for the 1995-97 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

**NEW SECTION. Sec. 811.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 812.** The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected. The director shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 813.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

**NEW SECTION. Sec. 814.** Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management.

**NEW SECTION. Sec. 815.** Appropriations for design and construction of facilities on higher education branch campuses shall proceed only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board; and (4) branch campus facility utilization policies and standards as determined by the office of financial management in consultation with the higher education coordinating board. The office of financial management shall report to the appropriate committees of the legislature, by December 1, 1996, the standards, policies and enrollment levels used as the basis for allotting funds for branch campus design and construction.

**NEW SECTION. Sec. 816.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 817.** The department of natural resources shall submit economic assumptions and forecast methodology for trust revenues to the economic and revenue forecast work group. The supervisor of the economic and revenue forecast council shall include the forecast of trust revenues in the economic and revenue forecasts described in RCW 82.33.020.

**NEW SECTION. Sec. 818.** No moneys in this act shall be used to develop facilities for juvenile offenders at Rainier school.

**NEW SECTION. Sec. 819.** STUDYING THE FEASIBILITY OF ESTABLISHING A POOLED REVENUE DISTRIBUTION SYSTEM FOR STATE TRUST LANDS. The board of natural resources shall evaluate the feasibility of establishing a pooled revenue distribution system for state lands, as defined in RCW 79.01.004, to provide a more consistent and predictable revenue stream to trust beneficiaries. For the purposes of this section, a "pooled revenue distribution system" means a system that distributes revenues to each trust beneficiary based on the proportional net present value of revenue forecasted for each trust ownership over a defined time period. Actual revenue distribution to each trust during a fiscal period would be based on the assigned proportional benefit multiplied by the actual total revenues produced from all state lands during the period. The board shall report to the legislature on its evaluation, including any recommendations for implementation, by November 1, 1995. The report shall include necessary modifications to the legal framework governing state trust land revenues, and a proposed valuation methodology, as well as a forecast of potential revenue distributions using a pooled revenue distribution system.

**NEW SECTION. Sec. 820.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 821.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

## MOTION

Senator Newhouse moved that the following amendments to the Committee on Ways and Means striking amendment be considered simultaneously and be adopted:

On page 54, line 13, after "account" insert "reappropriation"

On page 54, after line 16, insert the following:

"It is the intent of the legislature that \$17,500,000 of the state and local improvements revolving account bond authorization will be earmarked for use in funding the state's cost share to match future federal and local contributions to implement provisions of United States Public Law 103-434, Title XII affecting water resources enhancement in the Yakima River Basin."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Newhouse on page 54, lines 13 and 16, to the Committee on Ways and Means striking amendment to Second Engrossed Substitute House Bill No. 1070.

The motion by Senator Newhouse failed and the amendments to the committee striking amendment were not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Second Engrossed Substitute House Bill No. 1070.

The motion by Senator Loveland carried and the committee striking amendment was adopted.

## MOTIONS

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency."

On motion of Senator Loveland, the rules were suspended, Second Engrossed Substitute House Bill No. 1070, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute House Bill No. 1070, as amended by the Senate under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute House Bill No. 1070, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Owen, Palmer, Pelz, Prentice, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Winsley, Wojahn and Wood - 34. Voting nay: Senators Anderson, A., Finkbeiner, Hochstatter, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Quigley, Schow, Sutherland and West - 14.

Excused: Senator Moyer - 1.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Hankins, Benton, Elliot, Skinner, Buck, McMahan, Robertson, Johnson, D. Schmidt, Chandler, Mitchell, Koster, Backlund, Carines, Horn, Blanton and Stevens)

Providing transportation funding and appropriations.

The bill was read the second time.

## MOTION

Senator Owen moved that the following amendment by Senators Owen and Prince be adopted:

Strike everything after the enacting clause and insert the following:

## **"TRANSPORTATION APPROPRIATIONS**

**NEW SECTION. Sec. 1.** The legislature finds and declares that it is essential to maintain an efficient and effective transportation system. The legislature finds that certain agency practices need to be reexamined and specific policies put in place in order to ensure cost-effective program delivery. All planning, training, engineering, and related activities should be aimed at achieving delivery of projects and services. Staffing levels and equipment purchases should be commensurate with the workload assumed in this budget.

**NEW SECTION. Sec. 2.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1997.

(2) Legislation with fiscal impacts enacted in the 1995 legislative session not assumed in this act are not funded in the 1995-97 transportation budget.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

- (a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.
- (b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.
- (c) "FTE" means full-time equivalent.
- (d) "Lapse" or "revert" means the amount shall return to an unappropriated status.
- (e) "Provided solely" means the specified amount may be spent only for the specified purpose.

### **PART I**

#### **GENERAL GOVERNMENT AGENCIES--OPERATING**

##### **NEW SECTION. Sec. 3. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Fund--State Appropriation \$ 300,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The department of agriculture shall report to the legislative transportation committee by January 1, 1996, and January 1, 1997, on the number of fuel samples tested and the findings of the tests for the motor fuel quality program.

##### **NEW SECTION. Sec. 4. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

Motor Vehicle Fund--State Appropriation \$ 40,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The joint legislative systems committee shall enter into a service level agreement with the legislative transportation committee by September 30, 1995.

##### **NEW SECTION. Sec. 5. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Fund--State Appropriation \$ 205,000

The appropriation in this section is for fiscal year 1996 and is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative evaluation and accountability program committee shall enter into a service level agreement with the legislative transportation committee by September 30, 1995.

##### **NEW SECTION. Sec. 6. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Fund--State Appropriation \$ 110,000

##### **NEW SECTION. Sec. 7. FOR THE OFFICE OF MARINE SAFETY**

State Toxics Control Account--State

Appropriation \$ 70,000

Oil Spill Administration Account--State

Appropriation \$ 1,008,000

TOTAL APPROPRIATION \$ 1,078,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are for six months only pursuant to sections 514 through 524 of this act, which transfer the responsibilities of the office of marine safety to the department of ecology on January 1, 1996.

(2) The legislative transportation committee shall convene a task force comprised of representatives from the office of financial management, the department of ecology, the department of revenue, and other affected parties to: (a) Identify cost savings and efficiencies associated with the transfer of the office of marine safety to the department of ecology; (b) examine provisions pertaining to the oil spill accounts; (c) develop new strategies for handling oil spill administration account funding shortfalls in lieu of allowing transfers from the oil spill response account; and (d) evaluate ongoing oil spill planning and prevention needs. The findings and recommendations of the task force shall be used in the development of the 1996 supplemental budget, and accompanying policy legislation.

(3) \$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington's SeaGrant program in order to develop an educational program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.

**NEW SECTION. Sec. 8. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

Motor Vehicle Fund--State Appropriation \$ 2,808,000  
Marine Operating Fund--State Appropriation \$ 1,157,000  
TOTAL APPROPRIATION \$ 3,965,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The amount of the transfers from the motor vehicle fund and the marine operating fund are to be transferred into the tort claims revolving fund only as claims have been settled or adjudicated to final conclusion and are ready for payout. The appropriation contained in this section is to retire tort obligations that occurred before July 1, 1990.

**NEW SECTION. Sec. 9. FOR THE STATE PARKS AND RECREATION COMMISSION--OPERATING**

Motor Vehicle Fund--State Appropriation \$ 927,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The commission shall not expend any state funds for maintenance, repair, or snow and ice removal on county or private roads.

**NEW SECTION. Sec. 10. FOR THE UTILITIES AND TRANSPORTATION COMMISSION2**

Grade Crossing Protective Fund--State  
Appropriation \$ 222,000

**NEW SECTION. Sec. 11. FOR THE OFFICE OF THE STATE TREASURER**

State Treasurer's Service Fund--State  
Appropriation \$ 44,000

**NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Motor Vehicle Fund--State  
Appropriation \$ 251,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is for the contracted staff at the Gateway Visitor Information Centers, and shall not be used for any other purpose.

**PART II  
TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Fund--State Appropriation \$ 428,000  
Highway Safety Fund--Federal Appropriation \$ 5,160,000  
Transportation Fund--State Appropriation \$ 1,100,000  
TOTAL APPROPRIATION \$ 6,688,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$200,000 of the transportation fund--state appropriation shall be used by the commission to identify and implement programs to reduce the incidence of driving under the influence of controlled substances. The commission shall submit a progress report to the legislative transportation committee by December 31, 1995. The remaining transportation fund--state appropriation shall be used solely to fund community DUI task forces. Funding from the transportation fund for any community DUI task force may not exceed fifty percent of total expenditures in support of that task force.

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation \$ 260,000

**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Fund--Rural Arterial Trust  
Account--State Appropriation \$ 37,553,000  
Motor Vehicle Fund--State Appropriation \$ 1,340,000  
Motor Vehicle Fund--Private/Local Appropriation \$ 508,000  
Motor Vehicle Fund--County Arterial Preservation  
Account --State Appropriation \$ 26,023,000  
TOTAL APPROPRIATION \$ 65,424,000

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Motor Vehicle Fund--Urban Arterial Trust  
Account--State Appropriation \$ 38,997,000  
Motor Vehicle Fund--Transportation Improvement  
Account--State Appropriation \$ 143,061,000  
Motor Vehicle Fund--City Hardship Assistance  
Account--State Appropriation \$ 1,904,000  
Motor Vehicle Fund--Small City Account--  
State Appropriation \$ 5,702,000  
TOTAL APPROPRIATION \$ 189,664,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Fund--State Appropriation \$ 2,528,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The legislative transportation committee shall convene representatives from the department of transportation, Washington state patrol, department of licensing, and any other agency receiving an appropriation in this act, as necessary, to establish performance measures that are associated with the final legislative appropriation. The performance measures are to be established and will be tracked within the transportation executive information system.

(2) The legislative transportation committee shall convene one or more groups to address activities that result in the loss of transportation tax revenue. The groups shall present their findings to the legislative transportation committee and the office of financial management.

(3) The legislative transportation committee shall study the governance and operations of the ports.

**NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION**

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 345,000

**NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION**

Transportation Fund--State Appropriation \$ 677,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) For the fiscal year 1996, the commission shall not be compensated for workdays in excess of 504 (an average of seven workdays per commissioner, per month), except the chair who shall not be compensated for workdays in excess of 114 (an average of nine and one-half workdays per month).

(2) For the fiscal year 1997, up to \$45,000 is provided as compensation for commissioner work days. By December 15, 1995 the commission shall report back to the legislative transportation committee on the number of commissioner workdays expended and the adequacy of the fiscal year 1997 appropriation.

(3) None of the appropriation may be used to conduct studies or hire consultants without specific authorization from the legislative transportation committee prior to commencing any studies or hiring any consultants.

(4) In no event shall the commission hold meetings outside of the state of Washington. The commission is directed to seek methods of reducing travel and meeting costs.

**NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS**

Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ 140,251,000

Motor Vehicle Fund--State Patrol Highway

Account--Federal Appropriation \$ 3,196,000

Motor Vehicle Fund--State Appropriation \$ 747,000

Marine Operating Fund--State Appropriation \$ 927,000

TOTAL APPROPRIATION \$ 145,121,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The state patrol shall have a staffing level of not less than 735 commissioned officers at the end of the 1995-97 biennium. This compares to a level of 700 commissioned officers that was established in the 1993-95 biennium. To achieve these levels: A class of not less than 30 cadets shall begin in July of 1995 and a class of not less than 40 cadets shall begin in January of 1996.

(2) Management levels, lieutenants and above, are redirected to perform direct traffic law enforcement activities equivalent to five field force FTE staff years. Management personnel engaged in management activity shall not exceed 55 FTE staff years. This level compares to 76 FTE management level staff years in January of 1993.

(3) Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

(4) The state patrol may not sell or purchase any aircraft until the legislative transportation committee has completed a review of the type of air services provided by the various state agencies, and the feasibility of consolidating the state's air fleet.

(5) By January 1, 1996, the chief of the state patrol shall submit to the legislative transportation committee a plan to incorporate safety education officer functions into field force activities. In development of the plan, the chief may consult with various constituent groups including the Washington traffic safety commission, schools, businesses, and local traffic entities. Up to \$200,000 of the motor vehicle fund--state patrol highway account--state appropriation provided for in this section may be used for these purposes.

(6) The \$747,000 motor vehicle fund--state appropriation in this section is provided for the following traditional general fund purposes: The Governor's air travel, the license fraud program, and the special services unit. This motor vehicle fund--state appropriation shall not be recognized as a permanent funding source for these purposes, but rather as a temporary funding source subject to renewed evaluation during the 1997 legislative session.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**

Motor Vehicle Fund--State Appropriation \$ 4,509,000  
Transportation Fund--State Appropriation \$ 1,642,000  
TOTAL APPROPRIATION \$ 6,151,000

The appropriations provided for in this section are for the following traditional general fund purposes: Crime laboratories, used primarily for local law enforcement purposes; ACCESS, the computer system linking all law enforcement and criminal justice agencies in the state to one another; and, the identification section, which is responsible for performing criminal background checks. The motor vehicle fund--state appropriation and the transportation fund--state appropriation provided in this section shall not be recognized as permanent funding sources for these purposes, but rather as temporary funding sources subject to renewed evaluation during the 1997 legislative session.

**NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway  
Account--State Appropriation \$ 53,229,000  
Motor Vehicle Fund--State Appropriation \$ 1,491,000  
Transportation Fund--State Appropriation \$ 2,636,000  
TOTAL APPROPRIATION \$ 57,356,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The office of the chief of the state patrol shall prepare a strategic plan that represents the future of the Washington state patrol and how management envisions meeting the challenges identified in the plan. The plan shall address the future responsibilities of commissioned and non-commissioned personnel, and the use of technology in law enforcement. It will focus on maximizing joint services and projects with other transportation agencies such as communication systems, computer systems, and facilities. Additionally, the state patrol shall include any other issues it deems necessary and will provide a six-year financial plan to address the future challenges identified in the strategic plan. The plan outline shall be delivered to the legislative transportation committee by August 1, 1995, and the final plan delivered to the legislature by January 1, 1996.

(2) \$1,241,000 of the motor vehicle fund--state appropriation and \$2,363,000 of the transportation fund--state appropriation provided for in this section are for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. These appropriations shall not be recognized as permanent funding sources for these purposes, but rather as temporary funding sources subject to renewed evaluation during the 1997 legislative session.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Highway Safety Fund--Motorcycle Safety Education Account--  
State Appropriation \$ 78,000  
State Wildlife Account--State Appropriation \$ 69,000  
Highway Safety Fund--State Appropriation \$ 5,090,000  
Motor Vehicle Fund--State Appropriation \$ 4,338,000  
Transportation Fund--State Appropriation \$ 791,000  
TOTAL APPROPRIATION \$ 10,366,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

General Fund--Wildlife Account--State

Appropriation \$ 118,000  
 Highway Safety Fund--State Appropriation \$ 7,820,000  
 Motor Vehicle Fund--State Appropriation \$ 12,871,000  
 Transportation Fund--State Appropriation \$ 1,302,000  
**TOTAL APPROPRIATION \$ 22,111,000**

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) \$15,223,000 for the licensing application migration project (LAMP), of which \$9,134,000 is motor vehicle account--state, \$6,089,000 is highway safety fund--state.  
 Of the \$15,223,000 LAMP appropriation \$761,150 is provided solely as a contingency amount.
- (2) The licensing application migration project (LAMP) shall comply with section 49, chapter 23, Laws of 1993 ex. sess.
- (3) The steering committee specified in the licensing application migration project (LAMP) feasibility study, dated July 7, 1992, shall meet monthly. In addition to the existing steering committee membership established in the feasibility study, the LAMP project director, the LAMP contractor's project manager, the LAMP quality assurance consultant, and a representative of the Washington state patrol shall be ex officio members of the LAMP steering committee.
- (4) The licensing application migration project (LAMP) quality assurance consultant shall provide the LAMP steering committee with bimonthly reports on the status of the LAMP project. The bimonthly reports shall be on alternate months from the bimonthly reports provided by the department of information services. The reports required in this subsection shall also be delivered to the senate and house of representatives transportation committee chairs.
- (5) No moneys are provided in this act for the inclusion of general fund activities in the LAMP project.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

General Fund--Marine Fuel Tax Refund Account--  
     State Appropriation \$ 26,000  
 General Fund--Wildlife Account--State  
     Appropriation \$ 534,000  
 Motor Vehicle Fund--State Appropriation \$ 46,554,000  
 Department of Licensing Services Account--  
     State Appropriation \$ 2,944,000  
**TOTAL APPROPRIATION \$ 50,058,000**

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education  
     Account--State Appropriation \$ 1,150,000  
 Highway Safety Fund--State Appropriation \$ 56,759,000  
 Transportation Fund--State Appropriation \$ 4,914,000  
**TOTAL APPROPRIATION \$ 62,823,000**

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$ 24,194,000  
 Motor Vehicle Fund--Federal Appropriation \$ 400,000  
 Motor Vehicle Fund--Transportation Capital  
     Facilities Account--State Appropriation \$ 21,974,000  
**TOTAL APPROPRIATION \$ 46,568,000**

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Transportation Fund--Aeronautics Account--State  
     Appropriation \$ 3,780,000  
 Transportation Fund--Aeronautics Account--Federal  
     Appropriation \$ 500,000  
 Aircraft Search and Rescue, Safety, and Education  
     Account--State Appropriation \$ 132,000  
**TOTAL APPROPRIATION \$ 4,412,000**

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Fund--Economic Development Account--  
     State Appropriation \$ 2,000,000  
 Motor Vehicle Fund--State Appropriation \$ 235,055,000



Motor Vehicle Fund--Federal Appropriation \$ 296,774,000  
 Motor Vehicle Fund--Private/Local  
     Appropriation \$ 47,750,000  
 High Capacity Transportation Account--State  
     Appropriation \$ 7,812,000  
 Special Category C Account--State Appropriation \$ 177,600,000  
 Special Category C Account--Local  
     Appropriation \$ 50,000  
 Transportation Fund--State Appropriation \$ 60,000,000  
 Central Puget Sound Public Transportation Account--  
     State Appropriation \$ 2,500,000  
 Puyallup Tribal Settlement Account--State  
     Appropriation \$ 21,000,000  
 Puyallup Tribal Settlement Account--Federal  
     Appropriation \$ 1,000,000  
 Puyallup Tribal Settlement Account--Private/Local  
     Appropriation \$ 2,300,000  
     TOTAL APPROPRIATION \$ 853,841,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$32,204,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$7,525,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(2) The special category C account--state appropriation of \$177,600,000 includes \$160,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817. The appropriation includes \$75,746,000 for the 1st avenue south bridge in Seattle, \$15,254,000 for North-South Corridor/Division street improvements in Spokane, and \$86,600,000 for selected sections of state route 18. However, the transportation commission may revise the allocation of the appropriation for these projects with the concurrence of the legislative transportation committee. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The motor vehicle fund--state appropriation includes \$8,710,000 in proceeds from the sale of bonds authorized by RCW 47.10.761 and 47.10.762. These funds shall be expended for the following projects:

- (a) Sea Tac International Blvd;
- (b) SR 99 to SR 5 - HOV Lanes;
- (c) SR 3 to Bremerton Ferry Terminal;
- (d) Leavenworth Intermodal Improvement;
- (e) Olympic Interchange;
- (f) Sunset Dr. I/C - I/C Modifications;
- (g) 94th Ave. E. Interchange;
- (h) 164th Ave. Interchange; and
- (i) NE 160th I/C Modifications (CN only).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(4) \$44,685,000 appropriated in this section, which includes: \$3,212,000 of the motor vehicle fund--state appropriation; \$39,886,000 of the transportation fund--state appropriation; \$1,328,000 of the motor vehicle fund--local appropriation; and \$259,000 of the economic development account--state appropriation, is to be expended on the following projects:

- (a) Spring St. to Johnson Rd;
- (b) W. Lk. Samm. Pkwy. to SR 202;
- (c) Diamond Lake Channelization;
- (d) 15th SW to SR 161 U-Xing;
- (e) Andresen Road to SR 503;
- (f) NE 144th St. to Battleground;
- (g) Steamboat Island Rd I/C;

- (h) Graham Hill Vicinity;
- (i) North of Winslow - Stage 1;
- (j) SR 5 to Blandford Drive;
- (k) North Sumner Interchange; and
- (l) Sunnyslope I/C - Stage 2.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(5) \$69,111,000 appropriated in this section, which includes: \$35,060,000 of the motor vehicle fund--state appropriation; \$18,948,000 of the transportation fund--state appropriation; and \$15,103,000 of the motor vehicle fund--federal appropriation, is to be expended on the following projects:

- (a) SO 360th St/Milton Rd SO to SR 18 - Stage 1;
- (b) SR 522 to 228th St. SE - Stage 1;
- (c) 104th Ave NE to 124th Ave NE I/C;
- (d) 124th NE I/C to W. Lake Samm. Pkwy.;
- (e) Lewis Street Interchange;
- (f) SR 202 Interchange;
- (g) SR 82 to Selah;
- (h) O'Brien to Lewis Rd;
- (i) NE 147th to 80th NE - HOV Lanes;
- (j) Old Cascade Hwy - to Deception CR - Stage 1;
- (k) Prophets point to Old Cascade Hwy - Stage 2; and
- (l) Sequim Bypass.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(6) The motor vehicle fund--state appropriation in this section includes \$47,072,000 for the following high occupancy vehicle lane projects:

- (a) 15th St SW to 84th Ave. SO - Stage 2; and
- (b) Pierce C.L. to Tukwila I/C - Stage 1.

Construction of the projects under this subsection is subject to the availability of revenue from the repeal of the gasohol exemption and credit.

(7) When the projects identified in subsections (4) through (6) of this section are complete, the legislature will have fulfilled the commitments made in 1990 associated with the passage of the 1990 transportation revenue package.

(8) The motor vehicle fund appropriation in this section includes \$17,800,000 for new preconstruction activities. Up to \$2,100,000 of the appropriation in this subsection is to be expended for preconstruction activities on the following project: 196th Street SW/SR 524 I/C.

(9) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(10) If chapter . . . (Substitute House Bill No. 1597), Laws of 1995 is enacted by the 1995 legislature, the department of transportation shall assess the impacts of the bill upon the department of transportation and provide a report on such impacts to the legislative transportation committee by January 1, 1997.

(11) The legislature needs to determine all possible causes for changes in a project's cost from the time the cost is identified in the transportation commission's budget recommendation provided to the governor and legislature in support of the proposed highway construction budget, through completion of project construction.

The department shall provide a historical data report showing changes throughout the life of selected projects. The historical data report shall quantify the reasons for project increases or decreases and include department of transportation actions taken to minimize such changes. The department is directed to assess whether construction cost efficiencies can be achieved by ensuring continuity between design efforts and construction administrative activities.

The department shall explicitly identify in its agency budget submittal any project for which funding is being requested as part of two or more budget items or programs. For each such project, the department shall identify the relevant budget items, the programs in which the budget items are contained, the amount being requested for the project in each budget item, and the total amount being requested for the project.

(12) The motor vehicle fund--state appropriation in this section includes \$2,700,000 solely for state match for the Blaine border crossing project to be used only if federal demonstration project funding is authorized for this project.

(13) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(14) The economic development account--state appropriation in this section includes \$1,000,000 for state highway projects associated with the development of a horse racetrack in western Washington. With the funding of these projects, funding from the economic development account for state highway projects is fully obligated. The community economic revitalization board and the transportation commission shall not select any new projects pursuant to RCW 43.160.074 and 47.01.280, notwithstanding projects selected to fulfill the provisions of this subsection.

(15) The motor vehicle fund--state appropriation in this section includes \$2,500,000 solely for the department of transportation match for transportation improvement board projects ready for construction in fiscal year 1996.

(16) The motor vehicle fund--state appropriation in this section includes \$6,533,000 solely for additional all-weather highway projects.

(17) \$15,312,000 appropriated in this section, which includes: The entire high capacity transportation account appropriation; the entire central Puget Sound public transportation account appropriation; and \$4,700,000 of the motor vehicle fund--state appropriation, is for additional high occupancy vehicle projects.

(18) The motor vehicle fund--state appropriation in this section includes \$4,870,000 to be expended on the following project: SR 82, SR 823 UC to SR 12 UC. This project will complete the Selah project identified in subsection (5) of this section.

(19) \$93,000 of the appropriation in this section, including \$74,000 of the motor vehicle fund--federal appropriation and \$19,000 of the motor vehicle fund--state appropriation, is provided solely for the Aurora avenue bicycle/pedestrian overpass at Galer Street. The motor vehicle fund--federal appropriation in this subsection is to be provided from transportation enhancement moneys.

(20) The motor vehicle fund--state appropriation in this section includes \$3,300,000 for safety work associated with additional pavement preservation projects.

(21) The motor vehicle fund--state appropriation in this section includes \$400,000 for additional fish barrier removal projects on state highways.

(22) The motor vehicle fund--state appropriation in this section includes up to \$2,160,000 from the sale of bonds authorized in RCW 47.10.834.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Fund--State Appropriation \$ 221,368,000

Motor Vehicle Fund--Federal Appropriation \$ 461,000

Motor Vehicle Fund--Private/Local Appropriation \$ 3,305,000

TOTAL APPROPRIATION \$ 225,134,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters such as fire, flooding, and major slides, supplemental appropriations will be requested to restore funding for ongoing maintenance activities.

(2) If projected snow and ice expenditures exceed the plan of \$40,000,000, the department will continue service delivery as planned within the other major maintenance groups, and will request a supplemental appropriation in the following legislative session to fund the additional snow and ice expenditures.

(3) The department shall provide recommendations to the legislative transportation committee by December 15, 1995, on: (a) The feasibility of developing a maintenance management system; (b) methods for providing a consistent maintenance level of service throughout the state; (c) options for centralized versus decentralized management of the program; (d) improving accountability and oversight of the maintenance program; and (e) improving accountability and oversight of the transportation equipment fund program.

(4) The motor vehicle fund--state appropriation in this section includes \$250,000 solely for augmentation of the adopt-a-highway program.

(5) The motor vehicle fund--state appropriation in this section includes \$906,000 for payment of local stormwater assessment fees for fiscal year 1996. Funding for the remainder of the biennium is withheld pending the results of a legislative transportation committee review of local stormwater assessment fees charged to the department of transportation.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State  
Appropriation \$ 95,544,000

Motor Vehicle Fund--Federal Appropriation \$ 74,600,000

Motor Vehicle Fund--Private/Local Appropriation \$ 8,100,000

Transportation Fund--State Appropriation \$ 119,600,000

Transportation Fund--Federal Appropriation \$ 143,400,000

Transportation Fund--Private/Local Appropriation \$ 3,000,000

TOTAL APPROPRIATION \$ 444,244,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The motor vehicle fund--state appropriation includes \$8,300,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.
- (2) The appropriations in this section include \$10,034,000 for seismic retrofit activities.
- (3) The department shall not reduce its commitment to sexual harassment training and diversity training, notwithstanding the reduction in this section for training.
- (4) \$36,000,000 of the appropriation in this section, including \$21,000,000 of the transportation fund--state appropriation and \$15,000,000 of the motor vehicle fund--state appropriation, is provided for additional pavement preservation projects.
- (5) The appropriations in this section include \$6,879,000 for Washington state's share to replace the deck on the Lewis and Clark bridge. If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the bridge into Oregon's public/private partnership program, up to \$1,000,000 of this amount shall be used for Washington's share of emergency deck repairs to extend the service life of the bridge. The remaining funds may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by January 15, 1996.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SYSTEMS MANAGEMENT--PROGRAM Q**

Motor Vehicle Fund--State Appropriation \$ 10,241,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The appropriation contained in this section provides funding for fiscal year 1996 only.
- (2) By December 31, 1995, the department shall increase the motorist information sign annual permit fee from ten dollars to fifty dollars, increase the motorist information sign initial application fee from seventy-five dollars to one hundred dollars, and provide recommendations to the legislative transportation committee for making the motorist information sign program and the billboard program fully self-supporting within three years. For the purposes of achieving a self-supporting program, the erection, maintenance, and replacement of backpanels shall not be considered part of the department's program costs.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation \$ 368,000

Motor Vehicle Fund--Federal Appropriation \$ 400,000

Motor Vehicle Fund--Private/Local Appropriation \$ 2,232,000

TOTAL APPROPRIATION \$ 3,000,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) By December 1, 1995, the department of transportation is to provide the legislative transportation committee an analysis and recommended policy modifications, where appropriate, regarding the following regional practices:
  - (a) Recovery of full costs for reimbursable services; and
  - (b) Consistency of charging for reimbursable services across the department's regions.
- (2) It is the intent of the legislature to continue the state's partnership with the federal government, local government, and the private sector in transportation construction and operations in the most cost-effective manner. The program is established to allow the department the ability to provide services on nonappropriated, outside requests through the unanticipated receipt process including both dollar and full-time equivalent staff increases.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 1,109,000

Motor Vehicle Fund--State Appropriation \$ 60,781,000

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 1,105,000

Transportation Fund--State Appropriation \$ 2,002,000

TOTAL APPROPRIATION \$ 64,997,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$8,370,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of projects selected under the public-private transportation initiative program. \$2,160,000 of the bond proceeds are to be deposited in the motor vehicle fund--state to pay back the loan recommended by the transportation commission and the legislative transportation committee.

(2) Any additional FTEs required to support the public-private initiatives in the transportation program established under chapter 47.46 RCW shall be funded from program management and administration fees paid by private entities participating in the program.

(3) The department of transportation shall provide quarterly reports to the legislative transportation committee and the office of financial management on the status of the public-private initiatives in the transportation program. The department shall conduct a program and fiscal review of the public-private initiatives in the transportation program, authorized under chapter 47.46 RCW, for the biennium ending June 30, 1997. Such review shall include, at a minimum, the extent to which the program has operated in the public interest and fulfilled its statutory obligation; the extent to which the program is operating in an efficient, effective, and economical manner; and the extent to which continuation of the program maintains, improves, or adversely impacts the transportation system of the state of Washington. The department shall provide a progress report on its program and fiscal review of the public-private initiatives in transportation program by June 30, 1996.

(4) It is the intent of the legislature that the department reduce the amount of money spent on nonessential training programs for its employees.

(5) One of the two full-time employees funded in this section for enhanced public involvement shall be responsible for improving communications between the department and the public. His or her responsibilities shall include: (a) Developing a more efficient and effective system for replying to inquiries from the public and (b) supporting new and existing programs related to public involvement.

(6) By December 1, 1995, the department of transportation shall implement: (a) Modifications to the construction administration system that promote prudent project management and standards that ensure state-wide consistency of approach among all departmental regions; and (b) modifications to the preconstruction system that streamline processes, reduce the number of internal reviews, and eliminate duplicative documentation.

(7) To assure that maximum resources are available for the construction programs, the finance and administration division shall assess the financial condition of the transportation equipment fund programs and report to the legislative transportation committee and the office of financial management by December 1, 1995. The evaluation should address lower operating cash balances and reductions in the purchase of highway and computer equipment, and where possible, should identify any surplus equipment to match the downsizing of the department's work force.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T**

Essential Rail Assistance Account--State

Appropriation \$ 1,036,000

Motor Vehicle Fund--State Appropriation \$ 13,653,000

Motor Vehicle Fund--Federal Appropriation \$ 16,198,000

High Capacity Transportation Account--

State Appropriation \$ 2,475,000

Essential Rail Banking Account--State

Appropriation \$ 52,000

Transportation Fund--State Appropriation \$ 37,770,000

Transportation Fund--Federal Appropriation \$ 11,643,000

Transportation Fund--Private/Local

Appropriation \$ 105,000

Central Puget Sound Public Transportation

Account--State Appropriation \$ 11,009,000

Public Transportation Systems Account--State

Appropriation \$ 3,082,000

**TOTAL APPROPRIATION \$ 97,023,000**

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$33,845,000 of the transportation fund--state appropriation and \$700,000 of the transportation fund--federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$10,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-

Vancouver, British Columbia, train operating times of under 4 hours. The lease purchase of the train sets is predicated on the condition that the manufacturer of the trains has the obligation of establishing a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train sets on the assembly and manufacture of parts of the train sets in Washington state.

(2) Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1993-1995 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

(3) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the transportation improvement board, except \$1,000,000 of the appropriation from the public transportation systems account shall be utilized for the rural mobility program and be administered by the department of transportation. Priority for grants provided from these accounts shall be given to projects and programs that can be accomplished in the 1995-1997 biennium and that are not primarily intended for the planning of facilities. Prior to July 1, 1996, no applications for grants from the central Puget Sound public transportation account may be accepted from, nor may funds from that account be granted to, the regional transit authority. The public transportation systems account funds provided to the rural mobility program are for the 1995-97 biennium and are not intended for grants which will have ongoing costs to this program.

(4) Up to \$700,000 of the high capacity transportation account--state appropriation is reappropriated for regional transit authority grants. However, this amount shall not exceed the amount of unexpended regional transit authority grants in the 1993-95 biennium.

(5) None of the high capacity transportation account--state appropriation or reappropriation may be used to disseminate information in a manner that attempts to persuade, rather than inform or educate, area residents regarding the adopted system plan. The appropriation and reappropriation also may not be used to lobby or advertise, or distribute free promotional materials.

(6) The department of transportation may not transfer high capacity transportation account--state funds to a regional transportation authority during the 1995-1997 biennium, unless the authority has provided a detailed report to the department of transportation and the house of representatives and senate transportation committees regarding its use of those funds during preceding biennia and how it proposes to spend additional state funds.

(7) The motor vehicle fund--state appropriation includes \$558,000 for the office of urban mobility. This appropriation is for fiscal year 1996 only, pending a legislative transportation committee review of the office of urban mobility's activities in relation to the planning functions of the department's regional offices.

**NEW SECTION. Sec. 224.** An appropriation of \$1,800,000 from the high capacity transportation account--state is made to the department of transportation--transit research and intermodal planning--program T only if sections 537 through 559 of this act are enacted by July 1, 1995.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

Motor Vehicle Fund--State Appropriation \$ 4,646,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Fund--State Appropriation \$ 832,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Fund--State Appropriation \$ 3,374,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Fund--State Appropriation \$ 2,240,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--State Appropriation \$ 5,049,000

The motor vehicle fund--state appropriation of \$5,049,000 in this subsection is provided for the self-insurance premium and for risk management administrative costs. The department of general administration, the office of financial management, and the department of transportation shall develop funding proposals for: (a) Participation by the department of transportation in the state-wide liability self-insurance program in fiscal year 1997, and (b) alternative methods for funding the department of transportation's tort claim payments, if appropriate. A report shall be made to the legislative transportation committee and the governor no later than October 31, 1995.

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 2,000,000

(7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Fund--State Appropriation \$ 508,000

(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Fund--State Appropriation \$ 95,000

(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Fund--State Appropriation \$ 361,000

(10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ 230,000

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--**

**PROGRAM W**

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 244,659,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Federal Appropriation \$ 22,172,000

Transportation Fund--Passenger Ferry Account--State

Appropriation \$ 1,250,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Private/Local Appropriation \$ 765,000

**TOTAL APPROPRIATION \$ 268,846,000**

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 3) for the 1995-97 budget. The department shall reconcile the 1993-95 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$155,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriations contained in this section shall not be expended for the development of park facilities at the Seattle colman dock ferry terminal.

(4) The Washington state ferries shall acquire an appropriate passenger-only vessel. If permissible under regulations governing the procurement of necessary federal funds, construction and assembly of any passenger-only vessels shall take place within Washington state. If the vessel is procured through the use of state funds, the construction and assembly of any passenger-only vessels shall take place within Washington state.

(5) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Fund--State Appropriation \$ 244,187,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$30,297,190 for vessel operating fuel in the 1995-97 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1995-97 biennium may not exceed \$159,990,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$305.32 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1995-97 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1995, and thereafter, as established in the 1995-97 general fund operating budget.

(3) The appropriation in this section includes \$614,000 for the automated ticket vending program. These funds shall be expended only in accordance with the implementation of the automated ticket vending program.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

Motor Vehicle Fund--State Appropriation \$ 14,567,000

Motor Vehicle Fund--Federal Appropriation \$ 168,179,000

Motor Vehicle Fund--Private/Local Appropriation \$ 5,087,000

Transfer Relief Account--State Appropriation \$ 307,000

TOTAL APPROPRIATION \$ 188,140,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$13,100,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$3,275,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) \$5,000,000 of the motor vehicle fund--federal appropriation, transportation enhancement moneys, in this section shall be used in the following manner: Up to \$3,700,000 shall be used for the preservation of abandoned freight rail corridors; and \$1,300,000 shall be used for rehabilitation of the King Street Station in the City of Seattle. That portion of the \$3,700,000 for preservation of abandoned freight rail corridors that is not used for that purpose by April 1, 1996, shall be used for the rehabilitation of the King Street Station.

(3) The motor vehicle fund--state appropriation in this section includes \$1,750,000 solely to fund the state's share of the east marine view drive project. This amount represents a reappropriation of the funding first provided for Everett homeport transportation projects in 1987. With this reappropriation, the legislature has fulfilled its commitment for funding of special transportation projects associated with the Everett homeport.

(4) Up to \$1,430,000 of the motor vehicle fund--state appropriation contained in this section shall be used for evaluations that mutually benefit cities, counties, and the state department of transportation. The evaluations may include fuel tax evasion, license fraud, access management, regional mobility, and miscellaneous cost/benefit measures, as determined by the legislative transportation committee. Of this amount, up to \$750,000 may be used to develop a regional mobility plan that includes, but is not limited to, highways, paratransit, ridesharing, targeted telecommuting, no-fare transit, and vanpool subsidies on a least cost basis; a high occupancy vehicle lane completion analysis; and recommended statutory changes that would allow the plan to be submitted to a public vote by the regional transit authority.

(5) \$4,000,000 of the motor vehicle fund--state appropriation in this section is provided solely for infrastructure associated with development of a horse racetrack in western Washington. With this appropriation, the state has fulfilled its commitment to provide funding for infrastructure associated with development of a horse racetrack in western Washington.

**PART III  
CAPITAL**

**NEW SECTION. Sec. 301.** The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

**(1) JOINT PROJECTS**

**(a) FOR THE WASHINGTON STATE PATROL, DEPARTMENT OF LICENSING, AND DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SERVICE CENTER--PARKLAND**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 5,892,000

Motor Vehicle Fund--State Appropriation \$ 71,000

Highway Safety Fund--State Appropriation \$ 71,000

TOTAL APPROPRIATION \$ 6,034,000

**(b) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF LICENSING--UNION GAP**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 789,000

**(c) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF TRANSPORTATION--NORTH SPOKANE**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 215,000



**(d) FOR THE DEPARTMENT OF TRANSPORTATION AND WASHINGTON STATE PATROL--BELLINGHAM**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 6,480,000

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 1,800,000

**TOTAL APPROPRIATION \$ 8,280,000**

(2) The agency listed first in the appropriation in subsection (1) of this section is designated as the lead agency responsible for management of the projects and shall receive the entire appropriation. (3) The state patrol, the department of licensing, and the department of transportation shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing, vehicle inspection service facilities, and other transportation services whenever possible.

The department of licensing, the department of transportation, and the state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

(4) The department of licensing may lease develop with option to purchase or lease purchase new customer service centers to be paid for from operating revenues. The Washington state patrol shall provide project management for the department of licensing. Alternatively, a financing contract may be entered into on behalf of the department of licensing in the amounts indicated plus financing expenses and reserves pursuant to chapter 39.94 RCW. The locations and amounts for projects covered under this section are as follows:

(a) A new customer service center in Vancouver for \$2,629,700;

(b) A new customer service center in West Spokane for \$3,083,600;

(c) A new customer service center in Lacey for \$3,152,500;

(d) A new customer service center in Union Gap for \$3,026,500; and

(e) A new customer service center in Wenatchee for \$2,078,800.

(5) The Washington state patrol, department of licensing, and department of transportation shall provide bimonthly progress reports on the capital facilities receiving an appropriation in this act.

**NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL--CAPITAL PROJECTS**

The appropriations in this section are provided for the following projects:

**(1) ACADEMY DRIVE COURSE--SHELTON**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 500,000

**(2) MINOR WORKS: PRESERVATION**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 890,000

**(3) MINOR WORKS: PROGRAM**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 506,000

**(4) SOUTH SEATTLE DETACHMENT**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 151,000

**(5) WASHINGTON STATE PATROL OFFICE--SILVER LAKE REST AREA**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 197,000

**(6) BELLEVUE COMMUNICATIONS CENTER IMPROVEMENT**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 358,000

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

All projects in this section are funded from the motor vehicle fund--transportation capital facilities account--state.

**(1) OKANOGAN AREA MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 2,801,000

**(2) CHEHALIS AREA MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 4,865,000

**(3) WOODLAND SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 1,163,000  
(4) **CONNELL SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 150,000  
(5) **WILBUR SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 1,036,000  
(6) **MINOR REGIONAL PROJECTS**

Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 1,525,000  
(7) **STATE-WIDE ADMINISTRATION AND SUPPORT**

Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 1,525,000  
(8) The department of transportation shall provide to the legislative transportation committee: (a) Prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1995-97 biennium, and (b) bimonthly progress reports on all transportation capital facilities projects receiving appropriations in this act.

**GENERAL GOVERNMENT AGENCIES--CAPITAL**

**NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION--CAPITAL**

Motor Vehicle Fund--State Appropriation \$ 400,000  
**NEW SECTION. Sec. 305.** An appropriation of \$2,500,000 from the motor vehicle fund--state will not be provided to the department of general administration for improvements to the plaza garage renovation project unless the omnibus 1995-97 capital budget (2ESHB 1070) contains a \$1,700,000 appropriation for the repair and/or installation of escalators and elevators during the 1995-97 biennium for the department of transportation service center in Olympia, Washington. The above referenced motor vehicle fund--state appropriation is made upon satisfaction of this condition.

**PART IV  
TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Motor Vehicle Fund--Puget Sound Capital Construction Account  
Appropriation \$ 4,250,000  
Motor Vehicle Fund Appropriation \$ 695,000  
Transportation Improvement Account  
Appropriation \$ 1,250,000  
Transportation Fund Appropriation \$ 208,000  
Special Category C Account Appropriation \$ 4,000,000  
Highway Bond Retirement Account Appropriation \$ 195,814,000  
Ferry Bond Retirement Account Appropriation \$ 36,788,000  
TOTAL APPROPRIATION \$ 243,005,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital Construction  
Account Appropriation \$ 850,000  
Motor Vehicle Fund Appropriation \$ 139,000  
Motor Vehicle Fund--Urban Arterial Trust Account  
Appropriation \$ 5,000  
Motor Vehicle Fund--Transportation Improvement  
Account Appropriation \$ 250,000  
Special Category C Account Appropriation \$ 800,000  
Transportation Fund Appropriation \$ 42,000  
Transportation Capital Facilities Account

Appropriation \$ 1,000

TOTAL APPROPRIATION \$ 2,087,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund Appropriation for motor

vehicle fuel tax and overload penalties

distribution \$ 452,180,000

Transportation Fund Appropriation \$ 2,352,000

TOTAL APPROPRIATION \$ 454,532,000

**NEW SECTION. Sec. 404. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE INCREASE  
REVOLVING ACCOUNT**

Motor Vehicle Fund--State Patrol Highway Account

Appropriation \$ 8,947,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive a five percent salary increase on July 1, 1995.

(b) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive an additional four percent salary increase on July 1, 1996, if the state patrol vehicle inspection program is decommissioned by September 1, 1995.

(2) The salary increases provided for in subsection (1) of this section supersede any salary increases provided for in Engrossed Substitute House Bill No. 1410, the omnibus budget, for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol. The appropriation in this section is not in addition to the salary increases provided for in Engrossed Substitute House Bill No. 1410; therefore, the appropriation in this section shall be reduced by any amount provided for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol in Engrossed Substitute House Bill No. 1410.

**NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

Motor Vehicle Fund--State Patrol Highway Account:

For transfer to the department of retirement

systems expense fund \$ 130,000

**NEW SECTION. Sec. 406. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 407.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 408. FOR THE STATE TREASURER--TRANSFERS**

(1) R V Account--State Appropriation:

For transfer to the Motor Vehicle Fund--

State \$ 454,000

(2) Transfer Relief Account--State Appropriation:

For transfer to the Motor Vehicle Fund--

State \$ 1,329,000

(3) Motor Vehicle Fund--State Appropriation:

For transfer to the Transportation Capital

Facilities Account--State \$ 41,762,000

(4) Small City Account--State Appropriation:

For transfer to the Urban Arterial Trust

Account--State \$ 2,544,000

(5) Small City Account--State Appropriation:

For transfer to the Transportation Improvement

Account--State \$ 7,500,000

(6) High Capacity Transportation Account--

State Appropriation:

For transfer to the Passenger Ferry Account \$ 760,000  
(7) Public Transportation Systems Account--  
State Appropriation:

For transfer to the Transportation Fund--State \$ 178,000  
(8) Transportation Fund--State Appropriation:

For transfer to the Marine Operating Fund--  
State \$ 2,500,000

The appropriation in this subsection is subject to the following conditions and limitations: \$1,000,000 of the appropriation in this subsection shall be transferred in fiscal year 1996. \$1,500,000 of the appropriation in this subsection shall be transferred in fiscal year 1997, provided, however, that the transfer for fiscal year 1997 is null and void if Engrossed Substitute House Bill No. 1016 is enacted by July 1, 1996.

**NEW SECTION. Sec. 409.** The department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

**NEW SECTION. Sec. 410.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

**NEW SECTION. Sec. 411.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 412.** An appropriation of \$2,498,000 from the oil spill administration account--state and an appropriation of \$206,000 from the state toxics control account--state are made to the department of ecology pursuant to sections 514 through 524 of this act.

**NEW SECTION. Sec. 413.** The additional distribution of transit equalization moneys provided for in chapter 298, Laws of 1995 is authorized. As provided in Section 408(7) of this act, moneys are transferred from the public transportation systems account--state to the transportation fund--state to compensate for distributions of transit equalization of moneys pursuant to chapter 298, Laws of 1995 for the 1995-97 biennium.

**NEW SECTION. Sec. 414. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

## PART V MISCELLANEOUS

**NEW SECTION. Sec. 501. COORDINATION OF TRANSPORTATION INFORMATION TECHNOLOGY.** To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, inter-governmental services bureau; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads, the office of financial management and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

**NEW SECTION. Sec. 502. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the business problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition

of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative transportation committee. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A bimonthly project status report shall be submitted to the department of information services, the office of financial management, and legislative transportation committee for each project prior to reaching key decision points identified in the project management plan. Project status reports include: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and legislative transportation committee.

**NEW SECTION. Sec. 503.** By December 1, 1995, the department of transportation, in consultation with the department of personnel, shall provide recommendations to the legislative transportation committee regarding the feasibility of consolidating the department of transportation's personnel office with the department of personnel.

**NEW SECTION. Sec. 504.** By December 1, 1995, the department of transportation, in consultation with the transportation improvement board and the county road administration board, shall provide recommendations to the legislative transportation committee and the office of financial management regarding the feasibility of consolidating the financial functions of the three agencies.

**NEW SECTION. Sec. 505.** The department of licensing, Washington state patrol, and department of transportation shall place into reserve any savings to transportation funds or accounts associated with reductions in the attorney general's appropriation in the omnibus budget.

**NEW SECTION. Sec. 506.** Many educational programs, especially early childhood education programs, lack sufficient funding to obtain necessary telecommunications equipment. State agencies have surplus equipment that no longer meets the business needs of the agencies. Sections 506 through 513 of this act are intended to facilitate the transfer of obsolete telecommunications equipment expeditiously and without extra cost from state agencies to local programs under RCW 28A.215.120.

**NEW SECTION. Sec. 507.** Beginning July 1, 1995, and ending January 1, 1996, a state agency, office, department, or educational institution may donate, on a pilot basis, obsolete telecommunications equipment and related surplus supplies to local programs provided under RCW 28A.215.120.

**NEW SECTION. Sec. 508.** Any state agency, office, department, or educational institution participating in the pilot program prescribed in section 507 of this act must use the following criteria in specifying which telecommunications equipment is considered obsolete. Items considered obsolete must meet one or more of the following criteria: (1) The equipment is no longer available for purchase in retail stores; (2) manufacture of the equipment or similar equipment has been discontinued for at least one year; or (3) the equipment is not consistent with the agency's current approved hardware standards due to upgrades. In addition, the agency must deem the equipment as no longer needed in accomplishing its mission.

**NEW SECTION. Sec. 509.** Those state agencies, offices, departments, or educational institutions participating in the pilot program described in section 507 of this act shall submit, by January 1, 1996, a report to the legislative transportation committee, office of financial management, and the department of general administration concerning implementation of section 507 of this act. The report shall list items of equipment donated, the recipients of the equipment, and recommendations regarding whether the program should be expanded to include other recipient groups or discontinued.

**NEW SECTION. Sec. 510.** Any state agency, office, department, or educational institution donating equipment under section 507 of this act shall maintain the following records for each item of equipment donated: State tag number, equipment description, serial number, recipient, appropriate state surplus transfer documents, and an explanation as to why the equipment was deemed obsolete.

**Sec. 511.** RCW 43.105.017 and 1992 c 20 s 6 are each amended to read as follows:

It is the intent of the legislature that:

- (1) State government use voice, data, and video telecommunications technologies to:
  - (a) Transmit and increase access to live, interactive classroom instruction and training;
  - (b) Provide for interactive public affairs presentations, including a public forum for state and local issues;
  - (c) Facilitate communications and exchange of information among state and local elected officials and the general public;
  - (d) Enhance state-wide communications within state agencies; and
  - (e) Through the use of telecommunications, reduce time lost due to travel to in-state meetings;
- (2) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;
- (3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency head;
- (4) Resources be used in the most efficient manner and services be shared when cost-effective;
- (5) A state agency, office, department, or educational institution may donate obsolete telecommunications equipment and related surplus supplies to local programs provided under RCW 28A.215.120 pursuant to section 507 of this act;
- ~~(6)~~ (7) A structure be created to:
  - (a) Plan and manage telecommunications and computing networks;
  - (b) Increase agencies' awareness of information sharing opportunities; and
  - (c) Assist agencies in implementing such possibilities;
- ~~((6))~~ (7) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;
- ~~((7))~~ (8) To the greatest extent possible, major information technology projects be implemented on an incremental basis;
- ~~((8))~~ (9) The state maximize opportunities to exchange and share data and information by moving toward implementation of open system architecture based upon interface standards providing for application and data portability and interoperability;
- ~~((9))~~ (10) To the greatest extent possible, the state recognize any price performance advantages which may be available in midrange and personal computing architecture;
- ~~((10))~~ (11) The state improve recruitment, retention, and training of professional staff;
- ~~((11))~~ (12) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and
- ~~((12))~~ (13) State government adopt policies and procedures that maximize the use of existing video telecommunications resources, coordinate and develop video telecommunications in a manner that is cost-effective and encourages shared use, and ensure the appropriate use of video telecommunications to fulfill identified needs.

**Sec. 512.** RCW 43.105.041 and 1990 c 208 s 6 are each amended to read as follows:

The board shall have the following powers and duties related to information services:

- (1) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;
- (2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government, except as provided in RCW 43.105.017(5) and section 507 of this act, are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch;
- (3) To develop state-wide or interagency technical policies, standards, and procedures;
- (4) To assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;
- (5) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;
- (6) To develop and implement a process for the resolution of appeals by:
  - (a) Vendors concerning the conduct of an acquisition process by an agency or the department; or

- (b) A customer agency concerning the provision of services by the department or by other state agency providers;
- (7) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:
  - (a) Planning, management, control, and use of information services;
  - (b) Training and education; and
  - (c) Project management;
- (8) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and
- (9) To review and approve that portion of the department's budget requests that provides for support to the board.

**Sec. 513.** RCW 43.19.1919 and 1991 c 216 s 2 are each amended to read as follows:

Except as provided in RCW 43.19.1920, RCW 43.105.017, and section 507 of this act, the division of purchasing shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: PROVIDED, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939, as now or hereafter amended: PROVIDED FURTHER, That personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director of general administration to be in the best interest of the state. The division of purchasing shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property: PROVIDED, FURTHER, That this section shall not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts.

This section does not apply to property under RCW 27.53.045.

**Sec. 514.** RCW 43.211.005 and 1991 c 200 s 401 are each amended to read as follows:

(1) The legislature declares that Washington's waters have irreplaceable value for the citizens of the state. These waters are vital habitat for numerous and diverse marine life and wildlife and the source of recreation, aesthetic pleasure, and pride for Washington's citizens. These waters are also vital for much of Washington's economic vitality.

The legislature finds that the transportation of oil on these waters creates a great potential hazard to these important natural resources. ~~((The legislature also finds that there is no state agency responsible for maritime safety to ensure this state's interest in preserving these resources.~~

~~The legislature therefore finds that in order to protect these waters it is necessary to establish an office of marine safety which will have the responsibility to promote the safety of marine transportation in Washington.)~~

(2) The legislature finds that the long-term environmental health of the state's waters depends upon the strength and vitality of its oil spill prevention and response program. It is the intent of this section and sections 515 through 524 of this act to create an integrated oil spill prevention and response program that fosters planning, coordination, and incidence command. To that end, the merger of the office of marine safety with the department of ecology will: Ensure coordination via streamlining the marine safety functions of two agencies into one; provide a focused prevention and response program under a single administration; generate efficient incidence command to meet challenges threatening marine safety and the environment; and increase accountability owed to the public, the executive branch, and the legislature.

(3) It is the intent of the legislature that the merger of the office of marine safety with the department of ecology be accomplished in an organizational manner that maintains a priority focus and position for the oil spill prevention and response program. The merger shall allow for ready identification of the program by the public and ensure no diminution in the state's commitment to marine safety and environmental protection.

**Sec. 515.** RCW 43.211.010 and 1992 c 73 s 4 are each amended to read as follows:

(1) There is hereby created ~~((an agency of state government to be known as the office of marine safety. The office shall be vested with all powers and duties transferred to it and such other powers and duties as may be authorized by law. The main administrative office of the office shall be located in the city of Olympia. The administrator may establish administrative facilities in other locations,))~~ within the department of ecology an integrated oil spill prevention and response program. The department shall establish a division for the purpose of housing the integrated oil spill prevention and response program. The division shall establish its focus and independence from the department's other authorized divisions and services. The director may establish administrative facilities in various locations within the state of Washington, if deemed necessary for the efficient operation of the office, and if consistent with the principles set forth in subsection (2) of this section.

(2) The ~~((office of marine safety))~~ department shall ~~((be organized))~~ organize the oil spill prevention and response division consistent with the goals of providing the state ((government)) with a focus in marine transportation and serving the people of this state. ~~((The legislature recognizes that the administrator needs sufficient organizational flexibility to carry out the office's various duties.))~~ To the extent practical, the ~~((administrator))~~ director shall consider the following organizational principles:

- (a) Clear lines of authority which avoid functional duplication within and between subelements of the ~~((office))~~ department;
  - (b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public; and
  - (c) Maximum span of control without jeopardizing adequate supervision.
- (3) The ~~((office))~~ department shall provide leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the environment:
- (a) Working with other state agencies and local governments to strengthen the state and local governmental partnership in providing public protection;
  - (b) Providing expert advice to the executive and legislative branches of state government;
  - (c) Providing active and fair enforcement of rules;
  - (d) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing marine safety measures;
  - (e) Providing information to the public; and
  - (f) Carrying out such other related actions as may be appropriate to this purpose.
- (4) In accordance with the administrative procedure act, chapter 34.05 RCW, the ~~((office))~~ department shall ensure an opportunity for consultation, review, and comment before the adoption of standards, guidelines, and rules.
- (5) Consistent with the principles set forth in subsection (2) of this section, the ~~((administrator))~~ director may create ~~((such administrative divisions, offices, bureaus, and programs within the office as the administrator))~~ whatever organizational framework the director deems necessary to achieve the goals and objectives of this section so long as it is consistent with RCW 43.211.005 through 43.211.040 (as recodified by this act) and chapter 88.46 RCW. The ~~((administrator))~~ director shall have complete charge of and supervisory powers over the ~~((office))~~ division, except where the ~~((administrator's))~~ director's authority is specifically limited by law.
- (6) The ~~((administrator))~~ director shall appoint ~~((such personnel as are necessary to carry out the duties of the office))~~ an assistant director to carry out the duties of providing an oil spill prevention and response program consistent with RCW 43.211.005 through 43.211.040 (as recodified by this act) and chapter 88.46 RCW. In addition to exemptions set forth in RCW 41.06.070~~((28))~~ (3), the ~~((administrator, the administrator's confidential secretary, and up to four professional staff members))~~ director shall be exempt from the provisions of chapter 41.06 RCW. All other employees of the ~~((office))~~ division shall be subject to the provisions of chapter 41.06 RCW.

**Sec. 516.** RCW 43.211.030 and 1992 c 73 s 11 are each amended to read as follows:

In addition to any other powers granted the ~~((administrator))~~ director, the ~~((administrator))~~ director, in the administration of the oil spill prevention and response division, may:

- (1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of this chapter and chapter 88.46 RCW;
- (2) Appoint such advisory committees as may be necessary to carry out the provisions of this chapter and chapter 88.46 RCW. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The ~~((administrator))~~ director shall review each advisory committee within the jurisdiction of the ~~((office))~~ department's oil spill prevention and response division and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;
- (3) Undertake studies, research, and analysis necessary to carry out the provisions of this chapter and chapter 88.46 RCW;
- (4) Delegate powers, duties, and functions of the ~~((office))~~ department's oil spill prevention and response division to employees of the ~~((office))~~ department as the ~~((administrator))~~ director deems necessary to carry out the provisions of ~~((this chapter))~~ RCW 43.211.005 through 43.211.040 (as recodified by this act) and chapter 88.46 RCW;
- (5) Enter into contracts on behalf of the ~~((office))~~ department's oil spill prevention and response division to carry out the purposes of ~~((this chapter))~~ RCW 43.211.005 through 43.211.040 (as recodified by this act) and chapter 88.46 RCW;
- (6) Act for the state in the initiation of, or the participation in, any intergovernmental program for the purposes of ~~((this chapter))~~ RCW 43.211.005 through 43.211.040 (as recodified by this act) and chapter 88.46 RCW; or
- (7) Accept gifts, grants, or other funds.

**Sec. 517.** RCW 43.211.040 and 1991 c 200 s 407 are each amended to read as follows:

- (1) The ~~((administrator))~~ director shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before the ~~((administrator))~~ director together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.
- (2) Subpoenas issued in adjudicative proceedings shall be governed by chapter 34.05 RCW.
- (3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by chapter 34.05 RCW.

**Sec. 518.** RCW 88.46.922 and 1991 c 200 s 431 are each amended to read as follows:

All reports, documents, surveys, books, records, files, papers, or written material in the possession of the office of marine safety shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property



employed by the office of marine safety shall be made available to the department of ecology. All funds, credits, or other assets held by the office of marine safety shall be assigned to the department of ecology.

Any appropriations made to the office of marine safety shall, on ~~((July 1, 1997))~~ January 1, 1996, be transferred and credited to the department of ecology. Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**Sec. 519.** RCW 88.46.925 and 1991 c 200 s 434 are each amended to read as follows:

The transfer of the powers, duties, and functions ~~((, and personnel))~~ of the office of marine safety shall not affect the validity of any act performed prior to ~~((July 1, 1997))~~ January 1, 1996.

**NEW SECTION. Sec. 520.** A new section is added to chapter 90.56 RCW to read as follows:

No moneys may be spent by the department from the oil spill administration account, as established in RCW 90.56.510, nor the oil spill response account, as established in RCW 90.56.500, for any purpose other than carrying out the purposes, programs, and services of oil spill prevention and response consistent with RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW.

**Sec. 521.** 1991 c 200 s 1120 (uncodified) is amended to read as follows:

Sections 430 through 436 ~~((of this act))~~, chapter 200, Laws of 1991 shall take effect ~~((July 1, 1997))~~ January 1, 1996.

**Sec. 522.** 1993 c 281 s 73 (uncodified) is amended to read as follows:

Section 67 ~~((of this act))~~, chapter 281, Laws of 1993 shall take effect ~~((July 1, 1997))~~ January 1, 1996.

**NEW SECTION. Sec. 523.** RCW 43.21I.005, 43.21I.010, 43.21I.030, and 43.21I.040, as amended in this act, are each recodified as new sections in chapter 43.21A RCW.

**NEW SECTION. Sec. 524.** The following acts or parts of acts are each repealed:

- (1) RCW 43.21I.020 and 1992 c 73 s 5 & 1991 c 200 s 403;
- (2) RCW 88.46.920 and 1991 c 200 s 429; and
- (3) RCW 88.46.923 and 1991 c 200 s 432.

**Sec. 525.** RCW 90.56.510 and 1994 1st sp.s. c 6 s 903 are each amended to read as follows:

(1) The oil spill administration account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. On July 1 of each odd-numbered year, if receipts deposited in the account from the tax imposed by RCW 82.23B.020(2) for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account. If, on the first day of any calendar month, the balance of the oil spill response account is greater than twenty-five million dollars and the balance of the oil spill administration account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, ~~((1995))~~ 1997, the state treasurer may transfer ~~((funds))~~ up to \$1,718,000 from the oil spill response account to the oil spill administration account ~~((in amounts necessary))~~ to support appropriations made from the oil spill administration account in the omnibus and transportation appropriations acts adopted not later than June 30, ~~((1994))~~ 1997.

(2) Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill administration account. Costs of administration include the costs of:

- (a) Routine responses not covered under RCW 90.56.500;
- (b) Management and staff development activities;
- (c) Development of rules and policies and the state-wide plan provided for in RCW 90.56.060;
- (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (e) Interagency coordination and public outreach and education;
- (f) Collection and administration of the tax provided for in chapter 82.23B RCW; and
- (g) Appropriate travel, goods and services, contracts, and equipment.

**NEW SECTION. Sec. 526.** In order to provide enhanced program visibility and improved legislative oversight, the legislature concurs with the recommendation of the transportation commission that two new program designations be established within the department of transportation: (1) The transportation economic partnerships program, and (2) the transit and rail program.

**NEW SECTION. Sec. 527.** The attorney general shall prepare annually a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

(1) A summary of the factual background of the case;  
(2) Identification of the attorneys representing the state and the opposing parties;  
(3) A synopsis of the legal theories asserted and the defenses presented;  
(4) Whether the case was tried, settled, or dismissed, and in whose favor;  
(5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and

(6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

**Sec. 528.** RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:

(1) There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight.

(2) For the biennium ending June 30, 1997, money in the account may be transferred to the passenger ferry account as provided for in section 408, chapter . . . , Laws of 1995 (this act).

**Sec. 529.** RCW 82.44.150 and 1994 c 241 s 1 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(1)(g), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within ~~((i))~~ each county ~~((with a population of two hundred ten thousand or more and (ii) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described in subsection (i) of this subsection))~~ that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders; except that in a case of a municipality located in a county that has a population of one hundred seventy-five thousand or more that does not have an interstate highway located within its borders, that sum shall be deposited in the passenger ferry account;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the general fund, for revenues distributed after June 30, 1993, and to the transportation fund, for revenues distributed after June 30, 1995, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection and RCW 82.14.046.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under RCW 82.14.046; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under RCW 82.14.046.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under RCW 82.14.046. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and RCW 82.14.046 shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

**Sec. 530.** RCW 70.94.531 and 1991 c 202 s 13 are each amended to read as follows:

(1) Not more than six months after the adoption of the commute trip reduction plan by a jurisdiction, each major employer in that jurisdiction shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than six months after submission to the jurisdiction.

(2) A commute trip reduction program shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single-occupant vehicle commuting; (c) an annual review of employee commuting and reporting of progress toward meeting the single-occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

- (i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;
- (ii) Instituting or increasing parking charges for single-occupant vehicles;
- (iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;
- (iv) Provision of subsidies for transit fares;
- (v) Provision of vans for van pools;
- (vi) Provision of subsidies for car pooling or van pooling;
- (vii) Permitting the use of the employer's vehicles for car pooling or van pooling;
- (viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;
- (ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;
- (x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;
- (xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
- (xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;

(xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;

(xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting;  
(~~and~~)

(xv) Establishment of proximate commuting programs by employers with multiple worksites; and

(~~xvi~~) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

(3) Employers or owners of worksites may form or utilize existing transportation management associations to assist members in developing and implementing commute trip reduction programs.

**Sec. 531.** RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the multimodal transportation programs and projects selection committee created in RCW 47.66.020 to public transportation projects within the region from which the funds are derived, solely for:

(a) Planning;

(b) Development of capital projects;

(c) Development of high capacity transportation systems as defined in RCW 81.104.015;

(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and

(e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the multimodal transportation programs and projects selection committee to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

(a) Planning;

(b) Development of capital projects;

(c) Development of high capacity transportation systems as defined in RCW 81.104.015;

(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;

(e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and

(f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

**Sec. 532.** RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:

There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for high occupancy vehicle lane construction or for local high capacity transportation purposes including rail freight.

**Sec. 533.** 1994 c 303 s 20 (uncodified) is amended to read as follows:

(1) There is hereby appropriated cumulatively from the motor vehicle fund--state, the transportation fund--state, and the general fund--state, up to \$35,500,000 for preliminary engineering, right of way acquisition, and construction of the following regular category C projects:

~~((1))~~ (a) SPRING ST TO JOHNSON RD (627000D);

~~((2))~~ (b) W. LK SAMM. PKWY. TO SR 202 (152038A, 152039D);

~~((3))~~ (c) DIAMOND LAKE CHANNELIZATION (600232E);

~~((4))~~ (d) 15TH SW TO SR 161 U-XING (351214A);

~~((5))~~ (e) ANDRESEN ROAD TO SR 503 (450093B);

~~((6))~~ (f) NE 144TH ST TO BATTLEGROUND (450387B);

~~((7))~~ (g) STEAMBOAT ISLAND RD I/C (310199A);

~~((8))~~ (h) GRAHAM HILL VICINITY (316111A);

~~((9))~~ (i) NORTH OF WINSLOW - STAGE 1 (330505A);

~~((10))~~ (j) SR 5 TO BLANDFORD DRIVE (401487A);

~~((H4))~~ (k) 32ND STREET INTERCHANGE (316711A); and

~~((H2))~~ (l) SUNNYSLOPE I/C - STAGE 2 (228531A).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

The total expenditures under this section from all fund sources, including funds transferred under section 18(5) of this act, shall not exceed \$35,500,000. The general fund--state expenditure under this section and sections 18, 21, and 22 of this act, cumulatively, shall not exceed \$93,925,000.

(2) The purpose of this amendment is to clarify the intent of the legislature that the appropriation for project No. (b) included moneys for construction of Stage 1, including a diamond interchange at SR 520/SR 202. Such moneys are reappropriated for the project, W. Lake Sammamish Parkway to SR 202, including the construction of the diamond interchange at SR 520/SR 202. Such reappropriation shall be considered to be effective as of the date of section 20, chapter 303, Laws of 1994. All expenditures made by the department from that date are hereby ratified.

(3) If House Bill No. 2074 is enacted by June 30, 1995, this section is null and void.

NEW SECTION. Sec. 534. It is the intent of the legislature that the department of transportation may implement a voluntary retirement incentive program that is cost neutral provided that such program is approved by the director of financial management.

NEW SECTION. Sec. 535. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 536. Sections 511 through 523 and 528 through 533 of this act expire June 30, 1997.

Sec. 537. RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority))~~ any county that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders. A vote within the boundaries of a regional transit authority to authorize imposition of these dedicated funding sources may not occur prior to February 1, 1996.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. ((The ballot title shall reference the document identified in subsection (8) of this section.))

(8) ((Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election)) When making public representations about revenues available to support a proposed project, regional transit authorities shall not assume, nor imply the availability of state funds unless those funds have been specifically authorized. Any assumptions of federal funds shall be based on authorizations in the current six-year transportation authorization law.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

**Sec. 538.** RCW 82.44.150 and 1994 c 241 s 1 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(1)(g), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within ~~((i))~~ each county ~~((with a population of two hundred ten thousand or more and (ii) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described in subsection (i) of this subsection))~~ that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders; except that in a case of a municipality located in a county that has a population of one hundred seventy-five thousand or more that does not have an interstate highway located within its borders, that sum shall be deposited in the passenger ferry account;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection

for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the general fund, for revenues distributed after June 30, 1993, and to the transportation fund, for revenues distributed after June 30, 1995, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection and RCW 82.14.046.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under RCW 82.14.046; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under RCW 82.14.046.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under RCW 82.14.046. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and RCW 82.14.046 shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

**NEW SECTION. Sec. 539.** The following acts or parts of acts are each repealed:

- (1) RCW 81.112.010 and 1992 c 101 s 1;
- (2) RCW 81.112.020 and 1992 c 101 s 2;
- (3) RCW 81.112.030 and 1994 c 44 s 1, 1993 sp.s. c 23 s 62, & 1992 c 101 s 3;
- (4) RCW 81.112.040 and 1994 c 109 s 1 & 1992 c 101 s 4;
- (5) RCW 81.112.050 and 1992 c 101 s 5;
- (6) RCW 81.112.060 and 1992 c 101 s 6;
- (7) RCW 81.112.070 and 1992 c 101 s 7;
- (8) RCW 81.112.080 and 1992 c 101 s 8;
- (9) RCW 81.112.090 and 1992 c 101 s 9;
- (10) RCW 81.112.100 and 1992 c 101 s 10;
- (11) RCW 81.112.110 and 1992 c 101 s 11;
- (12) RCW 81.112.120 and 1992 c 101 s 12;
- (13) RCW 81.112.130 and 1992 c 101 s 13;
- (14) RCW 81.112.140 and 1992 c 101 s 14;
- (15) RCW 81.112.150 and 1992 c 101 s 15;
- (16) RCW 81.112.160 and 1992 c 101 s 16;
- (17) RCW 81.112.170 and 1992 c 101 s 17;
- (18) RCW 81.112.900 and 1992 c 101 s 33;
- (19) RCW 81.112.901 and 1992 c 101 s 34; and

(20) RCW 81.112.902 and 1992 c 101 s 35.

**Sec. 540.** RCW 81.104.015 and 1992 c 101 s 19 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "High capacity transportation system" means a system of public transportation services within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways.

(2) "Regional transit system" means a high capacity transportation system under the jurisdiction of one or more transit agencies ~~((except where a regional transit authority created under chapter 81.112 RCW exists, in which case "regional transit system" means the high capacity transportation system under the jurisdiction of a regional transit authority)).~~

(3) "Transit agency" means city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas.

**Sec. 541.** RCW 81.104.030 and 1993 c 428 s 1 are each amended to read as follows:

(1) In any county ~~((with a population of from two hundred ten thousand to less than one million that is not bordered by a county with a population of one million or more, and in each county with a population of less than two hundred ten thousand))~~ that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders, except for any county having a population of more than one million or a county that has a population more than four hundred thousand and is adjacent to a county with a population of more than one million, transit agencies may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation, or such agencies may use the designated metropolitan planning organization as the regional policy committee.

Transit agencies participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and financing plan. For transit agencies in counties adjoining state or international boundaries where the high capacity transportation system plan and financing plan propose a bi-state or international high capacity transportation system, such voter approval shall be required from only those voters residing within the service area in the state of Washington.

(2) Transit agencies in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or Canadian province.

**Sec. 542.** RCW 81.104.040 and 1992 c 101 s 21 are each amended to read as follows:

Transit agencies in each county with a population of one million or more, and in each county with a population of from ~~((two))~~ four hundred ~~((ten))~~ thousand to less than one million bordering a county with a population of one million or more ~~((that are authorized on January 1, 1991, to provide high capacity transportation planning and operating services must))~~ may establish through interlocal agreements a ~~((joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.~~

~~((1) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.~~

~~((2) The joint regional policy committee shall be responsible for the preparation and adoption of))~~ process to jointly prepare a regional high capacity transportation implementation program, which shall include the system plan, project plans, and a financing plan. This program shall be in conformance with the regional transportation planning organization's regional transportation plan and consistent with RCW 81.104.080.

~~((3) The joint regional policy committee shall present an adopted high capacity transportation system plan and financing plan to the boards of directors of the transit agencies within the service area or to the regional transit authority, if such authority has been formed. The authority shall proceed as prescribed in RCW 81.112.030)).~~

Transit agencies are encouraged to utilize this process and the process in RCW 81.104.170 in order to better coordinate high-capacity transit services and to provide for more effective utilization of transportation resources.

**Sec. 543.** RCW 81.104.050 and 1992 c 101 s 22 are each amended to read as follows:

Regional high capacity transportation service may be expanded beyond the established district boundaries through interlocal agreements among the transit agencies ~~((and any regional transit authorities in existence)).~~

**Sec. 544.** RCW 81.104.120 and 1993 c 428 s 2 are each amended to read as follows:

(1) Transit agencies ~~((and regional transit authorities))~~ may operate or contract for commuter rail service where it is deemed to be a reasonable alternative transit mode. A reasonable alternative is one whose ~~((passenger))~~ costs per passenger mile, including costs of trackage, equipment, maintenance, operations, and administration are equal to or less than comparable bus, entrained bus, trolley, or personal rapid transit systems.

(2) A county may use funds collected under RCW 81.100.030 or 81.100.060 to contract with one or more transit agencies ~~((or regional transit authorities))~~ for planning, operation, and maintenance of commuter rail projects which: (a) Are consistent with the regional transportation



plan; (b) have met the project planning and oversight requirements of RCW 81.104.100 and 81.104.110; and (c) have been approved by the voters within the service area of each transit agency (~~(or regional transit authority)~~) participating in the project. For transit agencies in counties adjoining state or international boundaries where the high capacity transportation system plan and financing plan propose a bi-state or international high capacity transportation system, such voter approval shall be required from only those voters residing within the service area in the state of Washington. The phrase "approved by the voters" includes specific funding authorization for the commuter rail project.

(3) The utilities and transportation commission shall maintain safety responsibility for passenger rail service operating on freight rail lines. Agencies providing passenger rail service on lines other than freight rail lines shall maintain safety responsibility for that service.

**Sec. 545.** RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) ~~Transit agencies authorized to provide high capacity transportation service~~~~(, including transit agencies and regional transit authorities,)~~ are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority))~~ any county that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. ~~((Except when a regional transit authority exists,))~~ Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. ~~((The ballot title shall reference the document identified in subsection (8) of this section.))~~

(8) ~~((Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election))~~ When making public representations about revenues available to support a proposed project transit agencies, shall not assume, nor imply the availability of state funds unless those funds have been specifically authorized. Any assumptions of federal funds shall be based on authorizations in the current six-year transportation authorization law.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

**Sec. 546.** RCW 81.104.150 and 1992 c 101 s 26 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas(~~(, and regional transit authorities)~~) may submit an authorizing proposition to the voters and if approved may impose an excise tax of up to two dollars per month per employee on all employers located within the agency's jurisdiction, measured by the number of full-time equivalent employees, solely for the purpose of providing high capacity transportation service. The rate of tax shall be approved by the voters. This tax may not be imposed by(~~(:-(1))~~) a transit agency when the county within which it is located is imposing an excise tax pursuant to RCW 81.100.030(~~(: or (2) a regional transit authority when any county within the authority's boundaries is imposing an excise tax pursuant to RCW 81.100.030)~~). The agency imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

**Sec. 547.** RCW 81.104.160 and 1992 c 194 s 13 and 1992 c 101 s 27 are each reenacted and amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas(~~(, and regional transit authorities)~~) may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. In any county imposing a motor vehicle excise tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under this section shall be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to RCW 81.100.060. This rate shall not apply to vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, (~~(46.16.080,)~~) 46.16.085, or 46.16.090.

(2) An agency imposing a tax under subsection (1) of this section may also impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the agency's jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall bear the same ratio to the rate imposed under RCW 82.08.020(2) as the excise tax rate imposed under subsection (1) of this section bears to the excise tax rate imposed under RCW 82.44.020 (1) and (2). The base of the tax shall be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax. The revenue collected under this subsection shall be used in the same manner as excise taxes under subsection (1) of this section.

**Sec. 548.** RCW 81.104.170 and 1992 c 101 s 28 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas(~~(, and regional transit authorities)~~) may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340(~~(, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340)~~).

**Sec. 549.** RCW 81.104.180 and 1992 c 101 s 29 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas(~~(, and regional transit authorities)~~) are authorized to pledge revenues from the employer tax authorized by RCW 81.104.150, the special motor vehicle excise tax authorized by RCW 81.104.160, and the sales and use tax authorized by RCW 81.104.170, to retire bonds issued solely for the purpose of providing high capacity transportation service.

**Sec. 550.** RCW 81.104.190 and 1992 c 101 s 30 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas(~~(, and regional transit systems)~~) may contract with the state department of revenue or other appropriate entities for administration and collection of any tax authorized by RCW 81.104.150, 81.104.160, and 81.104.170.

**Sec. 551.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read as follows:

By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, (~~(and each regional transit authority)~~) shall prepare a six-year transit development plan for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class city or charter county derived from its charter, or chapter 36.70A RCW. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. The six-year plan for each municipality (~~(and regional transit~~

authority)) shall specifically set forth those projects of regional significance for inclusion in the transportation improvement program within that region. Each municipality ((and regional transit authority)) shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality ((and the regional transit authority)) shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

**Sec. 552.** RCW 47.26.121 and 1995 c 269 s 2603 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of twenty-one members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) One representative appointed by the governor who shall be a state employee with responsibility for transportation policy, planning, or funding; (b) two representatives from the department of transportation; (c) two representatives of public transit systems; (d) a private sector representative; (e) a member representing the ports; (f) a member representing nonmotorized transportation; and (g) a member representing special needs transportation.

(2) Of the county members of the board, one shall be a county engineer or public works director; one shall be the executive director of the county road administration board; one shall be a county planning director or planning manager; one shall be a county executive, councilmember, or commissioner from a county with a population of one hundred twenty-five thousand or more; one shall be a county executive, councilmember, or commissioner of a county who serves on the board of a public transit system; and one shall be a county executive, councilmember, or commissioner from a county with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. No more than two of the three county-elected officials may represent counties located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(3) Of the city members of the board one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city with a population of twenty thousand or more; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; one shall be a city planning director or planning manager; one shall be a mayor, commissioner, or city councilmember of a city with a population of twenty thousand or more; one shall be a mayor, commissioner, or city councilmember of a city who serves on the board of a public transit system; and one shall be a mayor, commissioner, or councilmember of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city. No more than two of the three city-elected officials may represent cities located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(4) Of the transit members, at least one shall be a general manager, executive director, or transit director of a public transit system in an urban area with a population over two hundred thousand and at least one representative from a rural or small urban transit system in an area with a population less than two hundred thousand.

(5) The private sector member shall be a citizen with business, management, and transportation related experience and shall be active in a business community-based transportation organization.

(6) The public member shall have professional experience in transportation or land use planning, a demonstrated interest in transportation issues, and involvement with community groups or grass roots organizations.

(7) The port member shall be a commissioner or senior staff person of a public port.

(8) The nonmotorized transportation member shall be a citizen with a demonstrated interest and involvement with a nonmotorized transportation group.

(9) The specialized transportation member shall be a citizen with a demonstrated interest and involvement with a state-wide specialized needs transportation group.

(10) Appointments of county, city, Washington department of transportation, transit, port, nonmotorized transportation, special needs transportation, private sector, and public representatives shall be made by the secretary of the department of transportation. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members, the association of Washington cities for city members, the Washington state transit association for the transit members, and the Washington public ports association for the port member. The private sector, public, nonmotorized transportation, and special needs members shall be sought through classified advertisements in selected newspapers collectively serving all urban areas of the state, and other appropriate means. Persons applying for the private sector, nonmotorized transportation, special needs transportation, or the public member position must provide a letter of interest and a resume to the secretary of the department of transportation. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason or when a private sector, nonmotorized transportation, special needs transportation, or public member resigns or is unable or unwilling to serve.

(11) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years. The initial term of appointed members may be for less than four years. No appointed member may serve more than two consecutive four-year terms.

(12) The board shall elect a chair from among its members for a two-year term.

(13) Expenses of the board shall be paid in accordance with RCW 47.26.140.

(14) For purposes of this section, "public transit system" means a city-owned transit system, county transportation authority, metropolitan municipal corporation, or public transportation benefit area (~~(, or regional transit authority)~~).

**Sec. 553.** RCW 47.80.060 and 1992 c 101 s 31 are each amended to read as follows:

In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the state transportation commission, the state department of transportation, and the three largest public port districts within the region as determined by gross operating revenues. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards (~~(or on a regional transit authority)~~).

**NEW SECTION. Sec. 554.** (1) Every regional transit authority created under chapter 81.112 RCW is hereby abolished.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of any regional transit authority created under chapter 81.112 RCW shall be delivered to the custody of the transit agencies within the boundaries of the regional transit authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by any regional transit authority created under chapter 81.112 RCW shall be made available to the transit agencies within the boundaries of the regional transit authority. All funds, credits, or other assets held by any regional transit authority created under chapter 81.112 RCW shall be assigned to the transit agencies within the boundaries of the regional transit authority.

(b) Any appropriations or grants made to any regional transit authority created under chapter 81.112 RCW and any funds in the custody of any regional transit authority created under chapter 81.112 RCW shall, on the effective date of this section, be transferred and credited to the transit agencies within the boundaries of the regional transit authority.

(c) If any question or dispute arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before any regional transit authority created under chapter 81.112 RCW shall be continued and acted upon by the transit agencies within the boundaries of the regional transit authority. All existing contracts and obligations shall remain in full force and shall be performed by the transit agencies within the boundaries of the regional transit authority.

(4) The transfer of the duties, functions, and personnel of any regional transit authority created under chapter 81.112 RCW shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

(7) The transit agencies within the boundaries of the regional transit authority shall apportion equitably among themselves any assets or liabilities remaining after the regional transit authority is abolished.

**NEW SECTION. Sec. 555.** A new section is added to chapter 81.104 RCW to read as follows:

Transit agencies entering into local agreements under RCW 81.104.040 shall include, as part of their process to prepare a high capacity transportation program, a comprehensive treatment of mobility in the entire region which their program addresses. It shall consider existing and future technological alternatives under development demonstrating the capacity for addressing regional transportation problems into the twenty-first century.

The evaluation shall address trips throughout the region including city-to-city, city-to-suburb, and suburb-to-suburb, considering steps necessary to reduce congestion, especially addressing peak period traffic. The program shall be destination oriented, addressing not only the service needs of urban areas but those of less populated areas throughout the region. It shall include necessary freeway expansion, including the use of special purpose lanes to expedite commerce and for other purposes. It shall also consider programs developed for certain areas such as fare-free programs, and tax incentives for business and individuals designed to reduce trips, in order to reduce traffic congestion and to ensure mobility.

The process shall include input from cities and counties, public ports, large employers in the area, the department of transportation, and the legislature.

**NEW SECTION. Sec. 556.** Section 537, chapter . . ., Laws of 1995 1st sp. sess. (this act) shall expire on May 31, 1996.

**Sec. 557.** RCW 81.112.030 and 1994 c 44 s 1 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

(3) Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.

(4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

(5) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

(6) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

(7) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(8) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall identify the system, and an estimate of the cost of that system, of which the phase is a component and also contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor.

Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993, nor a second proposition prior to February 1, 1996; nor may the authority issue bonds or form any local improvement district prior to ~~((July 1, 1993))~~ February 1, 1996.

(9) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice. The authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation.

If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

NEW SECTION. Sec. 558. A new section is added to chapter 47.60 RCW to read as follows:

There is hereby established in the transportation fund the passenger ferry account. Money in the account shall be used for capital improvements for passenger ferry projects including, but not limited to, pedestrian and transit facilities at ferry terminals and passenger-only ferry vessels. Moneys in the account shall be expended with legislative appropriation.

NEW SECTION. Sec. 559. Sections 539 through 556 of this act shall take effect the earlier of: (1) May 31, 1996, unless a high capacity transportation system plan, with funding, as authorized under RCW 81.104.140 is approved by a majority of the voters within the boundaries of a regional transit authority, authorized under chapter 81.112 RCW, by May 31, 1996, then sections 539 through 556 of this act shall not take effect; or (2) the last day of the month following the month in which a high capacity transportation system plan, with funding, as authorized under RCW 81.104.140 is rejected by a majority of the voters within the boundaries of a regional transit authority, authorized under chapter 81.112 RCW, after January 31, 1996.

NEW SECTION. Sec. 560. Sections 537 through 558 of this act expire June 30, 1997.

NEW SECTION. Sec. 561. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 562. Except for sections 539 through 556 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Correct internal references accordingly and fix the title as required.

#### MOTIONS

On motion of Senator Owen, the following amendment to the striking amendment by Senators Owen and Prince was adopted:

On page 20, line 20 of the amendment, after "program" insert ", under Engrossed Substitute House Bill No. 1512"

On motion of Senator Owen, the following amendments to the striking amendment by Senators Owen and Prince were considered simultaneously and were adopted:

On page 33, line 10 of the amendment, strike "5,892,000" and insert "486,000"

On page 33, line 13 of the amendment, strike "6,034,000" and insert "628,000"

#### MOTION

Senator Morton moved that the following amendment to the striking amendment by Senators Owen and Prince be adopted:

On page 89, after line 5, insert the following:

"NEW SECTION. Sec. 561. It is the intent of the legislature to compensate Okanogan County in the amount of \$363,000.00 for damages caused by the intentional or grossly negligent delays in the completion of the state's duties regarding issuance of permits for mining operations in northern Okanogan County. This region of our state has a history of resource based economic growth, but by reason of continual deference to groups with narrow self-interests the state has cost the county substantial lost tax revenues. These damages are continuing and adverse to the services required by the citizens of Okanogan County and compensation is due and owing in the amount here specified."

Renumber the remaining sections accordingly.

#### MOTION

Senator Morton moved to withdraw the amendment on page 89, after line 5, to the striking amendment by Senators Owen and Prince to Second Engrossed Substitute House Bill No. 2080.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Mr. President. When a Senator withdraws a motion, may another Senator introduce it and move it?"

#### REPLY BY THE PRESIDENT

President Pritchard: "Oh, Senator, at this late hour, you can, but he hasn't withdrawn it yet. He said he was going to withdraw it and I haven't moved the withdrawal."

#### POINT OF INQUIRY

Senator McCaslin: "Are you going to or are do you intend to withdraw this amendment?"

Senator Morton: "In view of the fact that it has received so much indication of positivism here that we adopt it, I think we better proceed and adopt it."

Senator McCaslin: "I think you better move it. You are a gentlemen and a scholar and we all appreciate you introducing this amendment."

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 89, after line 5, to the striking amendment by Senators Owen and Prince to Second Engrossed Substitute House Bill No. 2080.

Debate ensued.

The motion by Senator Morton failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Owen and Prince, as amended, to Second Engrossed Substitute House Bill No. 2080.

#### POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I believe and would ask you to rule on whether Sections 514 through 525 violate the scope and object rule. Second Engrossed Substitute House Bill No. 2080 is an act relating to transportation funding and appropriations, as stated in the title. It is a measure that provides funding to specified agencies for specified transportation purposes and does no more than that. The amendment in Sections 514 through 525, and I think those are correct--I haven't had time to look at this--would change the scope and object of the bill by making changes to substantive laws and transferring statutory duties from one agency to another. It would eliminate the Office of Marine Safety and transfer its functions to another agency.

"These functions relate to environmental protection; they deal with standards for vessels operating in our state's waters in order to protect our state's water and marine habitat from oil spills. Also, the sections contain appropriations to the Department of Ecology and that is generally a subject in the operating budget. I also believe that these sections violate the constitutional rule of one subject in a bill. I have not had much chance to check all the sections. There might be another section that does all this, too, including maybe Section 105. I'll get the references to you; I've had about a couple of minutes to look at this. We have not caucused on it; I just received this when it came to the desk. I do believe this also violates the constitutional requirement that there be no more than one subject in a bill, which has been litigated in *Flanders v. Morris* and I will provide you with a copy of that decision."

Further debate ensued.

At 2:46 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 3:44 p.m. by President Pritchard.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1413, by House Committee on Finance (originally sponsored by Representatives Boldt, Morris, Lisk, Mulliken and Kremen)

Allowing a business and occupation tax deduction for certain amusement devices.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 1413, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1413, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1413, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Finkbeiner, Gaspard, Hale, Hargrove, Haugen, Heavey, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 36.

Voting nay: Senators Drew, Fairley, Franklin, Fraser, Kohl, McAuliffe, Prentice, Rinehart, Sheldon and Wojahn - 10.

Absent: Senators Hochstatter and Snyder - 2.

Excused: Senator Moyer - 1.

SUBSTITUTE HOUSE BILL NO. 1413, under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### STATEMENT FOR THE JOURNAL

I regret that I was away from the floor of the Senate during the passage of Second Engrossed Substitute Senate Bill No. 5000 - An act relating to property tax reductions.

I request that the record reflect that I would have voted 'Yea' on this important legislation.

SENATOR SID SNYDER, 19th District

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5000, by Senate Committee on Ways and Means (originally sponsored by Senators Loveland, Snyder, Wojahn, Sheldon, Gaspard, Franklin, Haugen, Rasmussen, Quigley, Owen, McAuliffe, Winsley, McCaslin, Drew, Morton, Prentice, Bauer, Spanel, Hale and Deccio)

Reducing property taxes.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Engrossed Substitute Senate Bill No. 5000 was returned to second reading and read the second time.

#### MOTION

Senator Loveland moved that the following amendment by Senator Rinehart be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** With property valuations continuing to increase, property taxes have been steadily increasing. At the same time, personal incomes have not continued to rise at the same rate. Property taxes are becoming increasingly more difficult to pay. Many residential property owners complain about the overall level of taxes and about the continuing increase in tax from year to year. Taxpayers want property tax relief. The legislature intends to establish an on-going program of state property tax reductions the amount of which is to be determined by the legislature on a yearly basis based on the level of general fund tax revenues.

**NEW SECTION. Sec. 2.** A new section is added to chapter 84.55 RCW to read as follows:

(1) The state property tax levy for collection in 1996 shall be reduced by 4.7187 percent of the levy amount that would otherwise be allowed under this chapter without regard to this section or any other tax reduction legislation enacted in 1995.

(2) The tax reduction provided in this section is in addition to any other tax reduction legislation that may be enacted by the legislature.

(3) State levies for collection after 1996 shall be set at the amount that would be allowed otherwise under this chapter if the state levy for collection in 1996 had been set without the reduction under subsection (1) of this section.

**Sec. 3.** RCW 84.48.080 and 1994 c 301 s 43 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the



purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law(~~(:PROVIDED, That)~~). The amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

In addition to computing a levy under this subsection that is reduced under section 2 of this act, the department shall compute a hypothetical levy without regard to the reduction under section 2 of this act. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010.

(3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

(4) After the completion of the duties (~~hereinafter~~) prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

**Sec. 4.** RCW 84.52.010 and 1995 c 99 s 2 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, (~~as now or hereafter amended,~~) exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.--- (section 1, chapter 99, Laws of 1995), and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.--- (section 1, chapter 99, Laws of 1995) shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under section 2 of this act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rinehart to Engrossed Substitute Senate Bill No. 5000.

The motion by Senator Loveland carried and the striking amendment by Senator Rinehart was adopted.

#### MOTION

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 1 of the title, after "reductions;" strike the remainder of the title and insert "amending RCW 84.48.080 and 84.52.010; adding a new section to chapter 84.55 RCW; and creating a new section."

On motion of Senator Loveland, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5000, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5000, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5000, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Fairley and Pelz - 2.

Absent: Senator Snyder - 1.

Excused: Senator Moyer - 1.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5000, under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

May 25, 1995

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

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

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440, by House Committee on Finance (originally sponsored by Representatives Boldt, Dyer, Morris, Backlund, Van Luven, Dellwo, Carrell, B. Thomas, L. Thomas, Thompson, Costa, Sherstad, Chandler, Kremen, Cooke and Jacobsen)

Providing tax exemptions for blood banks.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 1440, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1440, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1440, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Finkbeiner, Franklin, Hale, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Smith, Snyder, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 35.

Voting nay: Senators Drew, Fairley, Fraser, Gaspard, Hargrove, Kohl, McAuliffe, Pelz, Prentice, Rinehart, Sheldon, Spanel and Sutherland - 13.

Excused: Senator Moyer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440, under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### THIRD READING

ENGROSSED SENATE BILL NO. 5194, by Senators Fraser, Winsley, Kohl, Sheldon, Snyder, Franklin, Gaspard, Heavey, C. Anderson and Haugen (by request of Governor Lowry)

Changing Puget Sound Water Quality Authority provisions.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5194.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5194 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, C., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McDonald, Oke, Owen, Pelz, Prentice, Quigley, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Winsley, Wojahn and Wood - 30.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hale, Hargrove, Hochstatter, Johnson, McCaslin, Morton, Newhouse, Palmer, Prince, Rasmussen, Roach, Schow, Sellar, Strannigan and West - 18.

Excused: Senator Moyer - 1.

ENGROSSED SENATE BILL NO. 5194, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and Mastin)

Providing moneys for wine and wine grape research.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 1741, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1741, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1741, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Roach - 1.

Excused: Senator Moyer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741, under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2076, by Representatives Skinner, Honeyford, Clements and K. Schmidt.

Simplifying disposition of drivers' license fees.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following amendment was adopted:

On page 1, after line 14, insert the following:

"**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 46.68.041; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 2076, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2076, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2076, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Moyer - 1.

HOUSE BILL NO. 2076, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### THIRD READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5375, by Senate Committee on Law and Justice (originally sponsored by Senators Wojahn, McCaslin, Haugen, Deccio, Franklin, Spanel, Kohl, Snyder, Quigley, Prentice, Oke and Moyer)

Suspending various licenses for failure to pay child support.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5375.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, C., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Gaspard, Haugen, Heavey, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 32.

Voting nay: Senators Anderson, A., Cantu, Finkbeiner, Hale, Hargrove, Hochstatter, Johnson, Long, Morton, Newhouse, Palmer, Prince, Roach, Schow, Sellar and Strannigan - 16.

Excused: Senator Moyer - 1.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5375, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### MOTION

On motion of Senator Gaspard, the following resolution was adopted:

SENATE RESOLUTION 1995-8669

By Senators Gaspard, Wojahn, Snyder, A. Anderson, C. Anderson, Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, and Wood

WHEREAS, The evolution from ticker tape and typewriters to lap top computers and e-mail has changed the nature of the news business forever; and

WHEREAS, Even with the changes in technology, some constants have remained; and

WHEREAS, John White of The Associated Press and his inimitable style of reporting is one of the constants; and

WHEREAS, The definition of "curmudgeon" should read "Senior Olympia Chief of Bureau in long, white trenchcoat"; and

WHEREAS, During his quarter century in the Capitol Press Corps, John White outlasted four governors and hundreds of legislators;

and

WHEREAS, Being interviewed by John White was often a baptism by fire for a rookie politician; and

WHEREAS, Twenty-five years of covering the Legislature is probably enough for both John White and those he has written about;

and

WHEREAS, The word has been spread that this will be John White's last year of full-time duty, even though he may have to return for one payday in 1996 to ensure his golden parachute opens as planned,

NOW THEREFORE BE IT RESOLVED, That the Senate of the State of Washington breathes a collective sigh of relief and wishes John the best in whatever endeavor he chooses to undertake; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to John White at the White House on the Capitol Campus.

Senators Gaspard, McDonald, Deccio, McCaslin, Wojahn, Sellar, Snyder and Owen spoke to Senate Resolution 1995-8669.

#### REMARKS BY THE PRESIDENT

President Pritchard: "John, we are indebted to you, Sir."

There being no objection, the President returned the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Second Engrossed Substitute House Bill No. 2080 and the pending striking amendment by Senators Owen and Prince, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Fraser, the President finds that Second Engrossed Substitute House Bill No. 2080 is a measure which provides appropriations for transportation purposes for the 1995-97 biennium.

"The striking amendment by Senators Owen and Prince would accomplish the same purpose. In addition, Sections 514 through 524 make numerous changes to substantive statutes relating to the Office of Marine Safety and the Department of Ecology.

"The relevant version of a bill for determination of scope and object is the bill which was before the Senate. In this case, two versions of this bill have been before the body. Engrossed Substitute House Bill No. 2080 did not contain the language found in Sections 514 through 524 of the striking amendment by Senators Owen and Prince, but only contained an appropriation to the Office of Marine Safety which referenced another bill dealing with the functions of the office (House Bill No. 1510, an act relating to the restructuring of oil spill prevention and response programs). Second Engrossed House Bill No. 2080 did not contain any similar provisions.

"The President has historically recognized that greater latitude is given to omnibus appropriations bills when considering scope and object arguments. However, there is a point when changes to substantive law, unrelated to appropriation amounts, will violate Senate Rule No. 66. The challenged sections severely test the scope and object boundary. The President strongly recommends that when drafting appropriations bills, the members stick to appropriation items.

"Despite these concerns, it is arguable that Sections 514 through 524 could be viewed as 'provisos' to Section 105, the appropriation to the Office of Marine Safety. Additionally, the President notes that Chapter 88.46 RCW effectively would have limited the changes in this bill to the same time frame as the appropriations, the 1995-97 biennium. Accordingly, the President believes that this is a unique situation and finds that the amendment does not exceed the scope and object of the bill.

"Senator Fraser also raised the question of Senate Rule 25, one subject in a bill. The President believes that if an amendment is within the scope and object, it is sufficiently within the 'subject.' If a title amendment is required to provide adequate notice of the contents of the bill, such an amendment would be in order and has been historically accepted."

The striking amendment by Senators Owen and Prince to Second Engrossed Substitute House Bill No. 2080 was ruled in order.

MOTION

Senator Owen moved that the following amendment by Senators Owen and Prince to the striking amendment by Senators Owen and Prince be adopted:

On page 27, line 3, after "program T" strike all material down to and including "1995" on line 5, and insert "for the regional transit authority"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Owen and Prince on page 27, line 3, to the striking amendment by Senators Owen and Prince to Second Engrossed Substitute House Bill No. 2080.

The motion by Senator Owen carried and the amendment to the striking amendment was adopted.

MOTION

Senator Fraser moved that the following amendments by Senators Fraser, Cal Anderson, Kohl, Fairley and Pelz to the striking amendment by Senators Owen and Prince be considered simultaneously and be adopted:

On page 4, beginning on line 2 of the amendment, strike all of section 105

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 41, beginning on line 34 of the amendment, strike all of section 412

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 49, beginning on line 36 of the amendment, strike all material through "equipment." on page 56, line 31

Renumber the remaining sections consecutively and correct internal references accordingly.

Fix the title accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Fraser, Cal Anderson, Kohl, Fairley and Pelz on page 4, beginning on line 2; page 41, beginning on line 34; and page 49 beginning on line 36; to the striking amendment by Senators Owen and Prince to Second Engrossed Substitute House Bill No. 2080.

The motion by Senator Fraser failed and the amendments to the striking amendment were not adopted.

MOTION

On motion of Senator Owen, the following amendments by Senators Owen and Prince to the striking amendment by Senators Owen and Prince were considered simultaneously and were adopted:

On page 89, line 10 of the amendment, strike "Except for sections" and insert "(1) Except for sections 514 through 524 and"

On page 89, after line 13 of the amendment, insert the following:

"(2) Sections 514 through 524 of this act shall take effect January 1, 1996."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Owen and Prince, as amended, to Second Engrossed Substitute House Bill No. 2080.

The striking amendment, as amended, was adopted.

MOTION

On motion of Senator Owen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.105.017, 43.105.041, 43.19.1919, 43.211.005, 43.211.010, 43.211.030, 43.211.040, 88.46.922, 88.46.925, 90.56.510, 47.78.010, 82.44.150, 70.94.531, 47.78.010, 81.104.140, 82.44.150, 81.104.015, 81.104.030, 81.104.040, 81.104.050, 81.104.120, 81.104.140, 81.104.150, 81.104.170, 81.104.180, 81.104.190, 35.58.2795, 47.26.121, 47.80.060, and 81.112.030; amending 1991 c 200 s 1120 (uncodified); 1993 c 281 s 73 (uncodified); 1994 c 303 s 20 (uncodified); reenacting and amending RCW 82.44.180 and 81.104.160; adding a new section to chapter 90.56 RCW; adding a new section to chapter 81.104 RCW; adding a new section to chapter 47.60 RCW; creating new sections; recodifying RCW 43.211.005, 43.211.010, 43.211.030, and 43.211.040; repealing RCW 43.211.020, 88.46.920, 88.46.923, 81.112.010, 81.112.020, 81.112.030, 81.112.040, 81.112.050, 81.112.060, 81.112.070, 81.112.080, 81.112.090, 81.112.100, 81.112.110, 81.112.120, 81.112.130, 81.112.140, 81.112.150, 81.112.160, 81.112.170, 81.112.900, 81.112.901, and 81.112.902; making appropriations; providing expiration dates; providing a contingent effective date; providing an effective date; and declaring an emergency."

On page 92, line 2 of the title amendment, strike "an effective date" and insert "effective dates"

On motion of Senator Owen, the rules were suspended, Second Engrossed Substitute House Bill No. 2080, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2080, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute House Bill No. 2080, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Anderson, C., Fraser, McCaslin and Sutherland - 4.

Excused: Senator Moyer - 1.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Dellwo, Mielke and G. Fisher)

Crediting certain insurance premium taxes.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Second Engrossed Substitute House Bill No. 1592, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute House Bill No. 1592, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute House Bill No. 1592, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 34.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Kohl, McAuliffe, Pelz, Prentice, Rinehart, Spanel and Wojahn - 13.

Absent: Senator Anderson, C. - 1.

Excused: Senator Moyer - 1.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592, under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGES FROM THE HOUSE



May 25, 1995

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SENATE BILL NO. 5269,  
SUBSTITUTE SENATE BILL NO. 5364,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5739, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

May 25, 1995

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED HOUSE BILL NO. 1023,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED HOUSE BILL NO. 1023,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957.

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

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1022, by Representatives B. Thomas, Dyer, Cooke, Carlson, Casada, Chandler, Brumsickle, Foreman, Silver, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Quall, Chappell, G. Fisher, Basich, Grant, Smith, Robertson, Sehlin, Honeyford, Van Luven, Pelesky, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Hymes

Reducing property taxes.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed House Bill No. 1022, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1022, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1022, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Anderson, C., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Fairley and Kohl - 2.

Absent: Senator Pelz - 1.

Excused: Senator Moyer - 1.

ENGROSSED HOUSE BILL NO. 1022, under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### APPOINTMENT OF INTERIM COMMITTEES

The President announced the following appointments to interim committees:

COMMITTEE ON ENERGY AND UTILITIES: Senators Sutherland, Loveland, Hochstatter and Finkbeiner

LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE: Senators Drew, Kohl, Cantu and Winsley

LEGISLATIVE BUDGET COMMITTEE: Senators Bauer, Gaspard, Rinehart, Wojahn, Oke, West, Prince and Deccio

LEGISLATIVE TRANSPORTATION COMMITTEE: Senators Owen, Heavey, Haugen, Rinehart, Prentice, Rasmussen, Oke, Prince, Sellar, Schow and Wood

#### MOTION

On motion of Senator Gaspard, the Interim Committee appointments were confirmed.

#### MOTION

On motion of Senator Wood, Senator Ann Anderson was excused.

There being no objection, the Senate resumed consideration of Gubernatorial Appointment No. 9105, Len McComb, as Director of the Department of Revenue, deferred May 24, 1995, after Senator Gaspard moved that the appointment be confirmed.

Senator Rinehart spoke to the confirmation of Len McComb as Director of the Department of Revenue.

#### APPOINTMENT OF LEN McCOMB

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, C., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Gaspard, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Newhouse, Oke, Owen, Palmer, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senator Morton - 1.

Absent: Senators McDonald and Prince - 2.

Excused: Senators Anderson, A. and Moyer - 2.

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

#### MOTION

On motion of Senator Gaspard, the following resolution was adopted:

#### SENATE RESOLUTION 1995-8667

By Senators Gaspard and McDonald

WHEREAS, The 1995 Special Session of the Fifty-fourth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 1995 Special Session of the Fifty-fourth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 1995 Regular and Special Sessions of the Fifty-fourth Legislature; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate, the Vice-President Pro Tempore of the Senate, the Senate Majority and Minority Leadership, are each authorized to attend the annual meetings of the National Conference of State Legislatures and the Council of State Governments, and to receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers in the event of a bereavement in a Senator's family; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

Senators Gaspard and McDonald spoke to Senate Resolution 1995-8667.

At 5:25 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 5:45 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

May 25, 1995

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2076 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

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

#### INTRODUCTION AND FIRST READING

SCR 8421 by Senators Gaspard and McDonald

Adjourning Sine Die.

HOLD.

SCR 8422 by Senators Gaspard and McDonald

Concerning the status of bills, resolutions and memorials prior to adjournment Sine Die.

HOLD.

MOTIONS

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8422 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8422 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8422 was adopted by voice vote.

MOTIONS

On motion of Senator Gaspard, the rules were suspended, Senate Concurrent Resolution No. 8421 was advanced to second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Senate Concurrent Resolution No. 8421 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8421 was adopted by voice vote.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 25, 1995

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1413,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

May 25, 1995

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1022,

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,

HOUSE BILL NO. 2076, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

May 25, 1995

MR. PRESIDENT:

The Speaker has signed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

May 25, 1995

MR. PRESIDENT:

The House concurred in the Senate amendment(s) SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

May 25, 1995

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 5000, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5000.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1413,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED HOUSE BILL NO. 1022,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,  
HOUSE BILL NO. 2076.

SIGNED BY THE PRESIDENT

The President signed:  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070.

RETURN OF BILL TO THE HOUSE OF REPRESENTATIVES

Under the provisions of SENATE CONCURRENT RESOLUTION No. 8422, the Senate returned the following House Bill to the House of Representatives:

HOUSE CONCURRENT RESOLUTION NO. 4409.

MESSAGES FROM THE HOUSE

May 25, 1995

MR. PRESIDENT:

The Speaker has signed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

May 25, 1995

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8422, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

May 25, 1995

MR. PRESIDENT:

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

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed;  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8421,  
SENATE CONCURRENT RESOLUTION NO. 8422.

MESSAGES FROM THE HOUSE

May 25, 1995

MR. PRESIDENT:

The Speaker has signed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5000, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

May 25, 1995

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8421,

SENATE CONCURRENT RESOLUTION NO. 8422, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MESSAGE FROM THE HOUSE

May 25, 1995

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8422, the House returned the following Senate Bills to the Senate:

ENGROSSED SENATE BILL NO. 5194,

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5375, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate Journal for the second day of the 1995 Second Special Session of the Fifty-fourth Legislature was approved.

MOTION

At 6:03 p.m., on motion of Senator Snyder, the 1995 Second Special Session of the Fifty-fourth Legislature adjourned Sine Die.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SECOND DAY, SECOND SPECIAL SESSION, MAY 25, 1995

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

**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1995 THIRD SPECIAL SESSION  
FIFTY-FOURTH LEGISLATURE**

**FIRST DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Thursday, October 12, 1995

The Senate of the 1995 Third Special Session of the Fifty-fourth Legislature of the state of Washington was called to order at 10:00 a.m. by Lieutenant Governor Joel Pritchard, President of the Senate. The Secretary called the roll and announced to the President that all Senators were present except Senators Long, Quigley, Sellar and Winsley. On motion of Senator Spanel, Senator Quigley was excused. On motion of Senator McDonald, Senators Long, Sellar and Winsley were excused.

The Sergeant at Arms Color Guard, consisting of staff members Nina Weld and Myrna Beebe, presented the Colors. President Pritchard offered the prayer.

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 1995 Regular Session of the Legislature adjourned April 23, 1995, the 105th day of the session; and

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 1995 First Special Session of the Legislature adjourned May 23, 1995, the 30th day; and

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 1995 Second Special Session of the Legislature adjourned May 25, 1995, the 2nd day; and

WHEREAS, it is now necessary for me to convene a Third Special Session for the purpose of addressing matters related to stadium financing;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7, of the Washington State Constitution, do hereby convene the Legislature of the state of Washington on Thursday, the twelfth day of October, 1995, at 10:00 a.m. in Special Session in the Capitol at Olympia for the purpose stated herein.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused  
the Seal of the state of Washington to be affixed at Olympia,  
this 11th day of October, A.D., nineteen hundred and ninety-five.

MIKE LOWRY,  
Governor of Washington

BY THE GOVERNOR:

DONALD WHITING  
Assistant Secretary of State

APPOINTMENT OF SENATOR, 43rd DISTRICT  
KING COUNTY COUNCIL

September 28, 1995 Introduced by Ron Sims, Maggi Fimia, Greg Nickels, Kent Pullen

Proposed No. 95-677

MOTION NO. 9667

A MOTION making an appointment to the vacancy for the Washington State Senate 43rd District.

BE IT MOVED by the Council of King County;

Pat Thibaudeau is hereby appointed to the vacancy for the Washington State Senate 43rd District.

PASSED by a vote of 9 to 0 this 2nd day of October, 1995.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Kent Pullen

(SEAL) Chair

ATTEST:  
Gerald A. Peterson  
Clerk of the Council

OATH OF OFFICE

OATH OF SENATOR FOR THE STATE OF WASHINGTON  
FORTY-THIRD LEGISLATIVE DISTRICT

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

SENATOR PAT THIBAUDEAU

Subscribed and sworn to before me this 3rd day of October, 1995

Supreme Court Justice, Philip A. Talmadge

EDITOR'S NOTE:

The following message from the Washington Citizens Commission on Salaries (Chapter 1, E2) was received after the Second Special Session.

MESSAGE FROM STATE AGENCY

STATE OF WASHINGTON  
WASHINGTON CITIZENS COMMISSION  
ON SALARIES FOR ELECTED OFFICIALS  
406 Legion Way SE P.O. Box 43120  
Olympia, Washington 98504  
CERTIFICATION OF ADOPTION OF SALARIES  
FOR ELECTED OFFICIALS OF THE EXECUTIVE,  
LEGISLATIVE, AND JUDICIAL BRANCHES

CERTIFICATE

I, Colleen Hoss, Chair of the Washington Citizens' Commission on Salaries for Elected Officials, do hereby certify that the 1995 Washington Citizens' Commission on Salaries for Elected Officials adopted the attached schedule of salaries for the elected officials of the executive, legislative and judicial branches of the state of Washington; and that this schedule was adopted in accordance with Article XXVII, section 1 of the Washington Constitution and RCW 43.03.300-310 by not less than nine members of the Commission.

COLLEEN HOSS, Chair  
May 26, 1995  
Date

The Report from the Washington Citizens Commission on Salaries for Elected Officials is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Joel Pritchard  
President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504  
MR. PRESIDENT:

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

SUBSTITUTE SENATE BILL NO. 5231

IN TESTIMONY WHEREOF, I have hereunto set my hand  
and affixed the Seal of the state of Washington at Olympia,  
this twelfth day of October, 1995.

(Seal) RALPH MUNRO,

Secretary of State

VETOED BILL

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5231

June 14, 1995

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

I am returning herewith, without my approval, Substitute Senate Bill No. 5231 entitled:  
"AN ACT Relating to the tort liability account;"

Substitute Senate Bill No. 5231 creates a sub-account within the state's Tort Liability Account comprised only of premium payments from the Motor Vehicle Account and transportation accounts. It allows the new sub-account to retain its interest earnings and creates a separate transportation risk management advisory subcommittee.

This separate risk management account for transportation agencies is not necessary and only contributes additional administrative work with little benefit to the public. Transportation agencies are already individually monitored within the statewide risk pool to calculate risk and premium assessments. In addition, the bill promotes inconsistent treatment of state fund sources since the new transportation sub-account would be the only account in the risk management pool to retain interest earnings. This change would result in lost revenue to the General Fund. Finally, the creation of a separate transportation risk management advisory subcommittee duplicates the work currently being done by the statewide Risk Management Advisory Committee.

For these reasons, I have vetoed Substitute Senate Bill No. 5231 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Joel Pritchard  
President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504  
MR. PRESIDENT:

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

Sections 3 and 4, SECOND ENGROSSED SENATE BILL NO. 5555, the remainder of which has been designated Chapter 12, Laws of 1995 First Special Session;

Section 2, SENATE BILL NO. 6010, the remainder of which has been designated Chapter 13, Laws of 1995 First Special Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand  
and affixed the Seal of the state of Washington at Olympia,  
this twelfth day of October, 1995.

(Seal) RALPH MUNRO,

Secretary of State

PARTIALLY VETOED BILLS

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SECOND ENGROSSED SENATE BILL NO. 5555

June 14, 1995

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

I am returning herewith, without my approval as to sections 3 and 4, Second Engrossed Senate Bill No. 5555 entitled:  
"AN ACT Relating to taxation of massage services;"

Second Engrossed Senate Bill No. 5555 provides that massage services no longer would be subject to the retail sales tax, but would continue to be taxed at the same business and occupation tax rate as retailers.

Massage services were added to the list of services subject to the retail sales tax in 1993. The state further agreed that medically-ordered massage was part of physical therapy services and should remain taxable under the service classification. Massage therapists performing both medically-ordered massage and discretionary massage services were forced to report under two classifications.

Massage therapists have argued since the change in 1993 that they are health care professionals and should be taxed, as are most other health care professionals, under the service classification of the business and occupation tax.

Although the bill orders massage services to be taxed under the new, special rate, it does not end the distinction between medically-ordered massage and discretionary massage.

Thus, in order to return the massage therapists to the tax status they enjoyed prior to the 1993 legislative session, I am vetoing sections 3 and 4 of Second Engrossed Senate Bill No. 5555. This will have the effect of removing massage services from the retail sales tax, making all massage services taxable at a single rate. With this veto, massage services will be taxed under the service and other business and occupation tax.

For these reasons, I have vetoed sections 3 and 4 of Second Engrossed Senate Bill No. 5555.

With the exception of sections 3 and 4, Second Engrossed Senate Bill No. 5555 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR

PARTIAL VETO MESSAGE ON SENATE BILL NO. 6010

June 14, 1995

To the Honorable President and Members,

The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Senate Bill No. 6010 entitled:

"AN ACT Relating to the learning assistance program;"

Senate Bill No. 6010 changes the state funding formula for the learning assistance program beginning with the 1995-96 school year. Section 2 contains an emergency clause indicating this act is necessary "for the immediate preservation of the public peace, health, or safety, or support of the state government." However, the new formula starts with the beginning of the 1995-96 school year, which is not until September 1, 1995. Preventing this bill from being subject to a referendum under Article II, section 1(b) of the state Constitution unnecessarily denies the people of this state their power, at their own option, to approve or reject this bill at the polls.

For this reason, I am vetoing section 2 of Senate Bill No. 6010.

With the exception of section 2, Senate Bill No. 6010 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGES FROM THE GOVERNOR  
BILLS SIGNED AFTER SECOND SPECIAL SESSION

June 9, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on June 8, 1995, Governor Lowry approved the following Senate Bill entitled:

Second Engrossed Substitute Senate Bill No. 5201

Relating to sales and use tax on manufacturing machinery and equipment, pollution control equipment, and high technology research and development.

Sincerely,  
KENT CAPUTO, Legal Counsel to the Governor

June 14, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on June 14, 1995, Governor Lowry approved the following Senate Bill entitled:

Engrossed Senate Bill No. 5269

Relating to raffle tickets.

Sincerely,  
KENT CAPUTO, Legal Counsel to the Governor

June 14, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on June 14, 1995, Governor Lowry approved the following Senate Bills entitled:

Second Engrossed Substitute Senate Bill No. 5001

Relating to the property taxation of senior citizens and persons retired because of physical disability.

Engrossed Substitute Senate Bill No. 5325

Relating to higher education fiscal matters.

Engrossed Substitute Senate Bill No. 5408

Relating to school bus acquisitions.

Second Engrossed Senate Bill No. 5529

Relating to school district levies.

Second Engrossed Substitute Senate Bill No. 6049

Relating to financing of public stadiums used by professional sports teams.

Substitute Senate Bill No. 6058

Relating to local public health governance and financing.

Senate Bill No. 6073

Relating to amending RCW 46.63.020 to include reference to section 5 of Substitute Senate Bill No. 5141.

Substitute Senate Bill No. 6077

Relating to probationary licenses and reissue charges for alcohol-related offenses.

Sincerely,  
KENT CAPUTO, Legal Counsel to the Governor

June 15, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on June 15, 1995, Governor Lowry approved the following Senate Bill entitled:

Engrossed Substitute Senate Bill No. 5739

Relating to sales by nonprofit organizations.

Sincerely,  
KENT CAPUTO, Legal Counsel to the Governor

June 15, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on June 15, 1995, Governor Lowry approved the following Senate Bill entitled:  
Second Engrossed Senate Bill No. 5852  
Relating to the presidential preference primary.

Sincerely,  
KENT CAPUTO, Legal Counsel to the Governor

June 16, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on June 16, 1995, Governor Lowry approved the following Senate Bills entitled:  
Second Engrossed Substitute Senate Bill No. 5000  
Relating to property tax reductions.  
Substitute Senate Bill No. 5364  
Relating to transportation bonds.

Sincerely,  
KENT CAPUTO, Legal Counsel to the Governor

#### INTRODUCTION AND FIRST READING

SB 6085 by Senators Gaspard and McDonald (by request of Governor Lowry)

Financing public sports facilities.

#### MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6085 was advanced to second reading and placed on the second reading calendar.

#### PERSONAL PRIVILEGE

Senator Gaspard: "Mr. President, I would like to rise to a point of personal privilege. A new session brings with us a new member and it is with pleasure that we welcome Senator Pat Thibaudeau to the Senate. It also reminds me of the losses that we have suffered as a family of the Senate. I think it would be appropriate for this Senate to pause for a moment of silence to remember part of our family--Senator Cal Anderson and the wife of Senator McCaslin, Wanda McCaslin. With that, Mr. President, I request that the Senate have a moment of silence."

#### MOMENT OF SILENCE

The Senate stood for a moment of silence in remembrance of Senator Cal Anderson and Wanda McCaslin.

#### MOTION

At 10:12 a.m., on motion of Senator Gaspard, the Senate was declared to be at ease.

The Senate was called to order at 3:57 p.m. by President Pritchard.

#### MOTION

At 3:57 p.m., on motion of Senator Gaspard, the Senate was declared to be at ease.

The Senate was called to order at 5:51 p.m. by President Pritchard.

#### MOTION

At 5:52 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Friday, October 13, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, THIRD SPECIAL SESSION, OCTOBER 12, 1995

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

**THIRD SPECIAL SESSION  
SECOND DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Friday, October 13, 1995  
The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Heavey, Long, Moyer, Quigley and Winsley. On motion of Senator Ann Anderson, Senators Long, Moyer and Winsley were excused. On motion of Senator Loveland, Senators Heavey and Quigley were excused.

MOTION

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

MOTION

At 9:06 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 6:29 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 6085, by Senators Gaspard and McDonald (by request of Governor Lowry)

Financing public sports facilities

The bill was read the second time.

MOTION

Senator Gaspard moved that the following amendment be adopted:  
On page 1, strike everything after the enacting clause and insert the following:

**"PART I  
STATE CONTRIBUTION**

NEW SECTION. Sec. 101. A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a county with a population of one million or more may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.017 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Moneys collected under this section shall only be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium. Moneys collected in excess of the amount necessary to pay one-fourth of the principal and interest payments, as defined in section 107 of this act, on the bonds that are issued for the construction of the stadium shall be used to reduce the payments on the bonds from the sports bond retirement account, as provided in section 107 of this act.

(4) No tax may be collected under this section before January 1, 1996, and no tax may be collected under this section until the county legislative authority has adopted resolutions imposing the taxes under RCW 82.14.360. The tax imposed in this section shall expire when the

taxes imposed under RCW 82.14.360 expire or when the bonds issued for the construction of the baseball stadium are retired, but not more than twenty years after the bonds are issued.

(5) As used in this section, "baseball stadium" means a baseball stadium with natural turf and a retractable roof or canopy, together with associated parking facilities, constructed in the largest city in a county with a population of one million or more.

**Sec. 102.** RCW 46.16.301 and 1994 c 194 s 2 are each amended to read as follows:

(1) The department may create, design, and issue special license plates that may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates may:

(a) Denote the age or type of vehicle; or

(b) Denote special activities or interests; or

(c) Denote the status, or contribution or sacrifice for the United States, the state of Washington, or the citizens of the state of Washington, of a registered owner of that vehicle; or

(d) Display a depiction of the name and mascot or symbol of a state university, regional university, or state college as defined in RCW 28B.10.016.

(2) The department shall create, design, and issue a special baseball stadium license plate that may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates shall commemorate the construction of a baseball stadium, as defined in section 101 of this act. The department shall also issue to each recipient of a special baseball stadium license plate a certificate of participation in the construction of the baseball stadium.

(3) The department has the sole discretion to determine whether or not to create, design, or issue any series of special license plates, other than the special baseball stadium license plate under subsection (2) of this section, and whether any interest or status merits the issuance of a series of special license plates. In making this determination, the department shall consider whether or not an interest or status contributes or has contributed significantly to the public health, safety, or welfare of the citizens of the United States or of this state or to their significant benefit, or whether the interest or status is recognized by the United States, this state, or other states, in other settings or contexts. The department may also consider the potential number of persons who may be eligible for the plates and the cost and efficiency of producing limited numbers of the plates. The design of a special license plate shall conform to all requirements for plates for the type of vehicle for which it is issued, as provided elsewhere in this chapter.

**Sec. 103.** RCW 46.16.313 and 1994 c 194 s 4 are each amended to read as follows:

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c) in an amount calculated to offset the cost of production of the special license plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) In addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the sports bond retirement account under section 107 of this act through the date of the retirement of the bonds issued by a county to construct a baseball stadium, as defined in section 101 of this act. After this date, the state treasurer shall credit the funds to the state general fund.

**NEW SECTION. Sec. 104.** A new section is added to chapter 43.79 RCW to read as follows:

Any moneys that may be donated to the state for the purpose of constructing a baseball stadium as defined in section 101 of this act shall be deposited in the sports bond retirement account under section 107 of this act.

**NEW SECTION. Sec. 105.** A new section is added to chapter 67.70 RCW to read as follows:

The lottery commission shall conduct at least two but not more than four games with sports themes per year. Revenues from these games shall be deposited into the sports bond retirement account under section 107 of this act. Three million dollars shall be deposited under this section during calendar year 1996. During subsequent years, such deposits shall equal the prior year's distributions increased by four percent. Deposits under this section shall cease when the bonds issued for the construction of the baseball stadium, as defined in section 101 of this act, are retired, but not more than twenty years after the bonds are issued.

**Sec. 106.** RCW 67.70.240 and 1987 c 513 s 7 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for purposes of making deposits into the housing trust fund under the provisions of section 7 of this 1987 act; (5) for purposes of making deposits into the sports bond retirement account under section 107 of this act as provided in section 105 of this act; (6) for the purchase and promotion of lottery games and game-related services; and ~~((6))~~ (7) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

**NEW SECTION. Sec. 107.** A new section is added to chapter 43.79 RCW to read as follows:

(1) The sports bond retirement account is created in the custody of the state treasurer. The account shall be used exclusively for the payment of up to one-fourth of the principal and interest payments on bonds issued by a county with a population of one million or more to construct a baseball stadium. Interest and earnings on investments of moneys in the account shall be deposited into the account.

(2) The sports bond retirement account shall consist of all moneys deposited into the account under RCW 46.16.313(3) and sections 104 and 105 of this act and interest and earnings of moneys in the account under subsection (1) of this section.

(3) A county with a population of one million or more that has issued bonds to construct a baseball stadium shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet one-fourth of the bond retirement and

interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the department of revenue shall certify to the state treasurer the amount of revenues accruing to the county under section 101 of this act in excess of the amount needed to pay one-fourth of the prior principal and interest payment. On the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw and transmit to the county from the sports bond retirement account an amount equal to the amount certified by the county to be due on the payment date, less the amount certified by the department of revenue.

(5) The sports bond retirement account is abolished on the date of the retirement of the bonds issued by a county with a population of one million or more to construct a baseball stadium. Moneys remaining in the account shall be transferred to the state general fund on that date.

(6) As used in this section:

(a) "Baseball stadium" means "baseball stadium" as defined in section 101 of this act; and

(b) "One-fourth of the principal and interest payments" means the lesser of one-fourth of the principal and interest payments on the bonds that are issued for the construction of the stadium or one-fourth of the principal and interest payments on the bonds equal to an amount of two hundred fifty-five million dollars.

**Sec. 108.** RCW 43.79A.040 and 1995 c 394 s 2 and 1995 c 365 s 1 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The agricultural local fund, the American Indian scholarship endowment fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the rural rehabilitation account, ~~((and))~~ the self-insurance revolving fund, and the sports bond retirement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, and the local rail service assistance account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 109.** Sections 101 through 108 of this act constitute the entire state contribution for a baseball stadium, as defined in section 101 of this act, and assumes that the state share is one-half of the total amount of bonds issued, but not exceeding one-half of a total amount of two hundred fifty-five million dollars. The state will not make any additional contributions based on revised cost or revenue estimates, cost overruns, unforeseen circumstances, or any other reason.

## PART II LOCAL FUNDING

**Sec. 201.** RCW 82.14.360 and 1995 1st sp.s. c 14 s 7 are each amended to read as follows:

(1) The legislative authority of a county with a population of one million or more ~~((operating under a county charter))~~ may impose a special stadium sales and use tax ~~((by resolution adopted on or before December 31, 1995, for collection following its approval by a majority of the voters in the county at a general or special election))~~ upon the retail sale or use within the county by restaurants, taverns, and bars of food and beverages that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of the tax shall not exceed five-tenths of one percent of the selling price in the case of a sales tax, or value of the article used in the case of a use tax. The tax imposed under this subsection is in addition to any other taxes authorized by law and shall not be credited against any other tax imposed upon the same taxable event.

(2) The legislative authority of a county with a population of one million or more may impose a special stadium sales and use tax upon retail car rentals within the county that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of the tax shall ((equal one-tenth of one)) not exceed two percent of the selling price in the case of a sales tax, or rental value of the ((article used)) vehicle in the case of a use tax. The tax imposed under this ((section)) subsection is in addition to any other taxes authorized by law and shall not be credited against any other tax imposed upon the same taxable event.

(3) The revenue from the ~~((tax))~~ taxes imposed under this section shall be used for the purpose of principal and interest payments on bonds issued by ~~((a public facilities district, created within))~~ the county ~~((under chapter 36.100 RCW,))~~ to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium ~~((with a retractable roof or canopy and natural turf.))~~ The county shall issue bonds, in an amount determined to be necessary by the public facilities district, for the district to acquire, construct, own, and equip the baseball stadium. Total bonds authorized for the baseball stadium shall not exceed two hundred fifty-five million dollars unless agreed otherwise by the public facilities district and the county. If the revenue from the tax imposed under this section exceeds the amount needed for such principal and interest payments in any year, the excess shall be used solely:

(a) For either or both: ~~((a))~~ (i) Early retirement of the bonds issued for the baseball stadium; or ~~((b))~~ (ii) retirement of bonds issued for expanding, remodeling, repairing, or reequipping of a multipurpose stadium that has a seating capacity over forty-five thousand; and

(b) If the revenue from the taxes imposed under this section exceeds the amount needed for the purposes in (a) of this subsection in any year, the excess shall be placed in a contingency fund which may only be used to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction, or on a multipurpose stadium that has a seating capacity over forty-five thousand.

Revenues shall not be used as provided in this subsection (3) for the retirement of bonds issued for expanding, remodeling, repairing, or reequipping of a multipurpose stadium that has a seating capacity over forty-five thousand or to pay unanticipated capital costs on a multipurpose stadium that has a seating capacity over forty-five thousand unless authorized in a separate resolution adopted by the county legislative authority.



(4) Revenues from the taxes authorized in this section shall be transferred by the county to the public facilities district for design and other pre-construction costs of the baseball stadium until bonds are issued for the baseball stadium. The taxes authorized under this section may ~~not~~ be collected (~~only~~) after June 30, 1997, unless the county executive has certified to the department of revenue that a professional major league baseball team has made a binding and legally enforceable contractual commitment to:

(a) Play at least ninety percent of its home games in the stadium for a period of time not shorter than the term of the bonds issued to finance the initial construction of the stadium;

(b) Contribute (~~principal of~~) forty-five million dollars toward the (~~bonded~~) reasonably necessary preconstruction costs including, but not limited to architectural, engineering, environmental, and legal services, and the cost of construction of the stadium, or to any associated public purpose separate from bond-financed property, including without limitation land acquisition, parking facilities, equipment, infrastructure or other similar costs associated with the project, which contribution shall be made during a term not to exceed the term of the bonds issued to finance the initial construction of the stadium. If all or part of the contribution is made after the date of issuance of the bonds, the team shall contribute an additional amount equal to the accruing interest on the deferred portion of the contribution, calculated at the interest rate on the bonds maturing in the year in which the deferred contribution is made. No part of the contribution may be made without the consent of the county until a public facilities district is created under chapter 36.100 RCW to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium. To the extent possible, contributions shall be structured in a manner that would allow for the issuance of bonds to construct the stadium that are exempt from federal income taxes; and

(c) Share a portion of the profits generated by the baseball team from the operation of the professional franchise for a period of time equal to the term of the bonds issued to finance the initial construction of the stadium, after offsetting any losses incurred by the baseball team after the effective date of chapter 14, Laws of 1995 1st sp. sess. Such profits and the portion to be shared shall be defined by agreement between the public facilities district and the baseball team. The shared profits shall be used to retire the bonds issued to finance the initial construction of the stadium. If the bonds are retired before the expiration of their term, the shared profits shall be paid to the public facilities district.

(5) No tax may be collected under this section before January 1, 1996. Before collecting the taxes under this section or issuing bonds for a baseball stadium, the county shall create a public facilities district under chapter 36.100 RCW to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium. The county shall assemble such real property as the district determines to be necessary as a site for the baseball stadium. Property which is necessary for this purpose that is owned by the county on the effective date of this section shall be contributed to the district, and property which is necessary for this purpose that is acquired by the county on or after the effective date of this section shall be conveyed to the district. The proceeds of any bonds issued for the baseball stadium or any other facility that the district will own shall be provided to the district.

(6) As used in this section, "baseball stadium" means "baseball stadium" as defined in section 101 of this act.

(7) The taxes imposed under this section shall expire when the bonds issued for the construction of the (~~new public facilities~~) baseball stadium are retired, but not later than twenty years after the tax is first collected.

**Sec. 202.** RCW 35.21.280 and 1995 1st sp.s. c 14 s 8 are each amended to read as follows:

Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by (~~county government or~~) a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

(1) A charge made for season tickets or subscriptions;

(2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;

(3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;

(4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;

(5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**Sec. 203.** RCW 36.38.010 and 1995 1st sp.s. c 14 s 9 are each amended to read as follows:

(1) Any county may by ordinance enacted by its county legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) The tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the county, except that the legislative authority of a county with a population of one million or more may: (a) Exclusively levy a tax on events in stadiums constructed on or after January 1, 1995, that are owned by (~~county government or~~) a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the rate of (~~not more than~~) one cent on twenty cents or fraction thereof; (b) exclusively levy an additional tax on events in stadiums constructed on or after January 1, 1995, that are owned by a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the rate of not more than one cent on twenty cents or fraction thereof; and (c) additionally levy a tax on events in a multipurpose stadium constructed before January 1, 1995, that has a seating capacity of over forty-five thousand at the rate of not more than one cent on twenty cents or fraction thereof. The revenues under (a) of this subsection shall be used as provided in RCW

82.14.360(3). The revenues under (b) of this subsection shall be used to pay unanticipated capital costs on the baseball stadium, as defined in section 101 of this act. The revenues under (c) of this subsection shall be used for expanding, remodelling, repairing, or reequipping of a multipurpose stadium that has a seating capacity over forty-five thousand. No tax may be collected under (a) through (c) of this subsection unless the conditions of RCW 82.14.360 have been met.

~~((4) By contract, the county shall obligate itself to provide the revenue from the tax authorized by this section on events in stadia owned, managed, or operated by a public facilities district, having seating capacities over forty thousand, and constructed on or after January 1, 1995, to the public facilities district.))~~

### PART III MISCELLANEOUS

**Sec. 301.** RCW 36.100.010 and 1995 1st sp.s. c 14 s 1 are each amended to read as follows:

(1) A public facilities district may be created in any county and shall be coextensive with the boundaries of the county.  
(2) A public facilities district shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located.

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has approved such tax at a general or special election. A single ballot proposition may both validate the imposition of the sales and use tax under RCW 82.14.048 and the excise tax under RCW 36.100.040.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) The county legislative authority or the city council may transfer property to the public facilities district ~~((as part of the process of creating the public facilities district))~~ created under this chapter. No property that is encumbered with debt or that is in need of major capital renovation may be transferred to the district without the agreement of the district and revenues adequate to retire the existing indebtedness.

**Sec. 302.** RCW 36.100.020 and 1995 1st sp.s. c 14 s 2 are each amended to read as follows:

(1) A public facilities district shall be governed by a board of directors consisting of five or seven members as provided in this section. If the largest city in the county has a population that is at least forty percent of the total county population, the board of directors of the public facilities district shall consist of five members selected as follows: (a) Two members appointed by the county legislative authority to serve for four-year staggered terms; (b) two members appointed by the city council of the largest city in the county to serve for four-year staggered terms; and (c) one person to serve for a four-year term who is selected by the other directors. If the largest city in the county has a population of less than forty percent of the total county population, the county legislative authority shall establish in the resolution creating the public facilities district whether the board of directors of the public facilities district has either five or seven members, and the county legislative authority shall appoint the members of the board of directors to reflect the interests of cities and towns in the county, as well as the unincorporated area of the county. However, if the county has a population of one million or more, the largest city in the county has a population of less than forty percent of the total county population, and the county operates under a county charter, which provides for an elected county executive, three members shall be appointed by the governor and the remaining members shall be appointed by the county executive subject to confirmation by the county legislative authority. The speaker of the house of representatives and the majority leader of the senate shall each recommend to the governor a person to be appointed to the board.

(2) At least one member on the board of directors shall be representative of the lodging industry in the public facilities district before the public facilities district imposes the excise tax under RCW 36.100.040.

(3) Members of the board of directors shall serve four-year terms of office, except that two of the initial five board members or three of the initial seven board members shall serve two-year terms of office.

(4) A vacancy shall be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the office for the position to which he or she was appointed.

(5) A director appointed by the governor may be removed from office by the governor. Any other director may be removed from office by action of at least two-thirds of the members of the legislative authority which made the appointment.

**NEW SECTION. Sec. 303.** A new section is added to chapter 36.100 RCW to read as follows:

In addition to other powers and restrictions on a public facilities district, the following shall apply to a public facilities district, located in a county with a population of one million or more, that constructs a baseball stadium:

(1) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the authority to determine the stadium site;

(2) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the authority to establish the overall scope of the stadium project, including, but not limited to, the stadium itself, associated parking facilities, associated retail and office development that are part of the stadium facility, and ancillary services or facilities;

(3) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the final authority to make the final determination of the stadium design and specifications;

(4) The public facilities district shall have the authority to contract with the baseball team that will use the stadium to obtain architectural, engineering, environmental, and other professional services related to the stadium site and design options, environmental study requirements, and obtaining necessary permits for the stadium facility;

(5) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the authority to establish the project budget and bidding specifications and requirements on the stadium project;

(6) The public facilities district, in consultation with the professional baseball team that will use the stadium and the county in which the public facilities district is located, shall have the authority to structure the financing of the stadium facility project;

(7) The public facilities district may choose to use the provisions of chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any of its stadium facility without respect to RCW 39.10.030 or the deadlines set forth in RCW 39.10.120; and

(8) The public facilities district shall consult with the house of representatives executive rules committee and the senate facilities and operations committee before selecting a name for the stadium.

As used in this section, "stadium" and "baseball stadium" mean a "baseball stadium" as defined in section 101 of this act.

**Sec. 304.** RCW 39.10.120 and 1994 c 132 s 12 are each amended to read as follows:

The alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before ~~(July 1) December 31, 1997.~~ Methods of public works contracting authorized ~~(by RCW 39.10.050 and 39.10.060)~~ under this chapter shall remain in full force and effect until completion of contracts signed before ~~(July 1) December 31, 1997.~~

**NEW SECTION. Sec. 305.** RCW 39.10.902 and 1994 c 132 s 15 are each repealed.

**Sec. 306.** RCW 82.29A.130 and 1995 c 138 s 1 are each amended to read as follows:

The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for disabled persons of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

**NEW SECTION. Sec. 307.** A new section is added to chapter 43.88 RCW to read as follows:

The legislature shall not make appropriations from the state general fund that will result in an unrestricted ending fund balance in the general fund of less than one hundred seven million dollars for any fiscal year.

This section shall expire when the bonds issued for the construction of the baseball stadium, as defined in section 101 of this act, are retired, but not more than twenty years after the bonds are issued.

**NEW SECTION. Sec. 308.** Part headings as used in this act constitute no part of the law.

**NEW SECTION. Sec. 309.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

At 6:33 p.m., on motion of Senator Gaspard, the Senate recessed until 6:45 p.m.

The Senate was called to order at 7:16 p.m. by President Pritchard.

#### MOTION

Senator Strannigan moved that the following amendment to the striking amendment by Senator Gaspard be adopted:  
On page 1, after line 5, strike all material down through line 16 on page 19 and insert the following:

#### "PART I STATE CONTRIBUTION

**NEW SECTION. Sec. 101.** A new section is added to chapter 43.79 RCW to read as follows:

Any moneys that may be donated to the state for the purpose of constructing a baseball stadium as defined in section 104 of this act shall be deposited in the sports bond retirement account under section 104 of this act.

**NEW SECTION. Sec. 102.** A new section is added to chapter 67.70 RCW to read as follows:

The lottery commission shall conduct at least two but not more than four games with sports themes per year. Revenues from these games shall be deposited into the sports bond retirement account under section 104 of this act.

**Sec. 103.** RCW 67.70.240 and 1987 c 513 s 7 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for purposes of making deposits into the housing trust fund under the provisions of section 7 of this 1987 act; (5) for purposes of making deposits into the sports bond retirement account under section 104 of this act of revenues generated from games with sports themes under section 104 of this act; (6) for the purchase and promotion of lottery games and game-related services; and ~~((6))~~ (7) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

**NEW SECTION. Sec. 104.** A new section is added to chapter 43.79 RCW to read as follows:

(1) The sports bond retirement account is created in the custody of the state treasurer. The account shall be used exclusively for the payment of the principal and interest payments on up to twenty million dollars in bonds issued by a county with a population of one million or more to construct a baseball stadium. Interest and earnings on investments of moneys in the account shall be deposited into the account.

(2) The sports bond retirement account shall consist of all moneys deposited into the account under sections 101 and 102 of this act and interest and earnings on investments of moneys in the account under subsection (1) of this section.

(3) A county with a population of one million or more that has issued bonds to construct a baseball stadium shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on twenty million dollars of bonds. On the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw and transmit to the county from the sports bond retirement account, an amount equal to the amount certified by the county to be due on the payment date. To the extent moneys in the account exceed the amount necessary, they shall be used for early retirement of the state's share of the bonds.

(4) The sports bond retirement account is abolished on the date of the retirement of the bonds issued by a county with a population of one million or more to construct a baseball stadium. Moneys remaining in the account shall be transferred to the state general fund on that date.

(5) As used in this section, "baseball stadium" means a baseball stadium with natural turf and a retractable roof or canopy, together with associated parking facilities, constructed in the largest city in a county with a population of one million or more.

**Sec. 105.** RCW 43.79A.040 and 1995 c 394 s 2 and 1995 c 365 s 1 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The agricultural local fund, the American Indian scholarship endowment fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the rural rehabilitation account, ~~((and))~~ the self-insurance revolving fund, and the sports bond retirement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, and the local rail service assistance account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 106.** RCW 36.100.090 and 1995 1st sp.s. s 6 are each repealed.

**NEW SECTION. Sec. 107.** The rights to name the baseball stadium shall be sold for at least thirty million dollars. Moneys collected from the sale shall be remitted to the public facilities district in a county with a population of one million or more for the purpose of constructing a baseball stadium.

As used in this section, "baseball stadium" means "baseball stadium" as defined in section 104 of this act.

**NEW SECTION. Sec. 108.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of labor and materials on the construction of buildings, site preparation, and the acquisition of related machinery and equipment of a baseball stadium, as defined in section 104 of this act.

**NEW SECTION. Sec. 109.** A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of articles and services exempt from tax under section 108 of this act.

## PART II LOCAL FUNDING

**Sec. 201.** RCW 82.14.360 and 1995 1st sp.s. c 14 s 7 are each amended to read as follows:

(1) The legislative authority of a ~~of a city in a county with a population of one million or more ((operating under a county charter))~~ may impose a special stadium sales and use tax ~~((by resolution adopted on or before December 31, 1995, for collection following its approval by a majority of the voters in the county at a general or special election))~~ upon the retail sale or use within the city by restaurants, taverns, and bars of food and beverages that are taxable by the state under chapters 82.08 and 82.12 RCW.

(2) The rate of the tax shall equal ~~((one-tenth of one))~~ 0.3 percent of the selling price in the case of a sales tax, or value of the article used in the case of a use tax. The tax imposed under this section shall not be credited against any other tax imposed upon the same taxable event.

(3) The revenue from the tax imposed under this section shall be transferred to the county and used for the purpose of principal and interest payments on bonds issued by ((a public facilities district, created within)) the county ((under chapter 36.100 RCW,)) to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium ((with a retractable roof or canopy and natural turf. If the revenue from the tax imposed under this section exceeds the amount needed for such principal and interest payments in any year, the excess shall be used solely)). Bonds shall be issued to acquire, construct, own, and equip the baseball stadium in an amount determined to be necessary by the public facilities district but not greater than one hundred fifteen million dollars. Revenues from the tax imposed under this section in excess of the amount needed for principal and interest payments in any year may be used for ~~((either or both: (a)-))~~ early retirement of the bonds issued for the baseball stadium; or ~~((b) retirement of bonds issued for expanding, remodeling, repairing, or reequipping of a multipurpose stadium that has a seating capacity over forty five thousand))~~ placed in a contingency fund which may only be used to pay unanticipated capital costs on the baseball stadium.

(4) The tax authorized under this section may be collected only after the county executive has certified to the department of revenue that a professional major league baseball team has made a binding and legally enforceable contractual commitment to:

(a) Play at least ninety percent of its home games in the stadium for a period of time not shorter than the term of the bonds issued to finance the initial construction of the stadium;

(b) Contribute ~~((principal of))~~ at least forty-five million dollars toward the ~~((bonded))~~ reasonably necessary preconstruction costs including, but not limited to architectural, engineering, environmental, and legal services, and the cost of construction of the stadium, or to any associated public purpose separate from bond-financed property, including without limitation land acquisition, parking facilities, equipment, infrastructure or other similar costs associated with the project, which contribution shall be made during a term not to exceed the term of the bonds issued to finance the initial construction of the stadium. If all or part of the contribution is made after the date of issuance of the bonds, the team shall contribute an additional amount equal to the accruing interest on the deferred portion of the contribution, calculated at the interest rate on the bonds maturing in the year in which the deferred contribution is made. No part of the contribution may be made without the consent of the county until a public facilities district is created under chapter 36.100 RCW to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium. To the extent possible, contributions shall be structured in a manner that would allow for the issuance of bonds to construct the stadium that are exempt from federal income taxes;

(c) Agree to pay as rent for the stadium at least one million dollars per year; and

~~((e))~~ (d) Share a portion of the profits generated by the baseball team from the operation of the professional franchise for a period of time equal to the term of the bonds issued to finance the initial construction of the stadium, after offsetting any losses incurred by the baseball team after the effective date of chapter 14, Laws of 1995 1st sp. sess. Such profits and the portion to be shared shall be defined by agreement between the public facilities district and the baseball team. The shared profits shall be used to retire the bonds issued to finance the initial construction of the stadium. If the bonds are retired before the expiration of their term, the shared profits shall be paid to the public facilities district.

(5) No tax may be collected under this section before January 1, 1996. Before imposing the taxes under this section or issuing bonds for a baseball stadium, the county shall create a public facilities district under chapter 36.100 RCW to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium, and the county shall acquire and contribute to the district such real property as the district determines to be necessary as a site for the baseball stadium. The proceeds of any bonds issued for the baseball stadium or any other facility that the district will own shall be provided to the district.

(6) As used in this section, "baseball stadium" means "baseball stadium" as defined in section 104 of this act.

(7) The tax imposed under this section shall expire when the bonds issued for the construction of the ~~((new public facilities))~~ baseball stadium are retired, but not later than twenty years after the tax is first collected.

**Sec. 202.** RCW 35.21.280 and 1995 1st sp.s. c 14 s 8 are each amended to read as follows:

Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by ~~((county government or))~~ a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;

(4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;

(5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**Sec. 203.** RCW 36.38.010 and 1995 1st sp.s. c 14 s 9 are each amended to read as follows:

(1) Any county may by ordinance enacted by its county legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) The tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the county, except that the legislative authority of a county with a population of one million or more may exclusively levy a tax on events in stadiums constructed on or after January 1, 1995, that are owned by ~~(county government or)~~ a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the rate of not more than one cent on ~~(twenty)~~ ten cents or fraction thereof. The revenues shall be used as provided in RCW 82.14.360(3).

(4) By contract, the county shall obligate itself to provide the revenue from the tax authorized by this section on events in stadia owned, managed, or operated by a public facilities district, having seating capacities over forty thousand, and constructed on or after January 1, 1995, to the public facilities district.

**NEW SECTION. Sec. 204.** A professional major league baseball team may use the proceeds from the sale of personal seat licenses in the baseball stadium, as defined in section 104 of this act, to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate the baseball stadium.

**NEW SECTION. Sec. 205.** Moneys shall only be spent for the baseball stadium, as defined in section 104 of this act, by the public facilities district on a matching basis with public and private funds, and private funds shall equal at least one hundred million dollars."

#### MOTION

After explaining the amendment to the striking amendment, and there being no objection, Senator Strannigan withdrew the amendment to the striking amendment by Senator Gaspard.

#### MOTION

Senator Gaspard moved that the following amendment to the striking amendment by Senator Gaspard be adopted:

On page 19, line 1 of the amendment strike all of **NEW SECTION. Sec 307** and renumber

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment on page 19, line 1 to the striking amendment by Senator Gaspard to Senate Bill No. 6085.

The motion by Senator Gaspard carried and the amendment on page 19, line 1 to the striking amendment by Senator Gaspard was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Gaspard, as amended, to Senate Bill No. 6085.

Debate ensued.

Senator Snyder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Gaspard, as amended, to Senate Bill No. 6085.

#### ROLL CALL

The Secretary called the roll and the striking amendment by Senator Gaspard, as amended, to Senate Bill No. 6085 was not adopted by the following vote: Yeas, 16; Nays, 28; Absent, 0; Excused, 5.

Voting yea: Senators Drew, Franklin, Gaspard, Hargrove, Haugen, Kohl, McAuliffe, Pelz, Prentice, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland and Thibaudeau - 16.

Voting nay: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Fraser, Hale, Hochstatter, Johnson, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Palmer, Prince, Rasmussen, Roach, Schow, Sellar, Strannigan, Swecker, West, Wojahn and Wood - 28.

Excused: Senators Heavey, Long, Moyer, Quigley and Winsley - 5.

#### MOTION

At 7:31 p.m., Senator Gaspard moved that the Senate adjourn until 10:00 a.m., Saturday, October 14, 1995.

Senator McDonald objected to the motion to adjourn until 10:00 a.m., Saturday, October 14, 1995.

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Gaspard to adjourn until 10:00 a.m., Saturday, October 14, 1995.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard to adjourn carried by the following vote: Yeas, 23; Nays, 21; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Gaspard, Hargrove, Haugen, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 23.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Palmer, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Wood - 21.

Excused: Senators Heavey, Long, Moyer, Quigley and Winsley - 5.

At 7:34 p.m., on the motion by Senator Gaspard, the Senate adjourned until 10:00 a.m., Saturday, October 14, 1995.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SECOND DAY, THIRD SPECIAL SESSION, OCTOBER 13, 1995

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

**THIRD SPECIAL SESSION  
THIRD DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Saturday, October 14, 1995  
The Senate was called to order at 10:00 a.m. by President Pritchard. No roll call was taken.

MOTION

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

MOTION

At 10:02 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:34 a.m. by President Pritchard.

MOTION

At 11:34 a.m., on motion of Senator Gaspard, the Senate recessed until 12:30 p.m.

The Senate was called to order at 12:34 p.m. by President Pritchard.  
At 12:34 p.m., there being no objection, the President recessed the Senate until 1:30 p.m.

The Senate was called to order at 3:35 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

October 13, 1995

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2115 and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2115 by Representatives Van Luven and Appelwick (by request of Governor Lowry)

Financing public sports facilities.

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed House Bill No. 2115 was advanced to second reading and placed on the second reading calendar.

SECOND READING

ENGROSSED HOUSE BILL NO. 2115, by Representatives Van Luven and Appelwick (by request of Governor Lowry)

Financing public sports facilities



The bill was read the second time.

#### MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard and McDonald be adopted:  
On page 1, strike everything after the enacting clause and insert the following:

#### "PART I STATE CONTRIBUTION

**NEW SECTION. Sec. 101.** A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a county with a population of one million or more may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.017 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Moneys collected under this section shall only be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium.

(4) No tax may be collected under this section before January 1, 1996, and no tax may be collected under this section unless the taxes under RCW 82.14.360 are being collected. The tax imposed in this section shall expire when the bonds issued for the construction of the baseball stadium are retired, but not more than twenty years after the tax is first collected.

(5) As used in this section, "baseball stadium" means a baseball stadium with natural turf and a retractable roof or canopy, together with associated parking facilities, constructed in the largest city in a county with a population of one million or more.

**Sec. 102.** RCW 46.16.301 and 1994 c 194 s 2 are each amended to read as follows:

(1) The department may create, design, and issue special license plates that may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates may:

(a) Denote the age or type of vehicle; or

(b) Denote special activities or interests; or

(c) Denote the status, or contribution or sacrifice for the United States, the state of Washington, or the citizens of the state of Washington, of a registered owner of that vehicle; or

(d) Display a depiction of the name and mascot or symbol of a state university, regional university, or state college as defined in RCW 28B.10.016.

(2) The department shall create, design, and issue a special baseball stadium license plate that may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates shall commemorate the construction of a baseball stadium, as defined in section 101 of this act. The department shall also issue to each recipient of a special baseball stadium license plate a certificate of participation in the construction of the baseball stadium.

(3) The department has the sole discretion to determine whether or not to create, design, or issue any series of special license plates, other than the special baseball stadium license plate under subsection (2) of this section, and whether any interest or status merits the issuance of a series of special license plates. In making this determination, the department shall consider whether or not an interest or status contributes or has contributed significantly to the public health, safety, or welfare of the citizens of the United States or of this state or to their significant benefit, or whether the interest or status is recognized by the United States, this state, or other states, in other settings or contexts. The department may also consider the potential number of persons who may be eligible for the plates and the cost and efficiency of producing limited numbers of the plates. The design of a special license plate shall conform to all requirements for plates for the type of vehicle for which it is issued, as provided elsewhere in this chapter.

**Sec. 103.** RCW 46.16.313 and 1994 c 194 s 4 are each amended to read as follows:

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c) in an amount calculated to offset the cost of production of the special license plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) In addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in section 101 of this act, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

**NEW SECTION. Sec. 104.** A new section is added to chapter 67.70 RCW to read as follows:

The lottery commission shall conduct at least two but not more than four scratch games with sports themes per year. These games are intended to generate additional moneys sufficient to cover the distributions under RCW 67.70.240(5).

**Sec. 105.** RCW 67.70.240 and 1987 c 513 s 7 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for purposes of making deposits into the housing trust fund under the provisions of section 7 of this 1987 act; (5) for distribution to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in section 101 of this act, including reasonably necessary preconstruction costs; (6) for the purchase and promotion of lottery games and game-related services; and ~~((6))~~ (7) for the payment of agent compensation. Three million dollars shall be distributed under subsection (5) of this section during calendar year 1996. During subsequent years, such distributions shall equal the prior year's distributions increased by four percent. Distributions under subsection (5) of this section shall cease when the bonds issued for the construction of the baseball stadium are retired, but not more than twenty years after the tax under section 101 of this act is first imposed.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

**NEW SECTION. Sec. 106.** Sections 101 through 105 of this act constitute the entire state contribution for a baseball stadium, as defined in section 101 of this act. The state will not make any additional contributions based on revised cost or revenue estimates, cost overruns, unforeseen circumstances, or any other reason.

## PART II LOCAL FUNDING

**Sec. 201.** RCW 82.14.360 and 1995 1st sp. s. c 14 s 7 are each amended to read as follows:

(1) The legislative authority of a county with a population of one million or more (~~(operating under a county charter)~~) may impose a special stadium sales and use tax (~~(by resolution adopted on or before December 31, 1995, for collection following its approval by a majority of the voters in the county at a general or special election)~~) upon the retail sale or use within the county by restaurants, taverns, and bars of food and beverages that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of the tax shall not exceed five-tenths of one percent of the selling price in the case of a sales tax, or value of the article used in the case of a use tax. The tax imposed under this subsection is in addition to any other taxes authorized by law and shall not be credited against any other tax imposed upon the same taxable event. As used in this section, "restaurant" does not include grocery stores, mini-markets, or convenience stores.

(2) The legislative authority of a county with a population of one million or more may impose a special stadium sales and use tax upon retail car rentals within the county that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of the tax shall ((equal one-tenth of one)) not exceed two percent of the selling price in the case of a sales tax, or rental value of the ((article used)) vehicle in the case of a use tax. The tax imposed under this ((section)) subsection is in addition to any other taxes authorized by law and shall not be credited against any other tax imposed upon the same taxable event.

(3) The revenue from the ~~((tax))~~ taxes imposed under this section shall be used for the purpose of principal and interest payments on bonds<sub>2</sub> issued by ~~((a public facilities district, created within))~~ the county ~~((under chapter 36.100 RCW)),~~ to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium ~~((with a retractable roof or canopy and natural turf)).~~ Revenues from the taxes authorized in this section may be used for design and other preconstruction costs of the baseball stadium until bonds are issued for the baseball stadium. The county shall issue bonds, in an amount determined to be necessary by the public facilities district, for the district to acquire, construct, own, and equip the baseball stadium. The county shall have no obligation to issue bonds in an amount greater than that which would be supported by the tax revenues under this section, section 101 of this act, and RCW 36.38.010(3)(a) and (b). If the revenue from the taxes imposed under this section exceeds the amount needed for such principal and interest payments in any year, the excess shall be used solely:

(a) For ~~((either or both: (a)))~~ early retirement of the bonds issued for the baseball stadium; ~~((or (b) retirement of bonds issued for expanding, remodeling, repairing, or reequipping of a multipurpose stadium that has a seating capacity over forty-five thousand;))~~ and

(b) If the revenue from the taxes imposed under this section exceeds the amount needed for the purposes in (a) of this subsection in any year, the excess shall be placed in a contingency fund which may only be used to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction.

(4) The taxes authorized under this section ~~((may))~~ shall not be collected ~~((only))~~ after June 30, 1997, unless the county executive has certified to the department of revenue that a professional major league baseball team has made a binding and legally enforceable contractual commitment to:

(a) Play at least ninety percent of its home games in the stadium for a period of time not shorter than the term of the bonds issued to finance the initial construction of the stadium;

(b) Contribute ~~((principal of))~~ forty-five million dollars toward the ~~((bonded))~~ reasonably necessary preconstruction costs including, but not limited to architectural, engineering, environmental, and legal services, and the cost of construction of the stadium, or to any associated public purpose separate from bond-financed property, including without limitation land acquisition, parking facilities, equipment, infrastructure or other similar costs associated with the project, which contribution shall be made during a term not to exceed the term of the bonds issued to finance the initial construction of the stadium. If all or part of the contribution is made after the date of issuance of the bonds, the team shall contribute an additional amount equal to the accruing interest on the deferred portion of the contribution, calculated at the interest rate on the bonds maturing in the year in which the deferred contribution is made. No part of the contribution may be made without the consent of the county until a public facilities district is created under chapter 36.100 RCW to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium. To the extent possible, contributions shall be structured in a manner that would allow for the issuance of bonds to construct the stadium that are exempt from federal income taxes; and

(c) Share a portion of the profits generated by the baseball team from the operation of the professional franchise for a period of time equal to the term of the bonds issued to finance the initial construction of the stadium, after offsetting any losses incurred by the baseball team after the effective date of chapter 14, Laws of 1995 1st sp. sess. Such profits and the portion to be shared shall be defined by agreement between the public facilities district and the baseball team. The shared profits shall be used to retire the bonds issued to finance the initial construction of the stadium. If the bonds are retired before the expiration of their term, the shared profits shall be paid to the public facilities district.

(5) No tax may be collected under this section before January 1, 1996. Before collecting the taxes under this section or issuing bonds for a baseball stadium, the county shall create a public facilities district under chapter 36.100 RCW to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium.

(6) The county shall assemble such real property as the district determines to be necessary as a site for the baseball stadium. Property which is necessary for this purpose that is owned by the county on the effective date of this section shall be contributed to the district, and property which is necessary for this purpose that is acquired by the county on or after the effective date of this section shall be conveyed to the district.

(7) The proceeds of any bonds issued for the baseball stadium shall be provided to the district.

(8) As used in this section, "baseball stadium" means "baseball stadium" as defined in section 101 of this act.

(9) The taxes imposed under this section shall expire when the bonds issued for the construction of the ~~((new public facilities))~~ baseball stadium are retired, but not later than twenty years after the ~~((tax is))~~ taxes are first collected.

**Sec. 202.** RCW 35.21.280 and 1995 1st sp.s. c 14 s 8 are each amended to read as follows:

Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by ~~((county government or))~~ a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

(1) A charge made for season tickets or subscriptions;

(2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;

(3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;

(4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;

(5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**Sec. 203.** RCW 36.38.010 and 1995 1st sp.s. c 14 s 9 are each amended to read as follows:

(1) Any county may by ordinance enacted by its county legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) The tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the county, except that the legislative authority of a county with a population of one million or more may exclusively levy ~~((a tax))~~ taxes on events in stadiums constructed on or after January 1, 1995, that are owned by ~~((county government or))~~ a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the ~~((rate))~~ rates of:

(a) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in section 101 of this act. If the revenue from the tax exceeds the amount needed for that purpose, the excess shall be placed in a contingency fund which may only be used to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction; and

(b) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in section 101 of this act. The tax imposed under this subsection (b) shall expire when the bonds issued for the construction of the baseball stadium are retired, but not later than twenty years after the tax is first collected.

~~(((4) By contract, the county shall obligate itself to provide the revenue from the tax authorized by this section on events in stadia owned, managed, or operated by a public facilities district, having seating capacities over forty thousand, and constructed on or after January 1, 1995, to the public facilities district.))~~

### PART III MISCELLANEOUS

**Sec. 301.** RCW 36.100.010 and 1995 1st sp.s. c 14 s 1 are each amended to read as follows:

(1) A public facilities district may be created in any county and shall be coextensive with the boundaries of the county.

(2) A public facilities district shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located.

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has approved such tax at a general or special election. A single ballot proposition may both validate the imposition of the sales and use tax under RCW 82.14.048 and the excise tax under RCW 36.100.040.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) The county legislative authority or the city council may transfer property to the public facilities district (~~as part of the process of creating the public facilities district~~) created under this chapter. No property that is encumbered with debt or that is in need of major capital renovation may be transferred to the district without the agreement of the district and revenues adequate to retire the existing indebtedness.

**Sec. 302.** RCW 36.100.020 and 1995 1st sp.s. c 14 s 2 are each amended to read as follows:

(1) A public facilities district shall be governed by a board of directors consisting of five or seven members as provided in this section. If the largest city in the county has a population that is at least forty percent of the total county population, the board of directors of the public facilities district shall consist of five members selected as follows: (a) Two members appointed by the county legislative authority to serve for four-year staggered terms; (b) two members appointed by the city council of the largest city in the county to serve for four-year staggered terms; and (c) one person to serve for a four-year term who is selected by the other directors. If the largest city in the county has a population of less than forty percent of the total county population, the county legislative authority shall establish in the resolution creating the public facilities district whether the board of directors of the public facilities district has either five or seven members, and the county legislative authority shall appoint the members of the board of directors to reflect the interests of cities and towns in the county, as well as the unincorporated area of the county. However, if the county has a population of one million or more, the largest city in the county has a population of less than forty percent of the total county population, and the county operates under a county charter, which provides for an elected county executive, three members shall be appointed by the governor and the remaining members shall be appointed by the county executive subject to confirmation by the county legislative authority. Of the members appointed by the governor, the speaker of the house of representatives and the majority leader of the senate shall each recommend to the governor a person to be appointed to the board.

(2) At least one member on the board of directors shall be representative of the lodging industry in the public facilities district before the public facilities district imposes the excise tax under RCW 36.100.040.

(3) Members of the board of directors shall serve four-year terms of office, except that two of the initial five board members or three of the initial seven board members shall serve two-year terms of office.

(4) A vacancy shall be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the office for the position to which he or she was appointed.

(5) A director appointed by the governor may be removed from office by the governor. Any other director may be removed from office by action of at least two-thirds of the members of the legislative authority which made the appointment.

**NEW SECTION. Sec. 303.** A new section is added to chapter 36.100 RCW to read as follows:

In addition to other powers and restrictions on a public facilities district, the following shall apply to a public facilities district, located in a county with a population of one million or more, that constructs a baseball stadium:

(1) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the authority to determine the stadium site;

(2) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the authority to establish the overall scope of the stadium project, including, but not limited to, the stadium itself, associated parking facilities, associated retail and office development that are part of the stadium facility, and ancillary services or facilities;

(3) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the final authority to make the final determination of the stadium design and specifications;

(4) The public facilities district shall have the authority to contract with the baseball team that will use the stadium to obtain architectural, engineering, environmental, and other professional services related to the stadium site and design options, environmental study requirements, and obtaining necessary permits for the stadium facility;

(5) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the authority to establish the project budget and bidding specifications and requirements on the stadium project;

(6) The public facilities district, in consultation with the professional baseball team that will use the stadium and the county in which the public facilities district is located, shall have the authority to structure the financing of the stadium facility project; and

(7) The public facilities district shall consult with the house of representatives executive rules committee and the senate facilities and operations committee before selecting a name for the stadium.

As used in this section, "stadium" and "baseball stadium" mean a "baseball stadium" as defined in section 101 of this act.

**NEW SECTION. Sec. 304.** A new section is added to chapter 36.100 RCW to read as follows:

A public facilities district may accept and expend moneys that may be donated for the purpose of a baseball stadium as defined in section 101 of this act.

**Sec. 305.** RCW 39.10.120 and 1994 c 132 s 12 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1, 1997. Methods of public works contracting authorized by RCW 39.10.050 and 39.10.060 shall remain in full force and effect until completion of contracts signed before July 1, 1997.

(2) For the purposes of a baseball stadium as defined in section 101 of this act, the design-build contracting procedures under RCW 39.10.050 shall remain in full force and effect until completion of contracts signed before December 31, 1997.

**Sec. 306.** RCW 39.10.902 and 1994 c 132 s 15 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 1997:

- (1) RCW 39.10.010 and 1994 c 132 § 1;
- (2) RCW 39.10.020 and 1994 c 132 § 2;
- (3) RCW 39.10.030 and 1994 c 132 § 3;
- (4) RCW 39.10.040 and 1994 c 132 § 4;
- (5) RCW 39.10.050 and 1994 c 132 § 5;
- (6) RCW 39.10.060 and 1994 c 132 § 6;
- (7) RCW 39.10.070 and 1994 c 132 § 7;
- (8) RCW 39.10.080 and 1994 c 132 § 8;
- (9) RCW 39.10.090 and 1994 c 132 § 9;
- (10) RCW 39.10.100 and 1994 c 132 § 10;
- (11) RCW 39.10.110 and 1994 c 132 § 11;

- (12) ((RCW 39.10.120 and 1994 c 132 § 12;  
(13))) RCW 39.10.900 and 1994 c 132 § 13;  
(((14))) (13) RCW 39.10.901 and 1994 c 132 § 14; and  
(((15))) (14) RCW 39.10.902 and 1994 c 132 § 15.

**Sec. 307.** RCW 82.29A.130 and 1995 c 138 s 1 are each amended to read as follows:

The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

- (1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.
- (2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.
- (3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.
- (4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.
- (5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.
- (6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.
- (7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).
- (8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.
- (9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.
- (10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.
- (11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.
- (12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.
- (13) All leasehold interests used to provide organized and supervised recreational activities for disabled persons of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be apportioned accordingly.
- (14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

**NEW SECTION. Sec. 308.** The public facilities district, the county, and the city with the largest population in the county shall enter into an agreement regarding the construction of a baseball stadium as defined in section 101 of this act. The agreement shall address, but not be limited to:

- (a) Expedited permit processing for the design and construction of the project;
- (b) Expedited environmental review processing;
- (c) Expedited processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project; and
- (d) Other items deemed necessary for the design and construction of the project.

**NEW SECTION. Sec. 309.** Part headings as used in this act constitute no part of the law.

**NEW SECTION. Sec. 310.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

#### MOTION

Senator Schow moved that the following amendment to the striking amendment by Senators Gaspard and McDonald be adopted: On page 1, after line 6, insert the following:

#### "PART I

## FUNDING

**NEW SECTION. Sec. 101.** This act is intended to provide: Equality for all citizens of the state of Washington who provide gaming activities for social and recreational enjoyment; significant funding for common school construction; for the development of sports facilities throughout the state of Washington; assistance for counties and cities to provide for local law enforcement; help for individuals that may need assistance in controlling their desire to participate in gaming activities.

**NEW SECTION. Sec. 102.** A new section is added to chapter 9.46 RCW to read as follows:

(1) Video lottery terminals are authorized pursuant to approval by each county and city legislative body as provided for in this section.  
(a) Until July 1, 1998, licenses may be issued only for locations with a license for on the premises consumption of alcoholic beverages that were also licensed for social card games and pull-tabs by the commission under this chapter. After June 30, 1998, a license may be issued under this section for locations with a license for on the premises consumption of alcoholic beverages.

(b) Only bona fide charitable or nonprofit organizations as defined in RCW 9.46.0209 that hold a gambling license as of January 1, 1996, will be allowed ten video lottery terminals on premises.

(c) Beginning July 1, 1998, organizations qualified under (b) of this subsection will be allowed up to twenty video lottery terminals on premises.

(d) Except as provided in (f) of this subsection, until July 1, 1998, there may be up to five video lottery terminals on premises.

(e) Except as provided in (f) of this subsection, beginning July 1, 1998, there may be up to ten video lottery terminals on premises.

(f) A licensed card room may have one video lottery terminal for each card table in addition to those permitted under (d) and (e) of this subsection.

(2) At least eighty percent of amount wagered shall be returned to the player from each video lottery terminal licensed under this section.

(3)(a) Licensees shall receive fifty percent of the net win from each video lottery terminal as provided for in subsection (9) of this section through December 1, 2000.

(b) The commission shall contract for an outside review of the cost of operation of video lottery terminals and the division of video proceeds between total compensation paid to licensees and moneys available to the state for allocation. This report shall examine the costs and rates of return on video lottery terminals and of the provision of space and services for the operation of such terminals. The analysis shall be completed and submitted to the commission by December 1, 2000.

(4) The remaining fifty percent of the net win from each video lottery terminal as provided for in subsection (9) of this section through December 1, 2000, shall be distributed by the commission as follows:

(a) Sixty percent to the common school construction fund in RCW 28A.515.300;

(b) Until July 31, 2006, thirty-five percent shall be allocated to counties based on the number of registered voters as of March 1st of each year as follows: Nine hundred thousand or more registered voters, forty-six percent; two hundred thousand or more registered voters, twenty-seven percent of the thirty-five percent; twenty-seven percent of the thirty-five percent to the remaining county; the proceeds will be distributed by each legislative body for construction and maintenance of sports facilities, the proceeds from that percentage shall revert to the common school construction fund in RCW 28A.515.300 on July 31, 2006;

(c) Two percent of the fifty percent shall be allocated to counties that authorize video lottery terminals. Distribution of the funds shall be based on the number of registered voters in the county as of March 1st of each year;

(d) Two percent of the fifty percent shall be allocated to cities that authorize video lottery terminals. Distribution of the funds shall be based on the number of registered voters in the city as of March 1st of each year;

(e) One percent of the fifty percent to the commission for problem gambling.

(5) Licensees may purchase or lease video lottery terminals only from sources authorized to operate in the state by the commission.

(6) License fees under this section are five hundred dollars per terminal per year.

(7) Licensees must be residents of the state of Washington.

(8) Ninety-five percent of the ownership of the individual proprietor, partnership, or corporation owning the establishment must be Washington state residents, approved by the commission. Owners of establishments licensed on the effective date of this section shall be grandfathered in.

(9) Ninety-five percent of the ownership of the individual proprietor, partnership, or corporation owning the commercial route operation must be Washington state residents, approved by the commission. Those licensed on the effective date of this section shall be grandfathered in.

(10) Ninety-five percent of the ownership of the individual proprietor, partnership, or corporation owning the distributorship must be Washington state residents, approved by the commission. Those licensed on the effective date of this section shall be grandfathered in.

(11) There is a two-year state residency requirement for distributors, commercial route operators, and establishments. Those licensed on the effective date of this section shall be grandfathered in.

(12) Only certified state authorized technicians may service the video lottery terminals.

(13) A manufacturer of video lottery terminals may not be licensed as a video lottery terminal operator or own, manage, or control a licensed establishment.

(14) As used in this section, "net win" means the amount played minus the amount paid to the player.

(15) As used in this section, "sports facilities" means baseball, football, basketball, horse racing, hockey, and play field facilities.

(16) As used in this section "video lottery device" means video reproductions of authorized card games that use a fifty-two card or standard poker card deck that meet all of the requirements and standards as set forth by the commission and that have been specifically licensed and approved for use within this state by the commission.

(17) The commission shall adopt rules to administer and enforce this section.

## PART II MISCELLANEOUS

### MOTION

After explaining the amendment to the striking amendment, and there being no objection, Senator Schow withdrew the amendment to the striking amendment by Senators Gaspard and McDonald.

#### MOTION

Senator West moved that the following amendment to the striking amendment by Senators Gaspard and McDonald be adopted.

On page 2 of the amendment, beginning on line 3, strike all of sections 102 and 103.

Renumber the sections consecutively and correct any internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 2, beginning on line 3, to the striking amendment by Senators Gaspard and McDonald to Engrossed House Bill No. 2115.

The motion by Senator McDonald failed and the amendment to the striking amendment by Senators Gaspard and McDonald was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Gaspard and McDonald to Engrossed House Bill No. 2115.

Debate ensued.

The motion by Senator Gaspard carried and the striking amendment by Senators Gaspard and McDonald was adopted.

#### MOTIONS

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 46.16.301, 46.16.313, 67.70.240, 82.14.360, 35.21.280, 36.38.010, 36.100.010, 36.100.020, 39.10.120, 39.10.902, and 82.29A.130; adding a new section to chapter 82.14 RCW; adding a new section to chapter 67.70 RCW; adding new sections to chapter 36.100 RCW; creating new sections; and declaring an emergency."

On motion of Senator Spanel, the rules were suspended, Engrossed House Bill No. 2115, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Loveland, Senators Heavey, Prentice, Quigley and Smith were excused.

On motion of Senator Ann Anderson, Senators Long, McCaslin, Moyer and Winsley were excused.

#### PARLIAMENTARY INQUIRY

Senator West: "Mr. President, Amendment 56 to the State Constitution requires a sixty percent vote for any vote authorizing a lottery. Section 104 of this bill authorizes a new lottery with new funds. I would ask for the Governor to rule as to whether or not this bill requires a sixty percent vote."

#### RULING BY THE PRESIDENT

President Pritchard: "Well, I think we will have the Lieutenant Governor rule on it rather than the Governor."

Senator West: "I keep promoting you, sir. I'd vote for you for Governor."

President Pritchard: "Thank you. I thought probably someone would ask this question. Let me respond: 'Does this measure require a sixty percent vote because it involves bonding?' Answer: 'No, only a majority vote is required for final passage. Article VIII, Section 1 of the State Constitution requires a sixty percent vote for bills which specify the amount of state debt to be issued. Engrossed House Bill No. 2115 does not specify the bonding.'

"The second question: 'Does this measure require a sixty percent vote because it expands gambling?' Answer: 'No, Engrossed House Bill No. 2115 does not expand gambling. Section 104 of Engrossed House Bill No. 2115 directs the Lottery Commission to conduct two to four sports theme lotteries per year. The bill does not require that these be additional lotteries. Even if they are additional drawings, the Lottery Commission already has the authority under RCW 67.70.040 to determine the total number of drawings. The bill does not expand that authority. Therefore, Engrossed House Bill No. 2115 needs just a simple majority for passage.'"

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2115, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2115, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 16; Absent, 0; Excused, 8.

Voting yea: Senators Cantu, Deccio, Drew, Finkbeiner, Franklin, Gaspard, Hale, Haugen, Kohl, McAuliffe, McDonald, Newhouse, Oke, Palmer, Pelz, Prince, Rasmussen, Rinehart, Sellar, Sheldon, Snyder, Spanel, Sutherland, Thibaudeau and Wood - 25.

Voting nay: Senators Anderson, A., Bauer, Fairley, Fraser, Hargrove, Hochstatter, Johnson, Loveland, Morton, Owen, Roach, Schow, Strannigan, Swecker, West and Wojahn - 16.

Excused: Senators Heavey, Long, McCaslin, Moyer, Prentice, Quigley, Smith and Winsley - 8.  
ENGROSSED HOUSE BILL NO. 2115, as amended by the Senate, having received the constitutional majority, was declared passed.  
There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Snyder, Engrossed House Bill No. 2115, as amended by the Senate, was immediately transmitted to the House of Representatives.

MOTION

At 4:11 p.m., on motion of Senator Gaspard, the Senate was declared to be at ease.

The Senate was called to order at 5:05 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

October 14, 1995  
MR. PRESIDENT:  
The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2115 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

October 14, 1995

MR. PRESIDENT:  
The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4419 and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4419 by Representative Foreman

Adjourning Sine Die.

MOTIONS

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4419 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4419 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

HOUSE CONCURRENT RESOLUTION No. 4419 was adopted by voice vote.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

October 14, 1995  
MR. PRESIDENT:  
The Speaker has signed ENGROSSED HOUSE BILL NO. 2115, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED HOUSE BILL NO. 2115.

MESSAGE FROM THE HOUSE

October 14, 1995



MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4419, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4419.

MOTION

On motion of Senator Spanel, the Senate Journal for the third day of the 1995 Third Special Session of the Fifty-fourth Legislature was approved.

MOTION

At 5:15 p.m., on motion by Senator Spanel, the 1995 Third Special Session of the Fifty-fourth Legislature adjourned SINE DIE.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

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